

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 24th June, 2009

The House met at 9.00 a.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Vote on Account Schedule (Recurrent) Financial Year 2009/2010

Vote on Account Schedule (Development) Financial Year 2009/2010

*(By the Deputy Prime Minister and Minister for Finance)*

### NOTICE OF MOTION

#### VOTE ON ACCOUNT

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta):  
Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in accordance with Section 101 of the Constitution of Kenya, the withdrawal of Kshs283,860,390,124, representing one-half of the total net estimates of Recurrent and Development Expenditure made up in the manner set Out in the Vote on Account Schedules laid in the House, be authorized for the purpose of meeting expenditure necessary to carry on the services of the Government of Kenya during the year ending on the 30<sup>th</sup> June, 2010, until such time as the Appropriation Act for the year comes into operation.

*(His Excellency the President has given his consent to this Motion)*

### QUESTIONS BY PRIVATE NOTICE

#### COST OF PATCHING UP MAILI TATU-LAARE-MUTUATI ROAD

**(Mr. M'Mithiaru)** to ask the Minister for Roads:-

(a) What is the total cost of the contract for the ongoing patching up of potholes on the Maili Tatu-Laare-Mutuati Road?

(b) What is the identity of the contractors as well as the amount they have been paid to date;

(c) Could the Minister table the contract documents as well as the Certificate of Registration of the contractors?

(d) In view of the shoddy work done, could the Minister undertake to withhold payment until the contractors have done the job satisfactorily?

**Mr. Olago:** Mr. Deputy Speaker, Sir, the Minister of State for Provincial Administration and Internal Security was in contact with me yesterday. He kindly requested the permission of the Chair that this Question be asked tomorrow at 2.30. p.m. He needs some more information.

**Mr. Deputy Speaker:** Indeed, the Minister has also communicated to my office and it is ordered that the Question appears on the Order Paper tomorrow at 2.30 p.m.

*(Question deferred)*

#### FATAL SHOOTING OF MESSRS. J.O. OCHOL AND C. GATHOGO

**(Mr. Olago)** to ask the Minister of State for Provincial Administration for Internal Security:-

(a) What were the circumstances surrounding the fatal shooting of Messrs. Jeremiah Otieno Ochol and Christopher Gathogo on 13th June, 2009?

(b) Could the Minister confirm that the two were removed from a Mombasa- bound minibus and shot at point-blank range by Police officers?

(c) What action has the Government taken to apprehend suspects?

(d) When will the bodies of the victims be released to their next of kin for burial?

*(Question deferred)*

#### ORAL ANSWERS TO QUESTIONS

##### *Question No.229*

#### CONSTITUTION OF DISTRICT HOSPITAL MANAGEMENT BOARDS

**Mr. M.H. Ali** asked the Minister for Medical Services:-

(a) why District Hospital Management Boards have not been constituted since the year 2008;

(b) when he will constitute these boards to ensure efficient management of hospitals.

**The Minister for Medical Services** (Prof. Anyang' -Nyong'o): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Public Health Management Boards have not been constituted since 2008 because of legal challenges occasioned by the split of the former Ministry of Health. Legal Notice No.401 renamed the boards as Facility Management Committees and mandated the Minister for Health to gazette them. After the split of the Ministry, the Office of the Minister for Health ceased to

exist. It, therefore, became necessary to review the legal framework for gazettelement of the committees in line with the mandates of the new health Ministries. A new legal notice covering the appointments of committees for health centres and dispensaries, presently placed under the Ministry of Public Health and Sanitation has just been issued. The version covering hospitals, now placed under the Ministry of Medical Services, is expected to be finalized within the first quarter of the 2009/2010 Financial Year.

(b)The Ministry has received nominees for the hospital committees in preparation for gazetment as soon as review of the legal framework is completed. It is expected that the new hospital committees will become functional within the first quarter of 2009/210 Financial Year.

**Mr. M.H. Ali:** Mr. Deputy Speaker, Sir, while appreciating the Minister's answer, I would like to ask him whether he could give a specific time when the new management boards will be gazetted.

**Mr. Deputy Speaker:** He has indicated that it will be in the first quarter of the financial year.

**Mr. M.H. Ali:** Mr. Deputy Speaker, Sir, I would like to get a specific time.

**Mr. Deputy Speaker:** Mr. Minister, could you give a specific time?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I wish I could but the specific time of issuing the gazette notice is not really in my hands. We can prepare the gazette notice but timing of its issue is controlled by other variables.

**Mr. Lessonet:** Mr. Deputy Speaker, Sir, I would like the Minister to tell us how these hospitals have been operating since 2008 without the management boards.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, that is a very good question. I also puzzled because they need these management boards to operate. I think they have been operating under the old committees, which is a transition period between what existed before and what should now exist under the new legal notice. This is posing a lot of problems.

**Mr. Lessonet:** On a point of order, Mr. Deputy Speaker, Sir. The Minister said, "I think". I wonder whether that is in order. He is the Minister for Medical Services and he should not tell us what he thinks but how they have been operating.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, human beings operate by thinking. If you do not think then it would be very difficult to explain anything. So, the hon. Member must bear with me that I am a human being and therefore, I have to think. "I think therefore I am" said the philosopher Descartes. So, it is in order to think in order to state something. So, I will state once again that they are operating in a transition period between the old committees which were under the Ministry of Health and the new ones which are to be gazetted within the first quarter of this financial year.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, from the time the Ministry of Health was split, we have seen incessant fights between this Minister and the Minister for Public Health and Sanitation. The real reason why they are fighting is to control specific departments and funds. We know that this particular committee has a responsibility of controlling funds including the cost-sharing funds which is a lot of money.

Could the Minister confirm that the reason why there are these delays is because they are fighting with his colleague over the control of funds that come under these particular management boards?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I thought the hon. Member was in the House when I was explaining what is happening, but if he wants to explain it in a different way, then he has the democratic right to do so. The reason why there has been a delay is due to legal

issues. It means that the new boards cannot come into being until there is a proper legal framework. That is not a subject of a fight but a subject of understanding of a legal process

**Mr. M.H. Ali:** Mr. Deputy Speaker, Sir, I would like the Minister to confirm that service delivery has been compromised as a result of the split of the Ministry of Health.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I do not think that service delivery has been compromised because the old boards of management are still functioning and until they get a hospital superintendent and get new procedural rules from the Ministry, they cannot do any other thing but follow the rules that exist. All I am saying is that the new boards of management cannot come into being until the proper legal framework is in place but the old boards of management do continue to function.

A day before yesterday, I was in Malindi District Hospital where things are functioning. In fact, there was an international surgical camp being held there by 15 very highly qualified American doctors. That could not have happened unless there is a proper governing structure working.

**The Assistant Minister for Education** (Prof. Olweny): On a point of order, Mr. Deputy Speaker, Sir. I hope you have realized that we have a stranger in the House. There is a bird in the House and I hope you will ask the Serjeant-at-Arms to make sure that it gets out of the House.

**Mr. Deputy Speaker:** Order! That is a frivolous point of order.

*Question No.132*

ENFORCEMENT OF MARKETING STANDARDS  
FOR AGRICULTURAL PRODUCE

**Mr. Deputy Speaker:** Is Mr. Kiuna not here? We will leave that Question until the end. Next Question, Dr. Kones!

*Question No.064*

CONSTRUCTION OF EMBOMOS-KURESOI ROAD

**Dr. Kones** asked the Minister for Roads:-

(a) what plans he has put in place to ensure that the proposed road from Embomos to Kuresoi is constructed; and,

(b) what budgetary allocations he has made for the road.

**The Assistant Minister for Roads** (Dr. Machage): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has not put in place any plans for construction of the proposed road from Embomos to Kuresoi since the road is not classified. The District Roads Committee (DRC) should prioritize this road for inclusion in the annual public roads programme for funding by the Roads Maintenance Levy Fund.

(b) In view of the above, my Ministry has not made any budgetary allocations for the road.

**Dr. Kones:** Mr. Deputy Speaker, Sir, in the last District Security Committee meeting, this road was classified as a security road and my understanding is that, that falls squarely under the Ministry to fund. Could he confirm if that is the case?

**Dr. Machage:** Mr. Deputy Speaker, Sir, to the contrary, all roads that are classified as security roads are no longer being constructed and supervised by the Ministry of Roads but the Office of the President. This is quite a handicap on my side in the construction of these roads. However, my officers have allocated about Kshs40,000 for the construction of this road. That is why I advise the use of Roads Maintenance Levy Fund which is at your disposal.

**Dr. Kones:** Mr. Deputy Speaker, Sir, since the Minister has confirmed that the construction of such roads fall under the Office of the President, may I know from the Minister whether he has made any provisions to that Ministry so that I can make a follow up?

**Dr. Machage:** Mr. Deputy Speaker, Sir, I have not put any provision for the construction of that road but we are in consultation with the Office of the President on how we can handle this very important issue. I also take cognizant of the fact that this is an important road in your area.

*Question No.253*

CONSTRUCTION OF BRIDGE ACROSS THIKA RIVER

**Mr. Mbai** asked the Minister for Roads:-

- (a) why the bridge which was supposed to have been constructed across Road E 626 on Thika River has not been constructed; and,
- (b) the urgent measures he is taking to construct this bridge which was meant to connect Masinga and Ndithini Divisions of Masinga Constituency.

**The Assistant Minister for Roads (Dr. Machage):** Mr. Deputy Speaker, Sir, I beg to reply.

(a)The proposed bridge across Road E626 on Thika Road has not been constructed because there was no budgetary allocation during the year 2008/2009 Financial Year.

(b)The District Roads Engineer has been asked to present the cost estimates for construction of the bridge to the District Roads Committee so that it can be considered for funding through the Roads Maintenance Levy Fund during the 2009/2010 Financial Year.

**Mr. Mbai:** Mr. Deputy Speaker, Sir, I appreciate the answer given by the Assistant Minister but this bridge was not supposed to be constructed last year. It is a bridge which should have been constructed more than 15 years ago. My people cannot communicate because of this bridge. It has been neglected by successive governments and Ministers. Could he tell us how much he is going to raise through the Roads Maintenance Levy Fund and whether it will be enough to construct this bridge?

**Dr. Machage:** Mr. Deputy Speaker, Sir, whereas I appreciate the importance of this bridge, it is the duty of the DRC in which the hon. Member sits to have prioritized its construction in those years. The DRC has already approached the Provincial Bridges Officer to design and give an estimate of the cost of the bridge for discussion and prioritization of the construction for 2009/2010. So, I am waiting for the report. Therefore, I am not be able to tell you the exact amount of money that will be involved here. I am waiting for that report in my office.

**Mr. Litole:** Mr. Deputy Speaker, Sir, I wish to remind the Assistant Minister that sometimes last year, he promised to immediately construct Wagor and Wei Wei bridges. Up to date, nothing has been done.

**Mr. Deputy Speaker:** Order! Order, Mr. Litole! If you want to have a Question answered on that particular road, put in a Question. This is a Question by Mr. Mbai. If you have

some contributions on the same Question or policy matters, proceed. Mr. Mbai, ask the last question on this.

**Mr. Mbai:** Mr. Deputy Speaker, Sir, I think the Assistant Minister does not understand the importance of this bridge. When is he going to visit the constituency to see for himself the importance of this bridge so that he can address the issue while he is there?

**Dr. Machage:** Mr. Deputy Speaker, Sir, may I assure the hon. Member that I very much appreciate the magnitude of the problem this bridge has caused to the community in that area. I have taken note and I have great concern. That is why I have instructed the Provincial Engineer to give me a report and design that bridge so that I can prioritize its construction in this Financial Year, 2009/2010. All I pray for is a little patience and I will do something about that bridge.

**Mr. Deputy Speaker:** Next Question, Mr. Chanzu!

*Question No.250*

ESTABLISHMENT OF FERTILIZER FACTORY

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, I have not received a written answer.

**Mr. Deputy Speaker:** Do you wish to ask the Question even though you have not received a written answer or would you like to first have the written answer before you can ask this Question and interrogate it properly?

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, it would have been better for me to have the written answer first.

**Mr. Deputy Speaker:** Under the circumstances, Mr. Minister, you should have supplied the hon. Questioner with a written answer for him to acquaint himself. Where is the Minister for Agriculture?

Let us go to the next Question!

*Question No.223*

UNDERSTAFFING IN MAJI MAZURI SCHOOLS IN KOIBATEK DISTRICT

**Mr. Lessonet** asked the Minister for Education:-

(a) whether he could confirm that Maji Mazuri Girls' and Maji Mazuri Day schools in Koibatek District are understaffed by ten and six teachers respectively, after the same number of teachers were transferred from the schools last year without replacement; and,

(b) what measures he has put in place to post more teachers to those schools.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Maji Mazuri Girls' Secondary School has a shortage of six teachers and not ten as indicated by the hon. Member. Currently, the school has 13 teachers on duty. Likewise, Maji Mazuri Day Secondary School has a shortage of six teachers against three who are on duty. However, due to the under-enrolment with only 29 students from Form I to Form IV, the Ministry cannot post more teachers to the school since this would create serious under-utilization of the personnel.

(b) Only Maji Mazuri Girls' Secondary School and others with shortages countrywide will be considered in the next recruitment. The shortage of teachers is a national problem which my Ministry is addressing. The Ministry intends to employ an additional 6,000 teachers in the next financial year and at the same time will continue replacing teachers who leave the service through natural attrition.

**Mr. Lessonet:** Mr. Deputy Speaker, Sir, I am really surprised by the answer the Assistant Minister has brought to the Floor of the House. Ten teachers were transferred from Maji Mazuri Girls' Secondary School to other schools. We are not calling it a shortage! These ten teachers were transferred to elsewhere and we want them back before the so-called recruitment of teachers is done. Magi Mazuri Mixed Day Secondary School, which the Assistant Minister says, has only 29 students, it actually has 104 students. Therefore, he must adequately staff those schools. But for now, when are they bringing back the ten teachers they took from Magi Mazuri Girls Secondary School?

**Prof. Olweny:** Mr. Deputy Speaker, Sir, it is true that many teachers left various schools in the country due the crisis we had last year. The schools in question were among those schools that were affected, so even students left. The staffing is based on a curriculum-based establishment. So, the number of students in that school will be used to calculate the number of teachers to be posted there school. That is what gives us the shortage that we have in that school as of today. You will get teachers replaced but it may not be necessary to have the ten teachers he is talking about. The replacement will depend on the curriculum-based establishment for that school. As for the day school, the information we have as of now, we will replace the number that I have given him. But if the numbers increased, the principal will give us the requirement based on the number of students that they have and then we shall post teachers appropriately.

**Mr. Lagat:** Mr. Deputy Speaker, Sir, the shortage of teachers in this country is affecting the quality of education. Could the Assistant Minister state what the current shortage of teachers is and what steps he is taking to ensure that the shortage is reduced?

**Prof. Olweny:** Mr. Deputy Speaker, Sir, I think the real shortage of teachers in this country today is over 40,000. But in the next financial year, we are going to recruit only 6,000; that is based on the amount of money that is given to us by the Treasury, which is approved by this House. So, in the next financial year, we have been given only Kshs1.7 billion which will help us recruit 6,000 teachers. If we got all the money that is needed, then we shall have zero shortage.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I would like to, first of all, congratulate the Government for the recent plan to recruit teachers on contract so that they can reduce the problem of shortage of teachers. The problem that is in Maji Mazuri could be the same problem that we have in Garsen. What formula is the Assistant Minister going to apply so that all of us, the few teachers who are going to be recruited, we are going to have a fair share? There has been very erratic distribution of these teachers and marginalized areas have continued to be marginalized. Could the Assistant Minister tell us the formula he is going to utilize to distribute the teachers fairly?

**Prof. Olweny:** Mr. Deputy Speaker, Sir, the distribution will be based on the shortage countrywide; that is, as of now, the number for every district in terms of teachers shortage is what we shall use. But if he wants the actual data, I can provide it because I did not bring it today. I can provide the data on the actual shortage of teachers countrywide per district.

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister is not going to get away with this. I did not ask for data; I asked for a formula. He is a professor

and he knows what I mean. Could he give us the formula that will be utilized so that we can assure fair distribution including his constituency and mine? Could he answer that question?

**Mr. Deputy Speaker:** What is the formula?

**Prof. Olweny:** Mr. Deputy Speaker, Sir, I think that is an issue that needs a professor. We have the formula of posting teachers to various schools and that means to the various districts---

**An hon. Member:** What is the CBE?

**Prof. Olweny:** It is the curriculum-based establishment (CBE) which I have laid before the Table repeatedly. If he wants it, I can go and bring it and lay it on the Table. Based on the CBE, we come up with the number of teachers that is needed per school and, therefore, per district. Then, that number is proportioned out so that those which have the highest shortage will receive a bigger share. Those ones with the lowest shortage will receive a lower share so that everybody benefits across the board.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Ask the last question on this, hon. Lessonet!

**Mr. Lessonet:** Mr. Deputy Speaker, Sir, I appeal to you to still give time to hon. Members---

**Mr. Deputy Speaker:** Order, hon. Lessonet! It is not your business to determine how much time will be given! This Question has had ample time.

**Mr. Lessonet:** Thank you, Mr. Deputy Speaker, Sir. My last question to the Assistant Minister is: There are three teachers in a whole school which is registered by your Ministry. They are teaching 104 students. In the other school, you decided to transfer ten teachers and you are telling me that I must wait for recruitment. Those teachers went to a particular school. When are we going to get back our ten teachers, Mr. Assistant Minister? Please, answer my question. I want my ten teachers for Maji Mazuri Girls Secondary School!

**Prof. Olweny:** Hon. Member, those are not your teachers. Those teachers are employed by Teachers Service Commission and they are distributed based on the formula that I have just told you. So, we shall post teachers to that school based on the need. We shall do it in next financial year! They are not your teachers!

**Mr. Lessonet:** On a point of order, Mr. Deputy Speaker, Sir. I want the Assistant Minister to answer my question. He transferred those ten teachers and he is coming here to tell me--- Maji Mazuri Girls has 600 students. In fact, by your formula, the teachers in that school should be 24, if you use the CBE! Please! You transferred ten teachers!

**Mr. Deputy Speaker:** You have made your point, Mr. Lessonet! Hon. Assistant Minister, the teachers were initially posted to that school on the basis of the establishment!

**Prof. Olweny:** Mr. Deputy Speaker, Sir, the teachers were removed from that school when the students also left the school. That is because of the crisis that we had last year. We all know that many schools were affected. But after that---

*(Mr. Lessonet stood up in his place)*

Mr. Deputy Speaker, Sir, let me respond to him!

**Mr. Deputy Speaker:** Order, hon. Lessonet! Proceed!

**Prof. Olweny:** After that, schools got back their students. But it may not necessarily be the same number that they had. So, the staffing that we are going to do now will be based on the actual number that is in those schools. So, even the school that you are talking about will get the



actual recruitment based on the students and teachers that it has today. But you do not own any teachers!

**Mr. Deputy Speaker:** Next Question! This Question has had ample time. Hon. Koech!

*Question No.261*

REFUND OF SACCO SHARES CONTRIBUTION  
TO FORMER TELKOM EMPLOYEES

**Mr. Deputy Speaker:** Where is hon. Koech! Is he out of the country on official parliamentary business? The Question is dropped!

*(Question dropped)*

Next Question by hon. Peris Chepchumba!

*Question No.202*

COMPENSATION OF PERSONS ARRESTED  
FOR ARSON IN KIAMBAA CHURCH

**Ms. Chepchumba** asked the Minister of State for Provincial Administration and Internal Security:-

(a) what progress he has made in apprehending and prosecuting the real culprits in the arson attack on the Kenya Assemblies of God Church Kiambaa in Eldoret in January, 2008; and,

(b) what plans the Government has to compensate the persons who were wrongfully arrested and incarcerated for almost 13 months in respect of the offence.

**Mr. Deputy Speaker:** Indeed, the Minister had indicated that he would want Questions, including this one, to be deferred to another time. Therefore, this Question is deferred to tomorrow afternoon!

*(Question deferred)*

*Question No.314*

MEASURES TO CLEAR UNEXPLODED ORDINANCE IN SAMBURU DISTRICT

**Bi Leshomo** alimuuliza Waziri wa Ulinzi:-

(a) ikiwa Waziri ana habari kuhusu mlipuko wa bomu tarehe 13/6/09 katika eneo la Nairoborkeu, tarafa ya Loroki, wilaya ya Samburu ambapo mtoto wa miaka 12 aliuawa; na,

(b) hatua zinazochukuliwa na Serikali kuzuia mlipuko ya mara kwa mara, ikizingatiwa kwamba tangu mwaka wa 1990, mabomu yamekuwa yakilipuka na

kusababisha maafa kwa binadamu pamoja na mifugo, na zaidi ya watu 11 wamefariki.

**The Assistant Minister, Ministry of State for Defence** (Mr. Musila): Bw. Naibu Spika, naomba kujibu.

(a) Ni kweli kwamba uchunguzi wetu wa awali ulithibitisha kwamba tukio hilo lilitokea kule katika eneo la Nairobi keu, tarafa ya Loroki, wilaya ya Samburu ya Kati mnamo Jumamosi tarehe 13 Juni, mwaka huu. Nasikitika kwamba kutokana na kisa hicho, mtoto mmoja mwenye umri wa miaka 12 kwa jina Tetema Lekariekeu aliuawa na mlipuko wa bomu baada ya yeye kulichukua bomu hilo na kulipigisha kwa mwamba wa mawe.

(b) Wanajeshi wa Kenya watafanya kazi ya kutafuta na kutegua mabomu na vifaa vingine ambavyo viko katika maeneo hayo ili kuyafanya salama kwa jamii hiyo.

Ahsante, Bw. Naibu Spika.

**Bi. Leshomo:** Ahsante sana, Bw. Naibu Spika. Kwa ukweli, Naibu wa Waziri ametambua mambo yaliyotokea tarehe 13, lakini nasikitika sana kwa sababu tangu miaka ya 1990s, mabomu hayo yako hapo. Jambo hilo limeripotiwa kwa muda mrefu sana ili wanajeshi wetu wa Kenya waende wakayatoe mabomu hayo. Lakini hadi sasa, hakuna hatua iliyochukuliwa. Ningemuomba Naibu wa Waziri ajibidiishe kwa njia ya ukweli kwa sababu hayo ni maeneo ambayo watu wanaishi na mabomu. Mabomu hayo yamesababisha maafa ya watu 13, zikiwemo ngamia, mbuzi, ng'ombe na binadamu. Mabomu hayo pia yamechanganyika na yale ya wanajeshi wa ng'ambo.

Bw. Naibu Spika, kwa ukweli---

**Bw. Naibu Spika:** Uliza swali lako, Bi Leshomo!

**Bi. Leshomo:** Mabomu hayo yatatolewa lini? Kuna kijana mmoja anayeitwa Betro Loronkiya ambaye amepiga ripoti mara nyingi. Alipoenda kupiga ripoti kwa polisi, aliwekwa ndani. Sasa, ninataka Naibu Waziri athibitishie jambo hilo kwa sababu tuko na stakabathi za kutosha.

**Bw. Naibu Spika:** Ukishauliza swali, mpe Naibu Waziri nafasi ajibu swali lako!

**Mr. Musila:** Bw. Naibu Spika, kama vile nilivyosema hapo awali, ni kweli kuwa kisa hicho cha kusikitisha kilitokea na ningependa kulijulisha Bunge kwamba Jeshi la Kenya lilikuwa likifanya mazoezi katika sehemu hiyo katika miaka ya 1980s na 1990s. Hivi sasa, tumeacha kutumia sehemu hiyo kwa mazoezi.

Bw. Naibu Spika, vile ningependa kusema, haswa kwa Mheshimiwa aliyeuliza Swali hili na wengine ambao wanaishi katika sehemu ambazo mazoezi ya jeshi yanafanyika, tunafanya juhudi kubwa kila wakati baada ya mazoezi kutafuta vifaa vyovyote, vikiwemo mabomu, risasi na vyombo vingine; tunaviokota na kuvipeleka kwengine! Lakini, haiwezi kukosa kwamba moja ya mabomu yanaweza kukosa kuonekana. Kwa hivyo, vile ningependa kuuliza kupitia kwa Wabunge na maofisa wetu wa kushughulikia utawala na usalama ni kwamba wawajulishe wananchi kwamba wakipata vifaa vyovyote katika sehemu hizo, wapige ripoti. Kama vile kisa hicho cha kusikitisha kilipotokea, kijana huyo alichukua kifaa hicho - pengine hakujua ni nini - na akakipigisha kwa mwamba wa mawe ndipo kikalipuka.

Kwa hivyo, tunaomba wananchi wajue kwamba vifaa hivi ni hatari. Pia, tunawaomba wanapovipata watueleze ili tuvichukue. Kwa sasa, tumeacha kufanyia mazoezi pale. Tunaendelea kusaka sehemu hizo zote kwa minajili ya kutafuta hivyo vifaa.

**Mr. Chachu:** Bw. Naibu Spika, watu wanaoishi sehemu za kaskazini mwa Kenya wamekosa ardhi yao kwa sababu imetengwa kwa matumizi ya mazoezi ya wanajeshi wa Kenya na wale wanaotoka nchi za Ulaya. Ni vipi wananchi wa sehemu hii ya Kenya watanufaika kutoka

kwa wanajeshi hao wanaofanya mazoezi katika ardhi yao? Wananchi wamepoteza ardhi yao na wamepata madhara mbali mbali kutokana na mazoezi yanayofanywa pale. Je, kuna manufaa yoyote wananchi hao watapata?

**Mr. Musila:** Bw. Naibu Spika, hilo ni swali la kustaajabisha sana kwa sababu ni jeshi la Kenya ambalo linafanya mazoezi pale. Jeshi la Kenya lina manufaa mengi sana kwa wananchi wa Kenya. Kwa mfano, linatoa ulinzi kamilifu kwa nchi. Hata kama hakuna anachoweza kukubali, mhe. Chachu anapaswa kukubali kwamba Wakenya wanalindwa na majeshi ya Kenya. Hiyo pekee ni faida tosha. Kuna faida nyingi ambazo sitataja wakati huu.

Jambo la maana ni kwamba jeshi lolote ni lazima lifanye mazoezi. Kwa kuzingatia sheria, Serikali ina uwezo wa kutenga sehemu fulani kuwa za mazoezi katika kifungu 199 cha Sheria zetu. La muhimu ni kwamba mazoezi yakiisha, vifaa vilivyotumika vitolewe na wananchi wajulishwe. Kifungu cha tatu cha sheria zetu, kinasema kwamba wananchi hawaruhusiwi kutangatanga ovyo ovyo katika sehemu zilizotengwa kwa minajili ya mazoezi ya wanajeshi.

**Mr. Abdirahman:** Mr. Deputy Speaker, Sir, free land is not only available in those areas---

**Mr. Deputy Speaker:** Bw. Abdirahman, Swali limeulizwa katika lugha ya Kiswahili. Unawajibika kutumia lugha hiyo.

**Mr. Abdirahman:** Bw. Naibu Spika, tayari Wazari Msaidizi amekubali kuwa huyo kijana aliuawa na bomu lililokuwa katika sehemu hiyo. Je, familia ya kijana huyo italipwa “ridhaa” na Serikali au la?

**Mr. Musila:** Bw. Naibu Spika, ningependa kumsahihisha mhe. Abdirahman. Inaitwa “fidia” na si “ridhaa”. Hilo ni swali ambalo uchunguzi ukifanywa na ipatikana kwamba Serikali ilifanya makosa--- Bila shaka tutathibitisha jinsi mambo yalitukia. Pia, tutatekeleza yanayohitajika. Hilo litakuwa ni suala lingine.

Hata hivyo, kwa wakati huu, jambo la muhimu si fidia bali ni kuhakikisha kwamba wananchi wanalindwa. Sharti waonywe wasikaribie maeneo ambayo yana vifaa hivyo. Wakiviona vifaa hivyo, basi wapige ripoti kwa polisi. Hii ni kwa sababu lazima vifaa hivyo vitapatikana huko.

**Mr. Wamalwa:** Hoja ya nidhamu, Bw. Naibu Spika. Waziri Msaidizi tayari amekubali kwamba bomu hili lilitokana na mazoezi ya wanajeshi wa Kenya na pia, lilikuwa la wanajeshi wa Kenya. Je, Waziri Msaidizi anaweza kuliambia Bunge hili eti familia ya kijana aliyethirika haitalipwa fidia?

**Mr. Musila:** Bw. Naibu Spika, Bw. Wamalwa ni wakili na bila shaka anaelewa mambo haya. Hapo awali nilisema kwamba kijana huyo alichukua bomu hilo na kulipigisha kwenye mwamba. Hicho kitendo kililifanya hilo bomu kulipuka. Hayo mambo yatafikiriwa wakati wake ukifika. Kwa sasa, tunasikitika kwamba mtoto wa miaka 12 aliaga dunia kwa sababu ya mlipuko wa bomu.

**Mr. Chachu:** Hoja ya nidhamu, Bw. Naibu Spika. Waziri Msaidizi amesema kuwa chombo hicho kilikuwa kimeachwa hapo. Huyo kijana alikichukua na kukipigisha kwenye mwamba. Kwa nini wanajeshi walikiacha chombo hicho hapo?

**Mr. Deputy Speaker:** Bw. Waziri Msaidizi, wanajeshi wanawajibika kuhakikisha kwamba vifaa kama hivyo haviachwi ovyo ovyo.

**Mr. Musila:** Bw. Naibu Spika, nimeeleza kwamba baada ya mazoezi yoyote kufanyika, juhudi kubwa hufanywa kuhakikisha kwamba vifaa vyote vilivyotumika vimeokotwa na kurudishwa mahali pake. Lakini kwa sababu sehemu inayofanyiwa mazoezi ni kubwa sana, kuna uwezekano kwamba kifaa kimoja ama viwili vinaweza kusahaulika. Ndiiposa tunasema kwamba

wananchi watujulishe wanapoona vifaa hivyo. Siku hizi hata kifaa kilichotumika miaka ya 1950 kinaweza kupatikana pale. Kwa hivyo, wakiona vifaa hivyo, wapige ripoti.

Kuhusu mambo ya fidia, uchunguzi utafanywa na Serikali itafikiria jambo hilo. Hatuwezi kutoa hakikisho kwamba fidia italipwa bila uchunguzi kufanywa.

**Mr. Letimalo:** Hoja ya nidhamu, Bw. Naibu Spika. Mlipuko wa bomu ulitokea huko Samburu ya Kati na pakatokea maafa ya mtoto mmoja na watu wengine 13. Aidha kulikuwa na mlipuko wa bomu huko Samburu ya Mashariki na pakatokea maafa ya watu na uharibifu wa mali. Jukumu la Serikali ni lipi kuhakikisha kwamba hapatakuwa na mlipuko wa bomu katika siku zijazo? Ni hatua gani Serikali inachukua kuwafidia wale wanaoathirika?

**Mr. Musila:** Bw. Naibu Spika, utakubaliana nami kwamba hiyo si Hoja ya nidhamu bali ni swali. Nimesema kwamba Serikali inafanya mipango kutuma wanajeshi katika sehemu hizo zote kwa minajili ya kuzifagia na kutafuta njia za kuondoa vifaa hivyo vyote. Naomba wananchi washirikiane na wanajeshi wetu wakati huo ukifika ndiposa tuweze kumaliza shida hii kabisa.

**Bi. Leshomo:** Bw. Naibu Spika, ningependa kumwomba Waziri Msaidizi asiseme eti ni bomu moja liko huko kwa sababu mabomu mengi yako huko. Nina thibitisho kwamba mabomu yameonekana katika eneo hilo la Nairobi keu. Je, hii familia iliyoathirika italipwa kwa njia gani? Je, mali iliyoharibika italipwa? Kuna watu wengi ambao wamehama mashamba yao kwa sababu ya mabomu yaliyomo ardhini.

Bw. Naibu Spika, ningependa kupeana stakabadhi zinazoonyesha ukweli wa mambo. Stakabadhi hizi zitasaidia wanajeshi kujua yaliko mabomu hayo. Itakuwa bora kama Wanajeshi wataenda watoe mabomu hayo kwa sababu yanaleta shida nyingi.

**Bw. Naibu Spika:** Bi, Leshomo, unaweza kuweka stakabadhi hizo Mezani?

*(Ms. Leshomo crossed the Floor without bowing to the Chair and laid the documents on the Table)*

**The Assistant Minister for Roads (Dr. Machage):** Jambo la ya nidhamu, Bw. Naibu Spika. Umeona lililotendeka katika Jumba hili? Mhe. Leshomo ametembea hadi Mezani bila kutoa heshima kwako.

**Mr. Deputy Speaker:** Bi. Leshomo, ukitaka kuvuka Sakafu, kuna njia ya kufanya hivyo. Wakati mwingine uhakikishe unafanya inavyohitajika.

**Mr. Musila:** Ahsante, Bw. Naibu wa Spika. Nafikiri tunaelewa ni kwa nini mheshimiwa anafanya hivyo. Hili ni jambo la kusikitisha. Kama nilivyosema, tutachukua makaratasi yale. Sisi tuko tayari kupokea usaidizi na habari zozote ambazo zituwezesha kuzifanya sehemu hizo kuwa na usalama zaidi. Kwa hivyo, ninamwomba mheshimiwa kwamba kama ana habari nyingine zozote ambazo zinaweza kutusaidia, afike afisini mwangu ili tuweze kuyazungumzia mambo hayo zaidi.

Ahsante, Bw. Naibu wa Spika.

**Mr. Deputy Speaker:** Bi. Leshomo, stakabadhi ambazo umewasilisha Bungeni zinaonekana zinafaa, isipokuwa zile zinazotoka kwa magazeti. Kanuni zetu haziruhusu stakabadhi kutoka gazetini. Nyingine zote zinafaa. Nina hakika kwamba Waziri Msaidizi atazichunguza vizuri na kufanya kazi vilivyo.

Next Question!

## CONSTRUCTION OF KIPCHOGE KEINO STADIUM

**Mr. Lagat** asked the Minister for Youth Affairs and Sports:-

(a) why Kipchoge Keino Stadium has not been constructed to date considering that the Government undertook to provide Kshs.100 million for that purpose in 2007; and,

(b) whether any budgetary provisions have been made for the project in the 2009/2010 Financial Year, and when the construction will commence.

**Mr. Deputy Speaker:** The Minister for Youth Affairs and Sports! Is he not here?

Mr. Deputy Prime Minister and Minister for Finance, the Minister for Youth Affairs and Sports, and her Assistant Minister, are not here. What can you tell the House, as part of the collective responsibility of the Government?

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Deputy Speaker, Sir, I would plead that you give me some time to establish why they are not here. By this afternoon, maybe, we can get either the Minister or one of the Assistant Ministers to respond to the Question.

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. That Ministry in particular has two Assistant Ministers. There has been open disagreements on the Floor of this House. Could it be, that is the reason there is a problem? If that is so, what has the Government done to bring order into their disorderly Government?

**Mr. Deputy Speaker:** The Chair orders that this Question appears on the Order Paper tomorrow afternoon on the basis that the Deputy Prime Minister and Minister for Finance has given an undertaking that the Minister, or one of the Assistant Ministers will be here to answer it.

*(Question deferred)*

Next Question, Mr. Shakeel!

*Question No.240*

NUMBER OF STUDENTS ADMITTED TO KMTC  
UNDER REGULAR/PARALLEL PROGRAMMES

**Mr. Shakeel** asked the Minister for Medical Services:-

(a) whether he could table the per -province student intake to the Kenya Medical Training Colleges (KMTCs) under the regular and “parallel” programmes, respectively, in the last two years;

(b) whether he could tell the House the number of places offered under the “parallel” programme but were not taken up at the same period; and,

(c) what steps he is taking to ensure available places are offered equitably among provinces and other administrative units.

**The Minister for Medical Services** (Prof. Anyang’-Nyong’o): Mr. Speaker, Sir, I beg to reply.

(a) the per province student intake to the KMTCs under both regular and parallel programmes in the last two years is hereby tabled:

PROVINCE	NO. OF STUDENTS ADMITTED IN 2007	NO. OF STUDENTS ADMITTED IN 2008
Central	231	225
Coast	151	150
Eastern	325	376
North Eastern	48	61
Nairobi	31	39
Nyanza	373	375
Rift Valley	513	462
Western	247	258
<b>TOTAL</b>	<b>1,919</b>	<b>1,946</b>

*(Prof. Anyang'-Nyong'o laid the document on the Table)*

(b) The college did not have places that were not taken up in the two years, in either regular or parallel categories.

(c) To ensure that available places are offered equitably amongst provinces and other administrative units, the KMTC has this year revised guidelines on student's recruitment for strict application when vacancies are announced. Under the revised guidelines, 75 per cent of all available vacancies will be shared amongst the provinces on the basis of population. The remaining 25 per cent will be shared out on the basis of the poverty index.

The same formula will be used to cascade allocation of provincial vacancies to the districts. Gender, home district and divisions will be factored in the final proportions. The population proportions and poverty indices to be applied in allocation of vacancies to the provinces are as follows: -

PROVINCE	POPULATION	POVERTY INDEX
Central	4.3 million	31 per cent
Coast	3.3 million	59 per cent
Eastern	5.8 million	51 per cent
North Eastern	1.1 million	74 per cent
Nairobi	2.8 million	22 per cent
Nyanza	5.0 million	47 per cent
Rift Valley	8.7 million	49 per cent
Western	4.3 million	53 per cent

That is the formula that will be used in allocating students places per province for this year.

**Mr. Shakeel:** Mr. Deputy Speaker, Sir, I would like to thank the Minister for a very comprehensive answer. However, it does not touch on the elements of parallel and regular programmes. It is alleged that whoever wishes to apply for a vacancy under the regular programme, especially in Nyanza Province, he is told that there are no places available, and that they should go for the parallel programme.

Secondly, I am encouraged by the formula for the current year, but it appears that on the basis of 2,000, or 1,946 applicants, 25 per cent is something like 500. I thought that rather the poverty index, another index should be used – which is the need. The need in North Eastern

Province, where there are no services provided, should be higher; there are no students under the regular programme from there.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I believe that the need should be taken into account, but I think the poverty index does cover the need concern. In North Eastern Province, there is a great need to recruit more students from there, but the Ministry is taking other steps as well. The other step we are taking is to ensure that in North Eastern Province, we have more mobile units and not stationery units. That is a special programme for the North Eastern Province, which we are undertaking to modernise medical facilities in that area.

**Mr. J.M. Kamau:** Thank you, Mr. Deputy Speaker, Sir. I would like to ask the Minister whether he can give us copies of his answer, so that we can scrutinise it properly because, as he read it out, we could not hear what he was talking about. I would wish that he gives us copies, so that we can ask more questions.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, the answer will be available in the HANSARD as from tomorrow, I believe. The hon. Member can, definitely, get all the figures from the HANSARD.

**Mr. Gabbow:** Mr. Deputy Speaker, Sir, it is saddening to note that for the last two years, no student from Wajir North District has been admitted to KMTC. I can attest to the Minister that more than 15 students who had scored B-plus in the Kenya Certificate of Secondary Education examination applied for places. Could he tell us if there is criteria other than meeting standards in order for one to be admitted to KMTC?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, it is because of that concern, which I realized looking at the figures of the two previous years, that we introduced poverty index to ensure that we do not miss out on areas that the hon. Member is talking about.

Let me assure the hon. Member that I am going to be particularly meticulous to ensure a fair distribution of students' intake into the KMTC. Indeed, there are other steps that I will be taking very soon to ensure that the KMTC is much more transparently run and there is a fair distribution of the intake of students.

**Mrs. Noor:** Mr. Temporary Deputy Speaker, Sir, as much as I appreciate the concerns the Minister has raised particularly on having an alternative means of reaching out to North Eastern Province; he especially talked of special mobile programmes. What criteria is he going to use in the provision of mobile health facilities? How does he intend to reach those places? In the current intake of students to the KMTC, there are regional gaps that already exist. What affirmative action is the Minister taking to bring on board the people from northern Kenya?

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, the health needs of the North Eastern Province are very many. When I say that I am taking special measures, we are already negotiating with the Spanish Government, a special programme for modernization of health facilities in the North Eastern Province. I would plead with the hon. Member to give us time to finish this process so that we can explain it to you when everything is ready so that we can scrutinize the details.

In the meantime, it is precisely because of the gaps I have seen in the last two years that we have taken the present measures. In the upcoming intake, we are going to ensure that the gaps that have existed before are not allowed to go on. I do realize, and I am aware, that there are certain gaps where the intake has not been proportionally distributed and deserving areas attended to. That is the attention we are trying to make this time so that we can fill those gaps in the upcoming intake. However, there is very little I can do about what has gone on before because that is already water under the bridge.

**Mr. Deputy Speaker:** Mr. Shakeel, last question!

**Mr. Shakeel:** Mr. Deputy Speaker, Sir, I am very encouraged by the positive approach that the Minister is taking. However, I urge him to ensure that the political patronage that was given for admission in the past is history. Could the Minister kindly see if there is a possibility of coming up with an MTC in northern Kenya?

**Prof. Anyang-Nyong'o:** Mr. Deputy Speaker, Sir, we have an MTC in Garissa but we are also reviewing the whole system nationally to see areas which are served well and those that are under-served. It is precisely because of those inequities in the past, that I hope to take further measures to ensure that they do not recur in the system.

**Mr. Abdirahaman:** On a point of order, Mr. Deputy Speaker, Sir. The question of inequity cannot be addressed by simply saying, "I undertake certain measures" without telling us what measures these are. Is the Minister in order not to tell us the actual measures? He should not tell us he will modernize health facilities. He should also tell us how he wants to upgrade the medical facility in Garissa by accommodating people to take diplomas and degree courses. Is he in order not to underline to us the appropriate measures he will take?

**Prof. Anyang-Nyong'o:** Mr. Deputy Speaker, Sir, I pleaded with the hon. Member to be patient so that he can be given the details when they are ready. I believe the word "modernization" is very wide. I think at this point in time, it will be premature to provide the kind of details the hon. Member wants when they are not ready. We are in the process of doing so. I would like him to take me for my word that I have the North Eastern Province at heart.

**Mr. Deputy Speaker:** Next Question, by Mr. Odhiambo!

*Question No.218*

REGULATIONS ON EXPLOITATION OF  
FISH RESOURCES IN LAKE VICTORIA

Mr. Odhiambo is not here! Question dropped!

*(Question dropped)*

Next Question!

*Question No.321*

STATUS OF WATER DRILLING PROJECT  
AT MAILI KUMI NA MBILI IN NAKURU

**Mr. Deputy Speaker:** Hon. Members, the Minister and the Questioner have undertaken to have this Question next week on Tuesday. The Chair, therefore, directs that this Question appears on the Order Paper on Tuesday next week!

Question deferred!

*(Question deferred)*

Question No.1 by Private Notice! Mr. Ntoitha M'Mithiaru!



**QUESTION BY PRIVATE NOTICE**

COST OF PATCHING UP MAILI TATU  
- LAARE – MUTUATI ROAD

**(Mr. M'Muthiaru)** to ask the Minister for Roads:

(a) What is the total cost of the contract for the ongoing patching up of potholes on the Maili Tatu-Laara-Mutuati Road?

(b) What is the identity of the contractors and how much have they been paid to date?

(c) Could the Minister table the contract documents as well as the Certificate of Registration of the contractors?

(d) In view of the shoddy work done, could the Minister undertake to withhold payment until the contractors have done the job satisfactorily?

**Mr. Deputy Speaker:** Mr. M'Muthiaru is not here? Question dropped!

*(Question dropped)*

Next Question by Mr. Kiuna!

**ORAL ANSWERS TO QUESTIONS**

**Mr. Deputy Speaker:** Mr. Kiuna, first apologise to the House for coming late!

**Mr. Kiuna:** Mr. Deputy Speaker, Sir, I apologise for coming late.

*Question No.132*

ENFORCEMENT OF MARKETING STANDARDS  
FOR AGRICULTURAL PRODUCE

**Mr. Kiuna** asked the Deputy Prime Minister and Minister for Local Government what steps he is taking to enforce the marketing standards for agricultural produce, particularly packaging regulations of 2005 in all councils markets with regard to potatoes.

**The Deputy Prime Minister and Minister for Local Government** (Mr. Mudavadi):  
Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry, in an effort to enforce the marketing standards in the country and to ensure uniformity countrywide, issued guidelines in the Kenya Gazette Supplement No.64 of 5<sup>th</sup> September 2008. A detailed schedule that covers 41 agricultural produce was published. The maximum weight permitted for a bag of potatoes, both red and white Irish, is 110 kilogrammes. Both the packing laws of 2005 and the 2008 Legal Notice No.113 provide for penalties to any person who contravenes the provision of the said rules or orders.

The breach of the by-laws will attract a fine not exceeding Kshs2, 000 or imprisonment for a term not exceeding six months or both. The 2005 by-laws provide for the imprisonment for a term not exceeding six months and a fine not exceeding Kshs2,00 0 or both. All the local

authorities in the country have been urged to ensure compliance with the said legal provision in all the markets.

**Mr. Kiuna:** Mr. Deputy Speaker, Sir, I concur with the Deputy Prime Minister and Minister for Local Government's answer but I do not agree with him that these rules have been enforced. Since September 2008, we have watched some business people and brokers still exceeding this weight. The law enforcers are just watching them as they do this without taking any appropriate action. What steps is the Minister taking to make sure that these business people and brokers uphold the law strictly?

This issue has gone on to an extent that traders from our neighbouring countries come to Kenya to exploit our farmers. This is because officers are not following the laws.

**Mr. Mudavadi:** Mr. Deputy Speaker, Sir, it is, indeed, unfortunate if enforcement officers are not following the law. However, the gazette notice and the guidelines are very specific. If there is a specific case that may be happening in a specific area where there is serious laxity, I will be happy to get further information from the hon. Member so that these officers may be reprimanded. This should happen in an area where there is that kind of deficiency he is talking about. The laws and the guidelines are there and we expect the officers to follow them.

**Mr. Kioni:** Mr. Deputy Speaker, Sir, I raised this Question last year in November. I think it was Question No.156 on the Order Paper then. The answer that has been given by the Deputy Prime Minister and Minister for Local Government is the same answer that we got more than nine months ago. I would like to know from the Deputy Prime Minister and Minister for Local Government whether there is any prosecution because this has continued even in Ndaragwa Constituency. Have we had any prosecutions because the articulation of the law is very well in order? Have we been able to enforce this law because Kenyans continue to suffer each and every day as they continue to do potatoe farming?

**Mr. Mudavadi:** Mr. Deputy Speaker, Sir, I may not, at this point in time, give any specific indications of who has been arrested or arraigned in court. Because this focuses primarily around Ndaragwa and Molo, I will specifically follow up directly with the local authorities in these two areas so that this law can be enforced.

**Mr. Kiuna:** Mr. Deputy Speaker, Sir, I would like the Deputy Prime Minister and Minister for Local Government to take note and know that right now, they are not only targeting potatoes. They have also gone to an extent of buying carrots. The areas which are mostly affected are Mau Narok and Molo divisions. I said that they come from neighbouring countries because there is no law that is being followed. The officers of the Ministry and even the security personnel are allowing these businessmen and brokers to exploit our farmers.

**Mr. Mudavadi:** Mr. Deputy Speaker Sir, I wish to reiterate again that I will follow up this specific issue so that the law is enforced. However, I would like to say that, indeed, there is some good progress although it is not smuggling. The fact that our farmers from Molo and other areas are now exporting potatoes as a commodity should be seen in a very positive context. However, enforcement of the law, to the best of my knowledge, is something we will follow so that proper trading is done. If our farmers want to export potatoes, we should encourage them but make sure that they do it by following a proper legal framework.

**Mr. Kiuna:** On a point of order, Mr. Deputy Speaker, Sir. I do not agree with the Deputy Prime Minister and Minister for Local Government when he says that we are now receiving some foreign---

**Mr. Deputy Speaker:** You do not have to agree with the Deputy Prime Minister and Minister for Local Government! Is he in order or not?

**Mr. Kiuna:** Mr. Deputy Speaker Sir, these people are taking advantage and exploiting our farmers. Therefore, we are not the ones who are benefiting. We are losing to the foreigners.

**Mr. Mudavadi:** Mr. Deputy Speaker, Sir, all I can say is that we will support these local authorities and ensure that they enforce the law. Whether the products are going for export or being sold locally, we will direct the councils to enforce the law.

*Question No.250*

ESTABLISHMENT OF FERTILIZER FACTORY

**Mr. Chanzu** asked the Minister for Agriculture when he plans to establish a fertilizer factory in the country.

**Mr. Deputy Speaker:** Mr. Assistant Minister, you have to apologize to the House for coming late.

**The Assistant Minister for Agriculture** (Mr. Ndambuki): Mr. Deputy Speaker Sir, I apologize for coming late and for being absent at the time he first asked the Question.

**Mr. Deputy Speaker:** Mr. Assistant Minister, proceed and answer the Question.

**The Assistant Minister for Agriculture** (Mr. Ndambuki): I beg to reply.

My Ministry, in consultation with the Treasury and the Ministry of Industrialization and interested partners, are holding consultations on the possibilities of establishing a fertilizer factory. The factory will be established as soon as the consultations are finalized.

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, with due respect to the Assistant Minister, I think the answer to this Question, bearing the magnitude of the problem, is too sketchy and vague. Could he agree with this House that the problems we have had in the agricultural sector, which is the mainstay of our economy, are due to the high cost of inputs? The main input in terms of agriculture is fertilizer. Could he be serious and give us a proper answer to this Question?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I want to assure the hon. Member that I am very serious. I know that consultations are going on. There are private partners who have come up with proposals. This issue is being handled by the Treasury, the Ministry of Agriculture and the Ministry of Industrialization. I am aware that the high costs of inputs is a hindrance to our farmers. The demand for fertilizer in Kenya has really grown. We are now talking about 480, 000 metric tonnes of fertilizer which is being used in this country this year. I am also aware that there are few factories which are operating but producing very small quantities of fertilizer like SSP, among others. The Ministry is handling this issue with a lot of seriousness. Once the consultations are finalized, the factory will be set up.

**Dr. Munyaka:** Mr. Deputy Speaker, Sir, I would like to know from the Assistant Minister whether the Kenyan Government will co-ordinate with the other East African countries to set up a fertilizer factory because we have raw materials like phosphate in Tanzania which can be used to start a factory.

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, those are part of the consultations. There are consultations going on between Kenyan, Tanzania and Uganda to put up a factory but nothing has really been finalized. Negotiations are still going on.

**Mr. Wamalwa:** Mr. Deputy Speaker Sir, the talks about the fertilizer factory have been going on as much as the constitutional talks have been going on. I believe from the 1980s, we have heard about consultations and feasibility studies with regard to establishing a fertilizer factory and a bullet factory. The bullet factory was established in Eldoret in 1980s. Up to now,

the fertilizer factory has not been established in Kenya. There was an attempt through KENREN. For how long will these consultations go on? They have taken over 20 years, so far.

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I totally agree with the hon. Member that consultations have been going on for a long time. At this point, I would also like to say that the Government has also invited private investors interested in setting up fertilizer manufacturing factories in this country. However, as far as partnership between the Government and the private sector is concerned, negotiations are on-going and I am sure they will materialize this time round.

**Mr. Letimalo:** Mr. Deputy Speaker, Sir, in view of the fact that these consultations have taken place, could the Assistant Minister tell this House whether the construction of a fertilizer factory is a priority in this country and if so, why these consultations are taking long?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, I have said that the demand for fertilizer in 1986 was 150,000 metric tonnes. Today, we are talking about a demand of 480,000 metric tonnes. We expect this demand to grow to 600,000 metric tonnes. The Government is taking this matter seriously and is negotiating with other partners in East Africa. I assure the House that this time round, something will take place.

**Mr. Linturi:** Mr. Deputy Speaker, Sir, we cannot really downplay the role played by fertilizers in food production. In view of the fact that without fertilizers food production will be quite low, what short-term measures has the Assistant Minister taken to guarantee food security in this country?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, we will continue providing subsidies the same way we did this time round. We will also provide fertilizer for the next season at a reduced price until the Government finalises the consultations with the partners.

**Mr. Deputy Speaker:** Last question, Mr. Chanzu!

**Mr. Chanzu:** Mr. Deputy Speaker, Sir, the supplementary answer the Assistant Minister has given indicates that the demand for fertilizers this year is 480,000 metric tonnes. If you convert this into money, we are talking about a lot of money that will be spent. That is close to Kshs30 billion. I would like the Assistant Minister to assure this House that he will “short-circuit” this process. He should talk to the Deputy Prime Minister and Minister for Finance so that the consultations can be finalised immediately, because we will not lose if we come up with this factory. Could he kindly assure the House that he will do that?

**Mr. Ndambuki:** Mr. Deputy Speaker, Sir, in fact, I have talked to the Deputy Prime Minister and Minister for Finance. Negotiations are going on with the African Development Bank (ADB) which is ready to fund a fertilizer factory immediately the consultations are finalised.

**Mr. Deputy Speaker:** Next Order!

## MINISTERIAL STATEMENT

APPOINTMENT OF MRS.P.N. KOMORA  
AS DIRECTOR OF CMA

**The Deputy Prime Minister and Minister for Finance** (Mr. Kenyatta): Mr. Deputy Speaker, Sir, Mr. Ogindo had sought a Ministerial Statement on the appointment of Ms. Priscilla Njeri Komora as a Director of the Capital Markets Authority (CMA) for a period of three years with effect from 9<sup>th</sup> March, 2009 vide Gazette Notice No.3502 of 9<sup>th</sup> April, 2009.

Mr. Ogindo wanted the following to be clarified:-

1. why the Ministry of Finance appointed Ms. Komora to the board of an organization to which she was an auditor, against international best practice;
2. what the required qualifications for such an appointment are; and,
3. how the hon. Minister intends to deal with the conflict of interest arising from this appointment, especially considering that her deputy, Mr. A.S.M Gatumbu, was appointed her successor, and in effect, will be auditing the CMA.

Mr. Deputy Speaker, Sir, Ms. Priscilla Njeri Komora retired at the beginning of 2009 from the Kenya National Audit Office (KNAO) where she served as the Controller and Auditor-General. She is, therefore, no longer an employee of the KNAO. Moreover, there is no regulation and/or law in this country that prohibits an officer who has retired from the KNAO from accepting appointment to serve in another public office. The Deputy Prime Minister and Minister for Finance appointed Ms. Priscilla Njeri Komora to be a Member of the CMA in accordance with Section 5(3)B of the Capital Markets Act, in particular, Section 5(4) of the CMA Act which stipulates as follows:-

“The Chairman and every member appointed under paragraph B(3) shall be appointed from amongst persons who have experience and expertise in legal, financial, banking, accounting, economics or insurance matters.”

Mr. Deputy Speaker, Sir, Ms. Priscilla Njeri Komora is a former Controller and Auditor-General and having worked in that institution for several years, has a wealth of experience and expertise in financial and accounting matters. Indeed, given the governance challenges that the CMA has been facing, it was necessary to strengthen the CMA Board by bringing in additional expertise in governance.

The issue of perceived conflict of interest should not arise since Mrs. Komora is no longer the Controller and Auditor-General. It should also be underscored that the mere fact that Mr. A.S.M Gatumbu was once a deputy to Mrs. Komora, does not bind him to act contrary to the law. Indeed, the law requires him to maintain the independence expected of the Office of the Controller and Auditor-General.

Mr. Deputy Speaker, Sir, I assure hon. Members that in appointing members of the board, we are guided by the requirements of the law and also pay particular attention to integrity and track record of the individual appointee.

Thank you, Mr. Deputy Speaker, Sir.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, in reading the Ministerial Statement, which I appreciate to be quite correct, is the Deputy Prime Minister and Minister for Finance satisfied that at this stage of development in Kenya, it is necessary to appoint a retiree to another senior position in the Government? What happened to the song of change that we used to sing during the campaigns? What happened to bringing in fresh ideas from the private sector?

Secondly, is the Deputy Prime Minister and Minister for Finance satisfied that an insider would actually continue to do a proper job? Why not bring someone from the private sector to do the work within the Government? Must we always look within? What happened to the song of change that we used to sing? The Deputy Prime Minister and Minister for Finance was a very active campaigner. What happened?

**Mr. Mbadi:** Mr. Deputy Speaker, Sir, it is one thing to respect and follow the law, but it is another to get public approval of your appointment.

Given the fact that Mrs. Komora was heading a public audit in this country and the organization that she will head will be part of the management that will be audited by a junior

staff who was working under her, is the Deputy Prime Minister and Minister for Finance satisfied that the officers from the KNAO will not be intimidated by her presence in the board?

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** Mr. Deputy Speaker, Sir, with regard to the wind of change, indeed, as hon. Members are aware, the CMA or the Nairobi Stock Exchange in general was being faced with serious governance questions. It was, therefore, important to strengthen the board to deal with some of those challenges. At the same time, as we appointed Mrs. Komora to the board, we also appointed Mr. Cheserem who was previously the Governor of the Central Bank of Kenya, hence bringing in again a wealth of experience in real organising and restructuring public bodies. At the same time, we also brought on board Mr. Mohamed Nyaoga from the private sector. He is a qualified lawyer with strength in the governance field. All this was aimed at strengthening the governance of the CMA.

Mr. Deputy Speaker, Sir, with regard to the question raised by Mr. Mbadi, we are, indeed, satisfied because the position that Mrs. Komora will occupy is a non-executive position. It has nothing to do with management. As I said in my Statement, the fact that the officers were once under her, does not bind them to act contrary to the law. We are satisfied that the KNAO will carry out its independent function despite the fact that Ms. Komora is a Member of the CMA Board.

**Mr. Mungatana:** On a point of order, Mr. Deputy Speaker, Sir. The Deputy Prime Minister and Minister for Finance has very carefully avoided to answer the bit about retirement. He should not avoid that question. If it was another person who holds that office, we can justifiably say that he is appointing his peers or age mates.

Why should the Deputy Prime Minister and Minister for Finance appoint retirees? If you look at the Public Gallery, you will see that there are many young Kenyans who need jobs. Why should he appoint the same old people? Could he assure us that, in his future appointments, he will give a chance to our generation? Those guys have had their chance; they have ruled us and he is appointing them to rule us again? Why?

**Mr. Deputy Speaker:** How is that a point of order, Mr. Mungatana?

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, it is a point of order because he avoided to answer the question on retirement.

**The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta):** Mr. Deputy Speaker, Sir, I want to assure hon. Mungatana that there is no intention of ignoring the young people of this country. We were faced with specific challenges and we needed specific strengths. Indeed, Mr. Mohamed Nyaoga is of our own generation. Indeed, I believe that by strengthening that organization, we are actually creating room for future generations. We have been faced with serious challenges and if we can improve the governance of that particular institution, it will lead to greater opportunities being created for the young people that the hon. Member is referring to. What is important at this stage is for us to get the Capital Markets Authority back on its feet, taking advantage of the best experience that we have. As we continue, I am sure there will be plenty of room for our young men and women to take on board more responsible positions as we go forward.

**Mr. Deputy Speaker:** Hon. Kenyatta, I understand that you have another Ministerial Statement. Today is a Private Members Day. Indeed, you will have to issue the other Ministerial Statement another day.

Next Order!

## MOTIONS

ENHANCEMENT OF BUDGETARY  
ALLOCATIONS TO PUBLIC SCHOOLS

THAT, aware that children attending private academies in the country have continuously taken up most of the opportunities in prestigious national learning institutions and secured the most marketable courses in the universities as a result of high quality education facilities; concerned that public schools lack requisite facilities and manpower to guarantee quality education; appreciating the need to improve education for children from poor backgrounds in order to achieve equity; this House urges the Government to increase budgetary allocation to public primary and secondary schools for enhanced quality of education.

*(Mr. Kaino on 10.6.2009)*

*(Resumption of Debate interrupted on 10.6.2009)*

**Mr. Deputy Speaker:** Hon. Kaino, you had spent five minutes of your time. You have 15 more minutes.

**Mr. Kaino:** Thank you, Mr. Deputy Speaker, Sir, for allowing me to continue from where I left, with regard to this very important Motion that is before the House.

Slowly and quietly, this country is creating two categories of education, where the children of the rich and those of the poor go to different schools. From the results of the Kenya Certificate of Primary Education (KCPE), pupils from private schools get opportunities to go to the very best secondary schools. After the Kenya Certificate of Secondary Education (KCSE), the same students take up the best courses in our public universities. This trend is worrying and this House must put a check on it. This House must support this Motion for the benefit of Kenyans and their children.

The children in private academies and those in public schools are all the same. They are all the same except that public schools are poorly equipped. Private schools have libraries. For instance, there are libraries in nursery schools, Standard I up to Class VIII. They also have laboratories. The private schools are properly equipped while public schools lack those facilities. You will not get a library in an entire primary school. In some poor public schools, there are no libraries. That is the main difference between students in private schools and those in public schools.

*[Mr. Deputy Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Prof. Kaloki) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, why is it happening like that? It is because of available resources. The owners of those private schools are injecting more money into the schools. They are also supervising their schools. They have also employed managers in their schools. Those private schools have untrained teachers, but the results that come out of them are

As. The pupils join very good schools. Why? We have qualified teachers in public primary and secondary schools. So, the question is: Why are the children in our public schools not performing well? Those are the questions that we are asking ourselves.

The real issue is about resources. How much do we invest in our public primary and secondary schools, so that we can get the best results? If you want to get the best out of something, you have to invest in it. The Government has not been very serious on that. I think the Government was only concerned with fighting illiteracy. It has very little concern about the quality of education that is given to our children. After the introduction of the free primary education, the Government stopped at that. Under that programme, we have cases of about 80 children in one classroom and no attention is given to individual pupils. How do you expect a teacher to attend to 80 pupils? That is very difficult.

Private schools are very strict with the number of pupils per class. They have 30 to 40 pupils per class and each pupil is coached, attended to and his questions are answered properly. The pupils get a lot of information and excel at the end of the day. We have not been very serious. The Government is telling our children: "Go to school and learn how to read and write!" That is exactly what this Government is interested in. It is not interested in the quality of education that is offered to our children.

If we are serious today, even in this House, we have to start with ourselves. The Permanent Secretary in the Ministry of Education must send his children to public schools. The Minister for Education and his Assistant Ministers must send their children to public schools. Why do you send your children to private schools and expect the poor Kenyans to send their children to public schools, when you know very well that the Government has not injected any money in those schools?

Mr. Temporary Deputy Speaker, Sir, unless we change, this trend will be very serious at the end of the day. We may not realize this today. But after sometime, this issue of inequality in education will affect our society. So, if we have to be serious, let us start from ourselves. I urge hon. Members and senior Government officers to send their children to public schools. Let those who are not occupying public offices send their children to private schools. If a child of the Permanent Secretary, Ministry of Education or Finance is in a public school, he will inject a lot of money there, because he wants the best for his child. That is why we need the Government to be very serious and inject more money in public schools. We are very much interested in the education of our children. We should not separate the children of the rich and those of the poor. If we leave this trend to continue, it will be very dangerous. If you are asked today to say where the children of hon. Members school, I am sure, none of them, are in public schools. They are all in private schools. Even the Chair's children are in private schools. So, let us be very serious and give our children the best education.

With those few remarks, I beg to move.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Kaino, who is seconding the Motion?

**Mr. Kaino:** Mr. Temporary Deputy Speaker, Sir, the seconder of this Motion is hon. Kioni.

**Mr. Kioni:** Thank you, Mr. Temporary Deputy Speaker, Sir, my name is Kioni from Ndaragwa not Kiuna.

Mr. Temporary Deputy Speaker, Sir, in seconding this Motion, it is important for us to realize the importance of education in this country. Our children cannot access the many available opportunities and privileges without quality education. It is true that with the current



trend of academies in this country, only those who can afford to go through them can access many opportunities in this country. We know all positions in national schools in the country are taken up by children who attend academies. If this is not checked, many of the young pupils from poor families will never get places in national schools. As mentioned earlier, this is a sure way of perpetuating the class issue. We have some students in this country who have been condemned to the point that they cannot attain marks that will make them join national schools or even provincial schools. There is no other better way and means of widening the gap of the haves and have-nots, if we do not pay much attention to the quality of education in our public primary and secondary schools. Even as we continue with the analysis that was given by the Government last year, it was clear that those who were able to get grade "As" came from these academies.

Mr. Temporary Deputy Speaker, Sir, it is important that even as we look at the budgetary allocation, we check some of the policies that have been put in place by the Ministry or the Government. In my constituency, for example, we have young people who went to teachers training colleges in 1999, but they have never been employed. I am aware that some constituencies have employed those who trained in 2007. I agree with the many hon. Members here who have said the quota system is entrenching tribalism in this country. Just imagine how we confine students to schools in their backyard. In so doing, we fail to expose them to the diversities available in our country. All these things impact negatively on our society. So, even as we urge the Government to increase budgetary allocation to schools, it is also important that the Ministry looks at the policies that are in place because they are impacting negatively on the lives of many in this country.

We have many orphans in this country because of the HIV/AIDS scourge and many other such diseases that have taken away parents of young people. When you look at them, you are left a worried person because they will never go to these academies. In essence, these children cannot join national schools because nobody will pay for them in the academies. So, the Government must pay more attention to public schools because this is where the children of the very poor are. Hon. Kaino mentioned that children of Members of Parliament are in academies. It is true that most of our children are schooling those academies. It is also true that children of teachers in public schools go to those academies. It is a pity that most teachers in public schools do not have their children there. It is important that we also pay attention to the issue of supervision that is required, so that teachers make good use of the money allocated to the education sector in this country.

In the Budget, education sector was allocated Kshs139 billion. This money is not enough. We need more money. It is also important that teachers make good use of this money. They must make sure that they utilize their time in classrooms as required of them. In my constituency, we have one or two academies. Some of the constituencies cannot even afford these academies. So, if it is a question that children must go through academies, then we are saying that some people from given areas will never be able to attain to secondary school education or university education. In so doing, they will be completely shut out from the opportunities that are available to them. So, it is important that even as we look at the budgetary allocation, we also review those policies that are impacting negatively on the lives of many people in this country.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to fully support this Motion. I want to sincerely thank Mr. Kaino for bringing it forward. Education is key to any family and child of this country. It is the wish of every citizen and parent in this country that their children get quality education. It is always the wish of every family that their children get opportunities in schools where there are facilities. It goes without saying that our national schools rank first in terms of having almost all the required facilities in this country.

During our time, from the village schools where we went to, all of us had equal opportunities of joining national schools. I do recall that during my time, I travelled all the way to Starehe Boys Centre for an interview because at that time, it was possible for any child from any part of this country learning in our public schools to make it to Starehe Boys Centre. That is not the case today. Our public schools then used to perform very well. After sometime, the performance of our public schools went down. Instead of the Ministry of Education and all us as leaders joining hands to address the problem of poor performance in our public primary schools, we open academies and take our children to them.

Mr. Temporary Deputy Speaker, Sir, even the Ministry of Education officers, instead of addressing the issue, also took their children to private schools. Of course, even the Members of Parliament and other people in other positions do not have their children in public schools. As a result, the education in our public primary schools has gone down. Therefore, there is need for us to urgently address this matter.

The concern that we have today is that the state of our public primary and secondary schools is wanting in terms of development. Most schools are poorly constructed. Some of the buildings are made of mud and yet as a country, we keep talking about realizing the Vision 2030. We cannot talk of realizing Vision 2030 if at that time, we shall still be having some of our schools made of mud.

Mr. Temporary Deputy Speaker, Sir, most of our public primary schools are seriously under-staffed. These are the schools where the children of the poor go to. It is an issue that needs to be addressed urgently by us as leaders. As a result of the introduction of free primary education we have serious overcrowding in the primary schools. We should not rest, sit back and watch and assume that all is well when in one class we have over 80 pupils being assisted by one single teacher. Most of the academies are boarding schools. So, the distance between the boarding section and the classrooms is very small.

As a country, we have not addressed the need to keep construction in many public primary schools in order to ensure access. We still have so many children in today's Kenya who walk for five kilometres to the nearest school. These are issues that need to be addressed if we really want to bring out the leaders of this country from among all the population.

Mr. Temporary Deputy Speaker, Sir, most of the academies also have an attachment of a nursery section but the public primary schools do not have the nursery section. This is something that needs to be addressed because the foundation of education begins from the nursery school. Therefore, many Kenyans are disadvantaged especially when they started school in Standard One before going through nursery school. As leaders, we must inject more money into these schools if we really mean well for the majority of Kenyans today. The offer of free primary and secondary education is not enough. The introduction of free primary and secondary education has seen this country's budget on education go up. We should not just be spending money every year and not looking at the output from these schools. We ought to ensure that what we invest,

we are able to realize the fruits of the same. Therefore, there is need to ensure that more money is given to the Ministry in order to take care of the employment of teachers in this field.

Mr. Temporary Deputy Speaker, Sir, our students are talking of adopting the Information, Communications and Technology (ICT). It is so unfortunate that it is only in our academies that we have students learning computers while in our public primary schools we are yet to implement this very important endeavor. It is important that an allocation is made so that every primary school in this country is connected with electricity in order for them to embrace the same.

It is unfortunate to note that most of the teachers in our academies have never gone through any professional course, yet, they are able to produce the best results. The Ministry of Education has a department that deals with quality assurance and that is what we want. We want the department to be restructured to ensure that our teachers are actually teaching. They should be motivated to do their work. Motivation means that when one does well, he or she is commended for the good work done. We are in a situation whereby many teachers do very well and the Ministry is quiet.

Mr. Temporary Deputy Speaker, as a country, the time has come for us to seriously focus on our public primary and secondary schools and inject more resources in them so that we are able to move forward. I would like to applaud the Minister for Finance for setting aside Kshs30 million per constituency to ensure that we have one quality school in every constituency in this country. That is a wonderful move but one is not enough. We want many more of such. I would also like to applaud him for setting aside Kshs7 million to upgrade and improve two primary schools per constituency. This is a wonderful move. We want to see more money being injected in education if we really mean well. As leaders we want to ensure that Vision 2030 is fully realized not after 2030 but by 2030. That can only happen if we fully address the issues of education.

With those few remarks, I beg to support.

**Mr. Shakeel:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The time-keeper is totally out of sync. May I ask the time-keeper to be more attentive because she forgets to turn the hour glass and sometimes it goes to 15 minutes?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Shakeel! The Clerks-at-the-Table have adequate experience and they are up to the task and they are doing their job just fine.

Mr. Njuguna, please, proceed.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, I stand to support this very important Motion. I intend to raise one or two points on the same. It is the philosophy of our country that we support and encourage private investment. The academies have continued to provide quality education because the proprietors have planned on how to improve learning in those institutions. They have invested adequate resources and have also realized the need for effective management in the academies. They have also inculcated the sense of quality work in those institutions. Discipline has also been realized in those academies.

Also a firm foundation has also been laid down and teachers are given incentives. Therefore, these private academies are bound to excel and continue to play a major role in terms of provision of quality education. I would think that it is important that our public secondary schools and other institutions must emulate the performance in these private institutions. It is, therefore, important that, although we continue crying about resources and facilities in our schools, that our teachers start working hard. It is important that we urge our teachers, who are professionally qualified, to work hard or get more devoted to their responsibilities. Our teachers

in secondary schools and even primary schools are never motivated. I imagine the responsibility allowance for the heads in these institutions is never reviewed. A responsibility allowance that was given to a headmaster of a primary school for the last 20 years of Kshs200 still exists today. That head teacher must be motivated by increasing the responsibility allowance. That principal in a secondary school whose responsibility allowance has stagnated for the last 20 years should be motivated by increasing his responsibility allowance. If we increase responsibility allowance, the principals and the head teachers will feel encouraged and work more. It is important that we note commitment and sacrifice and the love for work is encouraged by increasing incentives.

Mr. Temporary Deputy Speaker, Sir, the other factor that we need to look at before we seek for more funds, is that the curriculum, either in our primary or secondary schools is never implemented. It is never implemented because we do not have an adequate number of teachers to handle the curriculum. We do not have enough number of teachers to effectively carry out the syllabus. It is, therefore, imperative and prudent that the Government must pay more attention to this sector. We have trained teachers in this country; although their parents have paid fees for them, they have not been employed. They are now idle and they are almost coming to the retirement age even before they are engaged by the Teachers Service Commission (TSC). This is total shame. We cannot allow this thing in this nation. We have noted that some of these teachers are crossing the border and they are employed in Tanzania and Uganda. We need to utilize these resources in this nation if only adequate funds are released.

The other issue that we need to note is that we lack role models in our schools. You can imagine when a head master or a principal reports in the morning in the school A or B and he is drunk. They need to improve on the role model regarding the leadership of our institutions. The sponsors of our institutions, be they the Catholic Church, PCEA or AIC, need to play a greater role in terms of making sure that the moral stand in our schools is maintained.

It is also the responsibility of the Government to make sure that we have water in all our schools because if you took your child to a private academy, water is there constantly. We also need all our schools to be connected with electricity. If these basic requirements are implemented in our schools, we are likely to improve the quality of education in our institutions.

Mr. Temporary Deputy Speaker, Sir, it is also worth noting that children in our schools learn while hungry, whereas, in these academies, the children are well fed. More money must be invested in the school feeding programme so that the children do not learn on empty stomachs. It is, therefore, important that adequate funds must be generated and released to the education sector if we really need to improve the quality of education in our schools. Under-staffing in our schools is of great concern. This morning, the issue of understaffing in our schools was raised by an hon. Member. We remember well that we have about 60,000 teachers lacking in our schools. It is important, therefore, that enough money is released to the TSC so that an adequate number of teachers is realized and, therefore, reduce the shortage of teachers in our schools.

With those few remarks, I beg to support.

**Mr. Shakeel:** Thank you, Mr. Temporary Deputy Speaker, Sir. I still feel that the time keeper should use the hour glass so that we know that everybody has a shot.

I rise to contribute to this Motion. What we all realize is that the levels of primary education in public schools has dropped. They have dropped drastically because there has not been enough investment in our public sector but we cannot kill off what has come up instead, which is private academies. They have come in because there is a shortage and a need for quality education. We needed to spend more time on improving the quality of education in our public institutions. Unfortunately, we will sit here and talk about it, but this society is no longer a

socialist society. Either we put our priorities right and we say that education is free, full stop!  
Or---

Could you please ask my colleagues to give me a little bit of time?

*(Mrs. Kilimo and Ms. Chepchumba consulted loudly)*

**The Temporary Deputy Speaker** (Prof. Kaloki): I think they will!

**Mr. Shakeel:** Thank you, Mr. Temporary Deputy Speaker, Sir. Either we are a socialist society or we are not. The fact is; this is a capitalist society. Unfortunately for us, the quality of education in our public schools has deteriorated and now the Minister is here and he will confirm to us that during our time, public institutions, especially primary and secondary schools, were centres of excellence. Now we only have a few. For argument; sake, in Kisumu, we have Victoria Primary School, which is still a public school but one of excellence. We have Olympic Primary School in Kibera. It has had very good results but what happens? The teachers are transferred from those schools and sent to other places or they are frustrated and they leave. They are taken up very quickly by private institutions. The Ministry needs to come up with what we might call centres of excellence. It should be decided that we will have three or four schools per province which are going to be public schools for which all facilities will be provided as if they are private-run schools. Those schools must not be allowed to be only for the rich and powerful. The rich and powerful should not force their children into those schools. There was a time when Olympic Primary School, which is a public primary school, excelled and a lot of rich people's children went to that school. It was not because of the fact that it was a public school. It was because the level of academic achievement was good. In Britain, we have grammar schools and I urge the Minister to remember that they are there for children who have achieved a certain standard, whether they are from the rich or poor families and they pay no fees. They are supported by the Government and they are given all facilities.

The other thing is that we have quality assurance officers in the education sector. This is a very noble idea and doing very well. But if you see some of those quality assurance officers or the teachers, I remember meeting one quality assurance officer the other day from my constituency. She does not even have an office. She stays in an office with a chief. When you are not giving them that facility, how can they arrange for quality assurance?

The other thing, Mr. Temporary Deputy Speaker, Sir, is the issue that we must remember; the issue that we have--- When we were children, there was milk in primary schools, no matter which primary school you were in! I remember drinking that milk in the morning. It is no longer available to us. But that does not mean that public schools should give up hope. Public schools must be given certain criteria. They should have not more than 50 or 60 students per class. If there are more students in a class than that, then another school must be opened up.

Furthermore, Mr. Temporary Deputy Speaker, Sir, there is the issue of social responsibility. I think if the Ministry is able to come up with some standards which say to all private schools and academies: "Irrespective of what you are doing, you will give 10 per cent or a certain number of your admission to children from needy backgrounds or those who cannot afford such schools. That will be a requirement for you to be registered and you will not be registered unless you meet that requirement." I think that is one way out. I do not think any private institution would like to lose its registration just because it cannot give sponsorship to needy students.

Mr. Temporary Deputy Speaker, Sir, we can go on and on about what we want to do about education. As far as Information, Communication and Technology (ICT) is concerned, I notice that the Deputy Prime Minister and Minister for Finance said that we will be given so many computers. I came from Rwanda the other day where there is a really fantastic program called “One laptop per child”. Those laptops are being used in primary schools and Rwanda ordered nearly 100,000 of those. They intend, for every single primary school child, to have a laptop computer that will give him or her the facility of all books and other facilities. I was told that officials of the “One Laptop per Child Program”, came and talked to the Ministry of Education, but it never responded. They invited them, but they never responded! I was told by Prof. Negroponte himself that it appears that the Ministry here has different priorities. I think this is the time for ICT. The “One Laptop per Child Program” is the way forward. That is what you will give to your public schools – the facilities and ability to get information, to get specialized education standards higher up without even having to improve on the physical requirements of the schools.

Mr. Temporary Deputy Speaker, Sir, the “One Laptop per Child Program” is there in Uruguay. It is covering 2.5 million children. Every single child in Uruguay has a US\$100 laptop that gives them internet facilities. That is the way forward. We can improve our facilities and classrooms but, if we do not have teachers, we cannot do very much.

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

**Mr. Mwangi:** Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. Indeed, from the outset, a lot has been said and without being repetitive, there are some observations that we should be able to make. One, for good schools, they require efficient management. Two, a good school requires adequate, experienced and well trained teaching staff. For a good school to deliver quality education, it requires adequate physical facilities. Also, we do require, in that good school that we are looking forward to, good and efficient management. That requires good and well trained head teachers and principals on human resource management.

Mr. Temporary Deputy Speaker, Sir, we do appreciate that the Deputy Prime Minister and Minister for Finance has given the Ministry of Education a lot of support in his Budget. I also commend the Minister for Education for having taken a lot of interest in improving our primary and secondary school education sector. However, it is also important for this House to note that the Government does not have all the resources that we may need to give the best education that this country can afford. On that same note, it is good to commend the private investors. What we require in this area is good policies that consider the lower cadres of our community. Private investments are encouraged in this country, but there is inequality in distribution of places in national schools, where the Government has spent a lot of money in giving the best facilities for the most qualified or the children who have done the best from the primary educational sector. It is equally the same in secondary schools.

Mr. Temporary Deputy Speaker, Sir, ICT is an important element in our development. We do not have to reinvent the wheel in Kenya. The emerging economies have shown that no country will reach that development aspect that we are looking for without sound and good foundation from our primary schools. We do also recall that the Minister for Education, in this House, did say last year that: “Come 2010, the Ministry will take care of early childhood education in every public primary school.” We are looking forward to seeing that being achieved because it also requires more funds in early childhood development stage, where all primary schools will have their own children starting from age five and below. By the time they get to Class I, they would be prepared well enough to handle education.

Mr. Temporary Deputy Speaker, Sir, the Ministry's policies need to be looked into again. The quality assurance officers are not enough in our country. Where we have them – they were previously known as school inspectors - the resources are meager. They have no transport and the tools of work are inadequate. Those are the issues that the Ministry should be looking into, if they want to improve our public primary and secondary schools. The rules given by the Teachers Service Commission (TSC) and the Ministry of Education should be adhered to strictly.

Having said all that, Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

By inserting the words “and to enhance the quality and frequency of inspection, supervision and implementation of the curriculum” on the eighth line of the Motion after the word “allocation”.

Mr. Temporary Deputy Speaker, Sir, there is no need of giving schools teachers and everything without implementing and supervising the curriculum.

With that suggested amendment, Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

**The Temporary Deputy Speaker** (Prof. Kaloki): So you are proposing an amendment?

**Mr. Mwangi:** Yes, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Do you have an hon. Member to second it?

**Mr. Mwangi:** Yes, hon. Njuguna.

**The Temporary Deputy Speaker** (Prof. Kaloki): Proceed, hon. Njuguna!

**Mr. Njuguna:** Thank you, Mr. Temporary Deputy Speaker, Sir---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Njuguna! You cannot second the amendment because you have already contributed to the Motion.

**Mr. Mwangi:** Mr. Temporary Deputy Speaker, Sir, Mr. Bwire will second the amendment.

**Mr. Bwire:** Mr. Temporary Deputy Speaker, Sir, I stand to second the amendment. Could I also use this chance to contribute?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Bwire! You have to second that particular amendment.

Mr. Mwangi, I will give you time to read out the amendment that you have proposed so that Mr. Bwire can follow it. Could you, repeat the ---

*(Mr. Mwangi passed a document across the Table)*

**The Assistant Minister for Education** (Prof. Olweny): On a point of order, Mr. Temporary Deputy Speaker. I am not sure whether it is in order for hon. Members to exchange documents across the Table.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Prof. Olweny! You are right. Mr. Mwangi, I request you to read out that amendment so that Mr. Bwire can follow.

(Prof. Kaloki consulted with the Clerk-at-the-Table)

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Odhiambo, are you in a position to second the amendment?

**Mr. Odhiambo:** Mr. Temporary Deputy Speaker, Sir, I second the amendment.

**The Temporary Deputy Speaker** (Prof. Kaloki): Could you contribute a little bit on the amendment you have seconded?

**Mr. Odhiambo:** Mr. Temporary Deputy Speaker, Sir, in terms of supervision, it leaves a lot to be desired. Many of our quality assurance officials---

*(Loud consultations)*

I am seconding the amendment and I think Mr. Mwangi has read it out. Many of our quality assurance officials have not been facilitated enough to monitor the quality of education in our schools. This is because they lack funds and the morale. Therefore, they do not have the ability and facilities to monitor the performance of schools. This amendment, if enacted, will enable school inspectors, quality assurance officials or education officers to do their work better.

In my constituency, only one of the quality assurance officers has a motorbike which is not even serviced. Sometimes it is not even fueled. So, this amendment asks for more than just a budgetary allocation. It also seeks to ensure that the monitoring of schools is improved. That way, the quality assurance officers will check and monitor the performance of our secondary and primary public schools. In fact, during the colonial period, the inspectors of schools were allocated vehicles or motorbikes. This enabled them to move round to check the performance of schools. The performance of public schools was better than that of private schools at that time.

We support the idea of the Deputy Prime Minister and Minister for Finance that we will have centres of excellence. At the end of the day, those centres will be like the private schools that we are talking about. They will have better facilities than those found in public schools. The people who are endowed with resources will take their children to the centres of excellence. I would rather the money is distributed fairly instead of it being channeled to one school. That way, we will have most schools in constituencies having basic facilities. With the current proposal, we will have one school with excellent facilities while others have none. I am talking about facilities such as laboratories, libraries and ICT centres. We support the idea of creating centres of excellence. However, two things need to be done. First, the centres of excellence should be increased to five per constituency. If this is done, many schools will look alike. Alternatively, the money should be distributed to various schools so that they can buy what they require.

Mr. Temporary Deputy Speaker, Sir, the morale of teachers is very low because they are not paid well. Recently, the salary of teachers was only increased after they went on strike. We want the Government to know that unless teachers are paid well, like they are paid in private schools, their morale will be low and their production will not be high. We know of teachers who have left public schools for private schools because of better pay. While in the private schools, they produce better results than when they were in public schools.

It has been mentioned that the staffing level in public schools is inadequate. The recommended ratio is one teacher to 40 pupils. Today, we have one teacher handling 180 pupils. Unless this matter is attended to, the quality of education in public schools cannot compare with that of private schools. This can be rectified if more funds are allocated to public schools.

The teachers in public schools work under very difficult conditions as it has been mentioned here. Not only are they poorly paid, but they also do not have decent houses. You will find some teachers living behind shops or bars. They are unable to perform better because the facilities they are exposed to are not good.

There are also cases of pupils walking long distances to school and yet there are no arrangements for lunch. They get tired and hungry and this affects their performance. They



cannot, therefore, compete with the private schools which have made arrangements for lunch. Some of those schools even have boarding facilities.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I second the amendment.

*(Question, that the words to be inserted  
be added, proposed)*

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, I support the amendment. This is a very critical Motion, particularly for those of us who come from rural and marginalised areas. It is true that private academies are concentrated in big towns and urban setups. They are meant to capture the people who are endowed with resources. These are salaried people or those involved in business. Therefore, such parents have the ability to send their children to public schools or private academies. If you visit rural areas, you will only find public schools. This is attributed to high poverty levels. To start with, the rural folk do not have the financial capacity to construct private academies.

Secondly, parents from rural areas cannot afford to raise the school fees charged by private academies due to high poverty levels. Therefore, parents in rural areas do not have a choice but to send their children to public schools. So, I agree with the Mover of the Motion that there is need for increasing the Budgetary allocation for public schools, because the majority of our children go to schools in rural areas.

Mr. Temporary Deputy Speaker, Sir, there are characteristics that are found in public schools, which have already been mentioned. I just want to expound on a few of them. One of them is inadequate physical facilities, and specifically classrooms. It is not unusual to find a classroom that is shared by more than one class. You have pupils from Class I and Class II sitting in the same classroom, but facing different directions.

Certainly, in such a scenario, it is not possible for a child to concentrate, because it depends on what subject is being taught. So, such a situation will interfere with the concentration of pupils. We also have a problem of unavailable facilities like toilets. In the event of an outbreak of cholera, or other contagious diseases, many students will be affected due to lack of such facilities, and schools will end up being closed.

Mr. Temporary Deputy Speaker, Sir, there is also a problem of inadequate staffing. This is a critical problem in public schools. I want to cite an example in my constituency of Samburu East, where you find only two teachers in a school against seven classes. So, you can imagine what two teachers can do with seven classes. In the event that one teacher is absent, six classes do not get any instruction. What would you expect of such schools when it comes to performance in national examinations? Certainly, poor results, and you know what that means in our case.

In our case, where the education system is examination-oriented, it means that unless a child performs well at a given level – say, in primary education - that child will not be able to pursue further education in secondary school, because that will be determined by his performance in the Kenya Certificate of Primary Education (KCPE) Examination. The same applies up to university. So, you find that the education of our children is compromised due to this examination orientated system.

Mr. Temporary Deputy Speaker, Sir, availability of water is also critical, particularly in marginalised areas, or in semi-arid areas, where there is scarcity of water all the time. You find that many schools do not have treated water. Unless a school is lucky to have a borehole, which

is a permanent source of water, children will be forced to get water from other sources like rivers, or from their own homes.

So, you can imagine getting water that may not have been treated, either from rivers or from their own homes. In such a case, a child will spend a lot of time looking for water. Secondly, that water is not clean and, therefore, can expose children to unhygienic conditions. The current case of a cholera outbreak across the country may be attributed to insufficient water or lack of it. Therefore, this is an issue that the Ministry of Education should take up. While constructing a school, or for the existence of any school, water must be given priority to ensure that children's time is not wasted.

Mr. Temporary Deputy Speaker, Sir, finally, we know that, as it has been said, quality education involves so many factors. Others have already been mentioned, but the issue of education officials, who are supposed to supervise schools to ensure that proper instruction, or attention is being given to pupils, is critical. Without transport, which is a common problem in many districts, this goal cannot be achieved. Therefore, it is necessary that the Ministry of Education considers facilitating education officials through provision of means of transport, so that they can supervise schools to ensure that there is regular attendance to schools by teachers and proper coverage of the syllabus to ensure pupils are ready for end-year examinations.

With those remarks, I beg to support.

*(Question, that the words to be inserted  
be inserted, put and agreed)*

*(Question of the Motion as amended proposed)*

**The Assistant Minister for East African Community** (Mr. Munya): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to add my support to this very important Motion.

Kenya is a class-based society. We have those who have the means to take their children to the best schools available in the country and, therefore, their children are able to get the best education they can have, and those who do not have that ability, because of lack of means. Therefore, when we treat those two classes of people the same, we do injustice to those who do not have the ability. The responsibility of Government is to try to bridge that gap, so that all citizens of this country can have equal opportunities. Where abilities differ, even opportunities differ. You cannot access the same opportunities. So, in that regard, we need to look at public schools in that special way, so that children from poor families can access quality education, which rich people are able to purchase for their children with the money that they have.

Mr. Temporary Deputy Speaker, Sir, the Government has done a lot. We must give credit where it is due. With the advent of the free primary education programme, and the partially free secondary education programme, the Government has been trying to address that historic problem of poor people not accessing quality education. The Government has pumped a lot of money into public schools. If you look at the Budget, you will see that almost one third of the total Budgetary allocations are going to education.

Most of this is going to free primary education and secondary education. However, this Motion is saying that is still not enough. If you go down to the constituencies you will realize that, that is not enough. In terms of physical infrastructure, very little has been done. What is sent to schools is mostly money for maintenance, paying employees and books. However, in terms of improving physical facilities, very little has been done. The little that has been done is more from

the Constituencies Development Fund (CDF) and donors with particular interest in improving certain areas. There is very little real impact, in terms of improving facilities in poor rural areas. We need to look into that so that the Government can put in enough money to have an impact in that area.

Mr. Temporary Deputy Speaker, Sir, beyond allocating money, the amended Motion says there is need for inspection. Very little inspection is done. We are in touch with the ground and know. There is no money and no vehicles in the Ministry to go to interior areas for inspections. What happens is that inspectors usually go to schools that are near the District Education Officer's (DEO) office. These are schools around the district headquarters. Beyond that, nobody knows what happens. If you are in the marginal areas, nobody cares or knows what happens in those schools. That is why the schools lag behind. The Government is not able to give enough money to facilitate inspectors and Quality Assurance Officers to go to the schools and find out whether there is teaching, facilities are there and what can be done to improve the quality. Therefore, that aspect of inspection is very important.

Mr. Temporary Deputy Speaker, Sir, even in terms of utilization of the money that is taken to secondary and primary schools, the Government, again, is not able to do proper audit to find out whether that money is used. What we know is that a lot of that money is misused. Headmasters are told, "Give us audit reports". What do headmasters do? They get somebody who has done some auditing in the village, give them the responsibility and pay. He or she picks the papers, streamlines the books and presents them in an audited form. That report is then taken to the Ministry. But the Ministry has no capacity to follow up and see whether that money was properly spent. It has no capacity because it does not have enough money provided for that exercise. So, what we have is a blank cheque at the primary school level and secondary schools for the management to spend the money the way they want.

Some are very good. They try their best. We know they struggle and manage the money properly. However, some have very little training in terms of management of money. They have not been able to manage money before. This is especially the case at the primary school level. These are the capacities that are needed so that the money can be used properly to improve education at the grassroots level.

Mr. Temporary Deputy Speaker, Sir, as a result of this disparity between those who are able to go to the best schools because they have the money and those who go to public schools, we have very few people from public schools in secondary schools. Then at the university level, they are even fewer. The only aspect that helped in the past was poor people managing social mobility by children managing to go to university, getting properly educated and getting jobs. That window that was there that helped bring equity and social justice is no longer there. This is because the academies take everything. They are the ones who produce those who go to national schools and therefore, they are the ones who produce those who go to the best universities. So, again, the poor people are losing the small window that was helping to equalize us.

If you look in this House, many Members are from fairly poor families. However, they have managed to reach where they are because those days the education system had some space for poor people. However, the way we are moving and always emphasizing only grades irrespective of looking at whether the poor people have the opportunity to produce the good grades that we want in national schools and universities, we are slowly closing and making it impossible for poor people to make it in life. We are sowing seeds for future conflicts in this country. Because poor people cannot get good education they cannot get good jobs. The rich continue getting richer and their children are the ones who would be getting jobs. Anyway, they

are the ones who will be going through the best education system. That class structure, which we are strengthening instead of breaking, is sowing seeds of instability in this country. We need to address that disparity now. That is why this Motion is very timely.

Mr. Temporary Deputy Speaker, Sir, I want to note that beyond that categorization of public and private schools, we also need to see the disparities in regions. Poor areas, especially the ones somebody would like calling “marginalized”--- I do not like using the word marginalized because that means that somebody has marginalized them. Sometimes, they have even been marginalized by the environment. There are very difficult environments where it is very difficult to run public schools the way they are. For example, in nomadic areas, when you give money to schools and say, “every pupil to receive this amount”--- That is the way the Ministry of Education allocated money. It does it in terms of children. If you have 20 children, you are given money meant for 20 children. If you have 50 children, you are given money for 50 children. Those children are not under the same circumstances. A child in Nairobi or Kiambu cannot be under the same circumstances as a child in North Horr or Lodwar for you to allocate them the same amounts of money. The circumstances are different.

Probably a child in Kiambu or Nairobi is able to access water, newspaper, books, television and the internet. The children from the two areas are totally different and therefore, they need to be treated differently in terms of allocation of resources so that they can compete at almost the same level. However, once you allocate resources equally, you are missing the point. So, we need to streamline that and look for a model of education in nomadic pastrolist areas that fit their circumstances. In my opinion, there should be a boarding that is well equipped by the Government, enough food and people to take care of them. When the family moves in search of all pasture and all that, children are not interrupted in their learning. They can be left in the boarding schools to learn. The families can move knowing their children are secure in those boarding schools. They can then reintegrate when they come back.

However, when you treat them like other day primary schools and expect that when the family moves, the child will still be around there coming to school, we are being unrealistic. We have, therefore, to address the regional disparities so that we can do what the Motion calls equity and social justice.

With those few remarks, I beg to support.

**Mr. Gaichuhie:** Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Motion.

First of all, I would want to say that education is the key and it should not be denied to anybody because of their status in life. We have left academies to the rich because they can afford them but have neglected public schools, where as a result of the free primary education, all other children are supposed to be in.

Mr. Temporary Deputy Speaker, Sir, we should endeavour to put more funds towards education since this is the only thing that we can give our children. Furthermore, we should also enhance the quality of education by making sure that the quality assurance officers are well equipped. They should have enough vehicles and the ability to inspect schools.

After the quality assurance has been done, we realize that those reports are normally shelved. Nothing is taken into serious account. We also want to ask our education officers to take our quality assurance reports very serious, so that we can have quality education that we require for our children.

We also have to ensure that public schools, before being registered, have all the necessary facilities. We have some secondary schools which have been set up using the CDF money. They

are registered after the construction of one classroom when they do not even have a laboratory or a library and the students are expected to compete with students from other academies. I would like to request the Ministry of Education to go back and start constructing schools. They have left the issue to the CDF. The CDF is made up of only 2 per cent of our total revenue. Most schools are set up by putting up one classroom and after one year, another classroom is set up so that the students can join Form II. By the time the students are doing their final examinations, they will have only four rooms. They will not have a laboratory or a library, and yet the school is registered by the Ministry of Education. I will urge the Ministry of Education, before accepting to register a school, to make sure that the school is properly equipped and has all the facilities so that the students can compete with students from other schools.

Mr. Temporary Deputy Speaker, Sir, I do not know what happened. We no longer have new schools coming up. We only complain about lack of teachers. Fine, we know that we do not have enough teachers but we also do not have enough rooms for our children to undergo good education. That is why you will see parents struggling to sell all their assets so that they can take their children to private institutions. It is not that they would want to but because they know that there is nothing else they can give to their children. I would urge the Ministry of Education to construct schools apart from providing free primary education and free secondary education.

We are happy that the Ministry has taken a step forward by allowing us to recruit more teachers. However, we still have a big shortage of teachers. We have very well trained teachers who are looking for jobs. The Ministry should allocate more funds so that more teachers are employed and can give quality education to our children.

The remuneration of teachers is still wanting. Most teachers run side businesses which they really concentrate on. What they earn, at the end of the day, cannot make ends meet. They also want to take their children to private schools just like other Kenyans. That makes teachers not to perform very well because if you have a business; you have also to concentrate on it. We urge the Ministry to consider remunerating teachers well so that they do not engage in other side businesses. The Government also should increase the quality assurance officers in our districts so that they can monitor the progress of our schools and ensure that teachers take their work seriously.

With those few remarks, I do not want to be repetitive, I beg to support.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Members! It is now 11.52 a.m. I will ask the Government Responder to respond to the Motion.

Prof. Olweny, proceed!

**The Assistant Minister for Education** (Prof. Olweny): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support the Motion. If what the Motion is asking for was to be implemented, then our public schools would be performing much better. I do not think anyone else would be taking his or her child to a private school. It is true that the private schools today are performing much better than public schools. However, sometime back, in the history of this country, the best performing schools were the public schools. Those days, we used to refer to private schools as Harambee schools. They were very bad. They did not have the facilities; they did not have good teachers. All the facilities with good teachers belonged to the Government. However, somewhere along the line, Government resources have been overstretched. The Kenyan population has grown so big that the Government is not capable of handling everything. The private investors have overtaken us because they put up few schools, manage them well, make sure that they have the best facilities and the few students that they have do very well.

The Government, through the Ministry, is facing many challenges. It is facing many challenges which are making our schools do poorly as opposed to private schools. Hon. Members here refer to those schools as academies. Of course, there are some private schools which do very poorly and our people take their children to the poor performing private schools. Our schools lack infrastructure due to the inadequate resources. You will find that a school does not have a laboratory building. It is true. We cannot deny the facts we have on the ground. However, when they have a laboratory, the equipment they have is not up to the right standards of a science laboratory. Some classrooms have too many students. In a small room, you will find over 60 students. The environment is not very conducive for learning.

We do not have enough schools in the rural areas. The urban areas may have enough schools. However, if you go to the Arid and Semi Arid Lands (ASAL), you will find that the schools are much far apart and they have few students. They also do not have infrastructure. We have many day schools in the urban centers but we do not have enough of them in the rural areas. Of course, with the poverty, parents do not take their children to school. Many children do not attend schools. The few that we have in the rural areas have shortage of teachers and facilities. In this House, we have always talked about shortage of teachers. Hon. Members have always been concerned about shortage of teachers. We have always responded to Questions with regard to shortage of teachers, saying that the Ministry cannot afford to have enough teachers because of the resources we are given by the Government. It is this House that approves it. If what is in this Motion could go through and the Government goes by it, it would be wonderful.

We know that over 10 years ago, we had an employment freeze in the public sector. That affected the Ministry of Education. We cannot employ teachers apart from replacing those who retire, die and resign from our service. We cannot also employ quality assurance personnel and other personnel who help in the Ministry of Education because of that freeze which came into effect over 10 years ago. It is affecting us. Therefore, when you compare this situation with the private schools, you will see that those people have their money, they can employ as they wish, they can buy facilities as they wish and, put up infrastructure as they wish because they have the money. We have to use the limited resources that are availed to us. That is why, as a Ministry, we are supporting this Motion because it would make the Ministry improve its performance.

We know that the general population of this country is poor. Most parents are poor and they cannot afford the necessities for their children to go to school. This is also at the nutritional level. A poorly nourished child will not perform well in school and cannot perform well in examinations.

That is the reality in this country. We have the school feeding programme in a few schools. The performance in the schools which have this programme is better than those without. All this is due to poverty. Most parents cannot afford fees charged in boarding schools. They are also unable to buy additional books required in schools. If you cannot afford these things for your child, obviously, he or she will not perform well. Of course, as hon. Members have said, the parents who can afford will take their children to high-cost or private schools which have got everything.

Mr. Temporary Deputy Speaker, Sir, we also have a problem of management in our schools. Of course, we have the teachers in these schools. The principal is like the chief executive officer of the school and the accounting officer. We also have the Parents and Teachers Association (PTA) in primary schools and Board of Governors (BoGs) in secondary schools. These two organs make the management of the schools. Sometimes, those management teams are very bad, since they lack capacity to run these schools. Some of them are highly politicised

and protect teachers. Even the hon. Members, communities and sponsors are also responsible for poor performance of public schools. Politicians will definitely not interfere with private schools, but will do so in public schools. The so-called sponsors who have nothing to do with schools, apart from claiming that they offer prayers, interfere too much with the staffing and the management of funds in schools. Something has to be done about it. At the end of the day, it affects the performance in those schools. I have never heard of faith-based organizations claiming to be sponsors in private schools which are individual investments. They will never poke their noses there, because they will not be allowed to do so. However, these people are a nuisance in public schools because the Education Act allows them.

The Kenya National Union of Teachers (KNUT) also interferes with the management of schools. They protect non-performing teachers too much. At the end of the day, it is a battle between the Teachers Service Commission (TSC) and the Ministry of Education and KNUT, when there are problems involving non-performing teachers. At the end of the day, all this affects the performance in schools.

Despite all these challenges, the Government through the Ministry of Education has made efforts to improve the education standards in this country. We have had bursaries in secondary schools since 2003. From 2006 to date, the Government has spent Kshs1.9 billion in form of bursaries to help the Kenyan child access education. We also have free primary education and tuition in secondary schools. Since last year to date, the Government has spent Kshs15.9 billion to improve education. However, this has led to an increase in enrolment of students to the extent that the facilities we have are over-stretched.

Mr. Temporary Deputy Speaker, Sir, I have heard my colleagues make interjections that the Education Act should be amended. That has been noted. The teachers are few because of the free primary education. Everything that the Government has, has been over-stretched. The Government also provides some money for infrastructure support, so that we can have laboratories, dormitories, administration offices, classrooms and even toilets being built. The Government, through the Ministry of Education, also provides funds for water and sanitation in order to improve the conditions and performance in our schools.

Mr. Temporary Deputy Speaker, Sir, this morning, we talked about recruitment of teachers. The Ministry has been trying its level best with the resources available to recruit more teachers. This year alone, we will recruit 6,000 teachers who will replace those who leave service through natural attrition. There is a proposal that to alleviate the problem of lack of teachers, we should employ the unemployed trained teachers on a contract basis. These teachers will work for a few years before they are employed permanently. Probably, that will increase the staffing level which is seriously affecting education in this country. Hon. Members should appreciate that move by the Government. We will increase the number of teachers on top of the 6,000 who will be employed as interns. If this is done, Members of Parliament will play a role on who is to be employed. I hope that they will help us identify good teachers. Hon. Members should not appoint relatives who will not perform and then make sure that they are not removed from service. That is normal with politicians.

The Constituencies Development Fund (CDF) is one of the initiatives by the Government that has helped this country. Many constituencies have doubled or tripled the number of schools through the CDF. Many parts of this country did not have enough schools and hence, children were not going to school. However, the rate at which the number of teachers has increased is not at par with the increase in the number of enrolled students and schools through the CDF initiative.

Mr. Temporary Deputy Speaker, Sir, the Ministry would like to assure this House that if the House passes this Motion, the Government responds positively by bringing a Bill to be passed by this House, we shall play our role and ensure that the standards of education are improved.

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

**The Temporary Deputy Speaker** (Prof. Kaloki): It is now time for Mr. Kaino to reply!

**Mr. Kaino:** Mr. Temporary Deputy Speaker, Sir, I wish to take this opportunity to thank my colleagues and even the Official Responder from the Ministry of Education. It is loud and clear that this is a worrying trend. We are talking about 99.8 per cent of pupils and students who are in public schools in this country.

Kenya is sitting on a time bomb. It is going to be a very serious issue. I am happy that most of the Members have come out very clearly on this issue. I also wish to thank the Member who has moved an amendment. It is going to check on quality assurance of our education in this country. The teachers in our public schools should do their job properly. We should have motorbikes going round the primary and secondary schools in the constituencies to check on the kind of education that is being offered in our schools. We want all Kenyans to access quality education.

Having thanked the Members who have contributed, I wish also to say that there are some challenges. One of the Members talked about Rwanda and stated that all the secondary schools students have laptops. That is a challenge. Kenya counts herself superior to other countries, but can we also prove it in the education sector? The Constituency Development Fund (CDF) has done marvelous things on the ground and it is only 2.5 per cent of the Budget of this country. If just 0.5 per cent of our Budget is allocated to the education sector, that would improve the quality of our education.

I wish to donate two minutes of my time to hon. Kabando wa Kabando and two minutes to hon. Affey---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Hon. Kaino, you have done a good job in moving that particular Motion. This brings us to the end of the Motion. You should have donated your time a little bit earlier.

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

*Resolved Accordingly:*

THAT, aware that children attending private academies in the country have continuously taken up most of the opportunities in prestigious national learning institutions and secured the most marketable courses in the universities as a result of high quality education facilities; concerned that public schools lack requisite facilities and manpower to guarantee quality education; appreciating the need to improve education for children from poor backgrounds in order to achieve equity; this House urges the government to increase budgetary allocation "and to enhance the quality and frequency of inspection, supervision and implementation of the curriculum" to public primary and secondary schools for enhanced quality of education.

ABOLITION OF DISCRIMINATORY REQUIREMENTS  
FOR DISCIPLINED FORCES RECRUITMENT



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

THAT, aware that in recruiting officers for the disciplined forces, the following height requirements apply; Armed Forces – 5ft 3” (both men and women), Policemen – 5ft 9”; Policewomen – 5ft 3”; Administration Policemen – 5ft 8”; Administration Policewomen – 5ft 3” and concerned that this requirement is discriminative and is not within any legal framework; this House urges the Government to dispense with this requirement in order to allow for equitable recruitment of all Kenyans who meet other minimum requirements.

Mr. Temporary Deputy Speaker, Sir, Section 82 provides that:-

(1) “Subject to subsections (4), (5) and (8), no law shall make any provision that is discriminatory either of itself or in its effect.

(2) Subject to subsections (6), (8) and (9), no person shall be treated in a discriminatory manner by a person acting by virtue of any written law or in the performance of the functions of a public office or a public authority.

(3) In this section, the expression “discriminatory” means affording different treatment to the different persons attributable wholly or mainly to their respective descriptions by race, tribe, place of origin or residence or other local connexion, political opinions, colour, creed or sex whereby persons of one such description are subjected to disparities, disabilities or restrictions to which persons of other such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description”.

There is even a further provision under the Constitution, but one of the requirements by those who have been given the responsibilities of recruiting young people into the disciplined forces is that of height. The Constitution clearly provides that no such discriminative requirements should be put in place. It is now common knowledge to all of us in Kenya that getting an opportunity to serve in the disciplined forces is a source of employment in this country. Many such opportunities existed there before but now, we have the disciplined forces recruiting on a regular basis.

Mr. Temporary Deputy Speaker, Sir, one of the things that officers who have been given that responsibility are required to do is quickly check the height of an individual. It is known to all of us that none of us can determine how tall we are going to be. There is no amount of effort that you can make to increase your height or reduce it, if that may be necessary at any other point. It is against this background that we need to really think straight on this requirement.

In the last recruitment that was done in my constituency, it was difficult to get a lady with the required height. That means that the young people in my constituency did not get equal opportunities with others. Those opportunities were taken to other areas where people have naturally, perhaps for reasons that we may get from the medical doctors, attained that height and beyond. That is really discriminating people from some regions in this country.

It is also important to note that we do not have those requirements in any statutes. It is a practice that is there within the Forces; a practice that has been used at times unfairly. It has been used to make some people qualify and get others off the track. The issue of height is a gift from God and one cannot be punished for not getting that gift from God, unless we want to say that there is something that God was supposed to have done and which he did not do.

Mr. Temporary Deputy Speaker, Sir, we have countries in the planet, where such heights cannot be found. Last year, we had Olympics in China and for all that we know, the average height in China has nothing to do with the 5ft 9” that is required in our disciplined forces and yet, they have a very competent Army. They have a very competent Police Force that maintained high level of security during the last Olympics. I think it was the best that has been done over the years. We cannot see the height issue playing a very crucial role in the whole of that process.

Perhaps, when this was being crafted, and I am reliably told that it is really a colonial requirement that we should have gotten rid of a long time ago, there was the issue of the guns that were available. Maybe, the guns were near the height of 5ft 3”, but now we have guns that are much shorter, more effective and one need not carry a gun that is 5ft or 4ft long. We have shorter guns that are even more effective.

Secondly, the kind of crimes committed nowadays are quite different from those which were committed in the past. For example, we have cyber crimes. I do not know whether you need to be 5ft 9” for you to sit behind a computer and investigate a crime or understand what kind of cyber crimes are being committed. This requirement of height is really not in tune with the things that are now in place. With advancement of technology, we must do away with this requirement. We, as a country, also need to make sure that we are responsive to the needs of our people.

There was also the need then that every other criminal we came across had to be handled physically. I do not think this is a requirement any more. We need not to wrestle all criminals to the ground, so that we arrest them. We now have other ways of arresting them. A police officer does not need to be taller than all other Kenyans around him, so that he can make them obey the law. So, I think the issue of physical requirement that we need to make sure that we have 5ft 9” officers is really something that may have been there during the colonial times when one was to run after a criminal and pin him to the ground, before he could arrest him.

As I mentioned earlier, we have communities that have difficulties attaining this height. We have not seen forces compensating this requirement in any way. We only know that one of the very first things that the people in the forces do is to take you through that height requirement. If you are not able to attain that requirement of height, whatever else that you may have qualified or academic qualifications, it becomes immaterial. Whether you could run becomes immaterial. Whether your heart beat is as required also becomes immaterial. In essence, the first thing a recruit had to attain was height requirement. The over-emphasis on this requirement is really becoming a problem. It is discriminative. It has denied our young people opportunities to join our various disciplined forces. It has also been used by others in a corrupt manner to deny many Kenyans opportunity to work in the forces. It is important that we do away with it. We also see some people in the force who do not meet those requirements in the forces. We have some who are way below the 5ft 3”, 5ft 8” and 5ft 9” height requirement. It is important that we also help them not to feel guilty because we can quickly say something happened for them to be serving in the forces. If that was a requirement, what is it that they did that made them qualify? It is important that we do away with this requirement because it has already been abused by having people in the forces while others have been denied opportunity to serve in the forces. It is important that we do away with it. People we represent in our constituencies have raised this issue many times. It is important that we firmly address this requirement and do away with it because our Constitution does not allow discriminative tendencies.

With those few remarks, I beg to move.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, once again, I take this opportunity to second this very important Motion. This Motion is directed to the youth of this nation. They are the ones who are affected by this colonial barrier and relic that should have been done away with in 1963 when Kenya became a Republic. After 46 years of Independence, this colonial requirement should have been erased from the books of our legal and constitutional system. There are communities in this land whose sons and daughters can acquire the required height but there are others who are not endowed with the same gift. Therefore, it is a very serious denial to our youths in this nation and even to the future of our country if the impediment is not removed. There would not be any joy, happiness and participation of our youths in the armed forces. Patriotic youth of this nation must be given a leeway and an environment created for them to fully participate in the social-economic and political spheres of our country. We have noted that the youths of certain countries have played a major role in maintaining security when they are given opportunities to serve in those areas.

One of the countries where the youth with lower heights have been given these opportunities and have done wonders is Israel, where we have young men and women who are short but are well-equipped and most patriotic. They also give service to their country. They have been sent to very important and critical rescue missions to save their own people. They were sent to Entebbe, Uganda where they carried out a very successful mission. Therefore, it is important that we have a review of this height requirement so that our youth can participate fully in the armed forces. Another country where people are very short is Japan but they played a critical role during the World War II.

Therefore, those nations that have modernized their army utilize the talents of their youth. What is happening in our country? Our country was liberated by the *Mau Mau* Freedom Movement who did not require any height restrictions but they did it. The youths, who are rejected during the recruitment in the armed forces, apply and win United States of America (USA) Green Cards. When they go there, they are absorbed in their military forces. Right now, they are serving in Iraq and Afghanistan. So, why should we deny our youth an opportunity to get into the armed forces due to height restrictions?

Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion by suggesting that we erase those requirements in the history of our books.

With those few remarks, I beg to second.

*(Question proposed)*

### ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Members, we have come to the end of today's morning sitting. Therefore, the House stands adjourned until today, Wednesday, at 2.30 p.m.

The House rose at 12.30 p.m.