

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 21<sup>st</sup> July, 2010

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker  
(Mr. Ethuro) in the Chair]*

### PRAYERS

### PAPERS LAID

The following papers were laid on the Table:-  
Report of the Parliamentary Select Committee on the activities of the unlawful organisations in Kenya.

*(By Mr. Kioni)*

Annual Report and financial statement of Eldama Ravine Water and Sewerage Company Limited for the 18-month period ending 30<sup>th</sup> June, 2008 and the certificate thereon by the Controller and Auditor-General.

Financial Statement of Meru Water and Sewerage Services Registered Trustees for the year ended 30<sup>th</sup> June, 2008 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Ministry of State for State for Provincial  
Administration and Internal Security (Mr. Ojode)  
On behalf of the Minister for Water and Irrigation)*

Annual Report and Accounts of Lands Limited for the year ended 31<sup>st</sup> March, 2009 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Ministry of State for State for Provincial  
Administration and Internal Security (Mr. Ojode)  
On behalf of the Minister for Lands)*

Annual Report and Accounts of the Agricultural Development Corporation for the year ended 31<sup>st</sup> March 2009 and the certificate thereon by the Controller and Auditor-General.

Annual reports and audited accounts of the Sisal Board of Kenya for the 2003/04 and 2004/05 financial years and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Ministry of State for Provincial  
Administration and Internal Security (Mr. Ojode)  
On behalf of the Minister for Agriculture)*

Abstracts of the accounts of the County Council of Taita Taveta for the years ended 30<sup>th</sup> June, 2006, 2007 and the certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the County Council of Maragwa for the years ended 30<sup>th</sup> June, 2004, 2005, 2006 and the certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister, Ministry of State for Provincial  
Administration and Internal Security (Mr. Ojode)  
On behalf of the Deputy Prime Minister  
and Minister for Local Government)*

## **NOTICE OF MOTION**

### **ADOPTION OF REPORT ON ACTIVITIES OF UNLAWFUL ORGANISATIONS IN KENYA**

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

THAT, this House adopts the Report of the Parliamentary Select Committee on the Activities of Unlawful Organisations in Kenya, laid on the Table of the House on Wednesday, 21<sup>st</sup> July, 2010.

## **ORAL ANSWERS TO QUESTIONS**

### *Question No.105*

#### **LACK OF PROPER SANITATION/ELECTRICITY IN NYANZA PROVINCIAL HEADQUARTERS**

**The Temporary Deputy Speaker** (Mr. Ethuro) Is Mr. Shakeel in the House?

We will come back to this Question later.

**The Minister for Public Works** (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, this Question was raised on the Floor of this House on 4<sup>th</sup> of July. When I gave out the answer, two MPs, the questioner and another MP, contradicted the information that I gave. I promised that I would go to the site and inspect it, so that I could establish the actual position on the ground.

My understanding at the time was that I would bring information to this House by way of a Statement. I am surprised that the Question is on the Order Paper again.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Minister. One is that the Question is on the Order Paper. So, you and the Questioner are under obligation to proceed with the Question.

Two, is that we will still come to it and you can raise the issues at that particular moment. Given that you agreed to verify the facts, there is no harm in stating the same.

*Question No.207*

REHABILITATION OF ELDORET-KITALE ROAD

**The Temporary Deputy Speaker** (Ethuro): Hon. Members, the Chair has communication that Mr. Wamalwa is out of the country on parliamentary business. So, we will defer this Question.

*(Question deferred)*

Next Question.

**Mr. Mututho:** Mr. Kiuna had indicated to me that he might get here late and that I could ask the Question for him.

**The Temporary Deputy Speaker** (Mr. Ethuro): Proceed, Mr. Mututho.

*Question No.298*

UPGRADING OF MWISHO WA LAMI-NAROK ROAD

**Mr. Mututho,** on behalf of **Mr. Kiuna,** asked the Minister for Roads when he will upgrade Mwisho wa Lami-Narok Road to bitumen standards.

**The Minister for Roads** (Mr. Bett): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

My Ministry is in the process of procuring a contract for the design of the road Mwisho wa Lami to Narok. I believe it is Mau Narok to Kisiriri Road. Once the design is completed by my Ministry, we will then consider upgrading the road to bitumen standards. Nevertheless, my Ministry will constantly allocate funds for the routine maintenance of the road to make it motorable.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, could the Minister state how much money has been allocated for maintenance of that road this year?

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, we have placed for routine maintenance for this financial year 2010/11 Kshs3.7 million. It is a distance of 20 kilometres.

**Mr. Kigen:** Mr. Temporary Deputy Speaker, Sir, this road starts from Nakuru and goes all the way to Narok. It is a road that passes through a highly agricultural and productive area. Records in the Provincial Roads Office, Nakuru, indicate that it was actually tarmacked in the 1970s. When the Minister says he is now planning to upgrade it, yet it is supposed to have been tarmacked, what happened so that today we are talking about designing it for tarmacking, yet the records show that it was tarmacked?

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, I am not aware of that. I wish the hon. Member could table those records if he has them. If not so, that would amount to misleading the House.

However, I want to confirm that Nakuru-Mau Narok Road is already tarmacked. Narok Town-Kisiriri Road is already tarmacked. It is only a small section which is yet to be completed. As I indicated, that section is about 20 kilometres; it is between Kisiriri and Mwisho wa Lami. As I said, we have allocated that section Kshs3.7 million for routine maintenance as we conclude its design. Even if it had already been designed, we have to redesign it because of climatic change and other issues that have taken place.

**Mr. Kigen:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is in the record of his own Ministry, particularly at the provincial level, that in early 1970s this road was actually tarmacked all the way to Mau Narok Town. But for the Minister to tell me to Table documents from his own Ministry really amounts to indicating that he does not know what is going on in the Ministry.

**The Temporary Deputy Speaker (Mr. Ethuro):** What is your point of order?

**Mr. Kigen:** My point of order is that the Minister alleges that I am misleading the House when the records are actually in his office. Is it in order for him to say that this is not true when the records are in his office?

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, it is not me who said there are records showing that road was tarmacked in 1970s. It is the hon. Member who said so. So, I want him to table the documents before this House.

**The Temporary Deputy Speaker (Mr. Ethuro):** Order Minister! Of course, even if he has to table the documents, they will be originating from your Ministry. So, you are actually in a position to confirm whether that is the position or not. The House will be guided by your response on this matter.

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, it is not true that that road was tarmacked in 1970s. That is why we are paying a person to design the road.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, could the Minister assure this House that the designs will be done to make this road to last for a long time? I wish to compliment him for what he did in Maai Mahiu – Nakuru Road. That is a design to last beyond our lives.

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, I want to assure the hon. Member and, indeed, residents of that particular section of the road that it will last beyond our lives. I even want to assure him that when it comes to building that particular section, we will consider also recarpetting the part that was done earlier, so that they are all uniform.

**The Temporary Deputy Speaker (Mr. Ethuro):** Next Question, hon. Mututho!

#### *Question No.241*

#### PROVISION OF VEHICLES TO DCIO/OCPD IN NAIVASHA\GILGIL

**Mututho** asked the Minister of State for Provincial Administration and Internal Security:-

(a) when he will fulfill the promise to supply functional vehicles to DCIO and OCPD of Naivasha and Gilgil, considering that the vehicles at the divisions can hardly operate; and,

(b) whether he could also consider establishing police stations at Kinungi and Kikopey on the busy Naivasha–Nakuru Highway as well as a

Police Division at Maai Mahiu, in view of the high crime rate between Maai Mahiu and Narok?

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Should the hon. Member not at least explain to you that the Questioner of the previous Question is now in the House and, therefore, explains the basis upon which he rose to ask that Question.

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, hon. Imanyara! You are familiar with the Standing Orders. Any Member can ask a Question on behalf of the other Member, if the request was put to that Member. The Chair was satisfied. It was on that basis.

Proceed, Assistant Minister!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) A Land Rover, GK A907G a TDI, which is also having a private registration No.KAH 524B assigned to the DCIO Naivasha was involved in an accident and was extensively damaged. However, the DCIO has been allocated another vehicle GK X881, which also has a private No.KAE 416W, a Nissan Sunny for the time being. The OCPD has a Land Rover GK A958G, a TDI that is very old and it has become too expensive to maintain it. However, we intend to purchase new four wheel drive vehicles. The DCIO and the OCPD will alongside others be considered when we get funds. I will want to report that we have begun the process of registering those four new vehicles which we have purchased.

(b) Kinungi is policed by Naivasha Police Station, which is 28 kilometres away. The area is densely populated with approximately 100 people per square kilometre. The crime levels are also fairly high. To prevent and manage crime, a Highway patrol car is usually used to patrol the area which is also supplemented by foot patrols.

There are several factors which are taken into consideration before establishing a police station, which include, among other things, the issue of land, office space, and housing for the officers, communication equipment, transport and personnel. These facilities require financial resources. When funds will be available, consideration will be given for the establishment of a police station in that particular area.

Kikopey is policed by Kikopey patrol base and supplemented by Gilgil police station and flying squad officers deployed within the area. In this area, crime levels are relatively low and manageable and may not need a police station at this particular moment. Consideration may, however, be given to upgrading the patrol base to a police post if we have the money. I can elevate that to a police post from a patrol base.

Mr. Temporary Deputy Speaker, Sir, currently Maai Mahiu is adequately covered by Maai Mahiu Police Station and Suswa Police Post. The crime levels are manageable and, at the moment, it is not necessary to put up a police division at Maai Mahiu.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, Naivasha is fortunate enough to be a neighbour of 11 constituencies. It is like the heart of Kenya.

We have over 70 per cent of hon. Members of this House and their subjects who pass through Naivasha every weekend. We also have people coming from Sudan and all other places using this highway. The vehicles I am asking for are basically for Kenyans.

Mr. Temporary Deputy Speaker, Sir, the truth of the matter is that even when the thieves chase after a bus, when they see a police vehicle coming after them, they do not

get scared. They help themselves because they know that particular police vehicle does not have a turbo charger. The Nissan Sunny we are talking about here is a 1970 model. This vehicle cannot be used for effective patrol and policing in that area.

Mr. Temporary Deputy Speaker, could the Assistant Minister consider very seriously releasing Kshs2 million immediately, so that these vehicles are serviced, so that roads within Naivasha are safe?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I concur with the hon. Member. However, I have said that it is too expensive for me to maintain those old vehicles.

Mr. Temporary Deputy Speaker, Sir, I have offered to buy new vehicles for the DCIO and the OCPD. Why should I spend Kshs2 million to maintain old vehicles and Kshs2 million is enough for me to buy a new vehicle for the officers? I will buy the DCIO and OCPD new vehicles. Why can they not congratulate us?

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, the rate of crime in Naivasha is very high. The Assistant Minister should be in a position to consider remedial measures to make both vehicles---

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Member, it is Question Time. What is your question?

**Mr. Njuguna:** Could the Assistant Minister consider taking remedial measures to make both vehicles serviceable in order to enhance security in that area?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, a month ago I gave his DC a brand new vehicle. The remedial measure I can take is to remove that vehicle from his area and give it to the people of Naivasha. That will not augur well for the hon. Member.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Ojode. There is a reason you gave the DC a vehicle and you cannot take it away from him.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, that is why I will make sure that the OCPD and the DCIO in Naivasha enjoy the services of a new vehicle. If I get a vehicle, say, next week, I will allocate it to Naivasha.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I am pleasantly surprised that the Assistant Minister has fulfilled any of the promises he has given before. He promised to give me a highway patrol vehicle between Nyahururu and Nyeri more than a year ago but nothing has been done.

However, Naivasha borders Nyandarua District which forms 30 per cent of the Central Province land mass. There is only one OCPD there. As the Assistant Minister addresses issues of insecurity in Naivasha, has he considered the spillover effect of the insecurity from Nyandarua District given that a whole 5,000 square kilometers of land is covered by one OCPD who does not have a functional vehicle?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I am aware of what the hon. Member has talked about. We are in the process of posting the OCPDs in the newly created districts. Once we make those postings, the OCPDs will equally have vehicles to use in those expansive areas. So, bear with us. Once they complete their course, we will post them and give them vehicles to use in their areas of operation.

**The Temporary Deputy Speaker** (Mr. Ethuro): Ask the last question, Mr. Mututho!

**Mr. Mututho:** I am satisfied with the Assistant Minister's answer and I look forward to the first available new vehicles to be designated to Naivasha DCIO and OCPD.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! If you are satisfied, that should be sufficient.

*Question No. 286*

CONSTRUCTION OF POLICE STATION IN RONGAI

**Mr. Kigen** asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that different parts of Rongai District are served by Molo Police Division and Nakuru Central Police Division;

(b) when he will construct a police station in Rongai; and

(c) whether he could also confirm when the government will regularise and conveniently centralise police services.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) It is true that Rongai District is served by Molo and Nakuru police divisions.

(b) Rongai has Rongai Police Station although it is currently administered from Molo Police Division. However, if we get adequate funds, we will construct and equip the police divisional office. The administration of the police stations within Rongai will be switched to Rongai District.

(c) The police services in the new district will be centralized once a new police divisional headquarters is set up. However, this is not possible now due to lack of funds to construct offices and a residential block in addition to other operational equipment required for a police divisional headquarters. I request the Questioner to set aside some money from the CDF so that we can do the construction in partnership and, therefore, improve the security in that area.

**Mr. Kigen:** The Assistant Minister, when answering the Question by hon. Mututho, said that they are on the verge of posting OCPDs to various new districts. Considering the fact that Rongai is one area that was affected by the post-election skirmishes of 2007, and given the fact that the Government has been sending security personnel from other areas like Nakuru Divisional Headquarters, Molo and beyond thereby incurring a lot of money--- I heard the Assistant Minister talk about “when funds become available”. Will it not be economical to set aside funds immediately as a matter of priority to build the divisional headquarters and make it operational to run the security matters of Rongai? When will he do this?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, in this year’s Budget we requested the Treasury for a budgetary allocation of Kshs56 billion. We never got that. The reason we asked for that amount of money was to enable us construct some of these police stations. Since we did not get the money which we wanted, we have decided to put in place stop-gap measures. We are trying to use the uni-huts as a temporary measure for the police officers to stay in. However, once we get the money, we will construct a magnificent building for Rongai Police Station in order to tame insecurity in that area.

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, I want to thank the hard working Assistant Minister, Mr. Ojode, for consistently answering Questions in this

House. I think he is one of the outstanding Assistant Ministers. However, in view of the fact that security is a critical pillar in the Vision 2030, what has the Ministry done to ensure that all the administrative units to the level of divisions have OCPDs, including Rangwe Police Division?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I mentioned earlier on that due to financial constraints I will not post OCPDs and construct their offices at the same time.

We will use stop-gap measures in areas where we do not have housing units. We will introduce uni-huts which is a temporary measure in order for us to have and equip the police in those areas. Because of insecurity in hon. Ogindo's place, we had said that we need a police post within Rodi Kopany. I asked him to come for the uni-huts so that we can have the police post operating within that area to minimise insecurity cases. Otherwise, we are trying. I assure my colleagues that within a year or two we will be able to furnish and equip all police stations with the necessary equipment if funds become available.

**Mr. Kiuna:** Mr. Temporary Deputy Speaker, Sir, I would also like to congratulate the Assistant Minister for the good work he is doing to make sure that we have enough security in this nation. However, what measures is he going to take to make sure that all the police vehicles have enough fuel? In most cases when the police officers are called, they normally say that their vehicles do not have enough fuel. Therefore, they cannot respond, especially in Njoro Police Station and Ndeffo Police Station.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, it is true that the police vehicles did not have enough fuel, but we have enhanced the supply of fuel now. What they used to get has already been enhanced. So, the issue of fuel will not be there anymore.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I appreciate the answers that we continue receiving from the Assistant Minister. Are there known criteria for setting up police stations in this country? The Question that we had before and the one that we have now, are all dealing with the issues of police stations. Must all of us walk to the Assistant Minister's office for us to get these facilities or is there a known criterion or is it a management through the method of Management By walking Around (MBWA)?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, if you see the level of Questions which are coming to the Floor of the House, you will know that at least we are trying outside there, to equip and build those police houses. It is not easy for us to do everything at once, but we are trying. Once we have money, we will change the face of the police. We are going to change.

**Mr. Kioni:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has gone back to the issue of funds. I am looking for a criteria, so that as funds become available, then we will know where we fall and we do not need to queue at his waiting bay.

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, Assistant Minister! You need to respond to the question being posed. The question was about a criteria. In fact, the fact that there are many Questions means that, definitely, you may not be using some proper criteria.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, we have a priority list. Priority comes because of insecurity in some areas. For example, if I get money, we will give Turkana Central the first priority because of insecurity in that particular area. There is a criteria to be used.



**The Temporary Deputy Speaker** (Mr. Ethuro): Last question, Mr. Kigen!

**Mr. Kigen:** Mr. Temporary Deputy Speaker, Sir, taking into account the fact that there cannot be a time when there are sufficient funds and that whatever little that comes everytime is budgeted on priority basis, when is he going to prioritize giving us the divisional headquarters? Why does he not send an Officer Commanding Police Division (OCPD) to an existing station in the district rather than making us continue to receive service from various other districts outside Rongai?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I will prioritize Rongai Police Station when we get some funds. But in the same vein, I would also plead with the hon. Member to set aside some money from the Constituencies Development Fund (CDF) so that we can partner in constructing Rongai Police Station. If you do that, I would really appreciate. In the meantime, I am looking for funds and if I get them, I will give Rongai priority. I will also add the security personnel within Rongai so that insecurity can be reduced.

**Mr. Kigen:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to avoid answering my question and continue to delve into “when funds become available”, knowing very well that we even budgeted about Kshs900 billion? He should give Rongai people a definite time when he is going to give us a police station.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I have said that I will give priority to Rongai once I get the money. I cannot say that I am going to build or give money by December if I do not have it. But I have given Rongai priority and if I get the funds, I will construct the divisional police headquarters for the OCPD.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Assistant Minister! The hon. Member is actually right. He is asking you to use the existing facilities and just upgrade it to a divisional level where you can post the OCPD to the same place where you have a station now.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, if you listened to me very well, I said that there are some stop-gap measures which I am going to put in place---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Assistant Minister! The Chair is listening very well!

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, we will provide some temporary structures while we are still waiting for funds for Rongai Police Station to operate.

*Question No.246*

PRECAUTIONS TO AVERT DANGERS POSED  
BY ENERGY-SAVING BULBS

**Ms. Chepchumba** asked the Minister for Energy:-

(a) what precautions have been put in place to avert the dangers posed by the Government introduced energy-saving bulbs, especially in handling them when they break;

(b) whether he has records of families already using this gadget and, if so, avail them; and,

(c) if he could also confirm whether the bulbs are being phased out in the United Kingdom, the United States and Canada for emitting ultraviolet radiation, and they are particularly dangerous when used during reading and, if so, what measures the Government has taken to ensure Kenyan consumers are safe.

**The Minister for Energy** (Mr. Murungi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I have asked the Kenya Power and Lighting Company (KPLC) to undertake a campaign to educate the public on the safe disposal of fluorescent lamps including the compact ones. The compact fluorescent lamp is a miniature version of the normal fluorescent tubes which are usually used in offices, homes and many other places. This entails, *inter alia*, ventilating the room, temporary evacuation of the room for about 15 minutes and collecting broken pieces in plastic bags and safely disposing them.

(b) We have a comprehensive record of all those who have benefitted from this project. These details include their KPLC account numbers and the number of lamps given to each account holder. So far, about 920,000 bulbs out of 1,250,000 have been retrofitted to over 450,000 households countrywide. I would like to table an interim report of all those families who have so far received these 920,000 bulbs.

*(Mr. Murungi laid the document on the Table)*

(c) I am not aware that the bulbs are being phased out in the United Kingdom (UK), United States of America (USA) and Canada. The fact of the matter is that many countries have passed laws that prohibit the manufacture and importation of the incandescent bulbs all together.

The lamps which the KPLC has imported on behalf of the Government meet the internationally recognized exposure limit of ultraviolet radiation of between 200 and 3,000 nanometre (nm). The lamps that we are importing have an nm of 254, which is within the range of 200 and 3,000 nm.

**Ms. Chepchumba:** Mr. Temporary Deputy Speaker, is the Minister aware that most Kenyans are ignorant about the precautions to take while handling the bulbs when they break? Are there plans to mount civic education on the same?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, the first sentence of my answer read as follows: "I have asked the Kenya Power and Lighting Company (KPLC) to undertake a campaign to educate the public on safe disposal of fluorescent lamps, including the compact ones." This entails what the hon. Member is asking in her supplementary question. The campaigns to educate the public, includes the civic education that she is talking about. We want to educate the public on the safety measures to be taken when these bulbs break. So, there is a campaign being undertaken by the KPLC.

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for having moved in very fast to enable Kenyans to embrace the energy saving bulbs. However, as we embrace the same, we have noticed that there is a continuous outage and low voltage supply of electricity. What is he doing to ensure that as we embrace the energy saving bulbs, the supply of electricity is adequate, so that we get value for our money?

**Mr. Murungi:** Thank you Mr. Temporary Deputy Speaker, Sir. The hon. Member is a Member of the Energy, Communications and Information Committee and he is aware that this country is facing ---

**Mr. Ogindo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that I am a Member of the Energy, Communications and Information Committee when I know very well I am not?

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Minister, the Chair can agree to that.

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, I am sorry I mistook him to be one of the Members of the Committee because his question is very intelligent.

It is true that the country is experiencing low quality power in many parts because we have chronic shortage of power in the country. We are not generating adequate electricity to meet the needs of this country. We also have aged and dilapidated transmission and distribution systems. My Ministry has embarked on a very ambitious electricity generating programme primarily relying on green energy sources such as geothermal and wind energy of which resources are available in plenty in this country. We are encouraging the private sector to come in and partner with the Government, so that we can enhance our generation capacity. We have also formed a new company, the Kenya Electricity Transmission Company (KETRACO), so that we can focus on upgrading our transmission lines and building new ones.

I am happy that this year, the Treasury has allocated us Kshs15 billion to upgrade our transmission network. So, we hope that with the new measures being put in place, Kenya will enjoy better quality power in the near future.

**Dr. Khalwale:** Thank you, Mr. Temporary Deputy Speaker, Sir. In the United States, Britain and in Canada, the energy saving bulbs are being phased out. In fact, Canada has said that they will phase them out, their deadline being 2012. The British Health Protection Agency has also raised a red flag about these bulbs. In fact, they have advised that anyone who wishes to read under this light should not stay under it reading for more than an hour. In view of this, could the Minister undertake to report to this House a detailed report showing what his findings would be in view of the fears that Kenyans have now because they have access to this information using the current Information Technology (IT) era?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, we are aware that these energy saving bulbs emit some radiation. However, this is very small to pose any problem during normal reading hours. The KPLC is carrying out a massive educative programme to educate people not to remain continuously under these lights, so that they are not exposed to the ultra-violet radiation which might be emitted in the process.

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, the issue here is not about the other benefits of the energy saving bulbs, but the dangers of being exposed after long usage while reading. That is where our problem is. You will remember that when these energy saving bulbs were being launched in Kenya, the Government was very strong on it. In fact, there was a Ministerial Statement here from none other than the Prime Minister telling us how good these bulbs would be and how we will save energy among other things. Now that the Minister has said that it is only recently that they started educating people on the side effects of long usage during reading, is the Government prepared to bear the cost of compensating the public which has been suffering

unknowingly because of importing these bulbs and not educating the people? You are only emphasizing on the good side and not telling people what the negative side is. From the list he has given us, how much is the Government prepared to put in this? At least, create a saving fund somewhere to deal with this problem because obviously, there is a problem.

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, the hon. Member is a lawyer by profession. That is why compensation comes to the fore. We have to prove damage first before we can think about compensation. So far, we have not had any case of injury for which we need to think about compensation. These bulbs were only introduced a few months ago. The introduction goes hand in hand with our public education campaign. If such a case arises, then we can think about compensation at that time. However, as of now, we have not witnessed any case which warrants any compensation, indeed. No injuries have been reported to the KPLC. The bulbs being used in Kenya are of high quality and of international standards. They are also used in other parts of East Africa. They are also being used in Europe, USA and even in Canada and we have not heard of any serious complaints arising out of them.

**Mr. Ogindo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to wait for casualties instead of being proactive?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, how more proactive can we be than saying that we have launched a public education campaign as we distribute these bulbs and also ensure that the bulbs we are using are of high international standards?

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. All that we are doing is to try and safeguard the public. The Minister is telling us that he is educating the public. You are educating the public but you are not taking trouble to find out why the other advanced countries are phasing out those bulbs. So, could you tell us what it is that you are going to do to learn from those advanced countries so that we do not find ourselves where their consumers are at the moment?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, the hon. Member did not listen to my answer, especially part “b”, in which I said that, I am not aware that the bulbs are being phased out in the United Kingdom (UK), United States of America (USA) and in Canada. So, I do not know where he got the information that they are being phased out. He asked why we are not phasing them out like they are being phased out in other countries. They are not being phased out. What we are doing is to reduce the radiation that could come out of them.

*(Several hon. Member stood up in their places)*

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, hon. Members! We have spent a lot of time on this Question and, granted, it is an important issue. But I think, Minister, the hon. Members were very charitable to you by saying that there is information contrary to what you have said, including Canada; that it is supposed to be phasing them out by 2012. The House has also requested you to take your time and do a brief so that you can also verify those facts. I think that was a reasonable request which if you acceded to, would bring this matter to a good conclusion.

**Mr. Mungatana:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to assert that in fact there is a public campaign continuing as these

energy bulbs are being distributed when, in fact, the only campaign which is going on, and which I know of is the one of *Mulika Mwizi*? We have not heard of anything about energy saving.

(Laughter)

**Mr. Murungi:** Mr. Temporary Deputy Spekaer, Sir, indeed we are carrying out the campaign on *Mulika Mwizi* because we are losing a lot of transformers in this country but we are capable of running many campaigns at a time. In addition to *Mulika Mwizi*, we are also carrying out these other public campaign.

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I appreciate the Minister's concerns about the use of public education and the campaigns. He said that he has requested the Kenya Power and Lighting Company (KPLC) to start these campaigns. Perhaps, he could tell us when this campaign will begin because even in this House, you can see these bulbs are here and hon. Members have never heard of any campaigns.

However, more important, the Minister, in his answer, says that he is not aware that countries such as the USA, Canada and the UK are phasing out these bulbs. Dr. Khalwale, who is a medical doctor, has tabled evidence which indicates that, in fact and indeed, they have been phased out. All we are requesting the Minister is: Could he consider taking time to establish whether indeed, it is true as indicated by Dr. Khalwale, that these things are being phased out so that we do not go through the same process and then five years later, we will be saying we are also phasing them out when we are spending so much money now on public education on a campaign that may very well be doomed?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, we are following the developments especially at the international level. Indeed, there is a scientific committee on emerging and newly identified health risks within the European Union (EU) and we are following its activities.

There was a plenary session of that committee on 23<sup>rd</sup> September, 2008 which explored the dangers of using the energy saving bulb over a prolonged period of time. So, the KPLC is following the findings and activities of that committee of the EU and we will implement any findings that we find beneficial to our country.

**Ms. Karua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Minister's answer which shows that he was aware of developments of the bulbs causing danger. He is now referring to a committee of the EU. Is he in order to have told the House that he is not aware, while all along he was aware?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, the question was: "Is the Minister aware the bulbs are being phased out?" I said that I am not aware that the bulbs are being phased out in those countries but we are aware that there are certain dangers of radiation arising out of those bulbs. So, they are not being phased out. The question is: "Are you aware whether the bulbs are being phased out?" I am not aware whether the bulbs are being phased out but indeed we are aware that the bulbs contain some minimal danger of exposure to radiation. These are two different issues.

**Hon. Members:** On a point of order, Mr. Temporary Deputy Speaker, Sir!

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! Really, on that particular one, I am afraid the Minister is right. The only concern that the Chair would have is that he is referring to the EU and hon. Members are referring to Canada which is not a member of the EU.

**Dr. Khalwale:** On a point of information, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): Minister, are you ready to receive his point of information?

**Mr. Murungi:** Yes, Mr. Temporary Deputy Speaker, Sir. I will receive his information.

**Dr. Khalwale:** Thank you, Minister. This is not personal. Since you have said that you are not aware, allow me to inform you that these bulbs actually emit a cancer causing chemical known as mercury. There is also ultra violet radiation that they emit which actually cause skin cancer. In view of the seriousness of what I am saying and based on science, could the Minister undertake to go slow on the marketing of these bulbs, come back to this House and report to it that they are safe? If they are safe, we shall continue using them. Could he do so within a month?

**Mr. Murungi:** Mr. Temporary Deputy Speaker, Sir, the EU report which I will table contains what the hon. Member is purporting to inform me. That information is available within KPLC. The amounts of radiation that are emitted are too slow to pose any serious problems. So, we are monitoring it and if we see any real dangers to the country, then immediate remedial action is going to be taken.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, let us conclude this Question. You should be at liberty because you have the Departmental Committee on Energy. It can still take this matter up with the Minister because the issues which the hon. Members are raising are very critical and they need to be handled properly so that we safeguard the public's interests and the health of the country.

Last question, from hon. Chepchumba!

**Ms. Chepchumba:** Mr. Temporary Deputy Speaker, Sir, is the Minister refusing to address the safety measures involve in this issue just because of the lucrative business deal that is involved?

**The Minister for Energy** (Mr. Kiraitu): Mr. Temporary Deputy Speaker, Sir, the supplementary question is unfair because I have not refused to address safety measures in my answer. In any case, we have said that we are taking precautions. We are educating the public. I am not aware of any lucrative business in this. I would like the Member to be fair to us.

Mr. Temporary Deputy Speaker, Sir, let me also add that we are here really to protect the interests of Kenyans. We are concerned about the health and the safety of Kenyans as we implement our energy projects. We welcome any information in our usual open and transparent manner. If there is any information that the Departmental Committee on Energy, Communication and Information has, which we do not have, we will be willing to listen to it and take it on board.

**The Temporary Deputy Speaker** (Mr. Ethuro): Very good, Mr. Minister.  
Next Question, Mr. Langat.

*Question No.280*

EFFECTS OF STRINGENT IMPORTATION RULES ON  
OPERATIONS AT ELDORET AIRPORT

**Mr. Lagat** asked the Deputy Prime Minister and Minister for Finance:-

(a) whether he is aware that stringent importation rules have forced many businessmen to stop using Eldoret International Airport in the last one year and that two airlines (Cargolux and Air Qatar Cargo) have also withdrawn cargo services;

(b) why the Government is insisting that importers provide their names, nature of the cargo and the value of the cargo before being allowed into the country; and,

(c) whether he could also provide the details of the revenue lost in the last two years due to the introduction of the new measures.

**The Assistant Minister, Office of Deputy Prime Minister and Ministry of Local Government** (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that stringent importation rules have forced many businessmen to stop using the Eldoret International Airport. The withdrawal of two airlines, namely, Cargolux and Air Qatar Cargo arose following the end of contracts that they had entered into with Salihiya Cargo Clearing Company.

(b) The requirements to provide names, nature and value of cargo are in accordance to Sections 24 and 25 of the East African Community Customs Management Act. It is a measure that is aimed at amongst others, facilitating the verification of goods and determining the tax payable.

(c) No revenue has been lost as taxes have been levied on all importations that have entered the country through the Eldoret International Airport.

**Mr. Lagat:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister says no revenue has been lost while he is aware that two companies have already pulled out. What has replaced the revenue which was being generated by these two companies?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, it is true that two companies, namely, Cargolux and Air Qatar were contracted by Salihiya Cargo from 2004 to 2006. That contract was never renewed by the Kenyan consolidator after the airline secured a lucrative contract in South Africa. Salihiya then contracted Qatar Airline in 2007. The contract lasted for four months and due to dissatisfaction in the services offered by the airline, they withdrew and the company has since contracted the services of Emirates Airlines, which is providing the services to date.

**Ms. A. Abdalla:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has told us that there has not been any decrease in revenue. Could he confirm how much revenue was received in the last two financial years, to prove his assertion that there has not been any reduction in revenue from the Eldoret International Airport?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, well, I do not have the figures here, but I can give them, at a later date, to confirm the same.

**Mr. Mwaita:** Mr. Temporary Deputy Speaker, Sir, what is the Assistant Minister doing to encourage more companies to utilize the Eldoret International Airport?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, the Government, in conjunction with the Ministry of Transport, is ensuring that the airport offers efficient

services. It is also being promoted through the various Ministries, including the Ministry of Tourism. We are also encouraging the local residents to continue to use the facility as much as possible to take their wares across Western Kenya.

**Mr. Lagat:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister is trying to avoid this Question. I am sure that the rules imposed by the Government on these companies are the ones that made them move away from the Eldoret International Airport. He has confirmed that they decided to move to South Africa because of lucrative business there. It is because of the rules imposed by the Kenyan Government that they moved from the airport. He should do something in order to attract many companies to use the Eldoret International Airport. We know that if this is done, the airport will generate a lot of income to Kenya.

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, particularly with the recent developments of the opening of the Customs Union, now we are all obliged to follow the East African Community Customs Management Act, which is standardized across East Africa. We can brainstorm with the stakeholders to see how we can increase the volumes within the Eldoret International Airport. We are willing to sit down and discuss and see how far we can go.

*Question No. 287*

CONSTRUCTION OF DAM AT PERKERA RIVER

**Mr. Mwaita** asked the Minister for Water and Irrigation:-

(a) whether she could indicate when the Government will put up a dam upstream at Perkera River to harvest excess water and boost irrigation within Perkera Irrigation Scheme; and,

(b) what plans the Ministry has in place to revitalize this scheme.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! The Chair has communication that the Ministry had requested that the Question be deferred. These requests are becoming too many and parliamentary business must be a priority in the Government. So, hon. Mwaita, you will bear with us. The Question will be put on the Order Paper as soon as possible. We will advise you.

*(Question deferred)*

*Question No.317*

PROVISION OF VEHICLE TO VIHIGA  
DISTRICT EDUCATION OFFICER

**Mr. Chanzu** asked the Minister for Education when he intends to provide the Vihiga District Education Officer with a vehicle for effective discharge of his duties.

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



At the moment, the Ministry is not intending to provide a new vehicle to Vihiga District Education Officer. This is because there are many newly created districts in the province which have no vehicles due to lack of funds. Nevertheless, all the new districts, including Vihiga, will be allocated new vehicles in the current Financial Year, 2010/2011.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I just want to make a correction that Vihiga is not among the newly created districts. It is one of the oldest districts in this country having been created in 1992. I would like the Assistant Minister to consider reviewing the matter because in the larger Vihiga District, I think we have more vehicles. I would like to request him to give instructions that the District Education Board (DEB) sits, so that they can rationalize the vehicles which are there, so that the DEO, Vihiga, can, at least, have a vehicle to use. I know the vehicles are there.

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, the old Vihiga District was much larger than the Vihiga District that he has today. Of course, it is a new district, because of the changes that have been effected. However, the vehicles that the larger Vihiga District had were distributed amongst the new districts that were created out of the original Vihiga District by a District Education Board (DEB) meeting that was chaired by the District Commissioner (DC), whose secretary was the District Education Officer (DEO), Vihiga. I suppose the Member of Parliament attended that meeting. So, as of today, we have one vehicle for Sabatia District, one vehicle for Emuhaya District, one vehicle for Hamisi District and one vehicle for Vihiga District. Unfortunately, the vehicle that was left for Vihiga District is no longer serviceable but, as a matter of priority, Vihiga District is going to get a new vehicle.

**The Temporary Deputy Speaker** (Mr. Ethuro): Last question, Mr. Chanzu.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I am not satisfied, because I am aware that there is a district which has two vehicles. I appreciate his undertaking to provide us with a new vehicle in this financial year but, for now, there is no point of one district keeping two vehicles when another district has got none. Why does the Assistant Minister not consider availing that extra vehicle to Vihiga District to be used temporarily as we wait for him to give the district a new vehicle? That is the humble request I am making.

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, that request can be considered. However, our records indicate that the district that the hon. Member says has two vehicles has only one vehicle. The issue is: During that meeting, which the hon. Member attended, why did they decide to give Vihiga District an old vehicle and give two vehicles to one district? The hon. Member is supposed to have been in that meeting.

**Mr. Chanzu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We are making a lot of mistakes by making Kenyans to think that Members of Parliament are able to attend all the meetings. There are certain things which happen when you are not there. So, the Assistant Minister is not in order to say that I must attend all the meetings. When I notice something, I have to report it, so that it can be attended to; this is what I am doing now. So, is he in order?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Chanzu! You are right in your assertion, but the Assistant Minister has made reference to a specific meeting of your DEB. I want to believe that, from his record, you were present. So, it is up to you to confirm whether you were present in that particular meeting or not.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I was not in that meeting, but I still appeal that he considers getting one of the vehicles from one of the districts and avail it to Vihiga District. We will return it once he gives us a new vehicle.

**The Temporary Deputy Speaker** (Mr. Ethuro): Yes, Assistant Minister!

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, his request will be considered.

**The Temporary Deputy Speaker** (Ethuro): Very good! Let us go back to Question No.105 by hon. Shakeel!

#### *Question No.105*

#### LACK OF PROPER SANITATION /ELECTRICITY IN NYANZA PROVINCIAL HEADQUARTERS

**The Temporary Deputy Speaker** (Mr. Ethuro): Is hon. Shakeel still not here? The Question is dropped.

*(Question dropped)*

Minister Obure, you had something. What was it?

**The Assistant Minister for Public Works** (Mr. Obure): Mr. Temporary Deputy Speaker, Sir, I said earlier that in view of what transpired on the 4<sup>th</sup>, when this Question came---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order, Minister! We have now dropped the Question. So, that should satisfy you.

Next Order!

#### STATEMENTS

#### POINTS OF ORDER

#### MEASURES TO ENSURE PEACEFUL REFERENDUM

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from my friend, the Minister of State for Provincial Administration and Internal Security.

In just under two weeks, or thereabout, we will be going through a referendum. I want the Minister to assure this House that they have identified hotspots that require special police protection, and that, indeed, measures have been put in place to ensure that the referendum is held in an environment of peace, where no voters are intimidated and specifically state how many police officers have been sent to those hotspots, where there has been violence in the past.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I am ready to issue the Ministerial Statement right away.

One, we have identified the hotspots---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Assistant Minister! The issue of referendum and the violence related to it, especially coming from a post-election violence situation that followed the last general election---, the issue raised cannot just be answered that way. It must be a considered Ministerial Statement by the Government. The Chair would encourage you very strongly that you respond to this tomorrow afternoon.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, since I have four more Ministerial Statements to issue tomorrow, would I be in order to request the Chair to allow me to deliver this very important Ministerial Statement on Tuesday, next week? If there will be a chance, I will consider issuing the same Ministerial Statement tomorrow but, considering the fact that I have four more Ministerial Statements, which are quite important, I have to request the Chair to allow me to issue this Ministerial Statement on Tuesday.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Imanyara, are you happy with Tuesday?

**Mr. Imanyara:** Mr. Temporary Deputy Speaker, Sir, Tuesday is okay. Could he tell us where the hotspots they have identified are, how many police officers they are sending there and what specific measures they are taking?

**The Temporary Deputy Speaker** (Ethuro): Order! Hon. Imanyara, you are repeating yourself.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I will not be able to give the number of police officers in my Ministerial Statement but I will definitely give an elaborate Ministerial Statement.

**The Temporary Deputy Speaker** (Ethuro): Order, Assistant Minister! There is nothing wrong with you giving the number of officers deployed out there. You may not mention that in public but you can share those details with the hon. Member seeking the Ministerial Statement. There are no secrets about the number of police officers you are deploying for this particular exercise. We are not talking of your normal establishment.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I will be able to share with my good friend the number of police officers we have deployed, but I will not make it public.

**The Temporary Deputy Speaker** (Mr. Ethuro): Yes, hon. John Mututho!

#### PERPETUATION OF HATE SPEECH AGAINST MPS THROUGH MEDIA REPORTS

**Mr. Mututho:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to seek a Ministerial Statement from the Minister for Justice, National Cohesion and Constitutional Affairs with regard to a statement made by one Earnest Nadone, a trade unionist, yesterday on K24 Television Station, at 11.00 p.m. and at midnight, in which he said that Parliamentarians are in essence “a club of greedy terrorists”. In his Ministerial Statement, the Minister should also say whether this does not amount to hate speech, also considering the fact that previously another station and newscaster by, the name of

Waweru Mburu, had referred to MPs as, and compared them with, Koinange Street prostitutes.

Mr. Temporary Deputy Speaker, Sir, the two incidents are demeaning, and I would urge the Minister to take up this matter very urgently and tell us whether we are, indeed, hon. Members or a “club of greed terrorists” and why this particular person cannot be taken to court under the existing laws, just as some Members of Parliament have been taken to court over alleged hate speeches that they made?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I undertake to inform the Minister to come up with a Ministerial Statement by Tuesday, next week.

**The Temporary Deputy Speaker** (Mr. Ethuro): Yes, hon. Martha Karua!

#### KILLING OF AN UNARMED PROTESTER IN KANGEMI

**Ms. Karua:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security on the killing of a civilian in Kangemi on Monday, 19<sup>th</sup> July, 2010. Why did the police use live bullets on unarmed protesters thereby violating their freedom of assembly and expression? What action has the Minister taken or is taking against this particular officer(s) who committed this crime? What do police reforms mean if we continue to see killing of unarmed civilians? What do police reforms entail? Could he also tell us whether the Government has allocated an alternative site to those traders who were evicted from the market?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, let me issue the Ministerial Statement on Wednesday, next week.

#### CRITERIA USED TO DEFINE ELECTORAL VIOLENCE HOTSPOT AREAS

**Lessonet:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise in respect to the Ministerial Statement sought by Mr. Imanyara with regard to the hotspots. I would like the Minister when he brings the comprehensive Ministerial Statement to further tell us the criteria used to name some areas in this country as hotspots. I am already aware that the constituency which I represent, after being visited the officials from the National Cohesion and Integration Commission (NCIC), is listed as a hotspot. I would like the Minister to come and tell us clearly and comprehensively the criteria used to call some areas hotspot areas. This is because at the end of the day, he will be tarnishing the images of some areas. That is what I would like the Minister to tell us when he issues the Ministerial Statement.

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in accordance with the Standing Orders for the hon. Member to anticipate a Ministerial Statement and cast aspersions and conclusions even before he hears the Statement or is he confirming that he is responsible for creating these hotspots?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, both of you, Mr. Lessonet and Mr. Imanyara. You start fairly well and then end up being victims of the same issues that you have raised. Mr. Lessonet, in terms of getting the criteria on how the

Minister defines hotspot areas is fine. However, to go ahead and try to prosecute the same matter is basically anticipating debate. To that extent, the Minister will consider the first bit and disregard the rest.

**Mr. Lessonet:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! You have spoken and the Minister has heard and the Chair has made a ruling. He will respond to the criteria used to define hotspot areas. Wait for the Ministerial Statement and then challenge the criteria if you so wish.

Let us move on to the next Order!

## MOTION

### AMENDMENT OF REGULATIONS GOVERNING NOMINATIONS OF BOGS IN PUBLIC SCHOOLS

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

THAT, cognizant that when the colonialists came to this country they sponsored education whereby they played most of the roles such as provision of physical facilities, learning materials, teachers and the like; aware at Independence the Government started playing a bigger role in provision of the facilities and services thereby diminishing the role of the so-called sponsors who were in most cases missionaries and that today those who play these roles are the Government, the local community and leadership; this House urges the Government to consider amending the regulations governing nominations of Boards of Governors for public secondary schools such that community representation and special interests are each increased from 3 to 4 and sponsor representation be reduced from 4 to 2 in order that the role played by each group is commensurate with the role played in the provision of physical facilities, learning materials and teaching staff.

Mr. Temporary Deputy Speaker, Sir, there is an addition there which says: “--- and spiritual guidance.” I am adding the words “spiritual guidance” because I still believe that, basically, that is the role played by the sponsor. So, I would like to move this Motion with that minor amendment.

This Motion is informed by the fact that we have had many experiences in this country, particularly in areas which are quite significant and important for the growth or development of the economy. Some of us have worked in public offices where we have had a lot of experience in matters to do with education. I have been a member in a number of Boards of Governors (BoGs) for various schools. The period I have spent in Parliament, first from 1997 to 2002 and currently, I have seen a lot and made a lot of observation on what has gone on. That is why I thought that we needed to amend this Motion. I will give an example of the schools that we have. There are schools sponsored by Friends Church, Church of God and others. The sponsor nominates four people while the community and special interests nominate three people each. It is easy to get people from special interest in a town like Nairobi. However, it is not easy if you want to nominate somebody like an engineer or a doctor to serve on the Board in the rural area. So, the people who remain and dominate the BoGs are the sponsors, that is, the church

and they are the locals. So, they end up having a say on what goes on even when it comes to elections because the other people may not have time to attend meetings when critical issues take place. You will find that the church people, as much as I appreciate what they do--- There is a lot of politics in the BoGs to the extent that each group wants to have its representation without looking at what the future outcomes will be. Out of that, I felt that this business of sponsors having four people while the community and special interest has three people each should be changed so that the sponsor has two people, community interest – four people and special interest four people. I still appreciate the sponsor representation. I still believe that it is important because they laid the foundation. For example, the Friends Church was brought here by the same people and it has had a lot of influence in improving the lives of our people. Schools like Kenya High and Alliance were started by the missionaries. We appreciate that they have had a lot of positive influence on our lives but we are saying that with the changing trends and the fact that the contribution they are making is basically spiritual--- That is why I gave them that number of slots.

Mr. Temporary Deputy Speaker, Sir, I feel that this Motion is important because education is the key to everything positive that we want to do in life. Education is key to good life or good living, any development, any growth that you want to make in a country like this one and even if you are talking about serious reforms which are happening not only in this country but globally. There is no way you will compete or participate in the reform process without having properly educated people. So, education is key in whatever you do. We have talked about wealth creation. We have talked about the way people have made money in an economy like this one. We are discarding the unorthodox methods that people have used to make money. We want things to be done on the table that is above board and not under-hand deals. Education is key even in the wealth creation that we talk about. Education is key when we talk about Vision 2030 and if we will achieve anything. That is the starting point.

That is the reason why I thought of bringing this Motion so that we can do a bit of justice on the laws governing this aspect. Being an era of serious reforms, I think we need again to look at what has happened before. In fact, before Independence, what the colonialists or missionaries brought to Kenya was not even intended to make Kenyans be what we are today. It was meant just to make Kenyans to serve them better. They wanted to have good cooks and the best somebody could be was a clerk. There was no emphasis on making Kenyans to be what we have realized within the period from 1963 up to today. Immediately after Independence and just thereafter when the Government took over, I think the first aspect on which the Government spent a lot of resources was on Africanization and training Kenyans through a crash programme to prepare them to take over from the colonialists. So the emphasis was on training and empowering Kenyans that time to take over the jobs that were left by the colonialists. I will shortly be giving some figures just to show how the Government has spent a lot of resources on education. This is why I am saying that the Government, the leadership and the people themselves should be given more roles in appointing the people who sit on these boards.

Mr. Temporary Deputy Speaker, Sir, the Government introduced the spirit of *Harambee* through which every Kenyan could contribute in whatever magnitude for the development of our educational institutions and physical infrastructure. This happened between 1963 and 1978. All these facilities were developed on *Harambee* basis which

was local money, because you could source *Harambee* from outside the country. So this was an initiative by Kenyans themselves under the leadership that we got after Independence. If you look at the period between 1978 and 2002; I have not gone into minor details but I have just looked at the bigger picture; *Harambees* intensified and we got the facilities expanded and new ones added. In fact, at Independence and up to 1978, you remember we had only one university. However, this situation changed between 1978 and 2002. We achieved a lot, we opened all these new universities except Masinde Muliro University of Science and Technology which was started under President Kibaki's regime. A lot of the resources that were used to develop these facilities came from *Harambee*, Government funding and very little from development partners. So they expanded these facilities but without proper communication to people because as people were running up and down to raise funds through *harambees*, they did not articulate or communicate properly the purpose of raising the money.

But if you look at the period between 2003 and now, you will realize that although the facilities were there, we did not have incentives to make people use these facilities. I think there were no proper statistics. That is the reason why when the new NARC Government took over in 2003 and promised to offer free primary education, I think we saw people who were over 70 years wanting to go back to school because they missed that opportunity earlier in their lives. The Government has spent a lot of money on the free primary education as an incentive to allow people to go to school and this put a lot of pressure on the existing facilities. So there was need for the Government to redouble its efforts as well as the leadership, which is ourselves. As a result, the Government has redoubled her expenditure on education in order to increase physical facilities. If you look at all this, I have not seen where the sponsor has participated in the development of physical facilities in my constituency. This has been done by the Government and ourselves through the schemes we have introduced in this Parliament like the Constituencies Development Fund (CDF) and approving increased bursaries, which is all locally done here by the local leadership in this country.

We also had subsidized secondary education. We are trying to fund this programme through the little money we get from the CDF. We are also trying to see how we can get some money from the Government through the Ministry of Education to support development of infrastructure. Although this assistance is there, it is not properly harmonized. I do not know whether somebody has to scratch the Minister's back or whether we should sweet talk him in order to get that funding for our schools. If you remember the answer the Minister gave me this morning in response to my question, you will find there are a lot of double standards in the disbursement of these funds. You find in a place there is money given, may be Kshs5 million and you have to struggle so much with the Minister in order to get even Kshs200,000. These are the kind of things we are saying which must be changed.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Yes, hon. Mututho!

**Mr. Mututho:** On a point of order, while I support this Motion, I would persuade the Mover to withdraw or revise that idea of scratching the Minister's back off the records of this House because I think it is unparliamentary.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Mututho! It is an English expression. He did not say that, that is what is happening. He was wondering of possibilities.

Proceed, hon. Chanzu!

**Mr. Chanzu:** He could be right. In fact, the Minister is just sitting in front of me, in fact both of them, and they are my friends. Maybe I have to learn how to sweet talk them, which is normal anyway, but we are saying that some of these things should be done here on the table. This has happened but maybe it is because of the pressure we have. You know even yourself as Members of Parliament, even whatever little money we get for CDF, we are being accused of the same thing because the people do not know how we disburse it. Sometimes maybe you want to give now to Mr. Mututho this year and next year, to Chanzu but Chanzu does not understand that.

I think there is a lot that needs to be done about this sector. That is why I was saying that education is key to everything we want to do; whether we want to do Vision 2030 or, whether we want to do even the reforms we are talking about. If our people are not educated to understand what reforms mean and how they are going to go about them, that is why I was saying education is key to everything. So, I just wanted to say that because of the foregoing, an impression has been created that CDF is everything.

We have been asking questions from 1963. I have got some figures which I am going to show you. We have had budgets in this Parliament for education, health and water but it is only from the time we got the Constituencies Development Fund (CDF) that people began to see results. They do forget that it is only 2.5 per cent of the general revenue collected by the Government. We have been asking questions on what happens to the remaining 97.5 per cent.

I have problems with people who are educated engineers and doctors. Somebody is in a hospital, for example, in Vihiga with medics who I think must have been trained because they did some good mathematics; they do not understand that the 2.5 per cent is not even enough to run a hospital. They still believe that is what they expect through the CDF. The CDF has done a commendable job but we should do things in proper perspectives. Because of what I have just said, you have seen the role played by the sponsors declining. However, they still play the spiritual aspect and I commend them for that. They are there to give us spiritual guidance and counselling. I think students should be told clearly that they should do more counselling so that we do not have this business of strikes or students fearing exams. I think they should be counselled by these spiritual people or church leaders.

Mr. Temporary Deputy Speaker, Sir, just like I have said, the current trend is very haphazard. If you look at the way the money for the Economic Stimulus Programmes (ESP) is being managed, Members are bound to raise issues here. When we say that we want school committees or boards to handle these funds and they do not have the capacity, we get into these problems. I think this also needs to be streamlined. The way the ESP is being handled is like the right hand does not know what the left hand is doing. There are things which are happening because of that.

The Minister told me that I should have been in the District Education Board meetings, but you cannot be in all those meetings. There is something that we are making a mistake about. When you are a Member of Parliament, anybody you appoint to represent you cannot be your equivalent. He cannot do exactly what you want to do



unless he is properly briefed. So, this thing of people just thinking that somebody is a CDF officer or something and then rushing to a meeting to represent you without a proper briefing happens because these meetings are called at very short notices. If we had people who are knowledgeable in those Boards, they would understand. Maybe they would be able to read the mind of Member of Parliament.

So, we have people who go into these meetings, they want to sit there because they are representing the church. They are only waiting for whatever little allowance they are going to get and that is the business for the day. This matter has made us have problems in those institutions.

Mr. Temporary Deputy Speaker, Sir, I am happy the two Ministers are here. They are good Ministers. We need serious overhaul in this sector because of the reasons I have just given. If you have to grow, move, create wealth or do anything. First of all, we need to get this working. We need to have proper harmony. We need to have proper and easy flow of information at all levels. It is a complex structure. I think something to do with education is very complex because of diverse in forests. You have to relate with everybody. You need experts and give them freedom and leeway so that they implement whatever reforms we want so that resources can flow easily.

The expenditure by the Government in this sector has tended to grow dramatically. In fact, it is geometrical growth not arithmetical. I was looking at it and this is the reason I was saying that since the Government is spending money and we are electing our own leaders, the Government should have more say in doing this through the leadership who happen to be those of us who are elected. For example, in 1963—

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Chanzu! Your time is up! Who is seconding your Motion?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I just want to give one figure because---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order! Order! Can your Secunder provide the figure? Who is seconding the Motion?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I said that we must make those changes.

I would like Mr. Mututho to second this Motion.

**Mr. Mututho:** Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion.

In seconding this Motion, I would like to remind Kenyans that they saw me sorting out an administrative problem with one headmistress. The reason then was that as a former Board member I was bemused by the happenings in financial management and so on and so forth. It is very important that the Board of Governors (BoG) reflect the level of investment of the partners in that particular area.

Mr. Temporary Deputy Speaker, Sir, I do concur to a great detail with the Mover of this Motion. I would ask him to move a notch higher and cause amendments to the Education Act. Truly, there is no need of having missionaries as a formality whereas the major investors are local leaders. I would also wish and urge the Ministry of Education to have a full time section that will vet and supervise school owners. This is because ideally the BoGs are the owners of schools. If we have the wrong type of people owning the school, then the whole place is messed up. I would urge the Ministry to consider having a motorized section which has a full time responsibility of checking out who these BoG members are and how productive they are, how many meetings they attend and the level

of contribution. This then makes it mandatory for us who are in the BoGs to send minutes to this centralized body or this inspectorate so that we do not risk the funds and affairs of schools as it is.

Mr. Temporary Deputy Speaker, Sir, currently you find that it is like a fashion; every school wants a new bus. Every school wants new uniforms. This costs a lot of money. Some of the expenses approved by the BoGs are unnecessary. For example, you may find that some of the financial undertakings which end up eroding parents' huge amounts of money can be done without. There are also some cases like textbooks, with e-learning now, it is possible to have e-books so that you do not have to have such a huge burden of books for students. An average student in Form One cannot lift the load of books he or she is supposed to be studying.

Mr. Temporary Deputy Speaker, Sir, Mr. Chanzu should be congratulated for highlighting this particular aspect because the major investment in this country is actually in schools and education. Over 60 per cent of parents' wealth go to education in one way or another. Who manages this wealth? This wealth is managed by a few people, usually the principal or the head teacher and a few members of the Board. In most cases, they are so intimidated that they would just be rubber stamping. That is not the intention of creating BoGs.

I do not think the Ministry of Education can and is possible for them to supervise and oversee every board in terms of daily operations but in terms of overseeing the quality of the board of BoGs, that is within their ability. In any case, the Minister has the final say on who gets appointed. I think that was the spirit in that particular Act.

Mr. Temporary Deputy Speaker, Sir, I would persuade the House to ensure that BoGs are elected outside political domineering, excessive religious influence and cults. Let us have a business kind of board because they are the owners. We would also like them to be bonded so that they are aware that for any financial mismanagement in the school, they will be held accountable and you cannot escape it. In any case, most of them receive a small allowance of about Kshs1,000 or Kshs2,000 for the meetings and for that, they should be able to know that they are accountable to the people of Kenya and that at one point or another, they can appear in court and answer those audit queries. A strong board will reflect good results in school, good management, high discipline and it will confirm and conform to very high education standards. I want to thank the Mover who will elaborate on the figures when he replies. I also want to thank the Ministry of Education for - more than any other country in Africa - making sure that we have more educated people. Kenyans are more educated than any other nation in Africa including South Africa, Egypt and other places. This must be applauded. We are fond of making complaints but we forget compliments. The things and achievements we have accomplished to date in this Ministry, be it in primary, basic, technology or whatever they want to call it, the net effect of their intervention into education of our children conforms strictly with the original philosophy of this Government in 1963. We have been able to lift literacy levels beyond imagination even of the Western world. What has not been reciprocating is the production sector; the people who are supposed to ensure that there is enough employment for everybody; the people in agriculture who are supposed to ensure that there is enough food and enough to sell; the people who are supposed to stimulate the economy so that these people can be gainfully employed are the ones who are letting the education sector down.

So, as you continue producing quality students and having very good and modern schools, we would like you to look again at this question of the BoGs. I believe that even within delegated legislation, that is through gazette, you can amend or sort out this issue of BoGs. I want to support this Motion wholeheartedly and once again emphasize that little known to Kenyans is that BoGs own the schools and sign the cheques. The Parents/Teachers Association (PTA) collects the money and the BoGs spend it. Everything which is done there is owned by this group of people and time has come now for us to refocus again on whom the BoG members are, delinking it, like I have said, from religious and political influence and having professional BoGs.

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

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! Before I propose the Question, I just wanted to bring something to the attention of hon. Members for your benefit because if you see your Order Paper and the Motion as moved, you need to be advised. Under Standing Order No.48, “The Speaker may permit a Member to move in amended form, a Motion of which notice has been given if in the opinion of the Speaker the amendment does not materially alter any principle embodied in the Motion of which notice has been given”. That was the understanding in which the Mover moved this Motion. So, it is perfectly in order.

*(Question proposed)*

Yes, the Assistant Minister for Higher Education!

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to clarify so that it does not look like I am replying when the Ministry of Education will do it. There is a lot of confusion these days; too many Ministries with sharing of power. I know it can be confusing even to the Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Dr. Mwiria! Keep the confusion to yourself! The Chair is fully appreciative of the difference between the Ministry of Education and the Ministry of Higher Education, Science and Technology.

*(Laughter)*

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I appreciate that but I have noticed that confusion before with regard to other Ministries, but in this regard, you are absolutely correct.

Mr. Temporary Deputy Speaker, Sir, I would like to begin by congratulating Mr. Chanzu for bringing this Motion. The very essence of this Motion is to reduce the impact of religious organizations and the so-called “sponsors” in the management of our institutions. So I think it is even very generous to say that we should reduce from four to two and three to two because it is not quite clear that even in terms of numbers of representation, that many of the so-called “sponsors” actually merit any representation at all. I think it is high time we separated church and State and separated what is secular from religion. Even in countries that introduced western Christian religion here, if you go to Britain, European countries, the US and others, there is a very clear distinction

between what happens in educational institutions and in the church. They are completely separate. Even in some countries, you are not allowed to have Christian prayers in a school because a school should be neutral. It should be neutral for a Muslim, SDA and for those who believe in the African religion and others. So, really, it is important for us to be headed in that direction so that the confusion that is there and some of the conflicts that are resulting by insisting on having representation of church organizations in schools is cleared.

There are several conflicts because of that situation. Firstly, there are conflicts amongst the churches themselves. These days of too many splinter groups, there are many religious organizations and many churches without any schools that they can say they are sponsoring. So, when only a few dominant churches have schools to sponsor, then it is also a problem and an issue for those many other churches that cannot say they have any school to sponsor. So, even in terms of reducing that conflict, it is important to say that to be fair, let us separate completely but even in terms of politics and governance, I think the referendum is the best example of how dangerous religious fundamentalism can be. If it is so dangerous at the level of politics and governance, just imagine what kind of problems we can have at the school level if we allow that to continue especially because a lot of this is a lot of hypocrisy. I am not so sure that much of what we see in sponsorship and the confusion that goes with it has actually much to do with actual belief in what the various sponsors stand for. It is important, therefore, to ask who a sponsor is.

The colonialists who started schools here, for example the Methodists, came to Meru and started Kaaga Girls, Meru School and teacher training colleges. If it was the Catholic, they started Nkubu High School, Igoji Teacher Training College and many other institutions.

They established them. They brought teachers from their countries and came up with the resources that built those institutions. They were almost 100 per cent dependent on those missionaries. At that time, the idea of a sponsor made sense. But now if you look at the schools we are building, apart from a sign board stating the kind of school it is, what is it that the so-called “sponsors” are actually putting in schools to merit even that representation?

Mr. Temporary Deputy Speaker, Sir, sponsorship is about actual investment and we are not seeing that. Instead, what we are seeing is confusion brought about by sponsors. Despite the fact that these sponsors are not putting any money, facilities or teachers in the schools they are insisting on deciding who should be chairman of the BoGs. That is a very important person in a school. They often say that, that person has to belong to their religion. What has religion got to do with good management of an institution?

They say that three or four members must be nominated by the so-called “sponsor”. I am referring to the sponsor in quotes because there is no real evidence that they are putting any resources into schools. What has that got to do with the management of an institution? More seriously, they insist that the principal of a school must come from their religion. What is the justification? Will the young people eat the religion or benefit from a quality manager? I think these issues will come out very strongly.

So, that has led to declining standards in the quality of education, because we tend to let people who say that they are sponsors decide who should manage schools

irrespective of whether or not they have the qualities that are required. Most of the representatives of churches in BoGs, you have to question their standards in terms of their educational background to be able to give good guidance in terms of who should be nominated to run the boards.

In a case where the church is clearly the main sponsor, and there are few schools in this country that are completely sponsored by the church or the private sector, I have no problem with that. Those schools should be managed by boards that are appointed by boards that are appointed by them. There are many Catholic and Methodist schools now that are completely sponsored by that church. In that case we should be fair to the church for them to be involved in identification of the management of the school. Where that is not the case, it should be equally acceptable that they have no business coming to impose themselves on the management of resources that they have not contributed.

Mr. Temporary Deputy Speaker, Sir, as we constitute the boards, we should ask questions about the quality of the people in those boards, and whether the board members are nominated by politicians or other stakeholders. I think the majority of board members of secondary schools should be university graduates because we want our students in high schools to go to universities. If you are talking about science laboratories, we need to have people who can appreciate that. If we have an accountant with a Bachelor of Commerce degree in the BoGs they will be able to support the management of school resources.

If you have someone who is an architect in a school board with so much construction and infrastructural development, that person can contribute a great deal in terms of supporting that physical development. If you have someone who has some idea in medicine or public health, that person can contribute to improving the health environment of the school. If you have people who are good in environment they can also contribute to improving the physical outlook of an institution. We should aim at having professionals and university graduates on the school boards to the extent possible.

The chairman of the BoGs should be a university graduate, because nowadays BoGs interview graduates to be employed as teachers in secondary schools. How can you expect one who has no university education to be a good interviewer of who would be a good graduate teacher in a secondary school? This is why we must emphasise that the majority of leadership in our schools be of graduates.

Mr. Temporary Deputy Speaker, Sir, I also agree with the feelings of an hon. Member who spoke before me that as we are asking the so-called “sponsors” to be out of the management of institutions, we should also ask politicians to be professionals when they participate in the identification of who becomes a member of a BoGs. They should not be partisan. It is not right for a politician to insist that the principal must be someone they know and someone from their home area, because we have found out that de-localization makes the biggest difference. We are making a mistake in our schools when we want our friends to be their managers and the BoGs to belong to our own friends, or their chairmen to be people who are known to us. We are destroying quality in schools by insisting that they must be run by people who are known to us, especially the principal of the school.

So, politics should be removed from it and it should be done professionally for the sake of those children who do not care what kind of fights you have with your opponent or what religion the principal belongs to. That separation will enhance the

participation of parents, communities and everybody else who has an interest in education. It will now be clear that there is no one specific body or religious organization that has a monopoly in terms of making decisions on how schools are managed.

In this regard, therefore, I would like to remind the Ministry of Education that there is a revised draft of a new Education Act. It has been lying around for the last five years. Among other things, this draft Bill looks at the issue of separating management of education from religious organizations. Although this Bill looks at many other aspects of education in this country, that particular one is so critical now that we should get to a situation where we must insist much more that our schools are not about religion. If you go to a Seventh Day Adventist school, you should not be forced to go to class on Saturday because that is the prayer day for that church. Or, if you a Muslim you should not be forced to go to an assembly and subscribe to prayers that have nothing to do with your belief. If you a Christian in a Muslim institution, you are not obliged to go by the dictates of the management of that institution. Young people should be left to pick it on their own; education should be the first example of how secular and what is political and religious should be separated.

I support the Motion.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion. I want to congratulate Mr. Chanzu for bringing it at this time. In fact, it should have come here earlier. We understand that the role of the church before Independence was very paramount in our education system. They built schools and even employed teachers. Therefore, there was need for them to get a big chunk in the management of our schools.

Since Independence, we have had these roles changed. At the moment, the Government is doing a lot of work in our schools. In particular, parents who take their children to those schools play a very big role in the management of the schools and, therefore, have a lot of interest in them; they would like to see that their children learn in good institutions.

Mr. Temporary Deputy Speaker, Sir, as some hon. Members have said, the role of the church has really diminished. Some churches are used as notice boards. They play very little role in the management of our schools. Therefore, four out of 13 in the BoGs is too high. In fact, I wish that we had only one member representing the sponsors because some schools do not actually have their sponsors.

Mr. Temporary Deputy Speaker, Sir, when you look at a school situation, of course, you maybe talking about having quality in the BoGs. When you look at the quality, the people we are talking about are people who live in urban areas. As somebody who has been head of schools, the quorum of BoGs is very important. Therefore, when we constitute a Board, sometimes it may be necessary to get people who will come and support the running of the school. If you take people from Nairobi and you have the school in Migori, sometimes in two or three successive Board meetings, you may fail to form a quorum because these people are not able to travel down there. Of course, I understand the importance of quality of the BoGs. That is very important. There are areas like technical know-how, which we may require in our schools. Therefore, these people are also important. But we must consider the fact that if you take all people from the urban centres, you may have a problem of the Board meeting and the Head of the school may not really perform well.

Mr. Temporary Deputy Speaker, Sir, about the insisting by the sponsors that they have to get their own head teachers or principals, I think this is now outdated. What we need in schools is a quality administrator, wherever he comes from. So long as he is somebody who can perform, it does not matter. I would like to persuade the churches not to interfere with the Ministry in the appointment of principals or heads of our schools. What we actually need is somebody who can perform in that particular school. I know that, as it has been cited here, some people may want to get their own people. We, as politicians, may want to get our people appointed as principals of schools. If this person is not going to perform, I want to tell you that, at the end of the day, you will have failed. This is because your person has not performed well in that particular school. So, what we need in the appointment of a principal is actually proper consideration of the personal quality of that particular head, of course, going back to where he has been a deputy and so on.

Mr. Temporary Deputy Speaker, Sir, the number that has been suggested here by hon. Chanzu to reduce from four to two can be accommodated at the beginning. But eventually we may need to have only one member representing the church in future because the role of the church has really diminished and, therefore, we may not need to have two members in our boards. What should be considered here are our parents? Are they people with special interests? Are they people in the community of that school? Parents actually play a very big role in the management of our schools because they pay fees for their students. Therefore, maybe when you consider them under special representatives, we should have chairmen of the PTA in our boards and maybe another member of the PTA in our BoGs.

Mr. Temporary Deputy Speaker, Sir, this Motion is very important. I want to persuade Members here that we should look at it from the right perspective, so that we reduce the representations from the sponsors to a lower number than what it is today.

With those few remarks, I beg to support.

**The Assistant Minister for Regional Development Authorities** (Mr. ole Metito): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute in support of this Motion. I would like to thank the Mover, hon. Chanzu, for this Motion that would help in management of schools in the country.

Mr. Temporary Deputy Speaker, Sir, this Motion covers two issues. One is the BoGs of schools and also within that element it also covers sponsors. First of all, let me start by talking about the role of the BoG in a school. That will guide us towards determining who should sit on that board. The BoGs play about three key roles in any school. One is school administration and management whereby they give direction on routine functions. Secondly, there is the issue of school development in terms of physical development and provision of learning facilities to create a conducive learning environment. The third role is the issue of policy formulation. The BoGs develop policies on issues such as discipline of students and other staff; academic performance, among others. If you look at those three key roles, they are very vital. They are all leadership roles. This requires a lot of responsibility in terms of devotion of time and knowledge sharing. People who have knowledge disseminate it to others. Again, it requires people who are knowledgeable of the local problems of the school environment. Therefore, this calls for capacity building of BoGs. There should be some criteria in terms of qualifications for one to sit on that board.

When you come to the core issue of the Motion, the issue of sponsorship, for one to be called a sponsor in a particular school, he should have some contribution in terms of scholarships. Do you have some students you are giving scholarships in that school? Do you have some students you are giving bursaries? Are you paying any school fees to those students either through sponsorship or bursaries? Are you even paying some of the school administrators, be they support staff or others? Are you giving some physical support in terms of building the school? You really have to do something, as the Mover has clearly put it commensurate to the role you. That way you qualify to be a sponsor.

We have two kinds of sponsors. As others have said, we have the churches as main sponsors. We also have the District Education Board (DEB), which is purely Government through the District Education Officers. But if you go down to the primary level, I have seen situations where after the election of the School Management Committee by parents and other stakeholders, the area chief comes in with about five or more people to sit on the boards of the school. But that always goes against the tenets of democracy; you find those who have failed to get nominated by parents being brought back by the chief. That is in my primary schools. I want to agree with other speakers that what the church is giving as spiritual sponsorship is not enough. Just the other day, this Parliament was debating a Report by the Departmental Committee on Education about rampant riots in our public schools. That shows failure of sponsors in the respect of spiritual sponsorship to mentor the students to ensure that they live within the required discipline morally, academically and socially. It is good that we look at this slot of sponsorship such that what you contribute is what makes you sit on that board. I want to suggest that one of the sponsors currently in our public schools is the CDF. Almost every school in this Republic has benefited from CDF, if my constituency could act as an example. There is no single public school in my constituency that has no element of physical infrastructure done through the CDF.

I think the CDF would play a critical role as a sponsor in those schools. I would like to see this Motion go further.

With regard to schools sponsored by churches, for example, in my constituency there is a particular church that always claims to be a sponsor of a certain school. One time when I challenged them to tell the Board when they last contributed a shilling towards the development of that school, they said they had done that in 1982 which is over 30 years ago. This is the case and yet they still talk of being the sponsor of the school.

The Mover of this Motion should have noted that in all the church-sponsored schools, the churches not only claim the four slots, but also the chairmanship of the Board. They say the chairman of the Board has to come from the sponsor. The truth is that there is no development in such schools. There is nothing wrong if a church-sponsored school has administrators like the principals being drawn from the sponsors. However, it must be known that the sponsor, indeed, has a key element of sponsorship in that school.

In conclusion, we should encourage the sponsors of our schools to show something in terms of subsidizing education. They could do that through scholarships, bursaries and improvement of the physical infrastructure. This could make them proud of being called a sponsor of that school. I plead with the House to pass this Motion. I also urge the Minister for Education to implement this Motion as soon as possible both in



secondary and primary schools. When the Minister replies, it is good that he clarifies the slots in primary schools where you will find a chief coming up with five names saying that those people will represent him in the school management committee.

I understand that if you have eight classrooms, each class picks a parent through an election to represent them in the Board. However, you will find cases where the area chief brings, say, five people to represent him in the Board. They could even be people who sought for those positions and failed to capture any.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support this Motion.

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. I want to emphasise the fact that we need to appreciate the interest of the Board in managing schools. We all know why schools are there.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Ogindo! You have an amendment. You are not supposed to contribute to this Motion before you introduce the amendment.

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, much obliged. I beg to move that the Motion be amended as follows:-

THAT, the community representation be increased from 3 to 4 and the special interest representation be increased from 3 to 4 and the sponsor representation be reduced from 4 to 1 while also increasing the PTA representation from 1 to 2.

The reason for this amendment is---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Ogindo! You still need to do better. You need to spell out the words you are deleting and the ones you are adding.

**Mr. Ogindo:** Mr. Temporary Deputy Speaker, Sir, my amendment seeks to delete the words “community representation and special interests are each increased from 3 to 4 and sponsor representation be reduced from 4 to 2.” I want that portion to be replaced by the following words, “That community representation be increased from 3 to 4 and special interest representation also be increased from 3 to 4 while also increasing PTA representation from 1 to 2 and reducing sponsor representation from 4 to 1.”

Mr. Temporary Deputy Speaker, Sir, in making this amendment, I am driven by the fact that we need to appreciate the roles schools play in the society. The BoGs are the real managers of the schools. In managing the schools, the BoGs are charged with responsibility of ensuring that our schools really benefit the people who attend them and the community in which they are. It is important that the people we put in these boards be members of the society where these schools are. You know the consequence of a bad management is poor performance of the school and the consequence of good management is good performance of the school. It is on this account that we want to entrench people who have interest in these schools in the management of the same.

The background of it all is that initially, the church had a greater interest in the management of the school because most of the schools were introduced by the church. However, times have changed and schools have become the interest of the community. It is important to appreciate that when we charge the responsibility of running these schools in the hands of the community, we should expect better results because the community and the special interest group appreciate that in the event the schools do not perform, it is

the same community that will suffer. It is against this background that we seek to enhance the representation of the community in the BoG.

The management of a school is a day-to-day work. People who are entrusted with this job should be able to carry it out. To this end, the time of the members of the BoG is critical. The people who are part of the community would readily avail their time to supervise the schools.

The quality of the membership of the BoG needs to be seriously considered and regulated. I want to borrow from Dr. Kilemi Mwiria's contribution that it beats logic to expect a non-graduate to interview a graduate teacher. It is on this account that enhancing the quality of membership is prescribed in the regulations. Therefore, a minimum of university degree for a BoG member in the case of secondary schools should be mandatory.

The time available to the members of the BoG is critical for their effectiveness. In my schools in Rangwe, which I think is a sample of the whole country, we always emphasise that management should be a full time job. It is important that members of the BoG know the goings on, on a daily basis. We want to know how many teachers get to school on a daily basis and whether they actually do their job which is teaching. How effectively they do this, the boards need to know by way of looking at the exercise books of the students. We need to know whether the exercise books or examinations are being marked. This is more or less a full time job. The nature of the job requires that the people who will commit themselves to doing it effectively are those that come from the surrounding of the school. It is on this account that we seek to entrench and enhance the representation of the community.

Mr. Temporary Deputy Speaker, Sir, we also seek to entrench the representation of the PTA because we appreciate that the PTA has not been entrenched in the Act. It is important that this is done so that the people whose children are in school are charged with the responsibility of ensuring that they leave that school having attained the requisite results. It is on this account that we seek to enhance the membership of PTA in the board.

Mr. Temporary Deputy Speaker, Sir, it is also important for this country as a whole to realize that no job gets down without supervision. The consequences of intensive supervision that is to be done by the board of governors will be reflected in the results of the national examinations. It is, indeed, important that we put in place boards that can ensure effectiveness and efficiency. To this end, we also appreciate the good role that the sponsors, particularly the missionaries and churches have done in the past. But it is on this account that we want to reduce their representation to the board because, for sentimental reasons, we still need to keep the sponsors in the boards.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to move the amendment and ask hon. Odhiambo-Mabona to second it.

**Mrs. Odhiambo-Mabona** seconded.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! I, therefore, wish to propose that the Motion be amended in Line ten by deleting the words "4 to 2" and substituting in place thereof with the words "4 to 1"

**Mr. Ogindo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. From your Question it is not clear where the "1" is obtained and is going to. It would be clear if we are sure of where we are taking the extra one. In my amendment, I suggested that the community representation be increased from three to four; special interest representation

be increased from three to four; the PTA representation – and this is upon PTA being entrenched in the Act – be increased from one to two and the sponsors reduced from four to one.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, I think that is a valid point. Then you need to communicate the same to the Clerk-at-the-Table, because that is what I received, but I hear you. I think that is what you intended. The Question cannot just be proposed in that manner.

Hon. Ogindo, you may wish to approach the Table.

*(Mr. Ogindo consulted with the Clerk-at-the-Table)*

**Mr. Pesa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Currently, we do not have PTA in the Act. Therefore, I thought that we would entrench it as he has said. Maybe he could redraft his amendment so that we entrench it in the Act and then maybe increase that number to two and leave the others the same, except the sponsors which could be reduced to two. But then we must know that currently PTA does not exist in the Act.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Member, does it have to exist in the Act? Mr. Assistant Minister, maybe you need to clarify to the House for the sake of the hon. Members.

**The Assistant Minister for Education** (Mr. Mwatela): Mr. Temporary Deputy Speaker, Sir, first of all, I would like to appreciate the concerns of the hon. Members. But the PTA is represented in its own right and every public school has a PTA. I was reserving my contribution to this for the main response, but I would say that the PTA exists as a matter of fact; it is not assumed. So, to say that we have to entrench it in the Act is not necessary at this stage. I think it is okay just to increase the number by one. I support that amendment.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! The problem we have is a procedural one. So, we cannot really proceed until we determine the correct amendment.

*(The Chair consulted with the Clerk-at-the-Table)*

Hon. Members, from what the hon. Member has discussed with the Clerk-at-the-Table, it is actually an addition. The words “from 3 to 4” will remain. The two will be coming from the four from the sponsors, which came from four to two. So, he has reduced the two to one and allocated the additional one to the PTA.

I now wish to propose the Question.

**The Assistant Minister for Regional Development Authorities** (Mr. ole Metito): Mr. Temporary Deputy Speaker, Sir, it is not clear because in the Motion, as it is, there is no “1”.

**The Temporary Deputy Speaker** (Mr. Ethuro): I agree with hon. ole Metito. We are trying to craft the amendment now, which is not according to the procedure because, initially, the amendment should have come from the hon. Member to the Clerk. It is not up to the Chair to bring the amendment.

**Mr. Pesa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Are we increasing the membership of the board? The membership of the board is now at ten.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! Hon. Pesa has a valid point. If you look at community representation, it is supposed to be three. People of special interests are also supposed to be three, while sponsor representation is supposed to be four. The Motion originally intended to reduce the sponsorship from four to two which means that you free the two in the sponsorship and allocate one to community interests and the other one to special interests. The amendment is trying to maintain the original Motion, but further to reduce the two to one and allocate the one that has been reduced to PTA. That is the amendment that has been proposed. The global figure will remain the same. That is the wording of the amendment that needs to be crafted.

**Mr. Ogindo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is clear that PTA is not part of membership of the board as recognized by these regulations. On that account, I want to rephrase the amendment to remain that community representation be increased from three to five and the special interests be increased from three to four, while the sponsor representation be reduced from four to one. I think that is in order.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Mr. Temporary Deputy Speaker, Sir, I can see this amendment is now hindering the deliberations of the House because everyone is now involved in crafting it. May I seek your clarification on this one?

**Mr. Chanzu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. With all due respect, the Assistant Minister is not right by saying that this amendment is hindering deliberations. I think we are debating. Hon. Members are raising points of order. To paint a picture of the whole thing, BoGs before we come to the issue of the PTA, which comes among the co-opted members, is ten. I would like us to go with the position that Mr. Ogindo has advanced, so that we retain the 10. The issue of PTA which is co-opted is one that we can sort out later. The main issue was to deal with the crux of the matter, so that we retain the ten. We should increase the first one to four and the other one from three to five and then reduce the other one by one. That will give us ten. So, we do not need to suspend business. The Assistant Minister would like us to suspend the business, but there is no need.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! The Chair is grappling with two issues. One is an amendment by hon. Ogindo. That is what we are dealing with. Hon. Ogindo cannot amend his own amendment. He has to bring another Motion to amend the amendment. However, the amendment we are enforcing, which the Chair must enforce because those are the rules of the House is that community interests remain basically as in the original Motion. We are now dealing with reduction from two to one in terms of special interest and allocating the reduction of one to PTA. The question that was before us was to formulate an appropriate wording in terms of bringing an amendment properly on the Table which I asked the Member and the Clerk's Department to consider. Now the Chair may wish to intervene and propose the amendment as proposed by hon. Ogindo. The amendment is that you delete the word "2" at the end of the word "to" and insert the following words:

“increase the Parents Teachers Association representation from 1 to 2”. That will serve what you had suggested initially and it is the amendment that was approved by the Chair. It is the amendment that is before the House.

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

That is the Motion before us. Let us now contribute.

**Mr. Ogindo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Having listened to you, I realized that the amendment is inconsistent with the provision of the BoG membership which is at ten. That takes it to 11.

I wish to withdraw that amendment.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Thank you Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. I want to congratulate hon---

**The Temporary Deputy Speaker** (Mr. Ethuro): The Mover himself has disallowed the amendment, except that he has disallowed it after the amendment has actually been proposed and seconded. So, the amendment to the Motion is properly before the House and the only way for him to withdraw now, is to lobby the rest of you to defeat his own amendment. Under the circumstances, the Chair has no option but to put the Question.

*(Question of the first part of the amendment, that the words to be left out be left out, put and negatived)  
(Debate on the original Motion resumed)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, now we are back to the original Motion. Proceed, hon. Kajembe!

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Thank you, Mr. Temporary Deputy Speaker, Sir. As I said earlier on, I do not want to repeat what has been concluded but I rise to support this Motion. I think hon. Chanzu did a good job. The Motion is acceptable and I fully support it.

Mr. Temporary Deputy Speaker, Sir, as I contribute to the Motion, I would like to advise the Minister for Education that the structure of BoGs in this country is incomplete. I think the Minister should come up with a very comprehensive report to show structures. I am saying this because representation of sponsors in public schools is meaningless.

I am using the word “meaningless” because when all these sponsors failed to develop their schools, they decided to hand over these schools to the Government. Sponsors have not been able to develop those schools. They have failed to give them money and develop infrastructure. So, it is my wish that all public schools in the country will be treated equally.

Mr. Temporary Deputy Speaker, Sir, I am saying this because in the so-called sponsored schools, you will find that these sponsors have stopped developing them. We inherited bad schools and infrastructure. Today, we have used Constituencies Development Fund (CDF) monies to develop them. We have carried out fundraising

activities to help these schools and yet the sponsors are not helping them. Since the sponsors handed over these schools to the Government and they are now public schools, I think they should be treated the same way.

I would like to advise the Minister that, in future, he should restructure them with the BoGs because they appear different in several areas.

Mr. Temporary Deputy Speaker, Sir, it is right when we say that a certain religion which dominates a place should put their people in the BoGs, what I do not understand is why those learning institutions which were taken over by muslims from missionaries many years ago, do not provide representation on BoGs. For example Khamisi High School was put up by muslims. Before, Mombasa Polytechnic used to be called Miome, but we do not have muslims sitting on the BoG. But when certain religious denominations hand over their learning institutions, they are told to bring four representatives. I think there is need to have a uniform system of creating these BoGs.

So, I would just give you one example---

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Kajembe, it is time for the Government Responder. If the Assistant Minister can allow you a few more minutes, then that is okay.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Mr. Minister, just allow me one minute please?

**The Assistant Minister for Education** (Mr. Mwatela): You are allowed!

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kajembe): Thank you.

Mr. Temporary Deputy Speaker, Sir, I want to give one good example to this House. There is one school in my constituency that was given to the community. After we had developed that school, the sponsor came back and said that he wanted his school back. So, we had to go to court. Before the court handed over the ruling, the Ministry of Education told us to hand over that school to its sponsors, after using public funds.

Thank you.

**The Assistant Minister for Education** (Mr. Mwatela): Thank you, Mr. Temporary Deputy Speaker, Sir. First, I would like to commend the Mover of this Motion, hon. Chanzu.

Our Education Act is in dire need of an overhaul. The Education Act has been overtaken by time. We need to relook at the way we set up our BoGs. We need to relook at the way we set up our school management committees for reasons that are very obvious. We need to ensure that the Act adequately addresses issues of examinations, what role they play in our education system, discipline in our schools, the use of technology and environmental concerns. We need to think of how we train and retrain our teachers. We need to think about the financial management of our schools and education systems. We need to think about the different roles that are played by the different players in the education sector, for example, the Provincial Directors of Education. We need to think about what has been raised here with regard to the separation of religion and education. Indeed, at this moment when this country is looking at the issue of having a new Constitution, we need to think seriously about the roles that the new structures that will be brought in by the new Constitution will be playing in our schools. What role will the county governments, for example, play in our education system?

Mr. Temporary Deputy Speaker, Sir, hon. Chanzu has brought a critical Motion and I would like to thank him for thinking ahead of time. The Ministry is looking and has been looking at a way of revising the Education Act, so that we can end up with an Act that addresses the many issues that contribute towards the success of our education sector. My concern, as an educationist, is that we need, at this stage, to have a system of education that is holistic where values are inculcated throughout the learning process. This can only be done if we have the proper personnel within the system. It is true, as the Members have alluded that in the previous cases, the churches and religious bodies built Schools. They were the owners of the institutions. So, even today, those private schools which are owned by churches and religious organizations have their own boards. We have to change the arrangement in public schools, so that they remain public schools. We need to ensure that our schools churn out individuals that have certain values that are acceptable to the community. In any event, if members of the community are increased in the boards, the likelihood is that they will still come from the subscribers of the same faith.

So, the Ministry is not opposed to this proposal. My view is that as we move towards this restructuring, we will be doing piecemeal legislation, so to speak, or revision of the Act, while we actually need an overhaul of the Education Act. In November, this year, we intend to have a stakeholders' meeting, which will look at the draft Education (Amendment) Bill, which addresses all the issues that have been raised by hon. Members here.

I also think that this will be ideal, because it will come when, most likely, we will have a new Constitution in place and, therefore, new structures within the country. Therefore, I would only request that we agree that we buy time since November is not very far away, so that we can participate fully in overhauling the Act.

Mr. Temporary Deputy Speaker, Sir, as hon. Mututho said, Kenya has been a leading provider of quality education in Africa. However, I do not think since the event that occurred about two years ago, when we had individual students who participated in burning of institutions, we have managed to bring about individuals who are well rounded, and who have the correct values. So, I would like us all to think about how we will come up with an Act that manages education in such a way that we have individuals who are respectful to the environment and to property, and who are good citizens.

We have, in almost every year, noticed cases of damage to property by students. The blame may be laid on students, but I think our own system is to blame for not inculcating the correct values in our young people.

I would, therefore, like to state that I do, in principle, support this amendment but I think it falls short of a real overhaul of our education system. We, in fact, need to overhaul of the entire Education Act, so as to get out of this piecemeal type of thing. We should make sure that we have a good Act, which will provide for good management of our institutions, and ensure that our young people are fit to run this country effectively.

I beg to end there and fundamentally support the Motion. Indeed, these are long overdue measures. However, I plead with the Mover of the Motion that we need a total overhaul and not just bits of the Act so that we correct the situation in this country.

With those few remarks, I beg to support this Motion.

**The Temporary Deputy Speaker (Mr. Ethuro):** It is time for the Mover to reply.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I want to donate one minute to Mr. Kizito and another one to Mr. I. Muoki.

**Mr. Kizito:** Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion and being an educationist I thought it wise that I should not just sit down but add my voice on this. I want to say that this Motion is long overdue. I agree with the Assistant Minister that we should have a total overhaul of the Education Act so that education in this nation can give children in this country an opportunity to get education to the levels that they want. One point that I wanted to put across is the level of education of the members on those BoGs. That should also be looked into. That involves the quality of the persons. The church would like to “push” its people on the BoGs regardless of their qualifications, integrity and the technical know-how in these areas. It is very important that the level of education for those people should be looked into so that we have quality people managing our education.

Mr. Temporary Deputy Speaker, Sir, as I add my voice on this, I want to say that apart from just looking at the BoGs, there is also need for us to look into the entire system of education which is too heavy to the child of this nation. It is too unfriendly and not child-centred. I would like us to look into that so that the education system and the curriculum of this nation are toned down. You will be surprised that a class three child carries a very heavy load of books going to school. At the end of day they tend to give up because of the weight of the curriculum. It will be good if we can reduce it. Again some children take too long to complete primary schools and some actually give up on the way. This has an impact when they get to secondary schools.

I really support this Motion and commend the Mover because it was long overdue.

**Mr. I. Muoki:** Mr. Temporary Deputy Speaker, Sir, I also want to appreciate my colleague, Mr. Chanzu, for giving me this chance. As my colleague has said, I am also an educationist and having a minute to say something is worthwhile. I want to agree fully with the Mover of the Motion. I equally agree with the Assistant Minister who responded that we really need to overhaul the education system because we have moved very fast from the colonial times when the missionaries brought education to early Independence when we were trying to find our footing and currently, when we have very many professionals in the country. I am sure that if the Minister called a meeting of stakeholders, he will realise that we have very many qualified Kenyans out there and in this Parliament, who can come up with a document or a policy that will guide our education system. Before we get to that, we really need to look at the issue of the dominance of sponsors.

You will agree with me that some District Education Officers (DEOs) have been told by the Ministry that they should involve stakeholders. The truth of the matter is that some sponsors insist on having their nominees who should not be touched by others. They also insist on appointing the chair and providing the principal who runs the school. If you come from another denomination and you are a competent principal, you will not be allowed to run that school. In effect, this has affected the performance of education. Therefore, the community and the professional should participate more. These people should come out strongly to support the education system. We should have nominal participation of the sponsors.



With those remarks, because I have been given one minute by my colleague, I thank him very much. I support this Motion because it is very important.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I wish to give hon. Njuguna half a minute and hon. Baiya, a minute.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon, Chanzu your generosity has some limitations.

**Mr. Njuguna:** Thank you, Mr. Temporary Deputy Speaker, Sir. Very briefly, I wish to take the opportunity to thank the Mover of this Motion, which is very crucial indeed.

We seriously recognize the crucial role that is played by the BoGs by way of making sure schools funds are utilized well, maintaining discipline and even making sure that pastoral care programmes are being conducted well in our schools. It is also important to recognize the initial role that they played at Independence to start schools in this country. We would urge them to continue with this very important role. It is, therefore, important that when we are constituting BoGs, the leadership of these boards should be headed by somebody who is very competent, somebody who is very qualified and a degree holder in order to maintain proper and sound management in our schools.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I fully support this very timely Motion.

**Mr. Baiya:** Thank you, Mr. Temporary Deputy Speaker, Sir. I too, wish to support this Motion and the Mover, hon. Chanzu.

This is a very important intervention. The truth of the matter is that the missionaries who started these schools were educationists *per se*. But the current situation is that we have the religious leaders who have no educational background and when they come to the board, there is a clear gap. Their focus and mission when it comes to school management is not related to performance. We see this as a relic of the past. The intervention by the church in management of educational institutions is a relic of the past because there is actually very little sponsorship that they are really bringing in. Therefore, there is need to align these public schools with the community; that is, the beneficially. And I think this is also in keeping with the trend elsewhere in the world.

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Baiya, you had a minute!

**Mr. Baiya:** Thank you, Mr. Temporary Deputy Speaker, Sir. We also urge you to take the initiative and bring those overhauls. He has actually started the initiative, bring the overhaul and we will support them.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I want to thank hon. Mututho for seconding the Motion and my other many colleagues who supported it including Dr. Mwiria, Mr. Kajembe and the Assistant Minister who responded on behalf of the Ministry. I wish he could be the substantive Minister because he could have implemented this Motion. I also wish to thank Mr. Kizito, Mr. I. Muoki and Mr. Baiya.

Finally, I just wanted to explain why I brought up this Motion and why we need to support it even outside the House. In 1963, the spending of Government on education was Kshs120 million - I got some figures but because of time, we can use them as a starting point. In 1963, the Government spent Kshs120 million on education and I said it was geometric. In 1970, the amount rose to Kshs279 million, 1979 Kshs1 billion, 1986, Kshs7 billion, 2003, Kshs63 billion and 2010, Kshs190 billion respectively.

That is the reason I brought the Motion. Thank you for your support.

I beg to move.

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Ethuro): Hon. Members, there being no other business on the Order Paper, this House is, therefore, adjourned until this afternoon.

The House rose at 12.23 p.m.