

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

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

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

The Report of the Departmental Committee on Justice and Legal Affairs on the Examination of Estimates of 2010/2011 for the following Ministries/Departments:-

Vote 17 – Ministry of Justice, National Cohesion and Constitutional Affairs

Vote 25 – The State Law Office

Vote 26 – The Judiciary

Vote 33 – The Interim Independent Electoral Commission (IIEC)

Vote 34 – The Kenya Anti-Corruption Commission (KACC)

Vote 61 – The Interim Independent Boundaries Review Commission (IIBRC).

*(By Mrs. Odhiambo-Mabona)*

The Report of the Departmental Committee on Labour and Social Welfare on the Examination of the 2010/2011 Estimates of Expenditure for the following Ministries:-

Vote 15 – Ministry of Labour

Vote 42 – Ministry of State for Youth Affairs and Sports

Vote 18 – Ministry of Gender, Children and Social Development

Vote 35 – Ministry of State for Special Programmes

Vote 41 – Ministry of State for National Heritage and Culture.

*(By Mr. Odhiambo)*

### ORAL ANSWERS TO QUESTIONS

*Question No.259*

PURCHASE OF MAIZE GROWN  
UNDER STIMULUS PROGRAMME

**Mr. Speaker:** Is the Member for Baringo Central here? Maybe we will revisit that Question a little later.

Let us move on to the Question by the Member for Molo!

*Question No. 267*

POSTING OF DISTRICT OFFICERS  
TO LARE/KIHINGO/NJORO

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

(a) whether he is aware that Lare, Kihingo and Njoro Divisions in Njoro District have no District Officers (DO's); and,

(b) when he will post the officers.

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

(a) All divisions in Njoro are filled except Kihingo Division which was newly created. Lare Division has a DO by the name Anne Wafuko while Njoro Division has a DO called Anjeline Musikoyo.

(b) Arrangements are being made to post one officer to that division very soon.

**Mr. Kiuna:** Mr. Speaker, Sir, I thank the Assistant Minister for answering my Question. It is true that Lare and Njoro divisions have received new DOs. I would like to congratulate the Assistant Minister for posting those officers to those divisions. The DO for Mau Narok has been transferred. Could the Assistant Minister tell us when he will post the Dos to Kihingo and Mau Narok divisions because the two divisions are the most volatile in my constituency?

**Mr. Lesrima:** Mr. Speaker, Sir, we intend to post DOs to those critical divisions next week.

**Mr. Njuguna:** Mr. Speaker, Sir, what steps has the Ministry taken to ensure that newly posted DOs have offices?

**Mr. Lesrima:** Mr. Speaker, Sir, we have serious challenges because of the number of new districts and divisions that have been created. However, we intend to make arrangements within the districts to accommodate the DOs as we construct new district headquarters.

**Mr. Kiuna:** Mr. Speaker, Sir, I concur with the Assistant Minister. However, I would like him to confirm whether there is a possibility of providing transport to the new DOs, especially in Molo Constituency. This is because most of the areas are very volatile and there is high tension this time.

**Mr. Lesrima:** Mr. Speaker, Sir, I will endeavour to make those arrangements in view of the prevailing security situation in Mau Narok. We will provide a vehicle to the DO.

**Mr. Speaker:** Let us move on to the Member for Mandera East's Question!

*Question No.288*

IMPROVEMENT OF INFRASTRUCTURE/  
EQUIPMENT AT LAFEY DISPENSARY

Is Mr. M.H. Ali not here? Let us give him the same treatment we gave the Member for Baringo Central. So, we will revisit the Question.

Let us move on to the next Question by the Member for North Imenti!

*Question No.297*

NON-COMPLETION OF KAZITA  
FOOTBRIDGE IN IMENTI NORTH

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

(a) whether he is aware that the construction of Kazita footbridge in Imenti North has taken too long to be completed;

(b) when the contractor will complete and hand over the bridge; and,

(c) when works on the eastern side of the bridge will commence.

**Mr. Speaker:** Is anyone here from the Ministry of Roads? Well, both ways we have to give some indulgence. We will revert to the Question a little later.

Let us move on to the Member for Makueni's Question!

*Question No.303*

REPAIR OF EMALI-UKIA ROAD

Is Mr. Kiilu not here? We will give him the benefit of a second lap.

Let us move on to the Member for Bura's Question!

*Question No.304*

MATERNAL MORTALITY RATE IN  
NAIROBI/MOMBASA SLUMS

Is Dr. Nuh not here? We will mete out similar treatment in the hope that the hon. Member will be here then.

Let us move on to Mr. Mwaita's Question for the second time.

**Mr. Mwaita:** Mr. Speaker, Sir, I apologise for coming late. I beg to ask Question No.259.

*Question No. 259*

PURCHASE OF MAIZE GROWN  
UNDER STIMULUS PROGRAMME

Mr. Mwaita asked the Minister for Agriculture:-

a) what plans she has to purchase maize grown under the stimulus programme;  
and,

(b) why farmers at Perkeria Irrigation Scheme were billed for inputs under the programme.

**The Assistant Minister for Agriculture (Mr. Mbiuki):** Mr. Speaker, Sir, I beg to reply.

(a) The Ministry of Agriculture has no plans to purchase maize specifically produced under the Economic Stimulus Programme (ESP). However, through its depots, the National Cereals and Produce Board (NCPB) is buying maize from all areas including those under the ESPs.

(b) Farmers at Perkeria Irrigation Scheme were billed to recover farm inputs and services costs given to them on credit under the Economic Stimulus Programme (ESP) to create a revolving fund.

**Mr. Mwaita:** Mr. Speaker, Sir, I wish to ask the Assistant Minister to categorically state whether what is extended to the farmers through the Economic Stimulus Package (ESP). Is it a grant or just a loan?

**Mr. Mbiuki:** Mr. Speaker, Sir, the Ministry of Agriculture, together with the Ministry of Water and Irrigation, undertook to rehabilitate the Perkeria Irrigation Scheme. After we did the rehabilitation of the scheme under the ESP programme, we went further in consultation with the farmers, to give them all the necessary inputs on credit so that we can build a revolving fund for today, tomorrow and the future. So, it was a loan and not a grant.

**Mr. Litole:** Mr. Speaker, Sir, there is a lot of maize that is being wasted in the South Rift region. Could the Assistant Minister tell us what the current price of maize is?

**Mr. Mbiuki:** Mr. Speaker, Sir, the current ruling price at the National Cereals and Produce Board (NCPB) is Kshs1,500, cash on delivery.

**Mr. Imanyara:** Mr. Speaker, Sir, this is a constituency that for 47 years was represented by one Member of Parliament who also happened to be the President of the Republic of Kenya. During that time, this constituency was totally neglected. Could the Assistant Minister consider extending some extra credit to these farmers who had the misfortune of being misgoverned for 47 years?

**Mr. Mbiuki:** Mr. Speaker, Sir, as much as I concur with the Member for Imenti Central that the people of Baringo Central have been marginalized for a long time, the Government under the leadership of His Excellency the President will continue extending similar credit facilities to the people of Baringo Central, so that they can benefit from the good governance.

**Mr. Shakeel:** Mr. Speaker, Sir, could the Assistant Minister kindly tell us why this Government is not going in the same direction? There is no congruence between the Ministry of Agriculture and the Ministry of Planning, National Development and Vision 2030. On one hand, we are giving the ESP to stimulate growth and on the other hand, we are turning away the maize that is grown under the same ESP. This is one of the few countries I know in the world where we reject our own food and buy from abroad. Could the Assistant Minister tell us what logic there is to this and whether the Ministry is within the strategic plan of 2030? Are you actually working on the 2030 strategic plan or is somebody just doing it totally *ad hoc* and against the principles of development and the people of this country?

**Mr. Mbiuki:** Mr. Speaker, Sir, the Ministry of Agriculture, together with the Ministry of Water and Irrigation, is really walking the talk. This is because the first duty we had was to rehabilitate all the collapsed irrigation schemes which were in the country, up to and including Hola, Bura, Perkeria and Mwea. We went ahead to give farm inputs to

all the farmers where we had this rehabilitation. I would like to inform the hon. Member that the Government, through the Ministry of Agriculture, is going out of its way to rehabilitate all these collapsed schemes as well as give soft loans to all the farmers, so that they can benefit across the country.

On the question of turning away the farmers, the Government has not turned away any farmer with maize. It is only that the NCPB had an obligation to buy maize which is acceptable and of good quality.

**Mr. Shakeel:** On a point of order, Mr. Speaker, Sir. The Assistant Minister has not answered the gist of the question. Is the Ministry of Agriculture in congruence with the planning that is taking place in this country towards the development of this country? It appears that the Ministry is not in congruence because one Ministry is bringing the ESP and the other one is actually turning away the actual benefits gained by that ESP. Could the Assistant Minister, please, say whether or not they are in congruence? If he is not aware, he should, please, tell us so.

**Mr. Mbiuki:** Mr. Speaker, Sir, we are not turning away anybody. We are also not in contradiction with the Government policy of Vision 2030. As much as the Government allows some maize to come in from outside, at the same time, we are buying whatever is being produced in the country. It is only that the prices were reduced from Kshs2,300 to the current Kshs1,400 in force with the current market forces of demand and supply.

**Mr. Ruteere:** Mr. Speaker, Sir, all the maize in Eastern Province was condemned as having aflatoxin and it cannot be taken to the market or NCPB stores for purchase. It was also resolved that this maize will be bought at Kshs1,000, but to date, farmers have their maize in their stores and they are eating it. What is the plan of the Ministry to buy this maize or even condemn it properly by compensating the farmers?

**Mr. Mbiuki:** Mr. Speaker, Sir, the Government is in the process. Actually, we have opened all the NCPB stores across the entire country. We have requested farmers to deliver their maize. Upon being tested if at all the aflatoxin level is found to be above required parameters, we are taking in the maize and compensating the farmers at Kshs1,000 per bag. So, I would like to request the hon. Member to kindly request his farmers to deliver their maize to the nearest NCPB stores where the Government can take it. It is not the responsibility of the Government to go and pick it from their own farms.

**Mr. Chepkitony:** Mr. Speaker, Sir, the Assistant Minister says that the farmers should deliver maize and they will pay, yet the Ministry has not paid for last year's crop. Could he confirm to this House how much money they have set aside for purchase of maize this year?

**Mr. Mbiuki:** Mr. Speaker, Sir, the Government has set aside more than Kshs3 billion for purchase of maize in the market. All the maize which is being delivered is being paid for within 90 days. Where possible, especially, under the ESP programme, the maize is being paid for in cash.

**Mr. Mbugua:** Mr. Speaker, Sir, there was Kshs6.8 billion which was meant for the maize which was affected by aflatoxin. How many bags has the Ministry bought so far?

**Mr. Mbiuki:** Mr. Speaker, Sir, I do not have the current statistics on the amount of maize we have bought so far and the one which has been found to have some aflatoxin as at now, but I can confirm and come back to this House.

**Mr. Kiuna:** Mr. Speaker, Sir, knowing that we are expecting a bumper harvest in many parts of Rift Valley and moreso, in Njoro and Elburgon, could the Assistant Minister set up a cereal buying depot in Njoro District?

**Mr. Mbiuki:** Mr. Speaker, Sir, I would like to assure the hon. Member that once the crop is ready, we are going to set up a temporary buying centre in Njoro and Molo districts, accordingly, to help the farmers in that rich agricultural zone.

**Mr. Speaker:** Last question, Mr. Mwaita!

**Mr. Mwaita:** Mr. Speaker, Sir, farmers in Perkeria Irrigation Scheme during the ESP programme produced over 10,000 bags of maize. Unfortunately, the NCPB purchased only 1,500 bags at two different prices. In March it purchased the maize at Kshs2,300 per bag and recently they have been purchasing it at Kshs1,400 and the farmers have not been paid. Is the Assistant Minister going to purchase the 10,000 bags which are lying with the farmers?

**Mr. Mbiuki:** Mr. Speaker, Sir, I would like to thank the hon. Member for his good leadership in his constituency. Let his farmers deliver the maize tomorrow morning and they will be paid at Kshs1,500, so that they continue enjoying his good service.

*Question No.297*

NON-COMPLETION OF KAZITA FOOTBRIDGE  
IN IMENTI NORTH

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

(a) whether he is aware that the construction of Kazita footbridge in Imenti North has taken too long to be completed;

(b) when the contractor will complete and hand over the bridge; and,

(c) when works on the eastern side of the bridge will commence.

**The Minister for Roads** (Mr. Bett): Thank you, Mr. Speaker, Sir. On the outset, I would like to apologize for coming late. I was caught up in traffic jam which I am trying to dismantle.

However, I beg to reply.

(a) The construction of Kazita footbridge was completed in November 2009. I want to indicate that we have looked for Kazita footbridge, but we have not found it. We have in our records Kathita footbridge. The hon. Member will clarify the right spelling of the bridge.

(b) The contractor officially handed over the bridge in June, 2010 and a certificate of completion was issued.

(c) My Ministry will include the construction of eastern footbridge across Kazita River in the next Financial Year, 2011/2012.

**Mr. Ruteere:** Mr. Speaker, Sir, I am surprised to hear the Minister say that Kazita footbridge is complete and that it was handed over. As it is now, it is the most dangerous footbridge. In fact, people are discouraged from using it. Currently, they use more of the actual bridge where motor cars pass by leaving the footbridge because of its poor construction. People are expecting the Ministry to do a better job, so that the safety of children and old women is guaranteed. Has he ever inspected that footbridge?

**Mr. Bett:** Mr. Speaker, Sir, I have indicated that the bridge was handed over and a certificate of completion issued. That means that all the works were completed according to the contract that was awarded.

**Mr. Imanyara:** Mr. Speaker, Sir, I happen to use this road on very regular basis and you have been to that area. Unlike you and I, the Minister hardly visits that area. So, he would not know that footbridge is half complete. That is why people are using the road rather than the footbridge. Could he go and find out what exactly happened because that footbridge has not been completed?

**Mr. Bett:** Mr. Speaker, Sir, I want to get it from the hon. Member for Imenti North what bridge we are talking about. Are we talking about Kazita or Kathita bridge? Could he clarify because what I have in my records is Kathita Bridge? I do not have Kazita Bridge in my record?

**Mr. Ruteere:** Mr. Speaker, Sir, Kazita or Kathita is the same bridge. It is the bridge which is just below the town.

**Mr. Bett:** Mr. Speaker, Sir, I think this is a bridge with two names.

**Mr. Speaker:** But the subject matter is the same.

**Mr. Bett:** Yes, Mr. Speaker, Sir. I want to beg to disagree that the bridge is not being used because I have photographs here showing people using it. I beg to lay on the table the pictures.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Minister to say this bridge is being used when we know many people would rather prefer not to use this footbridge, but use the actual bridge? He could confirm this from the Minister sitting next to him. Will he look at that certificate and ask the other officers to confirm that, indeed, it has not been completed?

**Mr. Speaker:** Mr. Minister, please, table those photographs, so that hon. Members for Imenti North and Imenti Central, respectively can look at them.

**Mr. Bett:** Mr. Speaker, Sir, yes, I will. The bridge is being used and, indeed, my colleague Minister is challenged to confirm and has confirmed that the bridge is being used. I hereby lay on the Table the photographs of the bridge.

*(Mr. Bett laid the photographs on the Table)*

**Mr. Ruteere:** On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to say that people are using the bridge from the pictures that he has when I stated, very clearly, that most people would rather use the actual bridge than the footbridge? Women with children and old people do not use this footbridge.

**Mr. Bett:** Mr. Speaker, Sir, I want to indicate that bridges are not meant to be playfields, so that children would want to go play on them. If the hon. Member is requesting for additional works, I am prepared to consider additional works. However, the work has been completed in accordance with the contract that was signed with the contractor. I confirm that the bridge is being used.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to mislead the House that the footbridge is being used and that the pictures confirm so when, indeed, the photographs he has laid on the Table of the House show people on the road and not on the footpath? You can look at them and confirm that he is

misleading this House. Those pictures show people on the road and not on the footbridge. Is it in order?

**Mr. Bett:** Mr. Speaker, Sir, I am not misleading the House.

**Mr. Speaker:** Mr. Minister, allow me time to look at the pictures.

*(Mr. Speaker looked at the pictures)*

Well, my sense of sight tells me that there are people on the footbridge and others on the main road. That is what I have seen.

**Mr. Bett:** Mr. Speaker, Sir, thank you for that intervention. The two facilities are equally good. People decide either to use the road or the bridge. They should be congratulating us for availing to them the road and the footbridge.

**Mr. Ruteere:** On a point of order, Mr. Speaker, Sir. Is the Minister aware that there was an accident as soon as the bridge was built there because people were not using it? Secondly, two people were killed on the road because of insecurity.

**Mr. Bett:** Mr. Speaker, Sir, I am not aware that there was an accident. I want to admit that I cannot force people to use the footbridge or the road. There is democracy in this country.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. Is the Minister in order to tell us that there is democracy when we know very well that it is traffic laws that require people to avoid bridges? This was the reason why the Ministry put up this footbridge? The picture you have looked at shows only one individual on the footbridge. It does not show many people. I still maintain, because I was there yesterday, that this footbridge is incomplete and he is misleading the House when he says that it is complete. I go there every week, but he does not go there. So, he is relying on second hand information while I am giving him original information.

**Mr. Bett:** Mr. Speaker, Sir, I do not mind visiting that bridge with hon. Imanyara and the Member for Imenti North. It appears like he was out there inspecting that bridge. If the Questioner would wish us to do other works, we would not mind improving on the guardrails. However, I also want to urge the Member to ask the people not to vandalize the guardrails when they are put in place.

**Mr. Shakeel:** Mr. Speaker, Sir, the Minister seems to rely very much on completion certificates. Is he also aware that there was a footbridge at Morogoro in my constituency which was never completed? It has been a disaster ever since. I would like to urge him to kindly ask his officers to give a report on that bridge. I am very envious of Imenti because they have a road as well as a foot bridge. We have a simple footbridge that has fallen apart hardly six months after it was done in 2006.

**Mr. Bett:** Mr. Speaker, Sir, I oblige. I will ask my officers to look at that bridge. I thank the Member for complementing us for giving the people of Imenti a road and a footbridge.

**Mr. Chanzu:** Mr. Speaker, Sir, could the Minister tell us who decides on who should be doing these foot-bridges? The Member for Kisumu Town East is talking about a footbridge, which is similar to the bridges that the Ministry of Public Works is doing all over the country. Who decides which bridge is to be done?

**Mr. Bett:** Mr. Speaker, Sir, all the footbridges across rivers in the country are normally done by the Ministry of Public Works unless they are on road reserves.



Footbridges on road reserves are done by the Ministry of Roads. Footbridges which are away from road reserves are done by the Ministry of Public Works. That is the difference.

**Mr. Mwaure:** Mr. Speaker, Sir, now that the Minister has indicated that works on the eastern side of this bridge will be done during the Financial Year 2010/2011, how much money has he allocated for this project to kick off as expected?

**Mr. Bett:** Mr. Speaker, Sir, we have allocated Kshs4 million for that footbridge.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. I have just been to speak to the Member for Nithi, who is sitting next to the Minister and he has assured me that he did not confirm to him that this road is done. He only told him that the road is poorly done. Is it in order for him to mislead this House that the Member has confirmed to him that the road has been done?

**Mr. Bett:** Mr. Speaker, Sir, I will not want to stand for hon. Mbiuki, because he told me the opposite of what hon. Imanyara has said. So, I do not want to engage myself in that futile debate.

**Mr. Speaker:** Order! Hon. Members, the House is entitled to have the truth and hon. Mbiuki is here. Hon. Mbiuki, what is your version of this matter?

**The Assistant Minister for Agriculture (Mr. Mbiuki):** Thank you, Mr. Speaker, Sir, for giving me an opportunity to state the truth. The bridge is poorly done. I would like to request the Minister to come and inspect the road to see the sort of work they are doing for our people in Meru.

**Mr. Speaker:** In those circumstances, hon. Bett, the right thing to do is for you to, first, undertake to the House that you will visit this bridge. If you find any faults, you will consider rectifying them. That can rest the matter.

**Mr. Bett:** Mr. Speaker, Sir, I want to associate myself with what I had said earlier that I am prepared to tour the area. I am also not prepared to have two Members canvassing for mysterious answers.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir, did you hear the Minister refer to the questions as canvassing for spurious answers, when the questions were allowed by you? Is he in order?

**Mr. Speaker:** I am not certain that, that is what the Minister said.

**Mr. Imanyara:** What did he say? He talked about canvassing!

**Mr. Speaker:** The Minister did not say that he is not prepared to live with Members conspiring to ask spurious questions. I did not hear him say that. But I heard him say that he is not prepared to have Members ask him questions after canvassing. That is what I heard. I do not see anything unparliamentary in the word "canvassing".

**Mr. Imanyara:** Mr. Speaker, Sir, may I ask the Minister to substantiate that some Members canvassed for questions before asking them?

**Mr. Speaker:** Mr. Minister, you are now asked to substantiate that claim that Members canvass.

**Mr. Bett:** Mr. Speaker, Sir, you heard hon. Imanyara say that he had talked to hon. Mbiuki. He was on this side of the House and they sat together. Nevertheless, I withdraw my statement, but that is the situation.

**Mr. Shakeel:** On a point of order, Mr. Speaker, Sir. The Minister did not clarify whether he will be coming to see the bridge in Morogoro. Could he confirm that he will do so?

**Mr. Speaker:** Certainly, that is not a point of order! Mr. Minister, you need not respond.

**Mr. Ruteere:** Mr. Speaker, Sir, the Minister has indicated very clearly that he has put aside Kshs4 million for the construction of the eastern side of the bridge. The bridge which we are discussing now, according to what we were told earlier on, cost Kshs11 million. The eastern side is wider and deeper than the western side. How come he has set aside less money for the eastern side than for the western side, yet it will cost much more money? Does he really intend to construct the bridge or he intends to come back and tell us that the money is not enough?

**Mr. Bett:** Mr. Speaker, Sir, we intend to start off the works.

*Question No.288*

IMPROVEMENT OF INFRASTRUCTURE/EQUIPMENT  
AT LAFEY DISPENSARY

**Mr. Speaker:** Mr. M.H. Ali! He is not here. The Question is dropped.

*(Question dropped)*

*Question No.303*

REPAIR OF EMALI-UKIA ROAD

Mr. Kiilu! He is also not here. The Question is dropped!

*(Question dropped)*

*Question No.304*

MATERNAL MORTALITY RATE IN NAIROBI/MOMBASA SLUMS

Dr. Nuh! He is not here. The Question is dropped!

*(Question dropped)*

Hon. Members, that then brings us to the end of Questions Time.  
Next Order!

**STATEMENTS**

PUBLICATION OF REGULATION ON PETROLEUM PRODUCTS  
IMPORTATION QUOTA ALLOCATION

**Mr. Imanyara:** Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Energy explaining why he has published the Energy Importation of

Petroleum Products Quota Allocation Regulations, 2010, in breach of Section 116 of the Energy Act.

In the Statement, the Minister should explain why the National Oil Corporation of Kenya (NOCK) is being empowered to import 30 per cent of the country's petroleum products requirements, when there already exists a Ministry of Energy supervised tender that allows the country to get her requirements at the lowest cost and the NOCK is free to participate. Secondly, what financial or supply advantage does NOCK have to be accorded this 30 per cent of the market? Thirdly, what does NOCK do with the Petroleum Development Funds that it gets from the Treasury? Finally, the Minister should explain whether these regulations as contained in this Legal Notice are not intended to unfairly benefit politically well connected individuals.

**Mr. Speaker:** Minister for Energy, when can that Ministerial Statement be issued?

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

**Mr. Speaker:** Are you holding brief for him, Mr. Bett?

**The Minister for Roads (Mr. Bett):** Mr. Speaker, Sir, I do not see him around. I only want to undertake that the Ministerial Statement sought will be given.

**Mr. Speaker:** When?

**The Minister for Roads (Mr. Bett):** On Tuesday, next week, Mr. Speaker, Sir.

**Mr. Speaker:** It is so ordered!

## COMMUNICATIONS FROM THE CHAIR

**Mr. Speaker:** Hon. Members, before we move to the next Order, I have two Communications to make, first with respect to the tabling of the Kenya Anti-Corruption Commission (KACC) Report.

### TABLING OF THE SECOND QUARTERLY REPORT OF KACC

Hon. Members, on 13<sup>th</sup> July, 2010, I undertook to deliver a ruling on the matter of the tabling by the Attorney-General of the Report of the KACC relating to the allegations made against certain senior Government officers, who had been suspended from office. I am informed by the Office of the Clerk that the Hon. Attorney-General is presently out of the country, and he is set to return on 30<sup>th</sup> July, 2010. In the circumstances, therefore, seeing that the matter is of concern to the Office of the Attorney-General, I defer the ruling to 3<sup>rd</sup> August, 2010, when, we are informed, that the Attorney-General will be back in the country.

Hon. Members, the second Communication is with respect to matters emanating from the Akiwumi Report. This Communication was scheduled to be delivered yesterday, but yesterday afternoon I was engaged in Parliamentary business elsewhere pertaining to the governance of this country, and I was unable to be in the House. Note that I did not skip the proceedings of the afternoon session. At any rate, the Chair has several other

persons who are delegated with authority to preside over the proceedings of the House, and they are not personalised.

The hon. Members at the Bar may want to come in.

*(The hon. Members at the Bar  
entered the Chamber)*

CONSTITUTIONAL IMPLICATION OF A MINISTER  
DEFYING A RESOLUTION OF THE HOUSE

**Mr. Speaker:** Hon. Members, I want to deliver a Communication regarding a matter, which has twice been raised in this House in a period of as many weeks. This matter was first raised by hon. David Musila, Assistant Minister, Ministry of State for Defence.

While standing on a point of order on Tuesday, 6<sup>th</sup> July, 2010, hon. Musila expressed concern that a practice was emerging of hon. Members avoiding debates on Motions and even Bills in the House, and going to funerals and other public fora to express their views. He cited the case of an hon. Member who, in a referendum campaign rally in Machakos, had alleged that the decision to adopt the Akiwumi Report had been intended to bribe Members of Parliament to take a certain position in the forthcoming referendum. Hon. Musila sought the guidance of the Chair, claiming that the dignity of the House had been dented, and that action was required to save the dignity of the House.

A number of other hon. Members contributed, citing other incidents in support of the point of order raised by hon. David Musila. The hon. Members who contributed lamented that the integrity of the National Assembly was being put at stake by hon. Members commenting adversely on matters either still pending consideration by the House or that have been disposed of one way or the other by the House. After hearing those hon. Members, the Chair undertook to give a Communication on the matter.

On 15<sup>th</sup> July, 2010, the Member of Parliament for Ikolomani, Dr. Bony Khalwale, rose on a point of order, seeking the guidance and direction of the Chair on: (a) the constitutional implications of the Executive arm of Government defying a resolution of the House; (b) the options available to the House if the Minister for Finance makes remarks outside the House that he will not introduce a Bill to amend the National Assembly Remuneration Act, Chapter 5, Laws of Kenya, notwithstanding that he has an opportunity to make such remarks in the House.

Dr. Khalwale further requested that the Chair, when giving the guidance sought, clarifies to the country that when the Chief Whip was moving the Motion of Adjournment, the onus was on a Member of the Government side, and not a Back-Bencher, to second the Motion. He claimed that the impression had been created that Members of the Back Bench had refused to second the Motion, and that this could bring to disrepute, not just the Members of the Back Bench, but also the House as a whole. Again, the Chair undertook to give a ruling on the matter on Tuesday, 20<sup>th</sup> July, 2010.

Hon. Members, as I said, the points of order raised by the two hon. Members, with the support of other hon. Members, bring forth the following issues for determination:-

(a) whether it is in order for a Member of this House to comment adversely on matters still pending consideration by the House or which have been disposed of one way or the other by the House;

(b) whether, and if so, what the recourse of the House is when the Executive does not abide by a resolution passed by the House;

(c) the options available to the House if the Minister for Finance makes remarks outside the House, that he will not introduce a Bill to amend the National Assembly Remuneration Act despite having the opportunity to make such remarks in the House; and,

(d) whether a Motion of Adjournment requires to be seconded by a Member from the Government side.

Hon. Members, on the first issue, because of the public interest involved and the context in which the matter arose, I find it necessary to go into some background.

A tribunal headed by Retired Justice Akilano Akiwumi was appointed by the Parliamentary Service Commission vide Gazette Notice No.699 of 23<sup>rd</sup> January, 2009 to review the terms and conditions of service of Members of Parliament and staff of the Parliamentary Service.

Hon. Members, I will allow the hon. (Dr.) Noah Wekesa to walk in.

*(Dr. Wekesa walked into the Chamber)*

Hon. Members, the tribunal was appointed pursuant to the provisions of Section 45A (5)(h) of the Constitution, and Section 23 of the Parliamentary Service Act.

Section 23 of the Parliamentary Service Act (Act No.10 of 2003) empowers the Parliamentary Service Commission to, from time to time, appoint an independent body of experts to review the terms and conditions of service of Members of Parliament and employees of the National Assembly, and upon receipt of the report of the experts so appointed, to transmit the report together with its comments thereon, if any, to the National Assembly.

The tribunal presented its report to the Speaker of the National Assembly on 12<sup>th</sup> November, 2009 and thereafter, on Wednesday, 30<sup>th</sup> June, 2010, the hon. Member for Kitutu Masaba, Walter Nyambati, who is the Vice-Chairman of the Parliamentary Service Commission, tabled before the House during the morning session, the Report of the Tribunal with the comments of the Commission. In the afternoon sitting of the same day, the House adopted the Report of the Tribunal, together with the comments and recommendations of the Commission on a Motion that urged the Deputy Prime Minister and Minister for Finance to introduce the Draft Bills attached to the Report to give legal effect to the Report and the Commission's recommendations within the next seven days.

Hon. Members, therefore, with respect to the first issue regarding adverse comments on a matter before the House, a distinction needs to be made between pending matters and those matters which the House has concluded. In respect of pending matters, Standing Order No.77 is relevant. Under that Standing Order, it is out of order to anticipate the debate of a Bill which has been published as such in the *Gazette* by discussion upon a substantive Motion or an amendment or by raising the subject matter of the Bill upon a Motion for the Adjournment of the House. Similarly, it shall be out of order to anticipate the debate of a Motion of which notice has been given by discussion

upon a substantive Motion or an amendment, or by raising the same subject matter upon a Motion of the Adjournment of the House. The Chair has time and again ruled, and I reiterate here, that it is unbecoming conduct for any Member to make pronouncements outside the House on any matter relating to any business pending before the House.

Hon. Members, the matter is somewhat different when the comments and pronouncements are made in respect of business that has been concluded by the House. Members, like other citizens, are not prevented from holding their separate views about decisions made by the House whether or not they were in the House or whether or not they were party to the decisions. These are the workings of democratic practice. It must be left to the judgment of the discerning public what they make of a Member who having the opportunity to debate and vote in the House chooses to forego that opportunity and, instead, takes his case to the public gallery. The public and other, Members will similarly be left to judge for themselves what they make of a Member who having argued his case in the House and been unable to persuade his or her colleagues in the House, resorts to the court of public opinion to disparage the House.

The national record has entries of the fate that has befallen Members who have engaged in this kind of conduct,; if, however, the comments made outside the House are defamatory of other Members as, for example, alleging that other Members have been guilty of receiving bribes or other forms of corruption, it must be noted that different considerations apply. As hon. Members are aware, parliamentary privilege does not extend to such remarks when made outside this House, and any Member who does this proceeds at his or her own peril as to the possible legal consequences.

I now wish to address the matter of the recourse of the House when the Executive does not abide by a resolution of the House. In this matter, the view of the Chair is, and has always been, that it is of utmost importance that both the Executive and the Legislature understand clearly their respective fears and the fact that they work in partnership for the common good. The common good is achieved by consultations rather than confrontation and by co-operation rather than antagonism. In this respect, the Chair is aware that following the resolution of the House, there have been high level consultations among various departments of Government with a view to determining the best way to proceed. Without prejudice to the resolution of the House, it is the view of the Chair that such consultations and efforts should be encouraged.

*(Mr. Yakub stood at the Bar)*

Hon. Members, I will allow Mr. Yakub to walk in.

*(Mr. Yakub bowed to the Chair and entered the Chamber)*

Hon. Members, the broader question of the remedies available to the House when the Executive does not abide by a resolution of the House remains unanswered. In this respect, hon. Members may wish to note that Standing Order No.196 mandates the Committee on Implementation to scrutinize the resolutions of the House and recommend appropriate action for non-compliance. The Committee scrutinizes resolutions and examines whether or not such decisions and undertakings have been implemented, and where implemented, the extent to which they have been implemented and whether such

implementation has taken place timeously. The Committee is further empowered to propose sanctions to the House on any Minister who fails to implement resolutions of the House.

Additionally, the House, as hon. Members are aware, has at its disposal and can invoke its recognized instruments of oversight over the Executive. This brings us to the issue of options available to the House if the Deputy Prime Minister and Minister for Finance makes remarks outside the House that he will not introduce a Bill to amend the National Assembly Remuneration Act, Chapter 5 of the Laws of Kenya, although he has not been denied an opportunity to make such remarks in the House.

I have already addressed myself to the consequences of utterance and comments outside the House respecting the business of the House. In the particular case of the resolution of the House on the Akiwumi Report, careful thought needs to be given to the question of whether the matter can be said to be pending or to have been disposed of by the House. While it is common knowledge that the Motion was passed, it is also clear that the publication of a number of Bills was required to follow and that this is still pending. However, it is also true that as the Bills have not been published, no such Bills are pending consideration by the House. The hon. Member for Ikolomani did not provide any indication as to the specific dates when the Minister for Finance is alleged to have uttered the statement complained of. This occasioned some difficulty to me as the Speaker is not to be expected to independently seek out such information. The Chair, as is known, should similarly not rule on hypothetical questions.

Considering the importance of this matter and the public interest generated by it, however, I am prepared to find that despite the paucity of the information provided, the Executive owes the nation a duty to ensure that the Legislature executes its triple mandate. If the Legislature resolves that certain Bills be published, it is incumbent on a Minister, and in this case, the Deputy Prime Minister and Minister for Finance to facilitate such publication.

Hon. Members, if on the other hand, as is perfectly possible, there are serious legal or public policy considerations that stand in the way of such publication, I will hold the firm view that the appropriate forum for the Minister to express this position would be the Floor of this House. I think that it is a legitimate expectation of this House that the Bills will be published or that otherwise some explanations will be forthcoming on the Floor of this House. The point cannot be over-emphasized that for the good of this country, it is important that the three arms of the Government operate in harmony. In the context of law-making, this harmony entails the legislative process that is subscribed to by both the Executive and the Legislature. It is not right that there should be a limbo or a stand-off between this House and the Executive. In this particular case, it would appear that the Legislature has done its part and now awaits the necessary complementarity by the Executive. It is the view of the Chair that there is time yet for the right things to be done in this matter.

The final issue of whether a Motion of Adjournment requires to be seconded by a Member from the Government side should not detain us for long. An adjournment is a Motion like any other and may be seconded by any Member of the House. That Member need not be a Member of the Government or the Government side. That Member also need not be from the Back-Bench or the Opposition side. There is adequate precedent in the practice and traditions of this House, where adjournment motions have been moved

by the Leader of Government Business and seconded by a Minister or a Back-Bencher or by a Member of the Opposition side.

Indeed, the nature of such a motion is that, in the ordinary course of events, it will be expected that an adjournment motion will be consensually agreed to and it may be indeed, the good practice that the motion be seconded by a Back-Bencher or a Member of the Opposition.

I thank you.

**Dr. Khalwale:** On a point of order, Mr. Speaker, Sir. I want to thank you for that ruling because had you not made it very clear that resolutions of this House must be respected, then we were going to open a precedent where we run the risk. This year, this House made the most important resolutions since Independence, for example, the review process and the public is going to soon add its voice. If the public then agrees with our resolution that we must have a new resolution, if that decision is made and then we go into a situation whereby the Executive thinks that they can ignore resolutions of the House, all the legislations that this Parliament might attempt to make to give force to the new constitution, they could run the risk of being ignored by the Executive. So, I want to thank you and hope that the Minister for Finance will do what he is supposed to do.

Thank you.

**Mr. Speaker:** Yes, indeed, hon. Member for Ikolomani. That need not be re-emphasized beyond what I have said. The Executive must understand that it is under national duty to implement resolutions of the House, to provide leadership to this country and to ensure that there is good governance.

All these will be thrown into jeopardy if the Executive chooses to ignore what the House resolves. Indeed, in that communication, I have made it clear that the House is not lost for solutions. The House still retains the power to find remedy and it is clear that it has that power. So, the Executive must stand on notice.

*(Applause)*

**Mr. Midiwo:** On a point of order, Mr. Speaker, Sir. I want to thank you for setting the record straight and by clarifying to the public that the Akiwumi Report was not a report made by Members of the Commission or Members of Parliament.

Mr. Speaker, Sir, I wanted to plead with you that the hon. Member who alleged that Members of Parliament were being bribed must answer to this House. Hon. Kiema Kilonzo was very forthright when he said that we were being bribed by the proposals in the Akiwumi Report. I think he owes this country an explanation because as things stand, these Members of Parliament are being called thieves, terrorists and greedy, yet in this 10<sup>th</sup> Parliament, not even once have I heard a Member trying to increase his or her salary. The Akiwumi Report is a report by a recognized personality who is a man of integrity in this country. The Executive cannot ignore it.

Mr. Speaker, Sir, I want to say that it will not be wished away by Atwoli going to public places and spreading untruths. I want to plead with you further, that there has been a Ministerial Statement sought by Dr. Robert Monda that you impress upon the Minister for Labour to table on the Floor of this House the remuneration of these people who are making noise because they are the ones who do not pay tax. We want Kenyans to know who does not pay tax and who does not want the truth to be revealed. I think it is



incumbent upon the Government to tell Kenyans the truth, the Deputy Prime Minister and Minister for Finance to be forthright with Kenyans and even the Prime Minister and the President not to over react but take leadership because we have to protect the integrity of this House.

Thank you.

**Mr. Shakeel:** Mr. Speaker, Sir, I do not want to raise a point of order on your ruling. We thank you for your ruling. I am asking for a clarification whether the same applies to a particular radio station. I think I raised that issue in the House the same time when this particular issue was raised, where this particular radio station---

**Mr. Speaker:** Order, hon. Member for Kisumu Town East! That matter was addressed and I did make a communication which you should endeavour to acquaint yourself with. It is part of our HANSARD and you should access it and see what findings I made. Hon. Members, with respect to the remarks that were allegedly made by hon. Kiema Kilonzo which the Chief Whip has referred to, I have in a way covered it in my communication and I said this:-

“As hon. Members are aware, parliamentary privilege does not extend to such remarks when made outside this House and any Member who does this proceeds at his or her own peril as to the possible legal consequences.”

So, I have covered that.

In other words, what I am alluding to hon. Members is that, if any Member of this House feels that he was hurt or injured by the remarks made by hon. Kiema Kilonzo, he or she is at liberty to take legal action against that Member. I may, however, as the Speaker address myself to that matter if appropriate communication is addressed to me as the Chairman of the Powers and Privileges Committee. But as to the decision that we will arrive at constituted as the Powers and Privileges Committee, that I cannot say until we receive the concerns addressed to the Committee.

**Mr. Imanyara:** On a point of order, Mr. Speaker, Sir. Arising directly out of what you have just said, may I urge that the matter of hon. Kiema Kilonzo be referred to the House Powers and Privileges Committee for further investigation?

**Mr. Speaker:** Order, hon. Member for Imenti! Implicit in my direction is that if the Chief Whip finds it suitable to do so, he is at liberty to address the complaint to me as the Chairman of the Powers and Privileges Committee. I will then take that complaint to the Committee which will look into it and make findings, including recommendations that it will deem appropriate and suitable.

With respect to the Akiwumi report, hon. Members, note that the prevailing position is that it is a product of a constitutional process. So it is a matter of law. We have simply done what the constitution provides that we should do. And so if it is a matter of upholding the rule of law, I think we stand tall in upholding the rule of law, because we are following the law.

**Mr. Midiwo:** On a point of order, Mr. Speaker, Sir. I want to undertake to write to you this afternoon as the Chair of the House Privileges Committee so that the issue of hon. K. Kilonzo which is so injurious to Members of Parliament--- It is very bad to be called a thief. In fact, you as the Chair, you are also an MP and the remarks of hon. K. Kilonzo include the Chair, the President, the Prime Minister and everybody. Therefore, I undertake today to write to you to take up the matter.

**Mr. Speaker:** Very well! We will cross that bridge when we get to it. When I have the written communication, we will consider it.

Next Order!

**Mr. Chanzu:** Mr. Speaker, Sir, Mr. Speaker, Sir. Arising from what has been said from the Chair today, I also wanted just to make some comments. I had not looked at some correspondence earlier but I saw somewhere where it was alleged that I was not ready to move my Motion yesterday. Actually, I was not here. I was travelling from the YES campaign that we have been involved in. So I was on the way coming to the House. So, it is not true that I was not ready. But then, I was---

**Mr. Speaker:** Very well! Proceed now, Member for Vihiga. We are at Order No. 8!

**Mr. Chanzu:** I was able to move one of the Motions today morning. This is the second one.

*[Mr. Speaker left the Chair]*

*[The Temporary Deputy Speaker  
(Mr. Imanyara) took the Chair]*

## MOTION

### INTRODUCTION OF POLICY TO BALANCE COST OF EDUCATION IN PUBLIC UNIVERSITIES

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

THAT, aware that the minimum university entry requirements is a C+ attained at KCSE; concerned that there has been an exponential increase in students attaining the qualifying mark against stagnating capacities in public universities; alarmed at the continued drastic increase in cost of university education; this House urges the Government to balance the cost between the regular and parallel systems of university education in order to ensure equity and accord more students an opportunity to pursue education at that level while providing the institutions with sustainable sources of income.

Mr. Temporary Deputy Speaker, Sir, the main reason why I brought this Motion is just because it has almost become a crisis now because, whereas some of the universities are charging for regular or module 1 about Kshs38,000 per year, you find that the same course is being charged at about Kshs193,000 for parallel programme while the minimum qualifications for these Kenyans to join the university are the same.

Mr. Temporary Deputy Speaker, Sir, initially, this idea was seen as a very noble one, but I think because it was politically mooted, there was not enough time to look at how it was going to be implemented and the outcome. I think at that moment, it was because there were very many students who could not join university and the facilities were wanting. But this was as a result of the Government's failure to project ahead to look at the demand, as the demand for university education was rising. The Government was not in touch in order to tame the demand by increasing the facilities. This was failure on the part of the Government but because the demand was so high, Kenyans

opted for it without realizing the long- term consequences. The idea was that those who could afford were the ones who were going to benefit from this scheme. My question still remains: If those who could afford, first, all of them must qualify by getting the basic minimum entry grade of C+, which is still the minimum entry requirement to universities in this country. If it was meant for only those who could afford, what was supposed to happen to those who could not afford and they had already qualified? So these are major issues which need to be addressed. However, Kenyans did not see the issues because of the politics and the way the programme was introduced.

So, it was actually some sort of segregation and it has continued because that time, the number of students joining the universities was not as high as today. The universities we had that time were not as many as today. What it means is that there is a bigger problem; you find one university charging Kshs193,000 for a course, and another one charging Kshs120,000. This is the reason why I brought this Motion so that Members can debate and throw it to Government so that it can be addressed. But I was imagining a situation whereby considering that regular university education is supposed to cost Kshs38,000 per year, this module 2, the same course goes to about Kshs200,000 for parallel students. I was looking at a situation where we could try to bridge this gap slightly because the fact is that the students who are being admitted directly into the regular programme are more. So if you look at the issue of economics of scale, if there was something small, a top up, even if we called it cost-sharing, then we reduce also what the parallel students pay, we will have more students going into the university and we will avoid this situation because then we can have controls. Right now, we have no control.

When we said that it was for those who could afford, now it jumped from the people with C+ and it is a mixture. You get those who can afford but they have worse than a C+ finding their way into the university. So it has compromised the standards of education in the country. What was the rationale of charging students under the parallel programme almost four times when they have the same qualifications as those ones in the regular programme? I do not think the money that has been generated through this parallel programme has all been ploughed back into the universities to do what it was intended to do. The facilities have not improved and we are still looking for donor funding. Some of the meetings we have held like in the Public Investments Committee, you find that universities have a lot of outstanding debts and yet the intention here was to help them to fund some of the activities.

Mr. Temporary Deputy Speaker, Sir, I want to thank the principals of the teacher training colleges who I think are meeting here in Nairobi and who have taken a very bold move. They have said that Kshs30,000 is not enough to sustain a student in a teacher training college. They are asking that this amount be increased by 20 to 50 percent in order to be able to sustain them. In fact, my argument again was, although it is a hard and painful one, but if in secondary schools, even public secondary schools, we are now paying up to even Kshs60,000, I was finding that these figures of about Kshs38,000 to be a bit too low. If we could find a way of bridging the gap so that we can get more people joining these universities, I think this will help us. In an effort to save, many students have gone to universities outside this country but they have ended up spending a lot of money. There is a lot of money that has been spent outside. We waste a lot of foreign exchange taking students outside the country when if we had put our systems in

order, these students would all be educated in this country. This is happening in many other countries. Go to countries like Britain, they have many universities and colleges. They do not need to go to other countries to study there just because they are trying to cut corners.

Mr. Temporary Deputy Speaker, Sir, I would like this House to support this Motion so that we can encourage more of our students to take education here.

The other issue which I was looking at is; if it is going to be adjusted, the Higher Education Loans Board (HELB), which is a noble idea, needs to be properly streamlined. If possible the information to students should be decentralized rather than handling it in Nairobi. If these students get HELB loans and the way the country is moving; trying to work on strategies of creating employment for Kenyans, these students will earn their own living and be able to repay the loans. So, I think the problem we have with HELB is underfunding and structures which are not ideal. The HELB has to be more flexible. They have to try as much as possible to reach as many students as possible so that these students can apply for loans and be able to attain education locally at affordable costs.

Finally, the Motion we had in the morning was to do with education. It came out of the contribution by Members that we need a lot of reforms in this sector. This is because it is very necessary. For us to develop as a country, the starting point must be education. If we want to create wealth it must be education first. There is no way we can implement reforms we are talking about if we do not have educated people. Even if we are talking about Vision 2030, there is no way we are going to achieve this if we do not have educated manpower. So it is very important that we look at this. I plead with my colleagues to support the Motion. I also want the Government to take it positively. They should not be defensive all the time. If all the recommendations of all the commissions on education that were established in this country had been implemented, I do not think we would be at the stage of struggling and trying to do things piecemeal like we are doing.

With those few remarks, I beg to move. I call upon Dr. Bonny Khalwale to second.

**Dr. Khalwale:** Thank you Mr. Temporary Deputy Speaker, Sir.

Mr. Chanzu, thank you for allowing me to second this very important Motion.

Mr. Temporary Deputy Speaker, Sir, what was the reason why it became necessary that students should join our universities privately? The Parallel Degree Programme was a product of innovative thinking where lecturers realized that the real reason why students were missing access to university education was a very stupid thing called bed capacity in the halls of residence. Students would qualify and then the number was usually more than the bed capacity in the halls of residence. So, they opened up and said, "Let us bring this module" that they called Module II.

Mr. Temporary Deputy Speaker, Sir, if indeed, that was the mischief that we were trying to cure with this innovation, then we should accept today that the beds that were a problem have now been provided by those parents and guardians of students in Module II Programme. It therefore means that there should be no reason why students in Module II should be paying a figure that is far removed from what their counterparts in the Regular Programme pay.

It is important that this Motion goes through. Even as it goes through, I have no doubt Members will support it. We need to ask the Committee of this House and senior officers in the Ministry of Education to work with the university lecturers to see the best

way in which they can structure this Parallel Degree Programme because every time I think about it, I see three things.

Parallel Degree Programme is now encouraging class society at the university. This is because they are the children of the rich who miss out on getting direct entry into the university who end up being admitted on Parallel Degree Programme. You find students who attained a mean grade of C+ are now at the university on Parallel Degree Programme and those who missed out with B- and did better than them are at home or studying junior courses. It means that we are going to encourage a class society where only people from the well-off families are the ones who will have access to university education.

The second risk I see with the Parallel Degree Programme is the issue of nepotism. You find that when the Head of Department of a particular faculty at the university or a senior lecturer or even in some cases the Deputy Vice-Chancellors themselves tend to unfortunately help some of the people from their families to have access to this particular programme.

Mr. Temporary Deputy Speaker, Sir, along with that risk of nepotism, you have, of course, the risk of tribalism.

There is also the issue of frustration. It is very frustrating that a student who scores a mean grade of A- in his examination and then this student, for arguments sake, applies to be admitted for a degree which is very competitive like medicine or engineering. He or she misses the chance and then is admitted for a general degree. However, his or her former classmate, who he or she defeated in examinations; but because this former classmate got a B, he or she ends up being admitted to study very attractive degrees under the Parallel Degree Programme. There is this frustration and I believe this adds to part of the tension that we find in the university between the children who are on Regular Programme finding it difficult to accept those on Parallel Degree Programme.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the issue of standards. If we are not very careful about Parallel Degree Programmes in this country, we risk compromising the standards of education. The older Members of Parliament who are in this House will remember when we were at the university, it was very normal at the end of an academic year for you to find a group of students who had been referred to do examinations. They are then unable to proceed with you to the next academic year. You could also find, at the very worst, those who are discontinued all together. The only reason why this used to happen is because the children who are being referred or discontinued had not been able to attain the minimum grade required to promote a student. These days, so as to give way to Parallel Degree requirements, this has been changed and now a child who deserves to be referred in an examination - I hear - is allowed to be promoted to the next academic year. While in that academic year, he can wait and sit for that paper as he continues.

Mr. Temporary Deputy Speaker, Sir, obviously, this makes it difficult for us to achieve the high standards. The other thing which we must address as we allow the function of this programme is the issue of learning facilities like tutorial rooms, lecture theatres, laboratories and computer rooms. The university should only be allowed to admit that number of students who will be able use these facilities constructively because it reads nonsense for a thousand children to sit in Taifa Hall and receive a lecture from

one lecturer. I always wonder: When these lecturers give continuous assessment tests (CATs), how on earth do they end up grading these children during the exams? It is important that the money that children pay on parallel degree programmes should go into expanding those facilities and hiring many more lecturers and tutorial fellows so that the quality of education is at the very highest that Kenya has been known to give in the past.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Namwamba:** Thank you, Mr. Temporary Deputy Speaker, Sir. The greatest tragedy that has ever happened to higher education in this country, in my very humble opinion, is the very introduction of this so-called parallel programme. Even the very terminology, the lexicon “parallel” in itself gives me a problem. I believe that this is an excellent opportunity for this House – it is actually a shame that on an afternoon like this one when we are discussing a matter as critical as this one, this House is not as full as one would have expected.

What this programme has done is to institutionalize double standards in the education system. In my humble opinion, we should not even be talking about balancing between regular and parallel programmes. We should be talking of getting rid of the very notion of the parallel programme. If, indeed, the idea is to enable students who have scored well in high school, we should give them a platform where education will be more affordable for them. The best way is not to introduce a parallel programme that you place in the so-called students who have not performed so well in high school and then have the so-called regular arrangement for those who have performed well. Many countries in the world have introduced the idea of merit scholarships; merit arrangements where students with exceptional abilities are provided opportunities to benefit either through scholarships, reduced fees or whatever arrangement. I wish that the Mover of this Motion would, in fact, be arguing that we need to standardize higher education; have a single system and let the Government be very clear that if the minimum entry point is a C+, then there is absolutely no reason why any student who has scored a C+ and above should be in any system different from other students because it means that the moment a student scores a C+ that student has achieved the minimum requirement to access university education in this country. All those students who have scored C+--- We are now proving that we have the capacity to admit as many students as are seeking to join universities.

Initially, when this programme started, there was an argument that public universities did not have sufficient facilities and teachers. So you needed a parallel process to enable a higher number of students to access higher education. But miraculously, now any student who seeks to join the parallel programme is allowed to join because they can afford it. Then the question one must put to the Government is: If we can admit any student who is seeking university education on attainment of C+, what the Government should be doing is not to run a parallel system. The Government should have a single system but then innovatively introduce measures that can favour those who have scored higher academic standards such that if a student scores an A, for instance, in the KCSE, that student should be afforded a merit scholarship that takes into account the student’s higher academic achievement. But that student should not be deemed to be

operating in a system separate from another one who has scored a C+, for instance. So, we must admit that this whole parallel arrangement has even introduced some kind of inferiority complex amongst students where the so-called regular students see themselves as being better than the so-called parallel students when in essence the teaching staff in our public universities seem to be more interested in running the parallel programme because of the financial benefits that are associated with this programme.

So, Mr. Temporary Deputy Speaker, Sir, we have unwittingly or perhaps even wittingly commercialized higher education to unacceptable levels. We have compromised the standard of education to unacceptable levels. I have had occasion to sit in my law firm to interview freshly graduated law students and I have had the shock of discovering that some applicants – some freshly graduated students of law – cannot even write a proper application letter to seek employment in an ordinary law firm which raises serious questions as to whether such a lawyer can draft pleadings. So, while I support this Motion, I want to plead with the Mover to consider amending it in a manner that would urge the Government to get rid of the very notion of parallel programme; have one common programme but one that takes due cognizance of the fact that the Government will support those students who have performed well, purely on merit. We need a programme that recognizes that if C+ (plus) is our cut-off grade, then every student who scores a C+ (plus) is entitled to access university education. At the same time as scholarships work in every place in the world, we should take on these benefits that we imagine accrue to the so-called regular students and mainstream them through a programme that will provide definite benefits to students of a greater academic ability.

Mr. Temporary Deputy Speaker, Sir, I believe that universities in this country still run merit scholarship programmes under which they provide support to exceptional students. We must be the only country in the world – forgive my ignorance if I am wrong on this – that is running a higher education system through two different streams. When these students graduate - I would be glad to hear this from the Minister for Higher Education, Science and Technology, who is here – I would want to know whether we also categorise the degrees. Does the parallel student attain the same degree as a regular student? Is it the same degree? If it is the same degree, what is the rationale for these students to swim in two different streams? Why not put them in the same stream and provide benefits to those that you imagine have done better in high school?

This is a good opportunity for us to grapple with these issues. Dr. Khalwale said that we run the risk of compromising standards. We are not running the risk of compromising standards, we have already compromised standards to horrible levels. Unless we call this spade a spade and not an impressive big spoon, we will compromise the standards of higher education in this country even further. We have commercialized education to worrying levels, where today everybody wants to be part of the parallel teaching arrangement because they know there are additional benefits.

I support this Motion because it is an opportunity for us to grapple with these issues. I really want to urge the Ministry for Higher Education Science and Technology, to consider coming up with a better arrangement. I believe this parallel programme was a knee jerk reaction to a crisis. We have been able to test this programme. It is now time for us to evaluate it and give this country a better programme that can ensure that we stop the slide of standards and the commercialization of higher education that has reached worrying levels.

With that, I do support the Motion.

**Mr. Njuguna:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this very important Motion.

This is a very noble idea and a better chance for those who were not able to be admitted to our public universities to have an opportunity to go and learn. The manner in which we execute, or manage, this programme is disadvantageous to the parallel degree students. There are glaring challenges that need to be addressed. One of the challenges that the parallel degree students face at these universities is unfairness when you come to the issue of fees. These students pay higher fees than the regular students, and this is an issue that is tantamount to denial of learning at our universities.

Mr. Temporary Deputy Speaker, Sir, the fees paid by the parallel degree students keeps on increasing year after year, and this is not good for the students who are determined to learn. This is more or less like discrimination. All these are Kenyan students who should enjoy fairness when we consider giving opportunities to our students. The same students do not enjoy loans from the Higher Education Loans Board. This is a facility that must be enjoyed by all the students. Regular students do enjoy lower rates in terms of fees. This does not auger well for these young Kenyans.

When you look at the facilities that are offered at the universities, regular students enjoy better facilities, thus creating superiority complex at the universities. They have better ICT rooms, laboratories and libraries whereas the parallel degree students are normally requested to go to Jamhuri High School or Parklands High School, where they are exposed to inadequate facilities that do not support quality learning for them.

Mr. Temporary Deputy Speaker, Sir, when you look at the lecturers at these universities who are given the responsibility to handle the parallel degree students, they are over-worked. You will find them handling a class of 750 students instead of a class of 200 students. Therefore, the lecturers are over-worked, overburdened and at times they are not in a position to cover the syllabus. If they are not able to cover the course in good time, the students are requested to pay for additional lectures. You will find that a course that is intended to take four years, at times will take five years. The fee burden also falls on the parents of these students, subjecting them to unnecessary costs

It also exposes the lecturers to unnecessary stress. These students pay a lot of fees, and these fees are not proportionate to those paid by regular students. A regular student taking a course similar to a course taken by a parallel student may pay Kshs300,000 whereas the parallel degree student pays Kshs495,000. This is a difference of almost Kshs185,000. This is an amount that the parent cannot afford. We want these disparities to be sorted out immediately. When the lecturers are overworked, quality teaching and effective learning at our universities are really compromised.

There are a lot of funds that are collected by public universities from parallel degree programmes. This money, which amounts to billions of shillings, must be invested in expanding learning facilities in these universities.

It was evident when we visited the universities that even small projects had been done with this money. It is high time, therefore, that the university administration was requested to account for this money. If they are requested to account for this money, it will be possible then for this money to be put to better use to create conducive learning facilities for our students.



Mr. Temporary Deputy Speaker, Sir, at times the parallel degree students are disadvantaged, because they are not able to pay the examination fees in good time. This means, therefore, that they are unable to sit for examinations as required. They stay in the university for longer periods. Therefore, it is important that we standardize the fees in these universities, so that Kenyans will enjoy equal distribution of resources in this nation.

With those few remarks, I support harmonization of this programme.

**Prof. Kamar:** Mr. Temporary Deputy Speaker, Sir, I would like to start by thanking hon. Chanzu for moving this Motion.

Mr. Temporary Deputy Speaker, Sir, as I support this Motion, I would like hon. Members to ask ourselves: Who is a parallel student? It is very important that we understand who a parallel student is, so that as we make the decision, we actually see the importance of the Motion before us. It is very important for us to balance the cost of education. I will be advocating further that these students whether they are parallel or regular should have equal access to funding from the Higher Education Loans Board (HELB).

Mr. Temporary Deputy Speaker, Sir, who is a parallel student? I happen to have been in the university system for over 20 years before I came to this House. When the parallel degree programme started, I was in the university. I want to confirm to this House that it was a very genuine and honest gesture to allow more Kenyans to access university education. So, that in itself was very positive. That was reciprocated by parents who were able to raise the funding and education of our students has expanded as a result of that. You will realise that Kenya has produced more human resource than any other country in the region. I just came from an ACP-EU meeting in Seychelles and I was proud to meet Kenyan teachers there. In fact, secondary schools in Seychelles are staffed by Kenyans than any other, than even Seychellois themselves. So, we have had a very positive impact on this. I am not also worried about money being raised because universities were already getting dilapidated. I want to confirm that universities have improved their facilities because of the parallel degree programmes. We had a lot of stalled buildings in Egerton University and Moi University. But now that is a thing of the past. Moi University has been able to even buy properties here in Nairobi because of the same programme. So, it is possible that we do not know in this House how much has been done using the parallel programme money. I know the University of Nairobi has done wonders with money that they have raised. So, I do support that the money they have raised has been utilized properly. The Ministry can analyse and give us, at a later stage, exactly what has been done so that some of these questions can be put to rest. But my main query is: Who is a parallel student? The parallel student that we are talking about is a student who got Grade "C" and above and has not reached that critical mark that allows them to come through the regular programme. The admission of a regular student is such that the Joint Admissions Board takes the top students from number one to whatever the numbers are. Our numbers have been pegged on bed space for many years. So, we were actually recruiting students based on bed space in the universities.

The parallel degree programme was supposed to divert from that because universities could not accommodate everybody. So, they run two different systems hence the word "parallel". They actually run the same classes with the same professors. That is why I am convinced that quality should not necessarily be reduced by the parallel degree

programme. Even if it is run on Saturday or at night it is being run by the same professors. The same professor who teaches in the regular system is the same lecturer teaches parallel degree programmes in most cases unless where they use part-time lecturers.

These parallel degree students, if you rank from the top “A” student sometimes the 10 per cent of students who leave secondary schools to go to regular programmes are those who obtain Grade “B”. Now the ones who obtain Grade “B” and “C Plus” are actually university material. There is one thing that we need to know about who, therefore, are in these clusters. If you do analysis in this country, you will find that majority of students who go to good secondary schools are students who have left private schools. It is the same students who will find their way to the universities. In which case, there is a danger in this country that the universities will be raising students who have gone through private schools, which means they are from well to do families. So, if we do not deal with this issue, we will reach a point when the children of the rich will be going to university and those from poor families will not go to universities.

In fact, when the parallel degree programme started those who were able to be bold enough to take their children to parallel system are the middle class Kenyans. They are the Kenyans who were able to call a friend and ask for a *Harambee*. The ones who cannot dare ask even a Member of Parliament for Kshs150,000 to take a child to go to the School of Law is the poor Kenyan. The poor Kenyan is stranded with the child. They do not know who to talk to and they know they are still struggling with high school education. So, they are left with a choice between asking for a *Harambee* for the high school child and asking for a *Harambee* for the parallel degree education. Parents are always left with the burden of paying for the secondary schools education, so that we have a whole backlog in the low class in this country. Those who are not able to raise anything have their children at home with their grade “B” and “C Plus”. I am bringing this out so that we have clear picture. Unless we address the issue of the higher education in this country, we will be endangering the crop that will come out. All our doctors and engineers will be from the rich families. The gap between the poor and rich will be catalysed by education in this country.

Mr. Temporary Deputy Speaker, Sir, it is very important that a Motion like this be used to address the problems that we have on the ground. It is my wish, therefore, that as we look at the balancing, we actually look at the access to the HELB. It is my proposal that both parallel and regular students be given equal treatment by the HELB. After all, it is a loan. The HELB must expand its capacity and ensure that every child with Grade “C plus” and above is accorded equal opportunity. In fact, they should give more opportunity to children who come from low income families. Those are the people who are really in need. Those students attending regular system are from the same families who do not even require the support that they are being given. But if we do a balancing act in terms of equitable access to the HELB, it will mean that any child who has Grade “C Plus” and above should actually gets loans. In fact, we should be able to analyse and know who actually comes from low income families and ensure those with Grade “C” and above, are also enabled to go to universities. That is when we can sort out these things.

Mr. Temporary Deputy Speaker, Sir, otherwise, I support this Motion that there has to be a balancing act; whether it is balancing in access or opportunities. If we balance regular and parallel we might miss the point because we are also balancing those who are

from the middle income group who are bold enough to go to the parallel. But there is a whole group of Kenyans from low income families. There are even students with Grade “B” who go to Teachers Training Colleges (TTC) or Medical Training Colleges (MTC) because there is nothing they can do. They will obviously confess to you: “In fact, if you can make me a cleaner, I will be very happy”. These Members know this fact because we have always been confronted by families who do not have anything. You will find somebody with a child who has a Grade “B” minus saying: “Please, look for a cleaner’s job for this child, so that he child can come and help us to pay school fees for the child who is in secondary school”.

We find that the current system is utilizing the failures in our education funding system to catalyse poverty within the low income group. You make a person with “B” Minus a cleaner and he has no much income. The little income he gets goes to secondary schools education to save his brothers and sisters from dropping out of secondary school. So, they remain at that level.

So, my own interpretation of this balancing is that we need to balance the access to the funding, so that any child who has Grade “C plus” and above can access funding. We must take care of the low income families in this country.

With those few remarks, I beg to support.

**Mrs. Odhiambo-Mabona:** Mr. Temporary Deputy Speaker, Sir, I had actually requested that my amendments be dropped. But I wish to contribute nonetheless.

Mr. Temporary Deputy Speaker, Sir, first of all, I would want to start by thanking the Mover of this Motion. I want to say that I am in support of the spirit of this Motion. But nonetheless I find the wordings of the Motion a challenge to me. That is why I had initially wanted to bring an amendment. But knowing that we will have an opportunity, I hope the hon. Member will have an opportunity to bring an amendment to the substantive Act of Parliament. We will have an opportunity to put the issues of concern then. However, I reluctantly support the spirit of this Motion because of these reasons.

For me, it is not an issue of balancing the cost, rather it is an issue of standardizing the system. Just like hon. Ababu Namwamba said, before I came to this Parliament I was an employer and employing mainly lawyers. One of the greatest things of concern that I can say without fear of contradiction is that many of the students who come through the parallel system, their education standards are very compromised. I do not think they get ample time in that education system. That must be looked into in the parallel system.

Secondly, it is the issue of cost because it affects them both ways. In the parallel system, they pay very high fees as opposed to their counterparts although I am being told that the net effect is the same because the fees is the same except the other students have access to Higher Education Loans Board (HELB). This does not help because it means that only the rich people would be able to access education. This is already happening if you look at parts of Nyanza which is affected because of a myriad of issues such as poverty and HIV/AIDs. Many students who get B- (minus) do not go to the university and yet there are students from other parts of the country who access that education because they can pay for it. If we want to deal with the issue of inequality in this country, we must address not the issue of costs, but the issue of the system of education, especially the parallel system of education.

I hope the Mover will bring appropriate amendments so that this does not only extend to the parallel system, but also to our students that study out of this country. You will find students who completely do not meet the pass mark, for example, a Mean Grade of D, studying law out of this country. When they come back they want to undertake the Kenya School of Law diploma course and yet many of them do not have the competencies. Unfortunately, life is stratified and God intended us to have different skills and talents. We cannot all be lawyers and doctors. We should be able to help students choose their careers wisely depending on their capabilities.

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

**Mr. Kathuri:** Mr. Temporary Deputy Speaker, Sir, I also rise to support this Motion reluctantly. If you look at the scenario in Kenya, you will find that when NARC came into power it provided free primary and secondary education. Basically, that was done because of children from poor families. At the moment, there is massive enrolment in our day secondary schools. These are students who had scored very high marks and were admitted to provincial schools, but their parents opted that they join day schools. The simple reason for that was that they could not afford school fees charged by the boarding schools. When these students do their exams, they pass, for example, with a mean grade B- (Minus) or C+ (Plus) despite the hardship they encounter in those schools. At the end of the day, they are not admitted to a public university. If you look at the other students who went through boarding private secondary schools, you will find that the children there even after scoring a mean grade of C+ or grade C end up at the university securing the space that would otherwise be occupied by that student who did his examination in a day secondary school.

If we want to be sincere to Kenyans, it is only fair that we recognise that a student who scores a mean grade “B” in a day school is definitely better than the one who scores the same mean grade in a boarding school if you compare the hardship the two have encountered. The kid who scores a mean grade “B” in a boarding school will go to the university if he comes from a rich family while the one from a poor family with the same grade will never go to the university. As much as we would like to look at Mean Grades B as being equal, it is also fair for us to realise that these parents cannot afford the parallel degree programme.

We also have to agree that we need to offer academic opportunities to Kenyans as much as possible. However, if we also ignore our pertinent agenda of trying to uplift the standards of those who come from poor families, we will not go very far. The HELB is an agenda which must also be addressed if we think of balancing the cost. There is no way we can balance the cost through any other avenue. We can only address this problem through the HELB. Let it subsidise or supplement the funding for the university education of all those who are from poor families and Government sponsored schools. After that, it can address the issue of those who want to join university under the parallel degree programme.

The Government should not entertain the idea of admitting into the university students if they have not scored what those who have been admitted under the regular program have scored. An example is in the field of medicine. Even as we speak, if you know that you are being attended to by a doctor who attained a mean grade “B”, you will feel psychologically threatened. That is why they are never graded. Even if they are

graded, it is not known by the public that this doctor scored a Second Class, Lower Division or Upper Division or a First Class Honours. That is only in the books and not mentioned to the public.

It is only fair that some of those courses should be reserved for a specific category of qualifications. If it is a mean grade A that is required, let it be so. Even if you come with your Kshs200,000 to join a course under the parallel degree programme, you should be denied a chance. As much as we would like everybody to be educated in Kenya, we must also safeguard the quality of the graduands. If we do not do that, we will compromise the services that will be rendered to Kenyans. Some of them are in careers which we cannot compromise, for example, medicine and engineering. If a building was constructed poorly by an incompetent civil engineer, we would get ourselves into many problems. It is, therefore, very important that we ensure that students who have an opportunity to join university do so. However, we should not deny those from poor families a chance of being sponsored fully by the Government. Those who want to join the parallel degree programme may do so, but after meeting the minimum qualifications so that we do not compromise on the quality of graduates.

**Mrs. Shabesh:** Mr. Temporary Deputy Speaker, Sir, I want to support this Motion although I have some critical issues to raise. I want to speak candidly about the attitude that some hon. Members have against students under the parallel degree programme. It is as if they are a lesser level of students.

The education system in this country has perpetuated a culture where even a bright student somewhere in between primary school and secondary school can be lost and not find entry into the university. Such a student would, therefore, need a second chance. What do I mean? About 80 per cent of the national schools positions are taken up by students from private schools. I am talking about schools such as Mang'u High School and Alliance High School. These are the students who get absorbed into university. What happened to those students who went to public schools and were doing very well, but because of the hardships that many of the Members have spoken about here were not able to reach university level? I know that the intentions of the Government when starting the parallel degree programme must have been noble. It was to absorb those who were lost in the education system. I believe that if it was to accommodate those who had money and wanted to pay for their students, then they would have gone to the private universities that we have.

Even today, many Kenyan parents take their children to private universities in Uganda. I really believe that what parents are looking for when they go for the parallel system is the quality of the degree that they believe their daughter or son will get in the Kenyan universities, because we do have a track record. Therefore, I believe that it would be wrong for us to feel threatened or in any way aggrieved by a system that is called a parallel system. I think it is a misconception and the perception that has been created by people that has led to a lot of questions being asked about this parallel programme.

Mr. Temporary Deputy Speaker, Sir, since we agree that most of our students are lost within the system of coming up to the universities, the cost of parallel education of the universities in Kenya should be made affordable. But if we are to be true to this Motion where it says that the institutions also need sources of income to become sustainable, then we must know that these parallel programmes are also giving universities the kind of money they will never get from the Treasury. Many universities

have used this money very well to improve their services and facilities. So, if you want on one hand institutions to be improved in terms of the kind of infrastructure they have and the services they provide and on the other hand, you want to reduce the cost of the parallel programme, then you must get a balance. I know that the Government is giving loans also to parallel students and so, for me the balance would be to ask the Government to increase this amount, so that parallel students also get the same support that the regular students get. But even in developed countries, many parents save for years for their children's college education. It is important for us to realize that as a country, we are giving free primary education which, in my opinion, has compromised the education standards in our country. We are also giving free secondary education, which in my opinion again has compromised the quality of education of our secondary school system. I would not be in a rush to say that we must give everybody a chance in the university system because it will compromise the quality again of our education system at the university level and at the end of the day, produce the kind of professionals that the hon. Member who spoke before me said who sometimes could be substandard. In some of the professions that we talk about, we know the kind of qualifications we must attain. So, let us be fair in this debate and to those who go for parallel programmes because they go to get what they get in terms of education. Let us also be fair to the parents who have to pay for parallel programmes because their children did not meet the grade. Also, let us be fair to the universities, who unless the Government is willing to pump in more money, must find a source of income that can help them improve the infrastructure and the kind of services they offer.

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

**Mr. Nyambati:** Mr. Temporary Deputy Speaker, Sir, I also rise to support this Motion strongly.

Mr. Temporary Deputy Speaker, Sir, a country that cannot take care of its youth or invest in its children is doomed. Indeed, in this country, we have a duty to ensure that we invest in the education of our children. In doing so, we are giving our children a dream. We are making them dream to be anything they want to be, for example, engineers, doctors, Members of Parliament or anything that they want to be. But we cannot make our children believe in the beauty of the dream if we cannot give them the education that they deserve. For us to do so, first of all, we must go back and see the imbalance in our education, especially in the rural areas. There is a lot of imbalance in terms of the education that we give to our children. Look at the kind of education that children in national schools get and the one that children in rural areas get, surely, you cannot say that there is equality or equity. There is no equity at all. If you go to Alliance High School or Nairobi School, for example, you will find that a student who goes there has everything that it takes to pass. The school is equipped with everything, including enough teachers and food. But if you go to secondary schools in my constituency, for example, you will find a secondary school having maybe one or two teachers. How can these two teachers teach these students to be able to compete effectively? They cannot do so. If we have to give equal opportunities to our children, I think it is our responsibility as a nation and this Government to ensure that our schools have what it takes for our children to be able to get the quality education that they must have.

Mr. Temporary Deputy Speaker, Sir, it is extremely important that this country establishes enough institutions of higher learning for our children to be able to get the

kind of education that they want. This is because we do not have enough institutions. I want to urge the Government to expand the existing institutions, including universities and even open more, so that our children can get the kind of education that they want. We must give them the opportunity to study. If the Government has set C+ (plus) as a criteria for university entry, it must be a criteria which enables any student who wants to join university to do so. If you choose wherever you want to go, you cannot do so because the vacancies and resources are not there. So, I think as a nation, it is our responsibility to ensure that those who come from families and homes which cannot afford university education are enabled to do so either by some kind of soft loans or Government programmes which enable our children to go to universities. This is because many children from poor homes, who happen to pass to join universities but do not have As--- It is difficult for a student from a rural area which has no facilities or enough teachers to get an "A" grade and join a public university. If you find one this is a very bright student who if given a chance, can excel even much better than those who are in private schools. Most students who join good high schools are from private schools and belong to parents who are able to pay for extra tuition for their children to be able to pass well. So, there is a big imbalance in terms of students from both rural areas and private schools. So, it is our responsibility to ensure that we give our children an equal opportunity to be able to excel in education. This is because this is everything and the only investment that we can give to our children. Therefore, it is our responsibility, as a nation, to wake up and ensure that we give the children of this nation a chance to be what they want to be. This may not be my children or yours, but they are our children. They are the nation's future. As I said, a nation which cannot invest in its youth is doomed.

Mr. Temporary Deputy Speaker, Sir, I am urging the Government to come up with ways of ensuring that, first, our schools are well equipped both in towns and rural areas. This should include national schools, so that there is no imbalance. Secondly, that there is affordability of attaining whatever kind of education you want to get. Thirdly, when you attain the minimum qualifications of joining university, you are allowed to do a course of your choice. You can become an engineer or a doctor. I strongly believe that a child from the rural area who has a C (plus) is equivalent to a child who had it all and went to a national school and attained Grade "A." This student, given a chance, can excel even better than the students in national schools.

I want to urge this House, this Government and this nation to relook into our education system. We must be prepared to support the education system of our children fully, whether they are from the rural areas or from wherever, so that they can get whatever education they want.

With those few remarks, I beg to support.

**Mr. Kizito:** Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I want to congratulate the Mover of this Motion. This is a very important Motion and long overdue because it concerns our universities. I would like to confirm to this House that I am also an educationist and I have been at the university. I would like to say that parallel programmes do not compromise educational standards in this country. I want that to be very clear. I want to put it to my colleagues who said that there are people from the university who cannot write letters that people have their own individual differences in terms of weaknesses. At the university, socialization and training is found there in terms of theories and some practical aspects. However, the real training of a professional is

found in the field where they go to work and train and get experience to become much better. So, it is not very good for us to crucify parallel students and say that they have compromised standards because of that kind of effort.

I support this Motion and commend the Government and the university authorities for having thought about this. There is need for us to re-examine our universities in terms of parallel and regular programmes. I want all of us to agree that all these students are our children. There are many parameters or factors that contribute to a student performing well or not. Therefore, it is not fit for us to think that somebody who achieved or obtained a C (plus) in a hardship area or endured some other hardship may not perform well as a doctor. I want to confirm to this House that the fact that those who go for medicine attain very high level of grades, it is simply because of limited space at the university level. That is why they take few and they have to go by the criteria of taking those who have the highest grade. That notion must be minimized, so that we can look at our students who are in parallel programmes as human beings and allow them to have confidence. One thing I would like to request, and I am happy that the Minister is here, is that we find a way of doing away with the name “parallel programme” and get another name for it. We need to regularize and standardize the modes of education and fee payment, so that the total cost used to educate a student in a public university in what we call the regular student, the entire cost plus the subsidy is put together and the students under the parallel programme are asked to pay the same amount, so that we have more of them accessing education.

I want to look at the political background in terms of the backlog of students who qualify for university, but do not get opportunities. Much of it is related to ourselves as the Government of Kenya which did not expand the university space. For example, each and every year, we have over 350,000 students sitting for the Kenya Certificate of Secondary Education (KCSE) examinations. Out of this, our universities take slightly above 10,000, leaving about a whole 340,000 out there. For me, it was a good idea to introduce the idea of parallel programme, so that we have many of our people who will not have got these opportunities and they have the ability to pay for their fees to come to the universities and get their degrees and pick their correct positions in national development.

One major problem is that most of our universities could have more space for the regular programmes, but I think that most of the spaces have been taken by students studying lower certificates like diplomas. Universities should leave the training of those lower certificates to the middle-level colleges. They should offer degrees and other grades upwards, so we have room and space for those who qualify for university.

I understand that our universities are trying to expand and they have expanded so much because of a lot of money which was collected through the parallel degree programme students. The facilities are okay now. Most of the universities have the facilities to take more students. In this regard, universities which have grown should find a way of cutting down the cost of educating a parallel degree programme student, so that we have many students accessing university education.

I want to observe that the parallel programme has increased the number of people who hold degrees in this country. There are those who attain the parallel degrees and Master’s degree. They end up becoming professors and yet, they are people who would have been “wasted” like that. I would like to urge the Ministry of Education to increase



and expand the capacity of the HELB, so that loans can be extended to students who have low qualifications from grade C (plus) and above, so that we can do away with the word “parallel”, so that it does not segregate them. I have heard someone say that because someone went through the parallel programme, when they come to work in an institution, they are already stigmatized. They are not accepted to a level that they can also deliver. This is a matter of attitude. In order for us to kill this attitude, why can we not give all these people the opportunity to access universities, so that those who can pay fees, do so? Even if others got grade “A” and their parents can manage to pay fees for them, let the parents do so.

Mr. Temporary Deputy Speaker, Sir, HELB should expand its capacity, so that it can identify the needy students. It should give loans and bursaries to only the needy students at the university without segregating our people and saying that a student who obtains grade “A”, even if they come from rich backgrounds, the Government has to give them loans and bursaries. We need to find a way of helping our students in the parallel programme, so that they can be accepted in this nation. If we committed a mistake by segregating them, the Ministry needs to move very fast and regularize this, so that these students can be accepted. There should be no disparity and attitudes advanced against them when they go to the labour market. By so doing, we are also going to kill some of our institutions because they are not going to be accepted like it has already been said. Let us look at them as students. Those who can afford the fees, should go for it.

The Ministry should also not expand universities at the expense of the middle level colleges. Many teacher training colleges have been upgraded to universities. Where will the students who attain grade “C” and below go to? Where will those who attain grade C (plus), but would just like to go for a Diploma in Education go to? They have nowhere to go because most of these middle-level colleges have been made universities. This is creating a lot of pressure to university colleges.

With those few remarks, I support this Motion.

**Mr. M’Mithiaru:** Thank you, Mr. Temporary Deputy Speaker, Sir. I also stand to support this Motion. The students who sit the secondary level examinations every year are over 300,000. Those who get the qualifying mark of C+ (plus) are over 100,000. Our public universities today cannot accommodate that number. That is why the parallel degree programme came into. We laud the Government for having introduced the parallel degree programme. It was to support and ensure that each and every Kenyan child got university education. However, over time, because of the cost involved in taking a child for the parallel degree programme, it is only those who are wealthy who can educate their children through this programme. For those parents who cannot afford the fees, they will not take their children to the university. These children end up doing manual jobs, even the ones with grades B and B- (minus). This means that the children from poor backgrounds will continue to become poorer and poorer and that will then degenerate to a vicious cycle of that strata of our population.

Mr. Temporary Deputy Speaker, Sir, some parents have even gone to the extent of taking their children, for example, to Uganda, where university education is cheaper. Some even take their children to India because it is cheaper to do so. Why can we not have a programme within our Government to ensure that the cost of the parallel degree programme is affordable? Already, we can see that the Government is even losing money through the foreign exchange that students are paying for university education out there.

It is only through a deliberate Government programme that we can have the parallel degree programme becoming affordable to everybody. This will not only save the Government some money, but will also ensure that the right of every Kenyan child to access higher education is guaranteed.

Somebody talked about how the parallel degree programme is derogatory in itself. Students in the parallel degree programmes are taught by the same university lecturers. The course is parallel in that they cannot fit in the same class because the facilities are not enough. I would urge the Government to ensure that we have enough facilities in the university, so that they can increase the intake. The Government should increase the Budget for university education, so that university authorities can expand their facilities and admit more regular students. This would also ensure that the cost of the parallel degree programme is reduced, so that each and every Kenyan child can get university education. The fact that you do not have any money should not deter your children from getting the required university education.

**Mr. Shakeel:** Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to contribute to this Motion. The parallel degree programme is being hated as if it is the core of the problem. It is not. This programme has actually been the saviour of the education system in this country. I sit in the Council of Maseno University. Before this programme, the university was suffocating. It was dying. Money was not available. Our lecturers and professors were leaving because they were not being paid. There was lack of encouragement. The students were suffering. With this programme, this university just like other universities, has found a new lease of life. It has started to be more innovative. There is no basis for saying that the Government should drop the difference between a parallel course and a regular course if both are the same and are using same resources. If the regular course with the contribution of the Government could cover the cost of university education and give universities the ability to improve, I can assure you that universities would have developed much further.

All over the world, universities are depending on students in parallel degree programmes to help them cover their operational costs. This also improves the quality of education. Those who can afford the cost of parallel degree programme courses should do it. Those who can get the regular admission should do so. The fact of the issue is that it is not universities that are at fault, it is the system that is faulty. If 70 per cent of our population are youths, even if they are fortunate enough to go to university, they will be tarmacking although they have degrees. There is nothing worse than a disillusioned graduate. We need to re-look at our tertiary level colleges. Between a heart surgeon and a plumber, the Canadians and Australians will pick a plumber and turn down the heart surgeon because it is skilled management that is required now. We need to go down to skilled management.

We need to go down to skill management. I am a product of a polytechnic. The polytechnics that we had have been taken over and converted into universities. We are now ending up with a university everywhere. Even former high schools are now being called “university” just because somebody got a charter, because he knew somebody in the system. We are very soon going to have a university at every place, and the quality of university education is going to drop. It is like those universities are going to give bogus degrees through colleges on the streets. That is the way they are going.

Mr. Temporary Deputy Speaker, Sir, I was wondering how much concentration the Ministry of Education is putting into the pillars of growth in respect of Vision 2030. I just benefited from a trip to Malaysia, and I was astounded by the importance they give to education, and tertiary education, particularly management skills and what you call “design technology”. That technology has been below university. Those colleges are very much sought after by students from all over the world, because they give the right training. That is where we need to come to.

I bear witness that the parallel programme is a must. Why should those who can pay, and are willing to pay, not support those who cannot pay? The question is really the capacity. If you allow the universities to continue, in a regulated manner, taking in parallel degree programmes students, they will then open up places for regular students. However, we want to ensure that these universities are not greedy, and that they do not only take in parallel degree programme students just to make money, and avoid taking in regular degree programme students. That is where our challenge lies.

Mr. Temporary Deputy Speaker, Sir, on the question of loans and the balance of the costs, many of us went through our university education in many other countries. High street banks and financial institutions are nowadays bound by social responsibility to give loans at a low rate of interest to university students. The Higher Education Loans Board (HELB) is very good, but it is not an efficient collection agency. It does not look into developing the youth.

As much as we are looking at other youth enterprise skills, this Ministry must start working with our banks as partners. Banks keep on telling us that they invest in manpower development. Let them invest in manpower development. Let them invest in students who have got into degree schemes and give them five-year loans and follow up the recovery of those loans themselves.

Mr. Temporary Deputy Speaker, Sir, what we must also look at is quality, and not quantity. We want to be able to say: “I got a degree from the University of Nairobi. I can stand anywhere in the world.” Surely, a degree from Mount Kenya University, or somewhere else, and other university that has not yet settled down, even Maseno University perhaps, does not stand its own ground. So, what we are after is to allow the universities within certain parameters to continue improving the standards by getting better university professors and achieving better quality.

Universities are already processing what we call “double-shift system”, where they are taking in evening/night part-time students. I really feel that this is the way forward. What we really need to do is, rather than come here and ask that the Government starts supporting the parallel degree programme system, and that it reduces the difference between the two programmes, I would propose that the Government, together with financial institutions, comes up with a system similar to that of the youth enterprise scheme, where loans can be given to students. Such a scheme will work better for everybody and ensure recovery of the loans.

Mr. Temporary Deputy Speaker, Sir, we have all been to public universities. I hope that the quality of our universities now prevails. It is within the power of the Ministry of Higher Education Science and Technology to ensure that we do not start licensing universities here, there and everywhere just because there are people who are prepared to pay for a degree. Doing so will lower the quality of university education.

With that, I would like to support this Motion, but I do not agree with the aspect that the cost must be reduced and taken over, as a burden, by the Government. I agree that the cost should be reduced, but the burden should not be taken over by the Government, but rather by some financial institutions which are making millions of shillings. Let them put their money where their mouths are and finance the development of students. That is what happens all over the world. I do not see why banks in this country can make billions of shillings and just give us words of comfort without actually doing anything.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Kaino:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. I would like to thank my brother, who has thought it good to bring this Motion to the House.

Parallel degree programme students and private university students are not different. The imbalance we are seeing today is a cancer which can be traced back to not only the universities or secondary schools, but also to primary schools. This is an issue which this country must take very seriously, because, if things go the way they are going today, they are going to clearly mark a line between the rich and the poor.

Why do I say so? I say so because, rich people take their children to the best pre-primary and primary school academies. You will then find students from those academies in the best secondary schools like Nairobi School, Lenana High School, Starehe Boys Centre, Alliance High School, Mangu High School, and other very reputable schools in this country. You find that the children of the rich occupy all those secondary schools, because of the background of their upbringing.

Mr. Temporary Deputy Speaker, this tells us that we must equip our primary schools. We must also take charge of the pre-primary school education. The Ministry of Education must ensure that as children grow, they compete on an equal play footing, so that they can go to the same secondary schools. If we leave things the way they are today, the rich will always take their children to the best schools, and the children of the poor will suffer and remain down. At the end of the day, you will find that the best courses – medicine, engineering and law – are taken by children of the rich.

That will be marking the difference between the children of the poor and those of the rich, right from the different primary schools they go to, the different secondary schools they attend, where the children of the rich take places in the best schools, to the university, where the children of the rich take up all the places in the very important disciplines, leaving the children of the poor to join the unmarketable courses. They take courses in areas where unemployment is very high. What do you find? You find that children of the poor tarmac on the streets for a long time.

Mr. Temporary Deputy Speaker, Sir, this is a very serious issue. The HELB is a product of the Ministry of Education. I must congratulate the Ministry for coming up with the HELB programme. It has worked well. It is an example in Africa. African countries like Uganda, Tanzania and others are introducing a similar programme. So, it is something we must be very proud of. The only thing here is: Why do they not see the children of the poor? This programme is supposed to be directed to the children of the poor, so that those children can get more chances.

The University of Nairobi, and Egerton University, charge privately sponsored students Kshs100,000 per semester. Children of the rich from Mangu High School or

from Alliance High School who do not qualify for university are now joining university through other programmes, and they are able to pay. It is very difficult for a child from a poor family to pay that kind of fees.

Mr. Temporary Deputy Speaker, Sir, I would like the Ministry to take up the responsibility of paying school fees and assisting the poor children to get the best chance. Otherwise, we are trading on a very dangerous ground. You will find that countries like Phillipines, China or even Uganda--- There are many students from Kenya who go to Uganda to study. Why do our children go to Uganda? Uganda does not offer quality education to warrant many Kenyans to go there. Many students study in Uganda because of low school fees. The number of Kenyan students who are in Uganda today is probably equal to the number of students in Egerton University. The poor do not have anywhere to go. They do not have any opening. The opening is now to go outside. They now go to Phillipines and Uganda for degree programmes because the fees charged in Kenya is very high. Those who try very hard are left with the option of deciding where to take their children. The children of the rich are the ones who get loan facilities, employment and nice education. It is very important that the Ministry Education thinks about what to do with the children who are willing to study. There are very many children who are disciplined and who want to study but the problem is raising fees.

Mr. Temporary Deputy Speaker, Sir, this Motion is very important and I wish to support it with these very few remarks.

**Mr. Oyongo Nyamweya:** Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity to contribute to this Motion. I sincerely thank the Mover of this Motion for bringing it up for debate. This Motion is very important because education, as far as I am concerned, is the key for any development activity which we may have as a nation. The parents have sacrificed so much to educate their children to go through secondary education. The start of the parallel degree programme at the university was a very noble idea. It helped many students who were deserving and could not get space at the university. It saved the Government of Kenya a lot of foreign exchange. Money which would have gone to other countries is now in this country. So, parents have sacrificed a lot. The challenge here is, what is happening at the moment with this programme? I propose that if the reason is to raise funds, let the parallel degree students pay their fees even for a course like medicine and then they are put together with the regular students. If the idea is to raise funds, then they should not have their own classes. This will ensure that high standards are met and there is no discrimination.

Mr. Temporary Deputy Speaker, Sir, at the moment the enrolment under the parallel degree programme stands higher compared to regular students. That means that our universities now concentrate on parallel students. If the initial purpose of this programme was to help the few students who missed the chance to join university but now it helps the majority, it means the system has failed and it has to be re-looked into properly. The Government should come up with a better policy to finance education. As things stand now, the HELB is inadequately funded by the Government. It should be funded better. It should also have better manpower so that those who are being funded can pay back the money which they used as fees. However, the challenge is still on performance. As we speak now there are students who are now in second or third year but they do not know their results. What is the implication of this? How does the

university promote a student to another class before he or she knows the results? The seriousness with which students used to take their education is not there anymore.

The other issue is that students attend classes in the evening. I think the parallel degree programme should be for mature students. It should be for people who work or did not qualify to go to university for one reason or another. So, they would understand what they are being taught and take it more seriously. The challenge there is the performance. How are the results co-related? How do they come out? At the moment, you will find that all the universities are moving to all towns looking for a place to open a college. To me, universities are meant for research and development. They are also meant to help this nation solve its economic, scientific and technical problems. Right now, universities are offering certificate courses. So, what do colleges do if universities come down to this level? Therefore, the Government should come up with a better policy on education. Hon. Members have made their contribution and what has come out is that most parents are struggling to pay for parallel degree programmes. For those who have joined and are unable to pay--- I urge the Government to look for means or ways of removing the parallel degree programme so that all Kenyan students who qualify to go to university are funded so that they can have a good education. After all, when they finish university, they serve this nation. They do not go anywhere. It is this nation which benefits from the skills that the students get.

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

**Mr. Lagat:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me this chance. First of all, we know that education is very necessary in our country and in the world. If we go back to the definition by Aristotle, he says that education is the separation for quality life. That means that in our country education is very necessary. It is not only education but it depends on the quality. I think that it is very necessary to find a way of ensuring that whatever is being offered is quality. I am saying that because we know we have the regular and parallel degree students. Since parallel degree students pay a lot of money, most of the lecturers now turn or spend most of their time with the parallel degree students than the regular students. If a student who gets a mean grade "A" and another one who gets a mean grade C+ (plus), join the regular and parallel classes respectively, sometimes you will find the one with a mean grade C+ (plus) getting a First Class Honours Degree while the other one gets a Second Class Honours Degree. I am saying this because it also depends on the concentration that since the other side pays more, the lecturers tend to spend more time there.

Mr. Temporary Deputy Speaker, Sir, we know that in the private universities all students are in the same class. So, we feel that in our public universities, there should be no parallel and regular programmes. In private universities, students do well because they are all in the same class as long as they take the same course. I think this is an issue that should be checked by the Government.

We also know that there is a problem with the payment of fees. University education in Kenya is very expensive. That is why most of our youths go to Rwanda, Burundi and Tanzania where they pay less.

So, I think also something should be done on the side of school fees because after all they are offering the same courses which I think should not be expensive in Kenya and cheaper in Uganda or in any other country.

Mr. Temporary Deputy Speaker, Sir, I think the number of universities in Kenya do not match the population because currently we have a population of 40 million people. The universities that we had since long time ago when the population was 10 million, currently we have only increased by two to three universities, which means, they do not match the increase in student population.

Something should be done about this. Since the population is increasing there is a lot of competition in employment and everything depends on the qualifications. University education is supposed to provide the qualifications that are required.

Mr. Temporary Deputy Speaker, Sir, there is also another problem which needs to be addressed. In our country we find that most of those who succeed are from private schools, especially when it comes to primary schooling. Everything depends on the foundation. I think something should be done about primary education. Most of the public schools are under-staffed. This means that the students do not get enough attention and this contributes to failure especially when it comes to Standard Eight and Form Four examinations. This means that they do not succeed to get into good schools. So, I think everything should be addressed by the Government especially right from the foundation because everything is dependent on the foundation we build.

I support the Motion.

**The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria):** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to respond to the comments. I would like to congratulate hon. Chanzu for seeming to be one of the few hon. Members of Parliament working very hard. This morning we had another Motion that he had brought forward and this afternoon we are discussing a second one.

Mr. Temporary Deputy Speaker, Sir, I agree with many of the comments that have been made by my colleagues but I will differ not with the spirit of the Motion but with the recommendation of balancing; that essentially in the long run, we should be able to make parallel education affordable to those who cannot afford and we should be able to tax those who are able to pay much more. However, at this present time, it is difficult to balance and to say that it should be more or less the same for a number of reasons.

First, the parallel degree programmes were more less started by universities and not actually the Government. They were started by universities which as you know are independent, as a way of generating income to be able to meet some of their needs that were not being met because of the limited resources that were forthcoming from the Government. So, the Government cannot just go and say that you have to do it this way because the universities have different environments. They are operating under different circumstances and have different needs.

Mr. Temporary Deputy Speaker, Sir, secondly, the students in the parallel and regular degree programmes are not purely the same students in that most of the students in the parallel degree programmes as you know are the most competitive. They have the best grades. Although there are some very bright students in the parallel degree programmes, the majority are actually those with the lower grades. So, again, if you have to have a system that is merit based, there is no doubt that those who are coming to the universities, because they have chosen to do so and they have the ability to pay, will always pay more than those who have been admitted on the basis of merit and will have scholarships as is the case in many other parts of the world and as we have been told.

Mr. Temporary Deputy Speaker, Sir, the course is also different because when you come through the regular degree programme, you are heavily subsidized by the Government. In fact, what regular students are paying is peanuts. It is not anywhere near what they should be paying and that should be the case because a lot of them are being supported on the understanding that they are actually needy students and that universities essentially were meant for students who would have full scholarships from the Government. Whether or not all of them deserve, of course, is another matter as has been said.

Mr. Temporary Deputy Speaker, Sir, I made the point already that enrolment in parallel degree programme is made by choice for both of those who are able to pay more and by choice for even many of those who cannot pay as much. You choose to go and the expectation is that if you choose to go and you know the implications of what you have to pay, then you would have to pay. That has to be taken into account even as you say that you have to ask for the same fees.

Mr. Temporary Deputy Speaker, Sir, it is not the case that all students who go for parallel degree programmes are actually poor students. In fact, now many rich students are going into those programmes and this introduces a complication that it is not as straightforward as we think; that a lot of the students who are going for parallel degree programmes are those who come from disadvantaged schools who are not able to get to university because of their backgrounds. There are many rich kids from rich families who come from top schools and join parallel degree programmes because they accelerate their completion of a degree rather than wait for two years. They join a parallel degree programme in two years before the others because your parents are able to put you in medicine or in law. Even if you have an "A" grade, instead of waiting, you can accelerate the process by getting enrolled earlier than the others. So, there are many rich students who are able to enroll in this programme and, therefore, to say that you reduce the costs even for those who can afford and are deliberately doing so and are actually accelerating the process of getting a university degree, would be unequal in its own way.

Mr. Temporary Deputy Speaker, Sir, a final reason for not going by the recommendation that hon. Chanzu makes is that there are budgetary implications. The Government would like to put in a lot of money for university education. One evidence that has not been possible is the opening up of universities to be more private or to have a private wing even in a public institution. This is because it is just not possible to cater for all the students that would like to join our universities because resources are not there and like I said earlier on, this is the main reason that the Government has been willing to allow universities to have this so-called private wing in a public institution.

However, this is not without its benefits as we have been told. Firstly, it is a positive move in that it gives a second chance to many Kenyans who would have otherwise not managed to find a university place. As matter of fact, parallel degree students comprise virtually 50 per cent of all the students who are enrolled in our universities. This is so that half of the students of the University of Nairobi would be parallel students and many of those are people who are in employment like lawyers, accountants and teachers in primary and secondary schools who get an opportunity to pursue not only a first degree but also a post-graduate degree.

Mr. Temporary Deputy Speaker, Sir, as a matter of fact, the beneficiaries are many Members of Parliament. There are many Members of Parliament who are now



enrolled in universities for different levels of degree programmes from the first degree to the masters degree. There are others who I know who are doing PhDs. These opportunities would not have been possible if this programme was not started.

Mr. Temporary Deputy Speaker, Sir, that also contributes to expanding the pool of human resources that are available for both the public and private sectors but also for the wider East and Central market so that we now have Kenyans with education so that even if they do not find employment here, they will be sought after by countries like Somalia, Uganda, Burundi, Rwanda, Sudan and other countries in the Indian Ocean islands that are looking for teachers and graduates with certain qualifications that are not possible.

Mr. Temporary Deputy Speaker, Sir, the definition about parallel and regular has been made and the point has been made that maybe even that itself is not such a positive outlook. That we should be thinking much more about talking about students and, in fact, that is why universities have now come up with another way of looking at it and talking about Module I and Module II students instead of talking about parallel and regular students.

Now, with the free primary school education, there is even greater pressure on secondary schools to admit more and those numbers have to be accommodated in the universities. A number of measures have been taken to take account of what is happening now but also of the anticipated expansion. Recently, 13 new constituent colleges have been opened and public universities that used to admit only 10,000 students on the regular programme are admitting now almost 20,000 students. In addition, the Government is encouraging the private sector through a variety of incentives. Unfortunately, these have not really taken root but every effort is being made to encourage private universities to expand and cater for students who can pay more. In fact, in the long-term, if our private universities become bigger and stronger and they also begin to open up new degree programmes in the sciences, engineering, and medicine, which is currently not the case, then we will have a possibility of many of the Kenyans who can afford to pay for university education and who are already joining public universities as private students to be able to join a specific line of private education all the way from, as Members of Parliament were talking of pre school, nursery education, primary education in academies to top national schools. Now even we have a phenomena of private secondary schools so that, that group of students as is often the case in Europe and America, you can follow a private line all through because you can afford to pay for it. But, currently, that is not the case because those opportunities are not there as much in private universities. They may be there for liberal sciences from Bachelor of Commerce Degree and other degrees but we still have to have our private universities open up in engineering, medicine and other sciences.

Mr. Temporary Deputy Speaker, Sir, I made the point that already regular students are heavily subsidized by the Government, but there is also a move to begin to accommodate parallel degree students appreciating the fact that not all those who go to universities through parallel degree programmes are rich students. As a matter of fact, there are very poor ones now. This applies to teachers or even to young people who could not make it because of the kind of school they went to. They went to a day school and you only got a C+ (plus) because of their background. A lot of those kind of students are now having to only come to parallel degree programmes because they just cannot

compete for the regular degree programme. It is impossible for them. So they are needy students and the numbers are increasing more and more and we need to take care of them. That is why beginning last year, the Higher Education Loans Board (HELB) has already opened up to students in parallel degree programmes in terms of making loans accessible to them. In addition to the HELB programme, there is also a bursary programme by the Ministry of Education. It is not a lot of money. I mean it is like Kshs40,000 or Kshs50,000 a year for a student in the programme who can also benefit from the bursary of the Ministry. This applies to not only those in the parallel degree programmes within public universities, but also those in private universities. From this year, it will apply to students who are in other East African countries.

There is also an effort to make university education less expensive. This year, we have started a programme of opening up universities in Kenya. This is going to be a larger African university but it will have its centre in Kenya. When you open universities, when you have distant learning programmes, when you have day universities, when you take universities to communities, now we are talking of counties in the new Constitution. We should have a university in every county in this country. In other words, we should take universities closer to the people so that universities do not become privileges of those only who are near urban centres or the more developed parts of this country. Therefore, with those kinds of environment, you can access university education that is affordable because expenses related to boarding and transportation will not be a major consideration.

In other words, Mr. Temporary Deputy Speaker, Sir, in appreciation of the fact that we need to do much more in terms of opening, we are trying other alternatives in addition to availing resources to students who are joining parallel degree programmes and in private universities. Important points have been made about the disadvantages of the parallel degree programme, but in spite of all the positive things that go with it, there are serious problems. The first one, of course, is equity. It is a very inequitable system. It is inequitable in the sense that if you are from a well off background and you do not make it to the university to do medicine or engineering, you can still do medicine and engineering with your B+ (plus) or B. This is because there is room for that category of students who can pay for law degrees, engineering and medical degrees as long as they can afford. The inequality goes beyond access. Also in terms of when you finish, I had made the point earlier on, that you can start your degree programme this year instead of waiting for two years like the other students are waiting. So inequality is a big problem. It is a serious problem.

Secondly, there is also the issue of quality. Yes, our universities are under a lot of pressure. The more we open up for students with resources is not always commensurate with the numbers that you are bringing in. You have same number of lecturers more or less, same number of facilities even though there is marked improvement in terms of building of new facilities and so quality gets compromised, in that you have the same people who have to teach different sets of students and that there is more or less competition to teach more and more students and that limits the amount of time university professors have got for research even to reflect so that you bring in new knowledge in teaching universities.

There is also a problem of localizing universities. As we open up new institutions and as we expand, most of the students who are coming into these programmes actually

happen to come from local areas where those universities are situated for a number of reasons including costs. It is not necessarily because of the people that manage them as one Member of Parliament said. It is okay to localize if it does not intensify problems of tribalism, management and in terms of numbers that you find in these programmes and so on. So, these are some of the problems. I mean there is a cost. We have to ask repeatedly questions about whether or not the opening up is worth it. If you go to India or America, there is a variety of institutions from very low quality to very high quality, and with time, there is stabilization. With the Commission for Higher Education (CHE) being strengthened, we are getting to a point where universities will be charged much more stringently to improve on quality.

A number of untruths have been made that Kenya is the only country offering the parallel degree programme. It is not true. The same programme is being offered in Uganda, Tanzania and many other countries. It is also not true that money is not ploughed back. A lot of money from the parallel degree programme is ploughed back to those institutions. If you go to universities, you will realize that they are neater and there are more buildings coming up than before. In fact, universities are really now vibrant institutions because stalled projects that were in institutions like Moi University and Egerton University are now being completed courtesy of money that is available.

The parallel degree programme is not only for weak students. Like I have said before, even very strong students are joining parallel degree programmes and performance has nothing to do with the grade. An hon. Member said here that if you do medicine and you had a B+ (plus) or a B, you cannot be expected to be a good doctor. Being good in whatever you do has nothing to do with being a top book worm. Sometimes, the top book worms are not the best performers when they go to the place of work. So how you do it at the university or whether you got an "A" or First Class has little to do with how well you will perform in the world of work. So we cannot judge and say that if you had a lower grade, therefore, you will not do as well.

It is not true also that students in the parallel degree programme are getting more time, and, therefore, those in the regular programmes are performing worse because lecturers are spending more time on the parallel degree students. We need to see how we can charge students on the basis of ability. We are saying there are many students who are paid for by Government in the public school line that can afford. They went to expensive schools, sometimes more expensive schools than what they are paying now when at the university and if we can get many more of those students to pay more, then we will have resources that can be used to subsidize the education of the poor. Right now, our system of determining need does not discriminate well enough between those who can afford and those who cannot. Meanwhile, we have to mobilize resources from individuals, CDF, Government, donors and the business community. We need to sit as stakeholders, Members of Parliament, the business community, parents and university vice-chancellors to agree on the way forward with regard to university education from the point of view of access, quality and how we manage so that as we open up, we come up with the common understanding of how we need to take university education forward.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I want to thank all the Members who have contributed to this Motion. They are; Dr. Bonny Khalwale who seconded, Mr. Ababu Namwamba, Mr. Njuguna, Prof. Kamar, Mrs. Odhiambo-Mabona,

Mr. Kathuri, Mrs. Shabesh, Mr. Kizito, Mr. Shakeel, Mr. Kaino, Mr. Oyongo Nyamweya, Mr. Langat and the Assistant Minister who has made his remarks. When we talk about balancing which has been explained a lot here, it is not saying that---

The issues Members were raising here earlier, when they wanted to make an amendment, they were even coming to the stage of wanting to scrap it. That is not the idea because if you look at the last statement here, it says:-

“in order to ensure equity and accord more students an opportunity to pursue education at that level, while providing the institutions with sustainable sources of income”

That is the real issue. So, what we are trying to urge the Government to do is look into this because we really have to move forward. We cannot keep waiting. This is a concept that came not because of one issue. You remember we had the issue of strikes here when there was double intake. There were students who could not go anywhere. I am sure the problem is still there. That is the reason why some students opt for this.

Mr. Temporary Deputy Speaker, Sir, I just want to say that I have my own daughter. I was listening to Members here but I think lack of information also contributes to this. However, you end up getting the information in a forum like this. My daughter sat her examination at Precious Blood, Riruta and got grade B+ (plus), but she was so much in hurry because she expected I would pay. She got me into the parallel programme. She has been able to move. She has gone to the United Kingdom (UK), University of Kingston. She has done her Masters degree and now she is looking for a scholarship to do a Doctor of Philosophy (PhD). So there is that which I think the public must know.

I just wanted to appeal that---

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member of Parliament to say that the daughter forced him to do “a”, “b”, “c”, “d”, yet she is not here to establish that? Is it not also true that the parent must have been interested in her pursuing that line and quickening the pace?

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I just wanted to say that the circumstances were such that she thought that I would be able to afford.

There are a lot of positives. When Mrs. Odhiambo-Mabona spoke, she was talking about lawyers. I do not know what calibre. I know that at the University of Nairobi even the professors there could not get access to university education here. They were able to go to places like Russia and the United States of America (USA) and became professors there. They are the ones who are teaching at the university here. I think it is a positive thing. I was only trying to give my example. It was expensive. What we are talking about is affordability and whether the Government can accept to allow many more to join this scheme so that we can have more people training.

Mr. Temporary Deputy Speaker, Sir, I am happy that *Waziri* is also here. Members have talked about standardization, subsidies, scholarships and merit awards. I think we even used to have these things. When we went to the university, there were those who went to study medicine, others like me did Quantity Surveying. However, those who were not admitted for those courses, like those who eventually went to do education--- There were some people who went to do Bachelor of Arts and were only studying four courses in a week. They used to sit around the halls but they are the ones who are now running this Government as Provincial Commissioners, Permanent

Secretaries and so on. So we are looking at a variety and we are looking for ideas. We have to be pro-active and innovative enough.

By the way, the way the population of this country is growing, it is geometric. We are not going to stop this. In the next few years we will not be able to move in town. When we were living in Eastlands, we used to board vehicles at Tusker House here. You could go there and you were at the bus stop alone. Today, people make very long queues to board buses. That is the reason I want the Government to accept this so that you can open up and have these people trained. The economy is widening and we are getting the larger market. It used to be Kenya, Uganda and Tanzania, but we are talking about a larger area. That is what the top leadership is doing. They are opening these markets so that our people can also get employment there and not become a nuisance. They will earn more money but you must educate them. So you must allow many more of them to train.

I would like to inform the Minister that today we had two Motions touching the Ministry Education; one in the morning and this one. You have got very able Assistants Ministers. When you are not here, they represent you very well---

**The Temporary Deputy Speaker** (Mr. Imanyara): They are Ministers!

**Mr. Chanzu:** Mr. Temporary Deputy Speaker, Sir, I think they understand what I mean.

With that I beg to move and say that the idea which all you know, being highly educated people is that, the theme now is, universal access to education for all. This is the essence of having these kind of Motions coming.

Thank you for being here and taking notes. I am sure you will be able to implement this. You do not have to do it in a hurry. Let us implement some of these changes. If you look at reports of commissions on which the Government has spent a lot of money, when it comes to implementation, it is a big problem. I looked at the Koech Report briefly, if we put in place some of those recommendations---

They spent a lot of Government money going round and taking people's views but when it came to implementation it was a problem. I am happy that we have competent Ministers here who will be able to look into this gradually. They will, of course, take into account the issue of budgetary constraints.

Mr. Temporary Deputy Speaker, Sir, I think by virtue of some of our positions we are able to get access to a lot of problems that people go through. I want to give you an example. Yesterday when I was leaving home, a student came to see me. He had been admitted to Moi University on a parallel degree programme to study a course in Computer Engineering. The fees is about Kshs200,000 for the programme and about Kshs38,000 for the regular programme. I was thinking about how I could help this student because I have seen students from poor families toying in secondary schools and excelling. So, I decided to call the Vice-Chancellor of Masinde Muliro University to see whether we could make a comparison. He was already at the airport coming to Nairobi but he gave somebody's name. I gave the student bus fare and sent him there. When he came back he told me that the same course can be studied at that place at Kshs120,000. Of course, he did not talk about the regular one.

I was trying to get Wangila to talk to this boy because he also got a B+ (plus). If he can be a bit patient he can be admitted to a regular degree programme and save. But he is pushing me because he thinks a Member of Parliament can pay. I am trying to negotiate, so that Wangila can get to him and tell him that he can get the other option. I

think what he does not want is to lose one year. This is the reason we are bringing these kinds of issues and I hope they can assist the Government.

With those few remarks, I beg to move.

*(Question put and agreed to)*

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Mr. Imanyara): Hon. Members, it is now time to interrupt the business of the House. The House is, therefore, adjourned until tomorrow Thursday, 22<sup>nd</sup> July, 2010, at 2.30 p.m.

The House rose at 6.02 p.m.