

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 15<sup>th</sup> June, 2011

The House met at 9.00 a.m.

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

### PRAYERS

### ORAL ANSWERS TO QUESTIONS

*Question No.933*

#### LACK OF SEWERAGE SYSTEM IN KERUGOYA TOWN

**Mr. Gitari** asked the Deputy Prime Minister and Minister for Local Government:-

(a) what criteria he uses to identify towns that qualify for a sewage system,

(b) whether he is aware that Kerugoya Town headquarters of Kirinyaga District has no sewerage system and many businesses in the town drain sewage into Kathigaini and Gacii streams; and,

(c) when the Ministry will construct a sewerage system for the town.

**The Temporary Deputy Speaker** (Prof. Kaloki): The Deputy Prime Minister and Minister for Local Government not here?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, the Minister is not around! Perhaps, we can allow for the second round.

**The Temporary Deputy Speaker** (Prof. Kaloki): That is fair enough! We will give some time for the Minister to get to the Chamber.

*Question No.865*

#### DELAY IN CONSTRUCTION OF MATUU MARKET

**Mr. C. Kilonzo** asked the Deputy Prime Minister and Minister for Local Government:-

(a) why the construction work on Matuu Market has not started; and,

(b) when the work will start and be completed.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. C. Kilonzo, your Question is supposed to be answered by the same Minister as Mr. Gitari's Question. So, let us allow him some time to get to the Chamber. We will come back to that Question later.

*Question No.840*

ENHANCEMENT OF HOUSE ALLOWANCE  
FOR TEACHERS IN KISUMU MUNICIPALITY

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

(a) what plans the Ministry has to enhance house allowance for teachers in schools in Kisumu Municipality within the framework of the new Constitution considering that the allowance paid to the teachers engaged by the Teachers Service Commission (TSC) is higher for those working in the City of Nairobi; and,

(b) what steps the Ministry is taking to co-ordinate with the Office of the Deputy Prime Minister and Ministry of Local Government to enhance salaries for teachers in Kisumu Municipality.

**The Temporary Deputy Speaker** (Prof. Kaloki): The Minister for Education not here?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, once more, I seek your indulgence to postpone this Question to the second round.

**The Temporary Deputy Speaker** (Prof. Kaloki): Fair enough! We will allow the Minister to get to the Chamber.

*Question No.841*

UPGRADING OF CHULUNI DISPENSARY

**Mr. C. Kilonzo**, on behalf of **Mr. K. Kilonzo**, asked the Minister for Medical Services whether he could consider upgrading Chuluni Dispensary in Nzambani District to a District Hospital and posting a Medical Officer of Health (MOH) in view of the high population.

**The Assistant Minister for Medical Services** (Mr. Kambi): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Upgrading a lower level health facility like Chuluni Dispensary to a hospital involves the following two complementary procedures:

1. Assessment and recommendation by the District Medical Officer of Health. At this level, the District Medical Officer of Health carries out an inspection of the facility and prepares a proposal for consideration by the District Development Committee and the Ministry headquarters.

In preparing the report, the District Medical Officer of Health takes into consideration the following:-

- (i) Catchment population of the facility;
- (ii) Existing distribution of health facilities;

(iii) Availability of land for expansion.

2. Recommendation by the District Development Committee (DDC) upon receipt of a proposal from the District Medical Officer of Health, the District Development Committee carries out deliberations with particular interest in ensuring that:-

(i) The community approves of the proposal.

(ii) The location of the facility proposed for upgrading is central to serve the entire district.

(iii) The wider Government is brought on board for the purpose of providing necessary support such as provision of access roads and utilities.

Mr. Temporary Deputy Speaker, Sir, these procedures have not taken place in respect of Chuluni Dispensary and the Ministry cannot, therefore, consider upgrading the facility to a district hospital as at present. However, should the relevant organs in Nzambani District initiate the process in future, the Ministry will study the proposal and respond appropriately.

Mr. Temporary Deputy Speaker, Sir, regarding posting of a medical officer to serve the high population, the staffing norms for health service delivery permit deployment of medical officers in hospitals only. This is because lower level facilities lack theatres, equipment and other facilities that medical officers require to discharge their duties as per their training. Chuluni Dispensary can qualify for deployment of a Medical Officer of Health only after it is upgraded to a hospital level.

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, Chuluni Dispensary is in a very populated area of Nzambani District in Kitui, Mutito Constituency. Could the Assistant Minister assure the House that if the community meets these approvals, he will be able to upgrade this to a district hospital and post a Medical Officer of Health immediately?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, once the conditions as laid down are fulfilled, I can do it even today.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, given that there are many health facilities that are due for upgrading, as a result of the creation of new districts, could the Ministry come up with guidelines giving the requirements, so that the communities and the stakeholders can go by them? We are told that unless we have these facilities, the health facility cannot be upgraded.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, we have guidelines in place. I would like the Member to visit our offices, so that he can be provided with the guidelines accordingly. Once these guidelines are complied with, it is very easy for us to upgrade the facilities because we want to serve all Kenyans.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has given very good guidelines here, but who should actually initiate the process of upgrading health facilities? Is it the community? Some of the people who are posted to our places just want such a facility to be maintained.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, I was very clear when I said that the community must initiate the process. As a Ministry, we do not initiate the process since the community is the user.

**Eng. Maina:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Truly, the people with the knowledge that a certain health centre should be upgraded to a hospital are the Ministry officials. Is the Assistant Minister in order to mislead the House that it is

the responsibility of the community to initiate the process of upgrading health facilities? Should the Ministry not be doing it? Is he in order to mislead this House and make the whole country believe that it is wananchi who do not want health facilities to be upgraded?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, could you clarify whether that is the case?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, I am not misleading this House and the public. I have said clearly that the Ministry has guidelines of upgrading health facilities. Again, dispensaries and health facilities do not fall under my Ministry. They fall under the Ministry of Public Health. However, upon compliance of the regulations and the guidelines, health facilities are upgraded. We have a committee which goes through all the conditions and if they have been fulfilled, we upgrade the health facility.

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We are just curious about which Government this Assistant Minister serves. When constituencies were made districts, automatically, District Commissioners, District Education Officers, District Roads Engineers, District Youth Officers and all Departmental Heads were posted to the districts. Is the Assistant Minister in order to purport to explain that the upgrading of other facilities can only be done through the initiative of the community while all the other departments were upgraded automatically by the Government?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, I appreciate the concern of the Member, but upgrading a facility means giving it more equipment and there are processes of doing that. Before the process is initiated, we must verify whether the population warrants the facility to be upgraded to a health centre. Then, if the facilities allow it to be upgraded to a sub-district hospital, then we do so.

**Mr. Affey:** On a point of order, Mr. Temporary Deputy Speaker, Sir. It is very clear that there is a level of discrimination in terms of how this upgrading is being done. The problem is that even when the communities decide that a certain facility must be upgraded, this is taken to the headquarters where a gazettelement is done. It is at the headquarters where there are a lot of frustrations. Could the Assistant Minister, therefore, table - I have an interest in Wajir South and generally the three counties in North Eastern Province - the number of dispensaries that were upgraded in the last three years?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Affey, that is a totally different Question. We are dealing with the upgrading of Chuluni Dispensary and the Assistant Minister is not prepared to table any documents!

**Mr. Affey:** Mr. Temporary Deputy Speaker, Sir, this is a supplementary question. The Chuluni Dispensary is one of the many health facilities that are due for upgrading. It is expected that the Assistant Minister will be equipped to be able to tell the House the number of health facilities the Ministry has upgraded. It is absolutely in order.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Affey, you have made your point. That is a totally different Question! You are free to bring that Question to the House. Hon. C. Kilonzo, ask your final question!

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, the argument by the Assistant Minister does not hold water. District Commissioners, and all Departmental Heads, were posted automatically to the districts and the facilities followed later. Why

can the Assistant Minister not consider posting a Medical Officer of Health and let the facilities follow later?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! Indeed, I think you can do far much better than that for Chuluni Dispensary. The population is there. You could, at least, assure the residents of Chuluni area that the Ministry is listening to them.

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, first, I cannot send a Medical Officer of Health there if the facility is still a dispensary. Secondly, there are no facilities!

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to purport to say that he cannot send doctors to the health facility because there are no facilities like theatres while in my own district hospital, I have several doctors and it is me, through the CDF, who is trying to source for funds to put up a theatre there?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Mr. Assistant Minister, at the moment, what can you do to relieve the situation? Is it additional drugs or the medical personnel even if the structures will be constructed later? Is there anything you can do to assist the situation at the moment?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, at the moment, I would urge the Member for follow the laid down procedures for us to see whether we can upgrade this facility. As I speak, this facility is under the Ministry of Public Health and sanitation. So, it is not even under my Ministry.

**The Temporary Deputy Speaker** (Prof. Kaloki): I think we want to rest this issue there.

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. There is the issue of collective responsibility. This is Parliament and we know that there is one Government on the other side. Is the Assistant Minister in order to claim that he cannot deal with the issue while, under the collective responsibility, he should address that issue as the Government?

**Mr. Kambi:** Mr. Temporary Deputy Speaker, Sir, in Government, I must consult with other Ministries to know if they have a budget for this facility for this year. So, I cannot take the responsibility alone, but as a Government, I will consult widely and we will see how we can upgrade the facility to a district hospital.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, we have gone around this Question. If the Question was directed to your Ministry wrongly, maybe we need to redirect it to the relevant Ministry. So, hon. C. Kilonzo, you can advise hon. K. Kilonzo that we would like this Question to come back to the House and be answered fully by the right Ministry. You need to consult the Ministry of Medical Services, but I believe the Question is not really answered.

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. We have seen cases where even the Minister of State for Provincial Administration and Internal Security answers a Question for the Office of Deputy Prime Minister and Ministry of Finance. I want to plead that, rather than referring the Question to another Ministry, the same Assistant Minister who has tried very much, should go back and consult with the other Ministry and come back to answer the Question.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. C. Kilonzo! The Assistant Minister indicated that he needs to consult with the other Ministry. He will prepare and then come with the answer. So, we want this Question to come back again.

*(Question deferred)*

*Question No.878*

MEASURES TO CONSERVE ENVIRONMENT IN KENYA

**The Temporary Deputy Speaker** (Prof. Kaloki): Ms. Chepchumba not here? Hon. Members, let us wait for the Member to get to the Chamber.

*Question No.887*

LACK OF MOBILE PHONE COVERAGE IN MARKWET

**Mr. Kaino** asked the Minister for Information and Communications:-

(a) whether he is aware that there is no mobile phone network within Kapsowar, Cheptongei, Nerkwo and Chebara towns, which host several social amenities; and,

(b) what steps he is taking to ensure that communication is enhanced in the area.

**The Temporary Deputy Speaker** (Prof. Kaloki): Anyone here from the Ministry of Information and Communications? We will allow the Minister some time to get to the Chamber.

*Question No.931*

DISMISSAL OF JENNIFER KIMANI

**The Temporary Deputy Speaker** (Prof. Kaloki): Is Mr. Mwangi not here? It appears the hon. Member is also late!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): On a point of order, Mr. Temporary Deputy Speaker, Sir. This Question came to the House last week and I tabled documents to show that this matter is alive in court and, therefore, *sub judice*. You did rule---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Lesrima! Let us be fair to the hon. Member to get to the House and you will have the opportunity to answer that Question.

*Question No.959*

DUMPING OF EXCAVATION MATERIALS IN KIRIMUKUYU LOCATION

**Eng. Maina** asked the Minister for Water and Irrigation:-

(a) whether she is aware that the contractor at Hohwe Dam in Kirimukuyu Location, Mathira West District, dumped excavation materials at a site upstream the dam after completing the project hence endangering the dam and damaging the environment; and,

(b) what steps she will take to ensure that the excavation materials are disposed of appropriately.

**The Temporary Deputy Speaker** (Prof. Kaloki): Anyone here from the Ministry of Water and Irrigation? The Minister is not in the Chamber! Therefore, we will give her some time to get to the Chamber.

For the second time, let us go back to Mr. Gitari's Question!

*Question No.933*

LACK OF SEWERAGE SYSTEM IN KERUGOYA TOWN

**Mr. Gitari** asked the Deputy Prime Minister and Minister for Local Government:-

(a) what criteria he used to identify towns that qualify for a sewerage system;

(b) whether he is aware that Kerugoya Town, the headquarters of Kirinyaga District, has no sewerage system and many businesses in the town drain sewage into Kathigaini and Gacii streams; and,

(c) when the Ministry will construct a sewerage system for the town.

**The Temporary Deputy Speaker** (Prof. Kaloki): Anyone here from the Office of the Deputy Prime Minister and Ministry of Local Government? The Minister is not in! We will defer the Question to a later date. Is there any undertaking from the Government side?

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

Order, hon. Members! Mr. Lesrima, would you undertake as to when you think the Minister is likely to be here?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, I am unable to explain. I tried to contact both the Permanent Secretary and the Deputy Prime Minister and Minister for Local Government without success. So, I can only convey the message. Perhaps, this Question could be deferred to tomorrow afternoon or Tuesday next week.

**Mr. Kaino:** On a point of order, Mr. Temporary Deputy Speaker. I would like to get a clarification from you. What will happen because five Ministers are absent, hon. Members have been asking Questions but there are no answers?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Kaino! There are four Ministers in the Chamber. Therefore, it is not factual to say that Ministers are not in the Chamber. That Question will be deferred to tomorrow afternoon.

*(Question deferred)*

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

**The Temporary Deputy Speaker** (Prof. Kaloki): I have already ruled on that Question!

Next Question by Mr. Kiema Kilonzo! Yes, hon. C. Kilonzo!

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I believe that my fate is the same. However, I would like to appeal to the Chair---

**The Temporary Deputy Speaker** (Prof. Kaloki): Could you ask the Question?

*Question No.865*

DELAY IN CONSTRUCTION OF MATUU MARKET

**Mr. C. Kilonzo** asked the Deputy Prime Minister and Minister for Local Government:-

(a) why the construction work on Matuu Market has not started; and,

(b) when the work will start and be completed.

**The Temporary Deputy Speaker** (Prof. Kaloki): The Deputy Prime Minister and Minister for Local Government still not here?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, again, I request that this Question be deferred to tomorrow afternoon. I will convey---

**Mr. Pesa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You can see that Members of Parliament have come here on time. We left our homes so that we could deliberate issues in this House. These Ministers have Assistant Ministers. How come that the Ministers and their Assistant Ministers are not in this House today? This is the second time the Question is being asked. What sanction will the Chair impose on Ministers who take the work of Parliament very lightly?

**Mr. Olago:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Ordinarily, within the Standing Orders, the absence of a Member of Parliament to ask a Question or a Minister to reply to a Question is out of order. In these circumstances, my plea is that the Minister who is absent should be sanctioned.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Lesrima, on the issue of collective responsibility, could you assure this House that the Deputy Prime Minister and Minister for Local Government will be in this Chamber tomorrow to answer these Questions?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, I undertake to convey the sentiments of the House and plead with you that we proceed with the second round.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Olago, that is the message. There is an assurance. So, let us wait until tomorrow and then we will determine whether to take any sanction or not. Let us allow the Minister to come here tomorrow to answer these Questions.



*Question No.840*

ENHANCEMENT OF HOUSE ALLOWANCE FOR  
TEACHERS IN KISUMU MUNICIPALITY

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

(a) what plans the Ministry has to enhance House allowance for teachers in schools in Kisumu Municipality within the framework of the new Constitution considering that the allowance paid to teachers engaged by Teachers' Service Commission (TSC) is higher for those working in the City of Nairobi; and,

(b) what steps the Ministry is taking to co-ordinate with the Office of the Deputy Prime Minister and Ministry of Local Government to enhance salaries for teachers in Kisumu Municipality.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, please, accept my apologies for coming late. I was held up in the Ministry for one or two reasons.

I beg the indulgence of the House to allow us to bring a reply to this Question on Tuesday next week. This is because I do not have an appropriate and correct answer to this Question yet.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Olago, is that the understanding you have with the Assistant Minister?

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, this Question touches on house allowance for teachers in Kisumu Municipality. I would expect to have a proper answer that I can properly interrogate. We have discussed and agreed that, subject to your convenience, the Question be put on the Order Paper on Tuesday afternoon.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, if that is the understanding, then the Question will be answered on Tuesday next week.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, it will be delivered.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well! The Question is, therefore, deferred until Tuesday next week.

*(Question deferred)*

*Question No.878*

MEASURES TO CONSERVE ENVIRONMENT IN KENYA

**The Temporary Deputy Speaker** (Prof. Kaloki): Ms. Chepchumba still not here! The Assistant Minister is here! To be fair, we will also defer the Question to tomorrow afternoon. Madam Assistant Minister, you need to pass on that message to the hon. Member.

*(Question deferred)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Question by Mr. Boaz Kaino!

Mr. Boaz Kaino is not here!

Is that the understanding, Mr. C. Kilonzo?

**Mr. C. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, this is round two of calling the Questions and Mr. Boaz Kaino has just walked out. Can I ask Question No.887 on behalf of Mr. Boaz Kaino?

**The Temporary Deputy Speaker** (Prof. Kaloki): That is okay!

*Question No.887*

LACK OF MOBILE PHONE COVERAGE IN MARAKWET

**Mr. C. Kilonzo**, on behalf of **Mr. Kaino**, asked the Minister for Information and Communications:-

(a) whether he is aware that there is no mobile phone network within Kapsowar, Cheptongei, Nerkwo and Chebara towns, which host several social amenities; and,

(b) what steps he is taking to ensure that communication is enhanced in the area.

**The Temporary Deputy Speaker** (Prof. Kaloki): Minister for Information and Communications not here!

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, the Minister for Information and Communications is tied up in another meeting. He asked me to ask for an apology so that this Question could be deferred.

**The Temporary Deputy Speaker** (Prof. Kaloki): Fair enough!

Mr. C. Kilonzo, would you pass that message to Mr. Kaino?

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. While I appreciate the request by the Minister, you know that the Ministry does not have only a Cabinet Minister. It also has an Assistant Minister. In fact, it has two Assistant Ministers. Are the three of them in the same meeting?

According to the Powers and Privileges Act, there is nothing else that can stop the Minister from coming for parliamentary business unless with written permission from the President.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Ethuro! There is an apology from another Cabinet Minister with a request for the Question to be deferred. The Chair will defer that Question to tomorrow afternoon.

Minister, could you confirm that you will pass the message to your colleague?

**The Minister for Regional Development Authorities** (Mr. Gumo): I will do that, Mr. Temporary Deputy Speaker, Sir.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Minister for Information and Communications heard that he was being needed in the House and I think he has disengaged from whatever business he was involved in. Now that he is here, I suggest that we proceed with the Question.

Mr. Kaino is my neighbour and I need the same services as him.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Ethuro! I had already ruled on that particular Question. The Minister has already communicated with his colleague and we will still defer that Question to tomorrow afternoon because we had already done that.

Minister, prepare to answer this Question tomorrow afternoon!

*(Question deferred)*

*Question No.931*

#### DISMISSAL OF JENNIFER KIMANI FROM NACADA

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

(a) whether he is aware of the dismissal of Mrs. Jennifer Kimani, the CEO of NACADA on 25th October, 2010 and, if so, what the circumstances that led to the dismissal were;

(b) whether he is also aware that NACADA Board passed a resolution recommending that Mrs. Kimani be offered the position of National Coordinator and Chief Executive Officer of NACADA Authority on 25<sup>th</sup> February, 2010 and, if so, why did NACADA advertise the job on 2<sup>nd</sup> March 2011; and,

(c) whether the Government could consider deploying her appropriately within the Civil Service considering that Mrs. Kimani (P/F No.2006086525) was deployed as the National Coordinator from the Civil Service.

Mr. Temporary Deputy Speaker, Sir, I apologize for coming late.

I had asked this Question before, although previously the Chair had ruled that this Question be deferred until the case is heard and determined in court. I, therefore, seek your guidance.

**The Temporary Deputy Speaker** (Prof. Kaloki): Minister of State for Provincial Administration and Internal Security, are you prepared to answer this Question?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, I need to get your ruling again. This is because last week when the matter was brought to the Floor, the Speaker ruled that this matter was *sub judice*. It is in the HANSARD and that was the position then.

**The Temporary Deputy Speaker** (Prof. Kaloki): Then if the matter is in court, let us wait. I think that is what the hon. Member is also requesting. We will defer the Question until the court determines that particular case!

Clerks-at-the-Table, make a note of that. We are deferring the Question until the case is determined.

*(Question deferred)*

Next Question by Eng. Maina!

*Question No.959*

DUMPING OF EXCAVATION MATERIALS IN KIRIMUKUYU LOCATION

**Eng. Maina** asked the Minister for Water and Irrigation:-

(a) whether she is aware that the contractor at Hohwe Dam in Kirimukuyu Location, Mathira West District, dumped excavation materials at a site upstream the dam after completing the project, hence endangering the dam and damaging the environment; and,

(b) what steps she will take to ensure that the excavation materials are disposed of appropriately.

Mr. Temporary Deputy Speaker, Sir, up to now, I do not have the written response to this Question.

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, first, I want to apologize to the House and the hon. Member for coming late. I also want to apologize that he does not have the written answer. I wonder whether I can be given five minutes to get a copy to him or I can just answer the Question. It is a brief answer.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Minister! Could you resume your seat first?

**Eng. Maina:** Mr. Temporary Deputy Speaker, Sir, I would prefer to be given time to go through the written answer. Therefore, this Question should come back tomorrow in the afternoon. I need time to know what they are saying.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! Hon. Minister, I think it looks like you are not even ready and---

**The Minister for Water and Irrigation** (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, I am very ready. It is just that I do not know why he does not have the written answer. I am saying, it is so brief and I can even give him my own copy of the answer and proceed to answer him.

**The Temporary Deputy Speaker** (Prof. Kaloki): The hon. Member is requesting that he would really want to have the written answer and then be able to go over it and prepare to interrogate you further. Therefore, we will defer the Question to tomorrow.

**The Minister for Water and Irrigation** (Mrs. Ngilu): Are you sure you do not want me to answer now?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Minister! That was a request from the Member of Parliament. I think it is a fair request. Therefore, let us defer the Question.

*(Question deferred)*

Next order!

## POINTS OF ORDER

### DESIGNATION OF HON. MWAU AS DRUG TRAFFICKER BY UNITED STATES PRESIDENT

**Mr. Mwau:** Mr. Temporary Deputy Speaker, Sir, on Wednesday last week, I asked the Minister for Foreign Affairs for a Ministerial Statement. There was an undertaking which is clearly stated or shown in the HANSARD that the Ministerial Statement was going to be provided today at this hour. However, I do not see the Minister here.

Mr. Temporary Deputy Speaker, Sir, the Ministerial Statement that I sort regards the designation by the United States President, of myself as significant drug trafficker. I have told this House again and again that I have never been involved in drug trafficking. I have never been involved in any criminal activity and the House has been taking this matter very lightly. This is a matter of integrity of the House. It would not be proper for a drug peddler to be sitting in this House with hon. Members without them raising a finger. It is important that the Chair do take notice that this matter touches on my personal liberty. This matter also touches on my freedoms, rights, dignity, character and respect. Therefore, I would want to know why the Minister for Foreign Affairs would take this matter casually and not put the effort that is required. I wanted to know what informed the President of the United States to designate me as such.

Mr. Temporary Deputy Speaker, Sir, from---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Order, hon. Mwau! If, indeed, you had already sought a Ministerial Statement and the Minister is not here, I think it is fair enough – because the Government side is also in the Chamber – to get an assurance as to when the Ministerial Statement will be made.

**Mr. Mwau:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The seriousness of this matter is that from 3<sup>rd</sup> June, I have started seeing very weird characters, both white and black, around my offices and near my house. I think my life is in danger. If this issue is not addressed with the expediency that it deserves, I would want to know whether the Chair would guarantee my security. I have informed the Minister for Provincial Administration and Internal Security about this, but it seems there is an agenda that is being played here. That is why I am asking the Chair to make a ruling that the Ministerial Statement should be issued tomorrow.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! The Government side is here. We need an undertaking on the Ministerial Statement which was sought by hon. Mwau. He was expecting it this morning, but the Acting Minister for Foreign Affairs is not in the Chamber.

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I undertake to get the Acting Minister for Foreign Affairs to issue the Statement tomorrow afternoon.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The matter being raised by hon. Mwau is such a grey area that we, as Members of Parliament, are not too sure whether we want to be seen to be actively contributing to. But on a matter of the security of any Kenyan or a Member of the National Assembly, like hon.

Mwau, this House must speak on it. The Government of the United States of America (USA), at one time, when it was very unhappy with a Head of State called Antonio Noriega, actually arrested him in his Republic and took him away. When they also became very unhappy with another character called Osama Bin Laden, they shot and buried him under the sea. It is important that we assure the hon. Member that the laws of this country are such that, even if somebody thinks that he is not a very good man, due process will be respected rather than us waking up one day and find our good old friend is no longer with us.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I also rise to really argue on a very serious note. When a Member of Parliament, and any Kenyan for that matter, is talking about threats to his life, the Government of the Republic of Kenya is under obligation to assure him of his security. He is talking of being trailed both in his offices and house, and the Government has failed to deliver a Statement to assure him of his security. The late Tony Ndilinge stood up in his House and complained that his life was in danger but the Government did not take action. Tony Ndilinge, as we speak now, is not with us. Will the Chair entertain that kind of irresponsibility on the part of the Government?

**Mr. Kioni:** On a point of order. Temporary Deputy Speaker, Sir. For the reasons that have been adduced by Dr. Khalwale and hon. Ethuro, am I then in order to ask that the Minister to give an undertaking to issue the Ministerial Statement this afternoon? That is because tomorrow may be too late given the things that we know have happened in the past.

**Mr. Wamalwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a matter of life and death. The urgency of this matter demands that we do not put it off until tomorrow. We do not know what will happen. There are indications that President Obama is likely to come to this country in September. We do not know what might be done to hon. Mwau before he gets here. With all humility, I do urge that this matter be treated with the urgency that it deserves. It touches on the security of a Member of this House.

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The allegations against the hon. Member and others are serious. Hon. Mwau has, on many occasions, been in this House asking for Ministerial Statements from the same Government. I do not want to remind you, but this is the same Government that cannot even protect a Turkana or Pokot. So, I am requesting the Chair to be stricter on the Government to deal with issues which hon. Members raise in this House. In particular, the hon. Member has said that he fears his life is in danger. More so, he is dealing with a country which is on record for shooting and burying people in the sea and ignoring the due process of law. So, before hon. Mwau is shot and buried in the Indian Ocean, at least, he is entitled to know from the Kenyan Government, which is not able to protect the Pokot. He is entitled to some goodwill and protection from the Government.

**The Minister for Water and Irrigation (Mrs. Ngilu):** Mr. Temporary Deputy Speaker, Sir, while appreciating the concerns of the House, I think the hon. Member should not say “just a Pokot.” A Kenyan is a Kenyan; whether he is a Pokot, Kamba or Turkana. I think we know, as the Government, that every Kenyan must be treated well and protected. So, I think we need to remove the word “just”, because it belittles that

person who has been killed. Maybe, the Government has not done what it needed to do, but I do believe that it is going to do what it has to do.

**Mr. Njuguna:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity also to contribute to the issue raised by hon. Mwau. The real threat to the hon. Member is being directed by unknown personalities. Could the Government, with immediate effect, enhance the personal security of the hon. Member?

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! Government side, we need another undertaking because there are two issues here. One issue concerns a Ministerial Statement that was sought by hon. Mwau from the Ministry of Foreign Affairs. We have another issue this morning also on his personal security. So, we want another undertaking from the Ministry of State for Provincial Administration and Internal Security to provide security to hon. Mwau.

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I undertake to contact Minister of State for Provincial Administration and Internal Security and the Acting Minister for Foreign Affairs personally and make sure that hon. Mwau, who is a very good friend of mine, is protected.

Mr. Temporary Deputy Speaker, you must have seen about a week or so, the Permanent Secretary in the Ministry of State for Provincial Administration and Internal Security issue a statement that they had written to the American Embassy to get proper information on this allegation. According to our own investigation, Mr. Mwau was cleared. However, they are insisting that he is involved in drug dealing. So, the PS for Provincial Administration and Internal Security had already indicated that he wrote to the Americans to demand a proper explanation. In the meantime, I shall make sure that I see the Minister of State for Provincial Administration and Internal Security, so that hon. Mwau can be provided with enough security. I do not think it is fair for any foreign---

**Mr. Mbadi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I agree with the Minister and all the assurances that he is giving this House. However, I think it will do justice to this House and the hon. Member who is affected, if the Minister of State for Provincial Administration and Internal Security is asked to come to this House this afternoon, and gives a commitment on the issue of security alone. To me, that is paramount. It is a priority over any other issue.

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I have just confirmed that I will contact the Minister of State Provincial Administration and Internal Security to come and issue the Statement---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Minister. Could we get an assurance, because you are doing the undertaking that you will talk to the Minister, so that this afternoon, he brings a Ministerial Statement here, especially on the issues of security concerns of hon. Mwau?

**The Minister for Regional Development Authorities** (Mr. Gumo): Well, Mr. Temporary Deputy Speaker, Sir, I do not know where the Minister is. He could be out of the country. That is why I thought tomorrow would be more convenient for him to bring the Ministerial Statement. I do not want to confirm to this House. It is just a few hours to 2.00 p.m. I may not contact him before 2.00 p.m.

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

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Order, hon. Ethuro. Hon. Minister, please, proceed!

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I do not want to come here in the afternoon and asked why I did not contact the Minister. I am sure by tomorrow, I will have gotten him. As I said, it is just a few hours from now to 2.00 p.m. I will manage to get at least the Permanent Secretary to make sure that hon. Mwau is provided with security as from today.

**Mr. Ethuro:** On a point of order, Mr. Temporary Deputy Speaker, Sir. What we are asking the Minister is that he knows even himself can get that information and bring it to the House this afternoon.

Mr. Temporary Deputy Speaker, Sir, what is the assurance that the Minister is saying can be delivered by the Minister and today, he cannot, when you are not sure whether he is in the country or not? How sure are you? When is he returning?

Mr. Temporary Deputy Speaker, Sir, the Minister does not seem to understand the gravity of this matter. They are taking it lightly, the way they are taking lightly the killings of my people in Todonyang and Turkana, and now in Southern Sudan. Mr. Minister, you cannot do that.

Mr. Temporary Deputy Speaker, Sir, we want you to rule as a House, and the Minister must be reading the mood of this House, that this message will be delivered afternoon by the hon. Professor himself, or Leader of Government business, Deputy Leader of Government business, or any other Minister, including the hon. Fred Gumo.

**Mr. James Maina Kamau:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Minister say that he may not find the Minister today. But as we know, there are two Assistant Ministers in this Ministry. Those Assistant Ministers are equivalent to a Minister. Why can they not issue the Statement this afternoon? Today, in the afternoon, we have the Prime Minister's Time. Mr. Gumo can talk with the PM so that he can bring that Statement. This matter is very serious. We all know Mr. Mwau is over 50 years. He is an old man. You can imagine the kind of stress he is undergoing through. He may end up getting a stroke.

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I have assured this House that I will contact the Permanent Secretary in charge of security affairs, or any other officer, including the Commissioner of Police to beef up the security of the hon. Member.

With regard to the Statement, I plead with the House to give us more time. Tomorrow will be appropriate for us to bring that Statement. We are taking this issue very seriously----

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Minister! There are two issues here; there is statement from the Ministry of Foreign Affairs and you are aware of that. That one will come tomorrow, and we have agreed on that.

On the issues of hon. Mwau's security concerns, can we get assurance from you that this afternoon, we are likely to get an assurance from you to this House that something has been done.

**The Minister for Regional Development Authorities** (Mr. Gumo): Mr. Temporary Deputy Speaker, Sir, I have assured this House that for security, I will do so



immediately. Hon. Members know me as a man of action. I am not joking, and I am very seriously. I am very concerned, particularly about the Turkanas who were killed, and I have said this in public rallies. So, when I say something, I mean it. So, I will make sure that I contact the Ministry of State for Provincial Administration and Internal Security so that hon. Mwau, who he is a very good friend of mine, is protected. In fact, he is a better friend of mine than some of you!

*(Laughter)*

I am very concerned. I will make sure that he is provided with security. I will confirm that position to this House this afternoon.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well! That case will rest there.

Yes, Dr. Khalwale!

#### LOSS OF FREE PRIMARY EDUCATION FUNDS

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

I rise to request for a Ministerial Statement, with your permission, from the Minister for Education. This is in respect of the loss of Kshs4.2 billion meant for free education for our children.

Mr. Temporary Deputy Speaker, Sir, could he, please, confirm, if, yes, indeed, the scandal involves, Kshs4.2 billion? Two, could he clarify the role that was played by then Chief Accounting Officer, namely the Permanent Secretary in the Ministry in respect of this scam? Thirdly, could he table a list of all senior officers in his Ministry who abated this crime? Could he inform the House what action, if any, his Ministry has taken against those culprits?

Mr. Temporary Deputy Speaker, Sir, could he also table the full list of all the schools where these losses occurred? In that that list, could he indicate the amounts involved in the loss? For each school, could he indicate who was then the Head of school at the time of the loss? Could he tell this House what action he has taken against those heads and District Education Officers who were supervising those heads in those districts?

Mr. Temporary Deputy Speaker, Sir, finally, could he indicate to this House, in his statement, whether he will take full responsibility, and do the honourable thing; namely, to resign as the Minister for Education?

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I am not resigning!

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister this is a serious issue!

*(Prof. Onger entered the Chamber)*

I think the Assistant Minister is not serious! We will allow some time for the Minister for Education, Prof. Onger, who is in the Chamber to be briefed. Mr. Assistant

Minister, you can take brief for him on the Ministerial Statement from Dr. Khalwale. Just brief him, because we want an undertaking.

Dr. Khalwale, could you repeat your request for the benefit of the Minister?

**Dr. Khalwale:** Thank you, Mr. Temporary Deputy Speaker, Sir. For the second time, I rise to request for a Ministerial Statement from the Minister in charge of Education in respect of the loss of Kshs4.2 billion meant to give free primary education to our children.

In his Statement, the Minister should clarify whether, indeed, the money lost was Kshs4.2 billion and if not, how much money has actually been lost. I would like the Minister to clarify the role, if any, that was played by the former Chief Accounting Officer, namely the Permanent Secretary who was in charge of that Ministry at the time of the reported loss.

Mr. Temporary Deputy Speaker, Sir, the Minister should, in his Statement, table the full list of all senior officers in his Ministry who abetted this crime. We would also like him to indicate what action, if any, has been taken by his Ministry against these culprits. We would like the Minister to table the full list of all the schools where these losses occurred and in that list, he should indicate the amounts involved. He should also indicate names of the head teachers in those schools at the time of the loss. The Minister should report to this House what action he has taken against those head teachers together with the District Education Officers who were supervising those schools in those districts.

Finally, I would like the Minister to clarify in this Statement whether he will do the honourable thing, that is take full responsibility for the loss of this colossal sum of money meant for our free primary education by resigning as the Minister for Education.

*(Prof. Olweny laughed)*

**The Minister for Education** (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, I will gladly present that Ministerial Statement on Wednesday, next week.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Mr. Wamalwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Prof. Olweny to continue laughing when you had indicated that this is not a laughing matter?

*(Applause)*

Mr. Temporary Deputy Speaker, Sir, Kshs4 billion is a lot of money for the children of Kenya! This is not a laughing matter!

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Prof. Olweny! This is a serious issue! I do not know whether you are just happy about another issue or you find this issue a big joke!

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I really do not understand the issue that Mr. Wamalwa has raised because he does not know what I was talking about with the other colleagues here that made me smile and laugh! I do not think that the HANSARD will prove that I was laughing at the matter that is on the Floor of the House!

**The Temporary Deputy Speaker** (Prof. Kaloki): All right, Prof. Olweny!

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, we are aware that the audit report has been given out and Kenyans are really looking forward to getting this matter sorted out.

Mr. Temporary Deputy Speaker, Sir, Wednesday next week is not an appropriate time. I will insist and request that the Minister issues the Ministerial Statement either tomorrow or Tuesday, next week.

**The Minister for Education** (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, hon. M-Pesa is asking me---

*(Laughter)*

I am sorry, Mr. Temporary Deputy Speaker, Sir. Mr. Pesa has asked me to give the audit report. I would like to remind him that this was a matter that I had already made a Ministerial Statement in this House in 2009. At that time I indicated on the Floor of the House that I will do an extended forensic audit whose report came to the final conclusion on Friday. Upon receipt of that report and upon indication that they had no reasonable explanations to support the claims made in the forensic audit, it was my duty, as the Minister for Education, to hand over this matter to the next authority. On the question of the report being available to me, that is the audit report which is now a public domain document. What we have not done is to disclose the names because the police requested that they now need to close in on these names before they can do anything. So, I may not be able to disclose the names until the police have closed in on the names that have been mentioned in the report.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**Hon. Members:** Is he answering?

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

**The Minister for Education** (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, I was only responding to the point raised by Mr. Pesa. However, I will substantively reply to your questions with pleasure.

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, from what the Minister has just said, it is very clear to me that he can issue the Ministerial Statement tomorrow. This Minister is even on record as having told the police to swing into action, which means that investigations are complete. If he is asking the police to move with speed, then what is he still waiting for? Unless the Minister wants to buy time, we ask him to bring this Statement tomorrow. This Statement is very important because the amount involved is too large and the service that that money should have given to this country is very important that we need that Statement as fast as possible.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! You are very clear, Mr. Mbadi!

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, I want also to add that---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Mbadi! Are you on a point of order?

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, I also want to explain to the Minister that---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Mbadi! Are you on a point of order?

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

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! I think that is not a point of order!

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, kindly allow me to tell the Minister---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Mbadi! Could you resume your seat?

*(Mr. Mbadi resumed his seat)*

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether you heard what the Minister said; that he cannot mention or will not table the names which have been mentioned. It is becoming a trend within the Government not to reveal the names which have been mentioned where corruption is concerned.

**The Temporary Deputy Speaker** (Prof. Kaloki): What is not in order?

**Mr. C. Kilonzo:** I am getting there, Mr. Temporary Deputy Speaker, Sir. The Minister has rightly said that, that audit report is in public domain. On the same basis, is he in order to say that he cannot bring those names and table them in the House while they are in public domain?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, there are two issues there. One issue is why you are not able to table the report tomorrow in the afternoon and the other one is about releasing the names in your report.

**The Minister for Education** (Prof. Ongeri): Mr. Temporary Deputy Speaker, Sir, the involvement of public officers in this matter also involves banks. The police have made a request that they want have access to those bank accounts so that, when they make the final arrests, they can know where they are. I think it is in the interest of justice that, that should be done.

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

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Members! Please, could you table the report in the House tomorrow afternoon together with all the names? Let us finish all the requests for Ministerial Statements.

#### PLAYING OF LOUD MUSIC BY EYE HOSPITAL

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I have one request for a Ministerial Statement and I have one reminder for a previous request for Ministerial Statement. I would like to start with the request directed to the Minister for Environment and Mineral Resources. I am glad my good friend, Prof. Kamar, is here. I would like the Minister to tell the House in what circumstances the Lions Eye Hospital plays loud music every day, seven days a week and whether in doing so, they have to determine whether they have breached noise pollution requirements by the National Environment

Management Authority (NEMA); and what specific actions have been taken due to the loud music for the last three months.

Finally, whether he could specify what urgent action will be taken to reign in the hospital to stop playing loud music to the extent that the neighbours who include hon. Members of this House and their families cannot enjoy sleep.

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, I undertake to issue that Ministerial Statement on Thursday next week.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ethuro, is that alright?

DELAY IN ISSUANCE OF MINISTERIAL  
STATEMENT ON TURKANA KILLINGS

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, two weeks ago I sought a Ministerial Statement on the killings around Kotaluk and Lobei areas. That was just following another massacre of the Turkana people in Todenyang.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ethuro, that is a different matter.

**Mr. Ethuro:** Sir, I am reminding the Minister just in case they have forgotten.

**The Temporary Deputy Speaker** (Prof. Kaloki): Is it to be issued next Thursday?

**Mr. Ethuro:** No! This is one should be given today or tomorrow because this is just a reminder. It was due almost a week ago. You know what you have just said about the security of Kenyans starting with hon. Members and the security of my people. The Minister has assured this House that the Government will take the security of every citizen seriously. So, how come it has taken two weeks for the Government to make a Statement on the urgent steps they have taken to protect our people? It is a constitutional obligation. Could you order that the Minister brings that Ministerial Statement this afternoon?

**The Temporary Deputy Speaker** (Prof. Kaloki): Prof. Kamar, could you bring that Ministerial Statement on Thursday or can you do it sooner?

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): I will do it on Thursday.

**The Temporary Deputy Speaker** (Prof. Kaloki): Prof. Kamar, why? The hon. Member feels you could do it sooner.

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

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, I am saying so because we do not have that Statement yet. So, I am getting it for the first time.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ethuro, could you make it clearer to the Assistant Minister on exactly what you want the Ministry to do.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, the first Ministerial Statement I have sought is a new one and I have granted the Assistant Minister her wish to issue it next Thursday, but in the meantime, she should stop that music from being played. The one I am talking about now is not a new Statement. I was reminding the Government to

bring it because it was due a week ago. That is why I am asking that it either comes this afternoon or tomorrow.

**The Temporary Deputy Speaker** (Prof. Kaloki): Prof. Kamar, on behalf of the Government, are you able to give that undertaking for the Ministerial Statement?

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, sorry I misunderstood it. The other one, we will check and ensure that it is brought forward. I will look for the Ministerial Statement and forward it to the Minister after this sitting.

**The Temporary Deputy Speaker** (Prof. Kaloki): When can you assure the House that the Ministerial Statement will be brought?

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, may I assure the House that it will be here on Tuesday. I will pass the same to the Minister of State for Provincial Administration and Internal Security.

**The Temporary Deputy Speaker** (Prof. Kaloki): Two weeks have already elapsed. Are you able to convince the Minister to do it tomorrow?

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, I will pass the message to the Minister that it has been two weeks and the House feels that the Statement has been delayed. I will impress upon the Minister to make sure that it is brought latest on Tuesday.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Ethuro, let us leave it for Tuesday next week.

**Mr. Ethuro:** Mr. Temporary Deputy Speaker, Sir, I would have preferred this afternoon but I will live with that on only one condition; that in the intervening period, they have mobilized sufficient security personnel along our border areas.

**The Temporary Deputy Speaker** (Prof. Kaloki): Prof. Kamar, are you getting that additional message?

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, I will forward it exactly like that.

**The Temporary Deputy Speaker** (Prof. Kaloki): Security should be provided to the people of Turkana.

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): I will do that, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): The next Ministerial Statement to be issued by the Assistant Minister for Lands.

## MINISTERIAL STATEMENTS

### DELAY IN MARKING BOUNDARY OF KONYO-GACHUK LR NO. 168/LR NO.8907

**The Assistant Minister for Lands** (Mr. Rai): Mr. Temporary Deputy Speaker, Sir, I wish to give a Ministerial Statement which was sought by the hon. Member for Mathira with regard to the delay in marking Konyo-Gachuku LR. No. 168 and LR No.8907.

Mr. Temporary Deputy Speaker, Sir, boundary disputes are filed by affected parties and determined by the Land Registrars and Surveyors under the provisions of Section 21, 22, 23 and 24, Cap.300 Laws of Kenya. The procedure is as follows:-

(i) Presentation of written application to the District Land Registrar which should describe the boundary under dispute, that is, parcel numbers of the parcels involved;

(ii) The applicant must be registered propriety and where the registered propriety is deceased, the applicant should obtain letters of administration; a copy of the title deed should be attached by the applicant as proof of ownership; a map and all mutation forms showing the boundary should be attached; the letter would apply where the parcels in question are a resultant of a sub-division in case of where the registry map has not been amended;

(iii) A dispute filing fee of Kshs3,000 will be paid upon application and a survey fee will be charged by the district survey whose minimum is Kshs4,000. This fee is pegged on acreage.

(iv) A date for visitation of the site is then booked by the District Lands Registrar. The Ministry's Service Charter provides for a minimum of 90 days. However, this may extend beyond, depending on the disputes diary at the registry.

(v) Summonses to be served to the parties are collected by the applicant at least 14 days before the visiting days. This can either be served directly or through the chief or his assistant. The recipients are supposed to acknowledge by signing on the copy.

In this particular case, the Land Registrar started with two other backlog cases. The two proved to be quite involving and time consuming and, therefore, took the better part of the day as the boundary was touching on several parcels which were amounting to nine.

The officer realized that he could not proceed to the subject case and advised the applicants accordingly. He therefore allocated 17<sup>th</sup> May, 2011 and advised the applicants to collect summonses to take to the chief to distribute to the concerned parties. He never collected the said summonses and therefore other parties were not served. The disputed boundary could not be attended. The date allocated as of now is 22<sup>nd</sup> June, 2011 when it will be attended. There are many times when respondents to a dispute fail to show up which may subject the exercise to a postponement much to the chagrin of the applicants who often see it as a denial of justice.

In areas where there are crops like sugar-cane and maize, the dispute may be postponed until harvest time. Bad weather, lack of transport, lack of adequate fuel to facilitate transport and personnel also affect that. Currently, there is a large number of pending disputes. The number has, however, been considerably reduced in the last two years from 10,000 disputes to less than 5,000. Solving of boundary disputes is now part of our performance contracts and everything is being done to expedite their determination.

**Eng. Maina:** Mr. Temporary Deputy Speaker, Sir, whereas I appreciate the effort made by the Assistant Minister to address the matter, I would like to say that many things do not tally with what is on the site. Surely, citizens of this country cannot go to the Ministry of Lands, pay money to have a boundary established and it takes over one and a half years to respond to an issue. I would like the Assistant Minister to say when this matter will be addressed, and why it has taken over one and a half years after receiving money from the owners of the parcels of land. I also intervened in this matter and went to

see the District Commissioner. That particular officer kept the District Commissioner and the local leaders waiting on 17<sup>th</sup> May, because he never turned up. She did not even send an apology. When the DC contacted her, she said that she would turn up the following week, but she did not respond.

Truly, the Assistant Minister may not be getting the real truth on the ground. This is a purely careless and casual attitude of the Government. I would like to know when this matter will be sorted out. All the things that you have stated like lack of funds, among other things, do not concern ordinary *wananchi*. They are being taxed heavily. They cannot even buy food because of being taxed by the Government. Now, you are telling them that you do not have money for fuel and you require a fuel guzzler to do that small demarcation. Can they not use public means? That is not for me. But I would like the Assistant Minister to state when this situation will be sorted out and what action he will take because that officer is not living up to the expectations of the Kenyan people.

**The Assistant Minister for Lands (Mr. Rai):** Mr. Temporary Deputy Speaker, Sir, while I sympathize with the hon. Member, I want to say that this matter will be before the Registrar on 22<sup>nd</sup> June. It is about eight days from today. I believe that if the summonses are collected and served to the parties, this matter will be pursued on that day. With regard to what happened on 17<sup>th</sup>, I wish the hon. Member could write to me, so that I can investigate. Thereafter, I will see what can be done because we want services to be given to the local community. I will see what action will be taken against that officer. However, as it is now, on 22<sup>nd</sup>, the matter will be before the Committee. I believe it will be sorted out if the summonses are collected and served on time.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, on the ground, this is a very hot issue. In fact, people have already fought over the matter. Could the Assistant Minister tell us what security arrangements he has put on the ground to ensure that the two warring parties are kept apart and assured of peace and tranquility?

**The Assistant Minister for Lands (Mr. Rai):** Mr. Temporary Deputy Speaker, Sir, once our attention has been drawn on the issue of security, we will ensure that the DC provides us with security. That is because even on 17<sup>th</sup>, the DC was aware of that. However, he said that our officers did not communicate. I would like him to write to me so that I can investigate what really happened on that day. I assure him that action will be taken.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I would like the Assistant Minister to inform this House whether he is aware of the payment of Kshs2,000 that was made on 13<sup>th</sup> October, 2009. The payment was made by the community and there is a copy of an official receipt. What have they been doing ever since for a period of over two years now?

**The Assistant Minister for Lands (Mr. Rai):** Mr. Temporary Deputy Speaker, Sir, I have gone through a chronology of events of what has been happening. The fees have been paid. Surely, if a date has been given and the parties fail to appear, it becomes difficult to proceed with the matter. If a date is given and the summonses are not taken and served on the persons concerned, then it also becomes difficult to proceed with the matter. I am appealing that with regard to 22<sup>nd</sup> June, if the summonses could be taken and served in good time, we can finalize the matter once and for all. With regard to the performance of that officer, the Member should write to me. I will investigate the issue and take action if, indeed, there was negligence on the part of our officer.



**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, why do you want the hon. Member to write to you, if you can go ahead and investigate? That is your Ministry?

**The Assistant Minister for Lands** (Mr. Rai): Mr. Temporary Deputy Speaker, Sir, I cannot just say that I heard. I want it in writing so that I can say it was reported to me. That way, I can ask the officer whether she is denying or confirming the same.

**Mr. Kioni:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This area is called Konyo in Karatina. Is the Assistant Minister in order to talk about summonses and lack of witnesses? What will he do differently to ensure that the process goes on 22<sup>nd</sup>?

**The Assistant Minister for Lands** (Mr. Rai): Mr. Temporary Deputy Speaker, Sir, I have explained the procedure. We give the date. However, the parties should come and collect the summonses. They are served through the chief or the assistant chief.

**Mr. Chanzu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The point I want to raise has to do with the officer who appears to be lax. You have to address the whole issue, and not only in that particular place. That is because it is laxity that is causing delays in those matters.

**The Assistant Minister for Lands** (Mr. Rai): Mr. Temporary Deputy Speaker, Sir, where my attention has been drawn, I will take action. I have said that once we give a date--- Even in court, you can go and get the date if you are the aggrieved person. Once you get a date *ex parte*, you need to issue hearing notices. Those hearing notices are supposed to be served to the parties, so that they can know the dates when those matters will be coming before the parties.

**Eng. Maina:** Mr. Temporary Deputy Speaker, Sir, I must say that I appreciate the Assistant Minister's effort. However, truly, in this House this morning, there is something that is rather baffling, and we may even need your guidance. Members of public are entitled to services. We had an issue here with the Ministry of Medical Services. Now, we have an issue with Ministry of Lands. We are just being told that members of the public are supposed to do this or that. Truly, we need your guidance where members of the public have done what they are supposed to do. They are entitled to services.

**The Temporary Deputy Speaker** (Prof. Kaloki): Eng. Maina, what is not in order?

**Eng. Maina:** Mr. Temporary Deputy Speaker, Sir, let me talk about the summonses. The DC himself had agreed with that officer on the day she would come to the site and she failed to come. That is the issue. The DC had summoned the local leaders and members of the public. The issue is: What are the summonses that we are being told about, when she had already given an undertaking to the DC that she would be there on that day? She kept people waiting and wondering: What kind of Government is this?

**The Assistant Minister for Lands** (Mr. Rai): Mr. Temporary Deputy Speaker, Sir, if the date was taken by consent, the DC needed not do anything. In this case, there are two parties involved, who pay taxes and who want services. It is just a question of dispute. What I would like to request the hon. Member is for him to ensure that the date of 22<sup>nd</sup> is taken. At least both parties are aware because they have collected the relevant summonses for the hearing of this particular dispute. I believe that 22<sup>nd</sup> will be the final day for this matter to be determined.

**The Temporary Deputy Speaker** (Prof. Kaloki): Very well. Prof. Kamar, you have another Ministerial Statement to issue. Please, proceed.

## MINING ACTIVITIES IN BURA

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Mr. Temporary Deputy Speaker, Sir, I have a Ministerial Statement touching on mining activities in Bura District, which was requested by Dr. Nuh. It arose from a Question he had asked and the Minister promised that we would visit the site.

I want to report to this House that on 10<sup>th</sup> and 11<sup>th</sup> May, 2011, a delegation from the Ministry, led by myself and which included the Permanent Secretary, the Director, Compliance, from NEMA and other officers of the Ministry, visited the site. We had the company of the hon. Member, Dr. Nuh. The purpose of the visit was to ascertain the actual status on the ground, as this House had requested that we establish how the mining was being done, the progress and whether the disused mining pits were cleared.

Mr. Temporary Deputy Speaker, Sir, during the visit, it was, indeed, established that there was environmental degradation associated with failure to rehabilitate exhausted mine pits. We visited three sites in Nangini Location and another two sites in Bangali area. The sites we visited were under the following five companies: Amca, Ardhi Stores, Yemata and Wakasha mining companies.

After consultation with the hon. Minister Michuki, he directed that all mining activities be stopped and rehabilitation commenced. So, right from when we were on the site, we consulted and closed the mining activities in Bura. Based on that directive, the Director of NEMA issued stop orders to the eight companies which were operating in Bura on 18<sup>th</sup> May, 2011. The stop orders require the companies to meet the following conditions:-

(i) carry out environmental impact assessment for the new mining sites and where Environmental Impact Assessment (EIA) licence has been obtained the licence conditions be strictly adhered to, in accordance with Section 58(1) of the Environmental Management and Co-ordination Act of 1999 and the EIA Regulations of 2003.

(ii) The companies rehabilitate the abandoned excavated sites, in accordance with the Environmental Management and Co-ordination Act, 1999, Part 9, Section 108(2) and the Mining Safety Regulation 6(1) to the satisfaction of the District Environmental Committee and NEMA. The proposed simple rehabilitation process should entail back-filling with the mine wastes followed by the planting of trees in the sites that have been mined. A clearance letter confirming satisfaction with the rehabilitation efforts must be issued thereafter by NEMA to enable the companies to go ahead with their activities.

(iii) The companies should also fence off the disused excavations, in accordance with Mining Safety Regulation 4(1), parts (a) and (e); the rehabilitation exercise is meant to safeguard the local communities and their animals from any risk.

(iv) The companies should erect beacons bearing the details of the company and all relevant licence numbers at the sites, in accordance with Mining Safety Regulations 23, so that when you visit the site, you know which company is holding what licence.

(v) Upon accomplishing the aforementioned requirements, the companies should undertake and submit EIA reports, accompanied with comprehensive and implementable Environmental Management Plans. The two documents will inform the decision by the Authority to stay or to lift the stop orders that are now in effect. However, NEMA also

reserves the right to suspend or revoke any EIA licence, in accordance with Section 67(1) of the Act.

(vi) The companies are required to comply with the above orders.

Mr. Temporary Deputy Speaker, Sir, in addition, the Commissioner of Mines and Geology has suspended the mining licences, in accordance with Section 22 of the Mining Act. These notices were served on the affected companies in the same week.

We have already had one defaulter, M/s Ajir Birir, who was found disobeying the orders on 29<sup>th</sup> May, 2011 by ferrying six lorries of gypsum stones. He was arrested and taken to court on 30<sup>th</sup> May, 2011 and took a plea of not guilty. The matter was fixed for hearing on 1<sup>st</sup> May, 2011. On this date, the accused changed plea and pleaded guilty to the charges. He was fined Kshs50,000 or six months imprisonment by the Hola Resident Magistrate's Court. The gypsum material, which was about 135 tonnes, was forfeited to the State and NEMA was asked to dispose of it. It was ordered stored at Hola Police Station, where it was off-loaded.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): It appears that hon. Members are satisfied with your answer.

Next Order.

## MOTION

### ABOLITION OF KENYA CERTIFICATE

#### OF PRIMARY EDUCATION

THAT, considering that Education is a fundamental human right and every child is entitled to it; mindful that when we ensure that children have access to a rights based, quality education that is rooted in gender equality, we create a ripple effect of opportunity that impacts generations to come; acknowledging that Education enhances lives and ends generational cycles of poverty and disease and provides a foundation for sustainable development; aware that quality basic education better equips girls and boys with the knowledge and skills necessary to adapt to socio-economic challenges and enable them play an active role in social, economic and political decision-making as they transit to adolescence and adulthood; further aware that educated adults are more likely to have fewer children, to be informed about appropriate child-rearing practices and to ensure that their children start school on time and are ready to learn; this House resolves that the Government abolishes the Kenya Certificate of Primary Education and provides for a continuous, uninterrupted education system from level one to Form Four in order to accord all Kenyan students universal basic education.

*(Mr. Kioni on 8.6.2011)*

*(Resumption of Debate interrupted  
on 8.6.2011)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Yes, hon. Jeremiah Kioni.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I want to say very few things because I had made some contribution last week.

Let me start by saying that this Motion does not in any way intend to scrap the examination at Standard Eight in total. It is dealing with the issue of one-off examination process, where we examine people on one day and determine their lives with the examinations for that day. It is important to appreciate what it means when you examine 13 year old kids. In the case of our young girls, they could be taking the examinations while going through their monthly periods, and the outcome of their performance could be affected by that condition.

Mr. Temporary Deputy Speaker, Sir, another point is pregnancy of young girls. It means that if a child's education is discontinued because of pregnancy, she is unable to rejoin the education system and continue with her education. She has to kind of make another start. This Motion aims at encouraging the Government to embrace the principle of continuous assessment, where one is able to have results and continue to improve on his grades over a period, so that at the end of known time, one's grade can be given to him.

It is important to note some figures. In the year 2003, when we got an additional enrolment of 1.2 million pupils, that was the year when the Free Primary Education (FPE) programme was started. Last year, the number of kids who did examinations at the primary level was 700,000. The number of those who joined Form One this year was 456,000, maybe, plus another 10 per cent. So, in essence, we lost well over 60 per cent of the children. The wastage level in this system is something we cannot allow to continue in our country. We are talking of 13 year-old children. It is important that you ask yourself how a country can term a child of 13 years a failure. If you ask me, it is not the child who will have failed but ourselves.

Mr. Temporary Deputy Speaker, Sir, there are many advantages in the system I am proposing. I have the results of a survey that has been done in this country, showing Kenya as having attained 4.2 years of schooling. In other words, all of us have gone beyond Standard Four by only two months. That is the average that is in this country because of the education system that we have. There are gains in the system I am proposing; if you allow pupils to remain in school longer, there will be many things that will come with it. There they will be many benefits, including saving on the health bill. Maternal mortality is also reduced. The percentage of citizens falling below the poverty line will also be reduced. The average duration in school will also be increased. The percentage of women who become mothers and leave school will reduce with more education. Even the marriage age is also increased once we increase the number of years in schooling. Even the age at which one has sex intercourse with education, again, we increase the number of years. The number of children in the family is also reduced with education.

If you look at issues like use of mosquito nets, survey has shown that those who have been in school longer are able to appreciate the need for them, the need to take care of yourself, including use of condoms and the rest, which has an impact on the levels of HIV/AIDS scourge in our country.

Mr. Temporary Deputy Speaker, Sir, I want to table some of the surveys that have been done in this country. This survey is talking about the number of years that we, as a

country, have attained in school. It is at the rate of 4.2. When we compare ourselves with a country like Argentina at 8.8., A country like South Africa is at 6.1. Countries behind us are Sierra Leone, Malawi and Rwanda. All other countries are unable to get more years in school than ourselves.

It is important to note that what we are talking about is not alien. Our next door neighbour; that is Rwanda, is actually at the peak in this process where children are allowed to go through schooling, assessments are done, but they are let out into the system after the Form Four Class.

*(Mr. Kioni laid the documents on the Table)*

Mr. Temporary Deputy Speaker, Sir, at the point at which a Standard Eight student does examination, we are talking of 13 or 14 years. We cannot give that child an identity card. We cannot engage that child in any gainful employment because it is against the law. What do they do in between 14 and 18 years? It is important that we keep them in school because during that time they will also have matured and they will be able to make career choices in life.

It is also important to note that the country gets to recognize these young people at the age of 18 years. Before that, we are allowing these people to fall into the hands of *Mungiki* to engage in activities that are not useful to this country.

It is important that we support this Motion. I am calling upon Members of Parliament to appreciate. It is not that it will be implement it immediately, but it can be done over time. There will be need for infrastructural services to be done. However, the Government can face this issue over time.

With those remarks, I wish to move this Motion and ask my good friend the Member for Kirinyaga Central, Mr. Gitari to second it.

**Mr. Gitari:** Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second the Motion.

From the statistics, when free primary education was introduced in 2003 approximately 1.2 million pupils were enrolled. Last year, when they sat for the Kenya Certificate of Primary Education (KCPE), the pupils who were admitted to Form One were a total of 456,000. This means that about 700,000 were not admitted.

Out of the 700,000, not more than 30 per cent were enrolled in the polytechnics. Our Constitution states that people should have basic education. The universal definition of universal education is 12 years. Here, we are talking about Standard One to Form Four.

I am looking at our education system. I appreciate the fact that, at the university level, the exams done are continuous. So, if we can replace the KCPE with continuous assessment tests, I believe that will assist this country.

Mr. Temporary Deputy Speaker, Sir, I want to appreciate the fact that pupils attain the age of 13 years when they are in Standard Eight. Their minds have not really grown. So, if they drop out at Standard Eight, they are not mature enough. They fall prey to a number of things. I want to believe that a Form Four leaver is more informed than a Standard Eight leaver on issues like cleanliness, use of condoms and mosquito nets, among others. At the age of 13, there is nothing much they can do. They cannot get national identification cards. So, nobody can employ them. Within those five years, they

can be manipulated to join some illegal groupings. They can also be made to engage in other funny businesses before they attain the age of 18 years.

By the time they are attaining 18 years, they are confused. Nobody can take them serious because they would have engaged themselves in illicit practices.

In many places, especially where I come from, the *boda boda* business is growing at an alarming rate. It is alarming because when these pupils drop from Standard Eight, they join this business. I want to imagine that even those people who are engaged in this business, the Form Four leavers are doing better than those who never went beyond Standard Eight.

I am support this Motion because I want to encourage many pupils to join Form One. It is important for them to complete Form Four. As I speak now, there are about 9 million pupils in primary schools. If we take the statistics that about 60 per cent of them will not join secondary schools, what are we saying? We will have 5.4 million dropouts after Standard Eight.

Out of the 5.4 million, not more than 2 million will be absorbed in the polytechnics. So, we will have not less than 3.4 million pupils waiting to attain the age of 18 years, so that they can be given their identity cards and start looking for jobs.

Looking at a population of about 5.4 million is a worrying number. So, I stand to second this Motion.

The system of our education, especially in our universities, is that it does not encourage final examination. Students in the universities are assessed according to continuous assessment tests. These tests are working very well. So, I believe that if this one is taken to a primary school such that instead of them doing the KCPE, they are assessed on continuous assessment tests. We appreciate that at the age of 13 years, girls start maturing. They reach their puberty. So, when they sit for their examinations sometimes they are not comfort. It is unfair for us to condemn them as failures just because they were not comfortable when they were doing examination in that particular week when they were experiencing their monthly periods.

It is wrong because our education system is exam-oriented. We need to pass this Motion. However, I want to agree that it cannot just be implemented because it requires some time so that systems can be put in place.

With those remarks, I beg to second the Motion.

*(Question proposed)*

**Eng. Gumbo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. While the intention of the Motion may be good, I want to declare from the outset that I stand to strongly oppose the Motion. This Motion aims largely to bring equality in the education system in Kenya. My view is that absolute equality is not possible. I also do not agree that at Standard Eight, children are too young to appreciate national values. I went to a very lowly primary school in the late 70s and if I am here today, it is because I excelled in my Certificate of Primary Education (CPE) those days in what was then South Nyanza District and actually, I became a village legend after I did my CPE.

I also think that it is rather simplistic to suggest that those who cannot make it beyond Class Eight become village cabbages. I stand here to testify that in most of the

schools that we build with the CDF funds, we use people who after Class Eight went to the local village polytechnics and have become very good and notable *fundis*. This Motion is also being very unrealistic to the reality in Kenya today. As I speak, this country has an acute shortage of teachers. There are not enough schools. For example, in Rarieda, we have 116 primary schools and only 30 secondary schools and if we allow direct transition from Class Eight to Form One, where will we get the capacity to accommodate all these students who are transiting from Class Eight to Form One?

Mr. Temporary Deputy Speaker, Sir, fundamentally, if we allow this Motion to go through, we are actually perpetuating what I call “villagernization” of Kenyans. My perception of my country has been shaped from the days that I joined Form One at the Great Cardinal Otunga High School. Today, I see myself, first and foremost, as a Kenyan and secondly as a person of my community. I look into the days when I joined Form One with absolute nostalgia. Some of my friends do not come from Nyanza Province. Some of my best friends come from the Coast Province, North Eastern and these are people that I met when I moved from my village to join Form One in the early 80s. It is important that if our country is going to move forward, we must, and it is fundamental, start to think of ourselves first as Kenyans and secondly as members of the communities where we come from. I am very proud of the fact that as I grew up, having been inducted with students from other parts of the country into my secondary education up to university level, in more ways than one, I like to see myself considered, first and foremost as a Kenyan and secondly, as a member of my community. There is nothing wrong with being a member of my community, but I think Kenya is bigger than our little communities. In any case, everybody is going regional. We are looking at regional and even continental blocks. Only very recently, there was a conference in South Africa which was bringing the East African Community (EAC), the Southern African Development Community (SADC) and the African Union (AU) together. It means that we must now begin to think in bigger ways to achieve the aspirations of our communities and our countries.

I want to conclude by saying that I have seen, for example, what the 80 or 75 per cent rule of taking students to their areas has done. On Monday, I was talking to some students in one of the schools in my constituency and it disappoints me thoroughly that when I asked them about one of the national heroes of this country, I was shocked that the only thing that the students seem to know about that national hero was his tribe and not the contribution he has made to this country. We must tackle this problem of “villagernizing” Kenya at all fronts. To me, one of the best ways to do that is to insist that right from an early age, our children should learn national values. What is wrong in teaching our children at the age of ten years to see themselves as Kenyans? What is wrong in telling our children from as early as eight years that it is more important for them to regard and appreciate the cultures of other parts of the country than their own? The truth is that there is nothing that opens the eyes of people than interacting with people from other cultures.

Mr. Temporary Deputy Speaker, Sir, I am totally opposed to anything that will continue to perpetuate our thinking in our little tribal cocoons. I want us to continue thinking as Kenyans. I want us to continue appreciating the gains that we have made and also to know that we can do much more. The best way to do that is to spread the education, test our children early and tell them that from Class Eight, you can go to another province and interact with the people from that province and be a Kenyan. They

should mould themselves to think as Kenyans. If you abolish Standard Eight, it will mean that a child who goes to a primary school in my village will continue in secondary in the same primary school up to Form Four. They will become adolescents who know nothing about what happens in the rest of the country. They will only see themselves as little villagers who cannot appreciate the wider society and make better contribution to their country.

Mr. Temporary Deputy Speaker, Sir, before we even think of implementing this Motion, we, as a country, must work harder on national cohesion. We must work harder on appreciating each one of us. Sometimes, I am persuaded to think that part of the exam that we should undertake before we come to this House is to make leaders declare what they have done to fight the cancer of negative ethnicity in Kenya. Anything that promotes the cancer of negative ethnicity must be fought and opposed at all costs. We must also build more schools in our areas before we can think of abolishing the KCPE. We must also train more teachers.

I was just doing a survey in most of the primary schools in my constituency and on average, you get six teachers per school when the school has eight to nine classrooms. Considering the Early Child Development (ECD), already there is a shortage. It means that at any one time, two or three classes are not being taught. How are we going to allow this universal transition when we do not have enough teachers?

With those remarks, I strongly oppose and urge my colleagues to kill this Motion which will not help us build a united country.

**The Assistant Minister for Environment and Mineral Resources** (Prof. Kamar): Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to join in this debate. I would like to say that I oppose it for one reason. I oppose it because it is a very good idea whose time has not come.

I believe that this is the future and we should go there. We should enable our children to move from primary school to secondary school uninterrupted. Unfortunately, when I analyze what we require to be able to change, I see that it will be impossible for us to implement. The reality is that the largest population of Kenyans is now in pre-unit. Last year, 760,000 candidates did the Kenya Certificate of Primary Education (KCPE) while the Form IV candidates were only 250,000. The universities have said that in their double-intake, they will only take 60,000 students. That tells us that our society is extremely on a sharp pyramid. If we have that kind of a pyramid, it means that if we change the system to what the hon. Member has proposed, we will not be able to practically do it because you cannot squeeze 750,000 students in the space to be occupied by 250,000 students. That is the only space we have in our secondary schools. We may try and triple the facilities or even create Form I to Form IV in every primary school because this may have to be the reality in the future that I see this Motion taking us to.

However, the problem is that the university system has not opened up. This means that we will have to upgrade our youth polytechnics to capture students only from secondary schools. The reality that we must also bear in mind is the fact that Free Primary Education (FPE) and Free Secondary Education (FSE) have not been realized in this country because parents complain bitterly that they still pay something. So, for us to capture all the children in the university bearing in mind the primary school education policy that we have, first, we must ensure that we have the FPE practically on the ground. We also need to ensure that we have proper FSE because it is a right to Kenyans, but we



have been unable to provide it for budgetary reasons as we have heard from the Ministry of Education.

I propose that we should ensure that primary and secondary school education is free for real so that nothing else stops us from handing over our children from primary to secondary. The reason nobody complains that they do not have space in secondary education after 750,000 pupils do exams is that even parents give up immediately after Standard VIII. They give up naturally because they cannot afford. So, we still have schools that are under-enrolled because parents cannot afford. So, we need to address the real issues that make education impractical and do not make us realise the very good vision that this Motion has. This is because this Motion has captured what education is all about, that is, the reduction of poverty and diseases. All these can be reduced with education. In my view, we must ensure that primary and secondary education is free.

The other area that we must target at this stage is youth polytechnics. We had two polytechnics when I became the Member of Parliament for Eldoret East. They were Ainabkoi and Sogori. The two polytechnics only had an enrolment of 40 students. When we passed a Motion in this Parliament that the Government will fund the establishment of youth polytechnics, I was encouraged and registered four new youth polytechnics. It was my dream that by the end of next we will have 10 youth polytechnics. This is because the offloading of children at Standard VIII is really a disadvantage to our children. We have many of them in the whole country who finish Standard VIII and go nowhere. I still believe that the Government should go ahead and increase the youth polytechnics as an exit point for the 500,000 pupils we do not know where they went to last year. They did not go anywhere because the room in secondary education could only accommodate one-third of those who did the KCPE.

So, we must, as a country, relook at our strategies in education. Standard VIII remains an exit point that you can recognize. This is because without any certificate all the way to Form IV, exiting without any exam will not enable the other entry points to have their own standards. The youth polytechnics must have their own standards and they must be able to capture the products of the education system in a manner that can be standardized and measured. For us to be able to do that, we must have this examination in Standard VIII so that whoever exits at that point and cannot join a secondary school because of poverty or for whatever reason can have an exit point.

Universities must also be encouraged that the people who exited and joined youth polytechnics are sometimes very bright students who end up in national polytechnics that offer Diploma Courses. These students should be able to leave the Diploma programmes and go to university programmes in the shortest time possible and with payment from Government. There was a programme that was called "Mature Entry". That programme which I hear has been scrapped by all the universities was a very important programme for students who evaded the universities basically because of fee payment or avoided joining polytechnics because of lack of fees. Those students went to the youth polytechnics, the polytechnics and then the universities. I would like to challenge the Ministry of Education to take up that matter again. This is because the universities suffered something that made them eradicate mature entry; that the Government did not recognise a mature student who was to go back to the university. The Government did not pay the quota for those kinds of students. It is very important that the Government takes over those students. This is because the mature students are very important. They go

through the system out of difficult times or the challenges that they get during their youth and are unable to go directly to secondary school and then to universities. So, we must provide for such students. That is why I again urge the Ministry of Education to investigate the fate of mature entry in the universities. That is part of the issues that have been raised in this Motion. For us to be able to answer the needs of this Motion which will address the problems and the challenges that we have because of the system we have today, it is not by removing the Standard Eight examinations. To me, it can be done by allowing children to progress on whatever route they take as a result of national challenges we have. The reality is that the challenges our education system is facing are a result of issues which cannot be under the control of the parents. As a country, we must ensure that we have free education in primary schools and secondary schools. We should allow for exit because of the populations that we cannot handle in the higher education systems so that they can do something.

With those remarks, my friend Mr. Kioni, this is a very good Motion but its time has not come.

**The Assistant Minister for Housing** (Bishop Wanjiru): Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion.

I want to start exactly where Prof. Kamar stopped. She said it is a very good idea whose time has not come yet she is opposing it. If we have to take care of the future generations, we must start implementing proper governance in the rightful Government institutions now. That is the purpose of this Motion. In the near future, we do not have a choice; this is where Kenya will be going and where everyone else globally is going. If we agree, it is a good idea. Why are we opposing it? A good idea needs to be supported. We can say that probably we will face the challenges of implementation. But any changes will bring challenges of implementation. What we need is good leadership that can bring a smooth transition from the old to the new.

Mr. Temporary Deputy Speaker, Sir, education, in essence, is the process by which society deliberately transmits its accumulated knowledge, skills and values from one generation to another. We probably need to look at the Latin word *educare*. This is where we get the word “education” which means to bring up, to bring out or to bring forth what is within. So what we need to ask ourselves is: Is our education system able to bring out or to bring forth the potential in our children? My answer would be; “no”. Our education system is instead suppressing the inborn potential of our children.

Education is also the learning process by which people are equipped with specific knowledge, skills or abilities that can be applied immediately upon completion. The next question is: When our children leave Standard Eight, are they able to immediately upon completion implement anything except if they are able to move to Form One? Just assuming that they drop out at Standard Eight, who do they become? Where do they go?

Mr. Temporary Deputy Speaker, Sir, the other day I faced a challenge in my own constituency when I had an opportunity to recommend somebody for a very good job; a carpenter. Believe you me I have very many carpenters in Starehe. However, I was looking for a carpenter who is skilled and has a certificate. Unfortunately, I was not able to find one despite the fact that I have wonderful, perfect carpenters in Starehe. What does this mean? It means that---

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, I need your protection. Hon. Members are consulting a bit too loudly.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, hon. Members!

**The Assistant Minister for Housing** (Bishop Wanjiru): Thank you Mr. Temporary Deputy Speaker, Sir.

It means that we have people who have skills but they never got the opportunity to be in a college where they could get certificates. Globally, under the Education for all Programmes driven by UNESCO, most countries have committed to achieving universal enrolment by the year 2015. My understanding is that Kenya is not an exception; we will have to follow suit, sooner or later.

Mr. Temporary Deputy Speaker, Sir, hoping that this Motion will pass, universal primary education is also one of the eight Millennium Development Goals (MDGs) that we are pursuing as a country. Even as a Government, if we have to fulfill the MDGs then we must acknowledge that this is the way to go. This Motion may have to wait a little bit for implementation but its passing in this House is in this Tenth Parliament.

I would like to add that we probably borrow from Finland, a country that has a broad-based open access education system. Finland has a very unified school system. The child gets to school from the age of seven years and continues until they are 16 years old. At this time, they are mature and have grown and can face the rest of the challenges of this world. In addition, if we can borrow from Finland, we would have to remove the recurring question about the selection and scramble for secondary places. Our parents have to go through a lot of problems to get their children into secondary schools. My colleagues in Parliament here will agree that they go through a lot of challenges at the beginning of the year. Parents come chasing them to help them get access in particular secondary schools. This is because the system that we are in right now is discriminative. We need to remove that discrimination. It is in the new Constitution that we cannot discriminate. I add that this cannot happen even on the basis of education.

Mr. Temporary Deputy Speaker, Sir, I would like to add that when we pass this Motion we are going to minimize early marriages. Our girls coming from Standard Eight and ending up being wives is not acceptable. It will help us minimize early marriages where girls can continue with their education. It will also help us minimize idleness. We have too many youths who are idle today. They are idle because they are neither in schools nor have jobs. I wish they were even at school where they would be doing something productive for their lives instead of being idle. When we remove idleness, we are going to be able to eliminate prostitution and recruitment into militia groups so that our youths will not end up in the wrong groups simply because they are idle.

This Motion will also minimize school dropouts and, therefore, by the time the child finishes Form Four he or she is better equipped with skills and abilities, education and knowledge that can help them make them better people out of their lives. Today, I know that we have the challenges of the 8-4-4 Free Primary Education system. This is why my colleagues are opposing this Motion. Our free primary education has not worked very well. But does that mean that we destroy the future simply because today it is not working well? No! We should even bring another Motion to perfect the free primary education.

Mr. Temporary Deputy Speaker, Sir, I agree we have challenges; we do not have enough schools. Even now with the 8-4-4 system, we still do not have enough schools. So, the reality is here with us. We still have to build more schools, improve our education system and as we improve on all that, why do we not lay a new foundation so that we improve on a new foundation and not try to put new blocks on the same old foundation? Some old foundations are too shaky and they are not working, notwithstanding that the 8-4-4 is so cumbersome. It is unbelievable! We have our children still doing homework after spending the whole day in school. They do homework up to 8.00 p.m. or 9.00 p.m. They are still running around with books over the weekend. We are already stressing our communities. We are stressing our future generations. We need to stop stressing our children.

I know that my colleagues in the Cabinet are waiting to oppose this Motion. However, I urge them to rethink their positions. It is my take that this Motion is a very good one. We may have to be a bit patient to implement it but this is probably one of the best Motions that can change, improve and add value to our future generations.

I, therefore, support that we scrap KCPE.

**Mr. George Nyamweya:** Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion very strongly. I do not really think that there is very much that this House can do other than to support this Motion. This is the very foundation of the country that we want to build. We cannot be talking of Vision 2030 while we condemn our children to leaving school at Standard VIII. At age 13, what is it that you want them to do? We have a new Constitution which talks about adults being 18 years old. There is no employment that you can give them. There is nothing, really, that you can do to them other than keeping them in school.

Mr. Temporary Deputy Speaker, Sir, you will have seen that we are moving away from the national level to the county level. There are some people who are a little concerned that, that is going to balkanize the country. I think that is a fallacy. I went to a national school where I enjoyed myself. We were able to design a system that brought everybody together. When we say that we should scrap the 8-4-4 system, we are not saying that we are not going to examine students. Every term, for the three terms in a year, you get reports from the teachers showing the progress of your child. There is absolutely nothing to stop the children from being examined continuously, until they reach Form IV. This is the foundation of how we are going to make the new Kenya. We will need the human resources developed to the point where they can manage the new technology. You are not going to tell us that at Standard VIII, you have managed to achieve that level of understanding.

Mr. Temporary Deputy Speaker, Sir, I would like to allay the fears of those Members who feel that this is not the right time. The very reasons they are providing are the very reasons we should move in that direction. When you start saying that we do not have the facilities and funds, the Constituencies Development Fund (CDF) is a concept which other countries are coming to examine and borrow from. That is why we should say: If, already, we have universal primary education, what will stop us from upgrading the secondary schools to absorb that intake? What will stop us from doing so? The excuse that we do not have enough money is explained by the Auditor-General every year; we are losing up to Kshs200 billion a year. If we were able to manage that, we can put that money into good use and provide the education that we need to give our children. So, the

excuse of funds is not really a very valid one. The excuse of fear of moving to a new thing, maybe, is what may concern some. Change is always difficult, but we are implementing the new Constitution. It has got its challenges, but I am sure we will get through them. Equally, in our education, I am sure we can manage those challenges which may be there.

Mr. Temporary Deputy Speaker, Sir, countries which have progressed have kept their children in school up to the age of 18 years. The national cohesion that we are talking about can be achieved by ensuring that before children move to polytechnics or universities, we introduce a comprehensive national youth service which can integrate all our children from all the counties, in a programme where they are able to see how the new Kenya looks like. I think that is what we should be focusing on. Let us not be too negative, shy or lack courage. Really, when you think of how far we can move with that little imagination, it really amazes me that there are some of us who are thinking that, perhaps, maybe, in 20 years time from now, we might be able to look at this thing. The time to move is now. When you look at the young girls that we have, and we are talking about promoting their education, how do we do it when we condemn them to leave school at Standard VIII at the age of 13 or 14 years? What is it that you want them to do? We have the Ministry of Education and a variety of other proposals that can energize this country.

Mr. Temporary Deputy Speaker, Sir, without really going beyond what is so sensible, I honestly cannot understand how anybody can have difficulties in seeing that this particular concept of free primary and secondary education and, indeed, pre-primary-- That is because the unity that we are talking about, you attain it in education. I remember when we were in school, we used to have civic education. We knew how the whole of our country was. It is this new system which seems to have failed us.

Mr. Temporary Deputy Speaker, Sir, I really want to urge those who might have been thinking that this is a good time to oppose this particular Motion, to allow it to pass. Let us even ask the Ministry, together with all the stakeholders, to see how we can fine-tune this particular Motion and implement it, so that we are able to keep all our children in school.

Mr. Temporary Deputy Speaker, Sir, finally, I might wish to add that I was a Member of the Parliamentary Select Committee on Unlawful Organizations. We discovered that a large number of our children who have dropped out from Standard VIII have strayed into those unlawful organizations precisely because they were idle, had no motivations, hope and future. I do not want to look at those children up there and tell them that in a year's time, or the end of this year, their future has stopped. I want to urge them that they have a future and the future is for us to give it to them. Do not begrudge them the little money that you may need to put into this programme. I urge my fellow Members of Parliament to support this Motion the way it really deserves. That is the way to move our country forward.

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

**Mr. Shakeel:** Thank you, Mr. Temporary Deputy Speaker, Sir. Our very Constitution supports and endorses the principle of universal education. However, it is universal education and not universal primary, secondary school and university. I rise to oppose this Motion. I am not saying that those who do not perform well stop after Standard VIII. There should be a safety net to pick up those children.

Mr. Temporary Deputy Speaker, Sir, when you start Standard I at six or seven years, by the time you finish Standard Eight, you will be about 15 years old. You are now on the threshold of adulthood and you must have a good capacity to read, write and be able to communicate in both English and Kiswahili. Thereafter, what I propose is a safety net to pick up those children who have not been able to get good results to join secondary schools.

Mr. Temporary Deputy Speaker, Sir, there is nothing worse than to guarantee a child all the way up to Form IV and he reaches Form IV, having spent 15 years of his life in education, you tell him that there is no job. All the children will get to Form IV and, unless you are saying that there should no Form IV exams - which will be a tragedy - they are either going to fail miserably or there will be too many children who will go through the formal education system and not go any further. As a result, they will be frustrated and angry. They will be walking on the tarmac. They will be good fodder for extreme organizations. The countries that my good friend, Bishop Wanjiru, has mentioned, actually do exactly what we are saying. They go along up to the age of 16 years--- I am proposing that we go up to the age of 18 years. If you do not get the prerequisite requirement, you go into a parallel system, within the same secondary school, perhaps, for another two years, which will then prepare you for technical training.

Mr. Temporary Deputy Speaker, I studied with hon. Nyamweya and others. Our most favourite subjects were metalwork, woodwork and arts. I feel that if we have that safety net for those who cannot get into the education system, they should sharpen their skills in woodwork, metalwork, arts and computer, among other technical courses.

Mr. Temporary Deputy Speaker, Sir, Mr. Bill Gates did not go beyond Form Four. So, you do not need to pass Form Four examination for you to succeed in life. For example, I have many degrees in different fields. However, I feel as if I know nothing. I cannot even compare myself to some people who took technical courses. Some people have Doctorate of Philosophy (Phds) in various fields, but they cannot do simple mechanical thing which required some sort of training.

Mr. Temporary Deputy Speaker, Sir, it is the learning process that we need. It is the fact that we stop education. It is what type of education we give to those children who may not be inclined towards intellectual advancement. That is what we are talking about.

My brother, hon. Nyamweya, brought the other issue of compulsory NYS training. I fully support his idea. There should be compulsory NYS training for all youth between the ages 16 and 18 years. No excuses should be given not to take courses in NYS; whether a child is from a well to do family or a pauper family.

Furthermore, truancy rates in Finland, Sweden and Norway are very low. This is not because there are no dropouts. It is because they have safety nets for those dropouts. We have no safety nets. We even have many graduates on our streets. They do not have formal or informal employment. We have no safety nets for Form Four leavers who do not qualify to join universities. So, private organizations are now fleecing them a lot of money. They are taking advantage of these Kenyans.

We need technical training in this country. This is the only way we can achieve Vision 2030. We must have technicians and engineers to drive this economy. The engineers must be supported by technical people. We must have mechanics. We must have people who have technical training and certification of trade. Hon. Bishop Wanjiru talked about certification of our carpenters. If she has nothing to do with carpenters, I

would be very willing to take them to Kisumu. There are few opportunities for carpenters because of lack of certification. We need certification for them. If you are a good carpenter, you will be issued with a certificate.

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

**Mr. Mwangi:** Mr. Temporary Deputy Speaker, I stand to support the Motion. The idea is noble. When the Minister for Education will be ready to respond, he will clarify some of the issues that have been raised by some of the hon. Members.

Mr. Temporary Deputy Speaker, Sir, the meaning of basic education is right from Early Childhood Education (ECE) up to the time the child exits at Form Four, at the age of 16, 17, or 18 depending on his or her background. Again, I would expect the Minister to comment and advise this Parliament that this country is a signatory to achieving education for all by 2015. If that is the case, this Motion is only urging the Ministry, to do what it ought to have done when it signed the declarations and the papers about basic education and education for all.

Mr. Temporary Deputy Speaker, Sir, those who are opposing this Motion should be able to answer this question. What education are we giving our children? Are we giving our children education for life skills or for them to pass examinations and exit and get into the society? I would want to congratulate hon. Kioni. This Motion is about social and economic changes. We are all ready to support Vision 2030. Again, which country will ever realize what we are trying to achieve if we have inadequate and poor education programmes?

Basic education in this country has not been given the attention it requires. Up to now, the Ministry of Education has not been able to budge and bring in enough funding for the early childhood education. This is the most important part of our basic education. I would wish to urge, even though the Ministry or the Government would contend that there are no enough funds--- It is in the public domain that the Ministry of Education has not been able to utilize properly the funds availed to them for basic education.

Mr. Temporary Deputy Speaker, Sir, issues have been raised about infrastructure in our schools. We know that some of the areas may require support to put up more schools and classrooms. We have an issue here. Rather than this Government saying it does not have funds, the issue is mismanagement of our resources in this country. We are capable. We are talking about giving our children support and skills to enable them fight poverty and yet we are not even able to manage what we vote for this Ministry in this Parliament. A good school would require adequate facilities. We have shortage of teachers in our schools, not that the country has no trained teachers. The problem is not lack of qualified teachers. The problem is allocation of resources reasonably enough to employ teachers to be able to support----

*(Loud consultations)*

Mr. Temporary Deputy Speaker, Sir, I ask for your protection, some Members are consulting too loudly.

However, I would want to urge Members of Parliament to support this Motion. I believe the 8-4-4 system of education is not the issue. It is the implementation and management that is the issue. The syllabus has two tiers; you can go on through youth

polytechnics after Standard Eight or you can go through the formal education; and all of you, could merge at the university. It is not an issue of the system being poor; it is the management. The Ministry of Education must implement this Motion once it is passed. It must come up with ways and means of implementing it.

We talk of free primary education, yes, but it is not free, it is subsidized. If the country has been able to carry on with the subsidized kind of education, what is wrong in just suggesting that we do not do KCPE; instead, we continue with Continuous Assessment Tests? That does not stop any one from joining any of the national schools. It is the responsibility of the Ministry of Education to put in place systems and ways of selecting children, who will join national schools without hindrance. We have what it takes to be able to put our children into national schools without doing KCPE. The Government and the Ministry of Education is aware of this. It has already, in its records, issues that they have tackled that show that KCPE is not adequate enough to examine and grade these children up to their total capabilities.

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

**The Assistant Minister for Labour** (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. Within the precincts of Parliament, anything brought by Mr. Kioni is treated with a lot of suspicion. However, for this Motion, I have gone through it and wish to say that it is a Motion with very good intentions.

Mr. Temporary Deputy Speaker, Sir, if you went to our villages so far, you will find that in every village you go to, there is a lot of pressure for every primary school to be converted into a secondary school. That is the beginning; every primary school should have a secondary school. This is from the people in the villages. What does that imply? It means that the need for secondary education is there. It is the duty of the Government to provide these facilities. So, we will not get scared by the reasons being given; that the Government does not have money and lack of infrastructure. It is just the way we plan our things, because this is the same Government which believes that people cannot get education within a mud-walled classroom. This is the same Government that also believes that people cannot get education when they learn under a tent and that is why it wants to put up classrooms at a cost of Kshs1.5 million a classroom!

*(Applause)*

This is the case and yet we can do a classroom at a cost of Kshs400,000 and buy a tent at Kshs30,000 where our pupils or students can get their education.

So, Mr. Temporary Deputy Speaker, Sir---

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

**The Assistant Minister for Labour** (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I am contributing as the Member for Amagoro.

I know that there are people who fear change, but this Motion means well for Kenyans. Think about a twelve-year old pupil who has dropped out of Standard VIII. Where do you expect this child to go? The education system that we have forgets such children very fast.

As an educationist, I encourage that this Motion sails through and where the Government gets money from, it is its business. That is why you are in power in the first place.



*(Applause)*

If you do not know where you will get this money, then you should resign and let others who are innovative and know where they will get this money to provide the infrastructure, lead this country

Mr. Temporary Deputy Speaker, Sir, I also want to take this opportunity to condemn those who are engaged in the misappropriation of funds meant for free primary education and free secondary education. It is very unfortunate that in a serious matter like this one, we still have the people who have been running this Ministry still in power. These people should have resigned long time ago. The Minister and his Assistant Ministers, including my friend, Prof. Olweny, should have gone or left the offices to show the seriousness of this matter. Our kids have been made to lose out on education just because of their inept behaviour and their failure to be very responsible in their Ministries. It is common knowledge; if you went to schools now you will find that whereas the principle is that every pupil---

**The Assistant Minister for Education** (Prof. Olweny): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Ojaamong in order to bring in the issue of misappropriation of funds and putting my name in it while he knows very well the role of an Assistant Minister? He is an Assistant Minister and he never knows where the money is and where it goes! Is he in order?

**The Assistant Minister for Labour** (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I am very much in order and I am in this Government. We had a meeting in Mombasa where we had Ministers and Assistant Ministers and we were told that for every happening in the Ministry, a Minister, an Assistant Minister and the Permanent Secretary have to be in the know on a weekly basis. So, the Assistant Minister knows exactly what the Permanent Secretary does. That is why I am requesting that these people should be responsible for what happened.

It is common knowledge that every pupil in a school is supposed to get about Kshs1, 300, but if you go to the schools, you will find that in a population of 1,000 pupils where you expect Kshs1 million plus to have been deposited to school accounts, you will find the headmaster telling you: "In account one, we have just been given Kshs200, 000; account 2 - Kshs7, 000." However, if you try to match it with the population of the students, it does not add up. So, this money is being squandered and this is not the first time this issue is being raised. This is something that has been happening. It is unfortunate that one hon. Member said somewhere when we were in a meeting in Mombasa over the weekend that this country is being led by the grace of God.

*(Applause)*

Otherwise, the people that we have put in power are not exactly exercising what they are supposed to do. If, indeed, we have people who are serious that they want to have this country and the education system move forward, let them carry out another forensic audit about these funds and ensure that the people who have misappropriated the funds are prosecuted. That is the only way we can give our kids education.

However, my worry, despite supporting this Motion, is the issue of abolishing the Kenya Certificate of Primary Education (KCPE). What does it have to do--- I find it not necessary because it tries to link the KCPE with the failure of the Government to provide universal basic education. The issue should be, from primary school, the pupil should be able to proceed to secondary school with or without the KCPE.

*(Applause)*

We are now trying to delimit this Motion by seeing KCPE as a barrier and yet it is not one of the barriers. I urge hon. Members to unanimously support this Motion and mobilise the masses to compel the Government to implement this Motion.

Thank you, Mr. Temporary Deputy Speaker, Sir.

*(Applause)*

**Mr. Langat:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. This Motion is very good because the import of the Motion is to ensure that all the children get the opportunity to study from primary school to secondary school without interruption.

As I support the Motion, I also want to say that examinations are also very good to ensure that our children are encouraged to work hard. Even before we came to Parliament, they said that the minimum level of education is either primary or secondary education. So, we need to have some level of grading. I want to support this Motion with an amendment.

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

- (i) By deleting the words “abolishes the Kenya Certificate of Primary Education and” appearing after the word “Government”, and;
- (ii) By inserting the words “by ensuring that all children transit to secondary schools regardless of the marks scored in the primary schools” after the words “form four.”

Mr. Temporary Deputy Speaker, Sir, the effect of that amendment is that, we are saying that everybody will get an opportunity to go from primary school to secondary school but, at the same time, we are not removing the KCPE or any other examination. So, we are retaining the examinations but at the same time ensuring that all the children are given an opportunity to transit from primary to secondary education. Therefore, I would not have offended Mr. Kioni’s Motion because the import of the Motion is to ensure that all the children get the basic education from Form I to Form IV.

Mr. Temporary Deputy Speaker, Sir, I beg to move the amendment and ask Mr. Mbadi to second it.

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, I think hon. Members like Mr. Kioni should be encouraged to bring such progressive Motions in the House because it is important that we think of how to make this country better. I think this Motion by Mr. Kioni is trying to make life better for our young Kenyans. We know that at the moment, there is the Kenya Certificate of Primary Education (KCPE). The Examination is good

but I agree with Mr. Kioni that probably in future, we need to start thinking about having continuous examinations so that it is not tied to a one off thing.

Mr. Temporary Deputy Speaker, Sir, allow me to second the amendment by Mr. Langat that; what is the import of this Motion? This Motion wants to guarantee basic education to all our children. That is a constitutional requirement. It is not re-inventing the wheel. We have put in our Constitution the provision that all children should go through basic education. Therefore, I want to ask this House to support the Motion with the amendment that we ask the Government to ensure that all children get access to education up to Form Four.

With those few remarks, I beg to second.

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

**Mr. Chepkitony:** Mr. Temporary Deputy Chairman, Sir, thank you for giving me an opportunity to support this Motion as amended. It is very important because the Motion aims to ensure that education is accessible to all our children. This will enable the country attain a transition rate of about 100 per cent. This is good because when it is amended, the Government can still continue with the K.C.P.E. Examination. This assists to promote competition which enhances the standards of education. When Kenyans go outside, they do well because of the quality of education that we have here. Without any examinations, people will not be able to work hard; the teachers will relax and will not bother to complete the syllabuses. So, it is not only accessibility that is attained but also the quality of education is taken care of.

With those few remarks, I support.

**Ms. Chepchumba:** Mr. Temporary Deputy Speaker, Sir, I support the Motion as amended. As an educationist, I want to say that exams should not be viewed---

**Mr. Mbadi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the procedure needs to be followed. The hon. Member is supposed to be supporting the amendment because the Motion is not yet amended.

**Ms. Chepchumba:** Mr. Temporary Deputy Speaker, Sir, I support the amendment that has been put forward by the hon. Member for Ainamoi. Indeed, as I had said, examinations should not be viewed as punishment. We have so many pupils in Standard Eight who sit for exams but they never transit to the next level and this leads to wastage. I feel that if we can allow those who do exams to get to the next level without saying that we are scrapping away K.C.P.E exams, we will be moving education to a higher level. Examinations usually categorize high achievers and average students. But the average students should not be viewed as wastage. If they can be allowed to proceed, they could become good in other careers not necessarily as academicians.

I conclude by supporting the amendment.

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

*(Question, of the second part of the amendment that the words to be inserted  
in place thereof be inserted, proposed)*

*(Question of the second part of the amendment that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Let me now go through the Motion as amended.

THAT, considering that Education is a fundamental human right and every child is entitled to it; mindful that when we ensure that children have access to a rights-based, quality education that is rooted in gender equality, we create a ripple effect of opportunity that impacts generations to come; acknowledging that Education enhances lives and ends generational cycles of poverty and disease and provides a foundation for sustainable development; aware that quality basic education better equips girls and boys with the knowledge and skills necessary to adopt to socio-economic challenges and enable them take an active role in social, economic and political decision-making as they transit to adolescence and adulthood; further aware that educated adults are more likely to have fewer children, to be informed about appropriate child-rearing practices and to ensure that their children start school on time and are ready to learn; this House resolves that the Government provides for a continuous uninterrupted education system from level one to Form Four by ensuring that all children transit to secondary schools regardless of the marks scored in primary schools in order to accord all Kenyan students universal basic education.

I now call upon the Government responder to respond.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I stand to give the Government position on the Motion even in its amended form.

The Ministry of education's efforts to provide access to education at all levels is guided by Sessional Paper No.1 of 2005 on a policy framework for education, training and research which runs up to the year 2011, that is, up to the end of this year. The spirit and the intent of the policy is to achieve education for all the Millennium Development Goals (MDGs) related to education by 2015. The Sessional Paper's main focus and the thrust is to expand access to and improve quality of education, ensuring equity and relevance, retention and completion.

To operationalize the Sessional Paper, my Ministry has designed courses and launched Phase I of the Kenya Educational Sector Support Programme (KESSP). The target of that programme has been to attain universal primary education and education for all by 2015, achievement of the transition rates over 70 per cent from primary to secondary education levels, enhance access, equity and quality in primary and secondary education, construct and renovate physical facilities, equip public institutions, particularly, in the disadvantaged areas like ASALs and also achieve 50 per cent improvement on the levels of adult literacy by the end of last year. We have achieved that.

My Ministry views basic education as the minimum education package appropriate for the citizens of this country in line with the current global thinking and the new Constitution. This encompasses early childhood education, primary education and secondary. The Ministry has had various interventions to date. They include free primary and secondary education support, strengthening of capacity building for teachers and officers, especially through strengthening mathematics and science based programmes like SSMASE, providing support to the ASALs, policy on nomadic education, policy on alternative provision of basic education and training, gender policy education, policy on special needs education, policy on early childhood education and also policy on technical, industrial and vocational education and training. That actually touches on the amended form of this Motion.

With all those interventions, we have achieved the following. The Early Childhood Education (ECD) level of enrolment has increased from 1,643,646 in the year 2005 to 1,691,093. The primary school enrolment has increased from 5.9 million to 8.6 million. That has been achieved through all those efforts. This is just to show Members that we have really increased on the access. The secondary school enrolment has increased from 0.2 million to 1.6 million. The transition rate - and that is your concern here - has increased from 42.7 per cent to 66.8 per cent by the year 2000. It is now touching on 70 per cent, which was our target.

The enrolment for special needs has increased from 91,970 to 221,995. Adult literacy has improved from 30 per cent to 61.5 per cent. That shows that the Ministry is doing very well with regard to education for all and universal primary education. So, the provision of basic education, as we all know, is a major task. We have several challenges which, because of the amended form of the Motion I do not need to get involved in. Otherwise, I was going to tell the House how much it would have involved if we abolished KCPE. However, all the same, if everybody has to move into secondary from primary, it would involve massive amounts of resources which, at this time, my Ministry does not have. That is the truth. It is the fact of the matter. For example, if all the children were to transit from primary into secondary, there would be financial implications. The amended form of this Motion entails that everybody should go forward. However, in addition to the current budget, what the Ministry would need is Kshs438 billion. Today, our budget from the Treasury is Kshs138 billion. Nobody can give us that money. This House has been sitting every year, but we have never been given such an amount. Even money for hiring additional teachers has not been given to us.

Mr. Temporary Deputy Speaker, Sir, the Ministry has also put in place alternatives to secondary school education. Those alternatives are for those who do not manage to join secondary school from Class VIII. There is provision of primary, industrial, technical, vocational and entrepreneurship training that promotes lifelong education and training for self reliance. That has been put in place by the Ministry. The Ministry has also provided alternative paths for tertiary graduates to access higher education and training up to the degree level. There is also an ongoing programme aimed at mobilizing resources to rehabilitate all the institutions. That is from youth polytechnics to national polytechnics. The Government also encourages public universities to offer parallel degree programmes for learners who may not have got direct entry into universities.

Mr. Temporary Deputy Speaker, Sir, at the moment, the Ministry has established a taskforce to collect views from the citizens of this country. They should give us their suggestions on how we can reform the education sector. I encourage the Members of this House to mobilize their constituents to give views to the taskforce and provide the way forward on how we can reform the education sector, minimize the use of resources and, at the same time, improve on the quality of education, access, retention and transition of our children in various institutions. I wish to urge hon. Members that even though the Motion is in an amended form, we should put it aside, so as to allow the Ministry to go ahead with the reforms that are already set.

With those remarks, I beg to oppose.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Kioni, it is now your time to reply.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I wish to donate two minutes to hon. Mbadi and two minutes to hon. Kigen.

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, I want to, very quickly, support this Motion as amended. I even expected the Government to support this Motion, so that we do not have just a one-off examination at Standard Eight and Form Four. We need this country to start thinking about introducing Continuous Assessment Tests (CATs). Let us adopt the method being used at the university level. Under this method, once children reach Standard Four, we can start giving them CATs, which will count at the final examinations.

Right now, it is a requirement even when you want employment in the armed forces or National Youth Service, you must have the Kenya Certificate of Secondary Education (KCSE) examination certificate. It is important that we have a transition. As I said, it is now a requirement of the Constitution that every child accesses mandatory basic education. So, we need to give it to our children.

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

*[The Temporary Deputy Speaker  
(Dr. Kones) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, finally, the Assistant Minister has raised the issue of resources. I am not saying that he is not truthful. However, his figures do not add up. If he is telling us that the 30 per cent of the primary school pupils who do not transit to high school will cost us Kshs400 billion, what is he telling Kenyans? Do the 40 per cent of the pupils transiting to secondary school at the moment cost the Government double that figure, which would mean the entire Annual Budget of this country? I do not think the figures that the Assistant Minister has given are factual. In any case, if that is what it will cost this country, so be it. Let us provide basic education to our children.

**The Assistant Minister for Education** (Prof. Olweny): On a point of order, Mr. Temporary Deputy Speaker, Sir. May I tell the House that the hon. Member is not in order to bring that view? As we all know, the Ministry does not have adequate resources. We are not employing enough teachers. We do not have enough officers on the ground. We lack the necessary infrastructure.

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

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, the hon. Member is misleading the House.

**The Temporary Deputy Speaker** (Dr. Kones): Yes, hon. Kigen!

**Mr. Kigen:** Mr. Temporary Deputy Speaker, Sir, I want to thank my colleague, hon. Kioni, for this well thought out Motion. This Motion is giving an opportunity to Kenyan children of all capabilities. I want to say that the amendment that has just been passed has actually made me change my position on this Motion. Initially, I was opposing the Motion because I still subscribe to the idea that at the end of Standard Eight, pupils should be examined to determine their attainment of whatever objectives they have been trained to acquire. Now that we have amended the Motion to allow all children to go through this process, we can now identify those who will continue, to go on and study for academic qualifications. Those who will have demonstrated other talents will have an opportunity to develop those talents to perfection and be able to use them to earn a living for themselves.

Many children leave school after Standard Eight. These are children who have no motivation. So, they go out there and get wasted. This Motion will enable our children to remain in school until they attain the age of 18 years. By that time, our children will have displayed their various capabilities. They can still end up in university. So, I support this Motion because it is going to give our children space and time to study, so that they can perfect the talents they have in them and put them to practice. It is good that we have this Motion. What we are asking the Ministry is for them to ensure that the infrastructure they are complaining about is put in place because we pay taxes. The cost of our children staying out of school is more than when they are in school.

With those remarks, I beg to support.

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank the hon. Members who have supported this Motion as well as those who have brought in new ideas. I also want to thank those who opposed the Motion because, in doing so, they opened up the thinking space. I want to encourage many others to see the good aspects in this Motion.

I particularly want to thank hon. Nyamweya, hon. Wanjiru, hon. Mwangi, hon. Mbadi, hon. Lagat, hon. Kigen, hon. Chepchumba, hon. Chepkitony, hon. Mbau and hon. Kilimo for supporting the Motion, and also thank hon. Shakeel for having found time to even contribute to this Motion. It is important to note that what we are concerned about is the condemning of our 13 year-olds as failures. That is not tenable in this country. It is important that we have now gotten a way of dealing with this situation.

Mr. Temporary Deputy Speaker, Sir, the amendment of the Motion helps us to realise that we have kids who have continued to attain marks in Form Four. In my constituency, there are students who obtained grades "A" plain in the KCSE examination, yet they obtained less than 250 marks out of 500 marks at the Kenya Certificate of Primary Education (KCPE) Examination. This means if we allow people to remain in school longer, they will be able to discover their strong points and what they can do. They will also become useful in life.

I want to appreciate the many things that have been said. We have nine million kids enrolled in primary schools. It is important that, as Parliament, we continue thinking of how we can allow them to access education. I know that the Ministry has the statistics

but, currently, we do not account for over 700,000 kids at the end of every academic year. It is important that we wake up to this reality. Last year, we could not say where 700,000 out of the total number of kids who sat the primary school examination went to. This figure comes up every year.

Mr. Temporary Deputy Speaker, Sir, due to limited time, allow me to just thank hon. Members for their contributions, and also thank the Assistant Minister for what he has said. It is good to pay attention to the figures that he has mentioned. We are now saying that we are able to take 70 per cent primary school graduates to secondary schools with a budget of Kshs134 billion. How would the remaining 30 per cent cost Kshs448 billion from Treasury? The workings are not quite accurate. If they look at it again, they should see the reality of it.

With those few remarks, I beg to move.

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

*Resolved Accordingly:*

THAT, considering that Education is a fundamental human right and every child is entitled to it; mindful that when we ensure that children have access to a rights-based, quality education that is rooted in gender equality, we create a ripple effect of opportunity that impacts generations to come; acknowledging that education enhances lives and ends generational cycles of poverty and disease and provides a foundation for sustainable development; aware that quality basic education better equips girls and boys with the knowledge and skills necessary to adapt to socio-economic challenges and enables them take an active role in social, economic and political decision-making as they transit to adolescence and adulthood; further aware that educated adults are more likely to have fewer children, to be informed about appropriate child-rearing practices and to ensure that their children start school on time and are ready to learn, this House resolves that the Government provides for a continuous uninterrupted education system from level one to Form Four by ensuring that all children transit to secondary schools regardless of the marks got in primary schools in order to accord all Kenyan students universal basic education.

#### CREATION OF PAYMENT SCHEME FOR ELDERLY PERSONS

THAT, noting that the latest national population census indicates that there are about 1.8 million people aged over 60 years, a majority of whom are poor and cannot support themselves; aware that article 57(d) of the constitution makes it a requirement that the elderly receive reasonable care and assistance from their family and state; this House urges the government to create a scheme to pay any person who is over 60 years and is not in receipt of a pension or benefit from any organization or state



agency, an amount of not less than Kshs2,000 per month to enable them live in dignity and respect.

*(Mr. Mbadi on 18.5.2011)*

*(Resumption of Debate interrupted  
on 18.5.2011)*

**The Temporary Deputy Speaker** (Dr. Kones): Yes, hon. Mbadi!

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, what is remaining on this Motion is for the Minister to respond, and my reply to hon. Members contributions. However, I do not see the Minister for Finance here. For that reason, I will go ahead and reply.

Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Members of this House for overwhelmingly supporting this Motion of mine. All the 17 hon. Members who contributed to this Motion supported it.

I would like to register my tribute to the following: Mr. Njuguna, Mr. Chanzu, Dr. Shaban, Mr. Mwakulegwa, Mr. Namwamba, Mr. Y. Haji, Ms. Leshomo, Mr. James Maina Kamau, Prof. Kamar, Mrs. Odhiambo-Mabona, Mr. Letimalo, Mr. Kigen, Mr. Twaha, Dr. Wekesa, Mr. Langat, Mrs. Shebesh and Ms. A. Abdalla for overwhelmingly supporting this Motion.

Mr. Temporary Deputy Speaker, Sir, this Motion was very popular, not only with the Members of this House, but it is also popular with the citizens of this country. Once this Motion is passed, I believe that the Government will move with speed; will not even wait for the amended date of 1<sup>st</sup> July, 2012 to try to implement this Motion.

I have confidence that the Government is supporting this Motion because even in the recent Budget estimates which were tabled in this House, I saw an attempt to start implementing this Motion. The Minister has provided some figures which increased the monthly cash transfer to those who were already getting this allowance in the 44 districts. Now he has moved it to 72 districts, to Kshs2,000 which was the prayer of my Motion. So, I believe that the Government has goodwill. They are planning to support and they have the intention to implement the provisions of this Motion.

Mr. Temporary Deputy Speaker, Sir, I want to repeat that these senior citizens of this country have participated in economic activities during their productive life. Now that they are not able to do so, we have to support them. Their age does not allow them to use the same energy that they could have used to provide to this country towards their economic development. Therefore, we, as a country, need to take care of them, support them and give them some decent life.

With those few remarks, I beg to move.

Thank you.

*(Question put and agreed to)*

ESTABLISHMENT OF CONSUMER PETROLEUM  
FUEL SUBSIDY FUND

THAT, aware that the majority of Kenyans and businesses are consumers of petroleum fuel products; concerned that the relevant institutions do not maintain Strategic Fuel Reserves to stabilize prices; concerned further that as a result, the cost of petroleum products has significantly increased in the last two months; noting that escalating fuel prices could have far reaching negative socio-economic effects on the nation; this House urges the Government to urgently subsidize the prices of all categories of petroleum fuel to maintain pump prices to a maximum of Kshs80 per litre by setting up a Consumer Petroleum Fuel Subsidy Fund through reallocation of funds from various Votes of Government Ministries.

**The Temporary Deputy Speaker** (Dr. Kones): Is Mr. Langat not here? Since the Mover of the Motion is not around, the Motion is deferred to another date.

*(Motion deferred)*

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Dr. Kones): Hon. Members, there being no other business, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.25 p.m.