

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 20<sup>th</sup> April, 2011

The House met at 9.00 a.m.

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

### PRAYERS

### PAPERS LAID

The following Papers were laid on the Table:-

Abstracts of accounts for the Town Council of Kendu Bay for the year ended 30<sup>th</sup> June, 2004, and Certificate thereon by the Controller and Auditor-General.

Financial Statements for the County Council of Lamu for the year ended 30<sup>th</sup> June, 2009, and Certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the County Council of Pokot for the year ended 30<sup>th</sup> June, 2004, and Certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the County Council of Pokot for the year ended 30<sup>th</sup> June, 2005, and Certificate thereon by the Controller and Auditor-General.

Abstracts of accounts for the Town Council of Narok for the year ended 30<sup>th</sup> June, 2009, and Certificate thereon by the Controller and Auditor-General.

Financial Statement for the Municipal Council of Homa Bay for the year ended 30<sup>th</sup> June, 2008 and Certificate thereon by the Controller and Auditor-General.

Financial Statement for the Town Council of Port Victoria for the six years ended 30<sup>th</sup> June, 2003 and Certificate thereon by the Controller and Auditor-General.

Annual statement of the Municipal Council of Thika for the year ended 30<sup>th</sup> June, 2008 and Certificate thereon by the Controller and Auditor-General.

Financial statement for the Town Council of Kandara for the year ended 30<sup>th</sup> June, 2008 and Certificate thereon by the Controller and Auditor-General.

*(By the Assistant Minister for Higher Education, Science and Technology  
(Mr. Kamama) on behalf of the Deputy Prime Minister and  
Minister for Local Government)*

### ORAL ANSWERS TO QUESTIONS

*Question No.657*

TARMACKING OF ROADS IN ENVIRONS OF KITUI TOWN

**Mr. Temporary Deputy Speaker** (Prof. Kaloki): Mr. K. Kilonzo! Let us wait a little bit for the Member to get to the Chamber.

*Question No.823*

TARMACKING OF TENGECHA-EMBOBOS-CHEBANG'ANG'-CHANGOI ROAD

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

(a) whether the Tengecha-Embomos-Chebang'ang'-Changoi Road will be tarmacked in 2011/2012 as per previous pledge by the Government; and,

(b) how much the Government will spend in the first phase of the road construction.

**The Temporary Deputy Speaker** (Prof. Kaloki): Minister for Roads! Dr. Kones, let us give the Minister a little while to get to the Chamber.

*Question No.727*

NUMBER OF IDPS IN CAMPS

**Mr. ole Lankas** asked the Minister of State for Special Programmes:-

(a) whether she could indicate the number and particulars of Internally Displaced Persons (IDPs) who are still in camps and also state their current locations;

(b) whether she could also provide details of the IDPs that the Government is planning to resettle in Mau-Narok area of Nakuru District and also provide an inventory and details of the parcels of land the IDPs were occupying prior to the Post Election Violence (PEV); and,

(c) what measures she is taking to ensure that resettlement of the IDPs in the said area is fully consultative.

**Mr. ole Lankas:** Mr. Temporary Deputy Speaker, Sir, it should be noted that I do not have a written answer to this Question.

**The Minister for State for Special Programmes** (Ms. Mathenge): Mr. Temporary Deputy Speaker, Sir, I was actually asked to make a Ministerial Statement and not to answer a Question and I have done so. It was delivered this morning and I do not know whether you want me to proceed or to issue my Statement.

**The Temporary Deputy Speaker** (Prof. Kaloki): Minister, are you prepared to answer a Question or to issue a Ministerial Statement?

**The Minister of State for Special Programmes** (Ms. Mathenge): Whichever, Mr. Temporary Deputy Speaker, Sir. I am prepared for both.

**The Temporary Deputy Speaker** (Prof. Kaloki): But there is a Question from the Member.

**The Minister of State for Special Programmes** (Ms. Mathenge): Mr. Temporary Deputy Speaker, Sir, I had answered the Question but several issues arose from it.

**The Temporary Deputy Speaker** (Prof. Kaloki): Could you then tailor your answer to respond to hon. ole Lankas Question? That is a Question. Proceed!

**The Minister of State for Special Programmes** (Ms. Mathenge): Mr. Temporary Deputy Speaker, Sir, I beg to reply.  
During my response to Question No.727 two weeks ago---

**Mr. ole Lankas:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not have the answer to this Question. The HANSARD will bear me witness that the Question was deferred by the Speaker to today. So, it is not a Ministerial Statement. The Question still remains as it is.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. ole Lankas, would you prefer the Minister to issue that Ministerial Statement and that may cover your Question or would you like us to defer it? We can defer the Question to a later date, so that she can supply you with the answer before you get to the Chamber. Actually, I want to give you that option.

**Mr. ole Lankas:** Mr. Temporary Deputy Speaker, Sir, now that the Question is in the Order Paper and I had prepared myself for it---

**The Temporary Deputy Speaker** (Prof. Kaloki): Right, we will then defer the Question. Hon. Minister, prepare to come and answer that specific Question. You have the Question there with you and you can just tailor your Ministerial Statement to answer the Question. We will defer that Question to a later date. Minister, would you be prepared to answer the Member this afternoon? I am advised the Order Paper for today is out. Do it tomorrow?

**The Minister of State for Special Programmes** (Ms. Mathenge): Yes, I can do that, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! Mr. ole Lankas, be prepared because the Minister will be here with the answer and she should answer it tomorrow in the afternoon.

*(Question deferred)*

*Question No.730*

#### BLOCKING OF PUBLIC ACCESS TO LAKE VICTORIA BEACHES

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

(a) whether he is aware that Nyanza Golf Club has blocked the public from accessing the beaches of Lake Victoria, thereby denying the residents of Kanyamony and Kanyamedha water and creating a state of tension and insecurity between the club and local residents; and,

(b) what measures he will take to address the above matter.

Mr. Temporary Deputy Speaker, Sir, this Question had actually been answered by the Minister, Mr. Orenge, but I had asked for more time to prepare myself to interrogate that answer. I am now ready.

**The Temporary Deputy Speaker** (Prof. Kaloki): Is the Minister for Lands in the Chamber?

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, the hon. Member has rightly pointed out that I had answered the Question. So, it is for him to ask supplementary questions now. I am ready for them.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! Mr. Minister, could you approach the Chair? Just come to the Chair.

*(Mr. Orengo approached and consulted with the Chair)*

Mr. Olago, do you have any further questions? I know that the Minister had answered the Question.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, it is not any further questions, because I had not asked any question. I am starting now.

**The Temporary Deputy Speaker** (Prof. Kaloki): Then the Minister should begin and answer the Question.

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, I cannot begin to answer the Question again because the record of the House is that I had answered it. It is after I had answered the Question that the hon. Member asked for time to ask supplementary questions and that was granted to him. The record is that I have answered the Question.

**The Temporary Deputy Speaker** (Prof. Kaloki): Let me get that from the Clerks-at-the-Table, if it is a continuation of the answer.

*(The Temporary Deputy Speaker (Prof. Kaloki)  
consulted with the Clerk-at-the-Table)*

Our Clerks will consult on where we left that Question.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, can I be helpful?

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Olago! We will try to determine the right status of that Question.

Yes, Mr. Orengo!

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, if I am not given an opportunity to respond to this Question now, and it is deferred, then it will put me into a lot of problems, because I had planned---

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, I hear you, but let me know the status of the Question. I think you advised me that you were expecting the hon. Member to interrogate you further.

**The Minister for Lands** (Mr. Orengo): Mr. Temporary Deputy Speaker, Sir, I do not know why you want to go into all this. In fact, the other week the Question was called out and the record was put straight. I was the one who was not ready because---

**The Temporary Deputy Speaker** (Prof. Kaloki): The hon. Member is protesting. Mr. Minister, I hear you. Just give me a little time. Let me go to the next Question. I will come to you and then we will proceed. I will get some information from the Clerk-at-the-Table.

Let us move on to Mr. Gaichuhie's Question!

*Question No. 805*

DELAY IN COMPLETION OF BOREHOLE  
IN SUBUKIA WARD

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

(a) whether he is aware of the borehole in Subukia Ward which was started by the Nakuru County Council in 2007, which has not been completed;

(b) how much money was budgeted for the borehole and how much has been paid to the firm that was undertaking the work to date; and,

(c) when the work will resume.

**The Temporary Deputy Speaker** (Prof. Kaloki): Is anyone here from the Office of the Deputy Prime Minister and Minister for Local Government? Mr. Gaichuhie, let us wait for the Deputy Prime Minister and Minister for Local Government to get to the Chamber and then we will proceed with that Question.

Let us move on to Mr. Linturi's Question!

*Question No.820*

FATE OF 14-SEATER PSV MINI-VANS

**The Temporary Deputy Speaker** (Prof. Kaloki): Is Mr. Linturi not here?

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, Mr. Linturi accompanied the Prime Minister on official duties out of the country.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! We will defer that Question to a later date.

*(Question deferred)*

The Clerk-at-the-Table, did you get the information you were seeking?

*(The Temporary Deputy Speaker (Prof. Kaloki)  
consulted with the Clerk-at-the-Table)*

Let us move on to Mr. Yakub's Question!

**Mr. Yakub:** Mr. Temporary Deputy Speaker, Sir, although I have not received a copy of the written reply, I beg to ask my Question.

*Question No.662*

NON-REGISTRATION OF TAX COLLECTORS UNION

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

(a) why the Tax Collectors Union (TCU) has not been registered since 1998; and,

(b) when the registration will be effected.

**The Temporary Deputy Speaker** (Prof. Kaloki): Is anyone here from the Office of the Deputy Prime Minister and Minister for Finance? Mr. Yakub, let us wait for the Deputy Prime Minister to get to the Chamber.

Let us move on to Mr. Mungatana's Question!

*Question No.780*

BUDGET FOR ISSUANCE OF IDS IN TANA DELTA DISTRICT

**The Temporary Deputy Speaker** (Prof. Kaloki): Is Mr. Mungatana not here? Let us give the hon. Member some time to get here.

Let us move on to Mr. Chachu's Question!

*Question No.789*

POSTING OF DC TO MARSABIT NORTH DISTRICT

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

(a) whether he is aware that Marsabit North District has not had a District Commissioner (DC) since August, 2010; and,

(b) when the Government will post a District Commissioner to the district.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I seek the indulgence of the Chair to call out this Question in the second round because it is my colleague, Mr. Lesrima who should answer it.

**The Temporary Deputy Speaker** (Prof. Kaloki): Fair enough! I will give you some time. Mr. Chachu, let us just give the Assistant Minister a little time to get to the Chamber. I will call out the Question in the second round.

**Mr. Chachu:** Mr. Temporary Deputy Speaker, Sir, I agree but I want to tell you that I do not have a copy of the written answer to this Question as of now.

**The Temporary Deputy Speaker** (Prof. Kaloki): We will consult with the Assistant Minister and see the way to proceed on that.

Next Question by Mr. Pesa!

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, although I have not received a copy of the written answer, I beg to ask Question No.837.

*Question No.837*

FEE GUIDELINES IN PUBLIC SCHOOLS

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

(a) how much money the Government pays in fees for each student in a public day school and a public boarding school, respectively, and how much a parent/guardian is supposed to pay in each of the categories; and,

(b) what measures the Minister has put in place to ensure that the fee guidelines are adhered to, particularly in view of the drought/famine being experienced in most parts of the country.

**The Temporary Deputy Speaker** (Prof. Kaloki): Is anyone here from the Ministry of Education? Mr. Pesa, let us give the Minister a bit of time to get to the Chamber.

**Mr. Pesa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I seek your indulgence on this Question. I am supposed to be attending another conference regarding the launch of the Constituencies Development Fund Board at the Kenyatta International Conference Centre. I have been waiting eagerly for this Question to be called out. Actually, the Minister walked into the Chamber but I do not know where he has gone. Could I request that this Question be deferred?

**The Temporary Deputy Speaker** (Prof. Kaloki): That is fair enough! We will defer that Question until Tuesday, next week.

*(Question deferred)*

*Question No.657*

TARMACKING OF ROADS IN ENVIRONS  
OF KITUI TOWN

**Mr. I. Muoki**, on behalf of **Mr. K. Kilonzo**, asked the Minister for Roads:-

(a) whether he is aware that all the roads surrounding Kitui town are not tarmacked; and,

(b) whether he could consider tarmacking the roads from the town for at least 5 km, particularly the roads leading to Kyangwithia Secondary School, Tungutu, Wikililye, Kwa Ngindu and Mutune.

Mr. Temporary Deputy Speaker, Sir, this Question was called out last week and the Minister did not give a satisfactory answer. So, he was supposed to respond to the issues that we raised in the form of supplementary questions today.

**The Temporary Deputy Speaker** (Prof. Kaloki): If you are asking that Question on behalf of Mr. K. Kilonzo, then you should apologize because you should have asked it earlier on. We are calling it out in the second round.

**Mr. I. Muoki:** Mr. Temporary Deputy Speaker, Sir, Mr. K. Kilonzo called me about ten minutes ago and told me that he was very far. Therefore, I rushed to the House and by the time I got here, I was late. I do apologise on his behalf.

**Mr. Olago:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Unless Mr. K. Kilonzo had given notice to the Chair of his intention to ask another Member to ask the Question on his behalf, this will not be procedural. I seek your guidance on this.

**The Temporary Deputy Speaker** (Prof. Kaloki): Actually, if you look at our tradition, you will find that we have been allowing that. This Question is the property of this House and any Member can ask it on behalf of another Member. I am guided!

**The Temporary Deputy Speaker** (Prof. Kaloki): Is anyone here from the Ministry of Roads? Then I will defer that Question to Tuesday, next week.

*(Question deferred)*

**The Temporary Deputy Speaker** (Prof. Kaloki): Next Question, Dr. Kones.

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, for the second time, I rise to ask my Question on the Order Paper. But as you can see many Ministers are not here to answer our Questions. Probably, you need to take some action.

*Question No.823*

TARMACKING OF TENGECHA-EMBOMOS-  
CHEBANG'ANG'-CHANGOI ROAD

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

(a) whether the Tengecha-Embomos-Chebang'ang'-Changoi Road will be tarmacked in 2011/2012 as per the previous pledge by the Government; and,

(b) how much the Government will spend in the first phase of the road construction.

**The Temporary Deputy Speaker** (Prof. Kaloki): Dr. Kones, I have noted that, but we cannot say that all Ministers are not here. Most of them are here in the House. It is true that the Minister for Roads is not here to answer Dr. Kone's Question. We will defer it to Tuesday, next week. He will be here to answer it because we will pass that communication to him.

**Mr. Outa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You realize that we left our homes this morning to come in the House to deliberate on matters that pertain to Kenya. We need to tackle issues such as the skyrocketing prices of fuel and food. Since we have realized some Ministers are not in the House, would I be in order to seek your indulgence for the Leader of Government Business to tell us whether they are on a go slow?

**The Temporary Deputy Speaker** (Prof. Kaloki): No! That is not a point of order. As you can see, there are Ministers in the Chamber. There is no problem with that. We will defer that Question to Tuesday, next week.

*(Question deferred)*

Next Question, Mr. Olago

*Question No.730*

BLOCKING OF PUBLIC ACCESS TO LAKE



## VICTORIA BEACHES

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

(a) whether he is aware that Nyanza Golf Club has blocked the public from accessing the beaches of Lake Victoria, thereby denying the residents of Kanyamony and Kanyamedha water and creating a state of tension and insecurity between the club and local residents; and,

(b) what measures he will take to address the above matter.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Minister, you can respond and then let him interrogate you further.

**The Minister for Lands** (Mr. Orenge): Mr. Speaker, Sir, I go by the answer on record.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Olago, the last time this Question appeared on the Order Paper, you said you were to research further information to be able to ask the Minister more questions. So, I think you are now prepared to ask him those questions.

Proceed.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, the grant of the lease for Nyanza Golf Club was made in 1957 by the Governor on behalf of Her Majesty Queen Elizabeth II. There are special conditions attached to that grant on page four. That was made under the Perpetual Ordinance Cap.165 then. After Independence, the successor to that Act is the Government Lands Act, Cap.280 of our laws.

Let me quote Cap.280, Section 82 on Reservation of Foreshore.

“A conveyance lease or licence under this Act shall not, unless otherwise, expressly provided therein, confer any right to the foreshore.”

What this means to my understanding of the law is that whatever allocation is made by the Government, the public's access to the shore of any sea, land or stream is not restricted. This has been the position since the Roman Empire days. This was established even in the USA by the well known case of Illinois Central Board versus the State of Illinois in 1892.

Mr. Temporary Deputy Speaker, Sir, under these circumstances, how does the Government stop the public from accessing the shore of Lake Victoria that borders Nyanza Golf Club?

**Mr. Orenge:** Mr. Temporary Deputy Speaker, Sir, I do not think my learned friend really had to go to Roman Law and to cases that he has cited in the United States of America. The law in Kenya is quite clear. Indeed, the Government Lands Act read together with the Survey Act, is quite clear. My position still is that the Nyanza Golf Club is not blocking access to the lake. The reservation is there. The Nyanza Golf Club is not on a road reserve or any reservation which has been made for a road. The foreshore is clearly provided for under the Government Lands Act and the Survey Act.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Olago, what is your question? Are you satisfied?

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, my understanding of what the Minister is saying is that we are both agreeing that the Government cannot preclude the people from accessing the shore. In that case, is he willing to put it categorically to the

House that the people of Kanyamony and Kanyamedha can now access the shore of the lake, without interfering with the golf club?

**Mr. Orenge:** Mr. Temporary Deputy Speaker, Sir, from what the hon. Member has read out from the law, there is no such provision from the provisions that he has read. The provision says no conveyance can confer a title to any institution or anybody along the foreshore or on the lake reservation. That is what the law says.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Olago, I think that answer is clear. The golf club, at the moment, has a title deed. The Minister says it is not blocking the access to the lake. Is that not clear?

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, my understanding of what the Minister is saying is different. He is not saying that the people of Kanyamedha and Kanyamony can access the lake shore. What he is saying is that they do not have the right to access that lake shore. That is my understanding of it.

With your permission, the issues that are arising here are fairly complex and we may not be able to deal with them satisfactorily by question and answer session the way we are doing now. May I humbly request that this issue be referred to the relevant Committee of the House to deal with it in detail?

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Member, I am not with you. I just want to understand. What do you want the Minister to do? Do you want the community to access the lake through the golf club?

**Mr. Olago:** No, Mr. Temporary Deputy Speaker, Sir. Allow me to make myself clear now. I am a member of the Nyanza Golf Club. This club has got a title deed to a land measuring about 3 kilometres along the lake on the way to the airport in Kisumu. There are locals who used to live on that land before it was allocated to the golf club.

From time immemorial until 1901, they have been grazing and cultivating vegetables and other crops on the shore of the lake, the one that does not belong to the club. Recently the club stopped them from accessing their crops and actually destroying their crops. They are saying, and I agree with them, that the club has got no right to stop the public from accessing that strip from the lake.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right. Hon. Minister, what is the status of the portion of land between the lake and the golf club?

**Mr. Orenge:** Mr. Temporary Deputy Speaker, Sir, you know, my learned friend is bringing up many issues. That land is in an urban area and if it is accessed by cattle and other animals--- He will have to live by the by-laws. You cannot have goats and sheep moving around and blocking traffic in the middle of a city and next to an international airport. So, he has to come out very clearly on what he wants to say. However, my position is that the Question was asking whether the golf club is blocking access to the lake. I am saying that it is not blocking access because there is a reservation of 30 feet along the lake and there is access on the flanks of the golf club. If the Government or the municipal council has not built a road on the flanks of the golf club, then that is another question. But we cannot have a situation where people can walk across a golf club. There are many sensitive properties. For example, if we were to follow that principle, even the Mombasa Port is on a foreshore. Now, you cannot allow every Tom, Dick and Harry just to walk across because there is that provision under the law. That provision only says that you cannot confer a title on a foreshore or a lakeshore. But it does not confer unlimited right to the use of a foreshore, if you read the provisions of the law very clearly. I think

this is a matter that does not require a lot of debate. It is just a matter of interpretation. You have read the section. It does not talk about the public. It just says that you cannot confer a title on a foreshore unless it is specifically stated. However, in this one, it is not specifically stated and the foreshore is clearly marked up at 30 feet. The golf club is required to comply with that provision of the law.

**Mr. Olago:** Mr. Temporary Deputy Speaker, Sir, with your permission, I think we are reaching a point of convergence with the hon. Minister. As long as the public can access the foreshore on the flanks of the club, they will not be offending any law. If that is the position, then let us have it like that. That will be the position and I will not have any more questions to ask. If the public can access the foreshore from the flanks of the club without trespassing on the club land, there will be no problem.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Minister, is that possible? Could that happen?

**Mr. Orengo:** Mr. Temporary Deputy Speaker, Sir, I am happy with that so long as they do not take cattle there or take a bath on the foreshore because it is in the middle of the city.

**The Temporary Deputy Speaker** (Prof. Kaloki): I think the Member is satisfied. I can see he is a happy man. Thank you Minister. Next Question by Mr. Gaichuhie!

*Question No.805*

DELAY IN COMPLETION OF BOREHOLE  
IN SUBUKIA WARD

**Mr. Gaichuhie** asked the Deputy Prime Minister and Minister for Local Government÷

(a) whether he is aware of the borehole in Subukia Ward which was started by the Nakuru County Council in 2007, which has not been completed;

(b) how much money was budgeted for the borehole and how much has been paid to the firm that was undertaking the work to date; and,

(c) when the work will resume.

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Local Government** (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, first and foremost, let me apologize. This Question had been deferred to Thursday. It only appeared on the Order Paper this morning and that is why I was not in the House. We had answered this Question, but it was deferred because the House wanted to know why the contractor reviewed the initial sum upwards. The House was told that he cited post election violence as the reason, yet there was no post election violence in Subukia. I have sought clarification and I have been made to understand that during the period of post-election violence, there were certain supplies that were meant to come from Nairobi, but they were delayed. This resulted to demurrage charges. Those charges affected the costing and that is why there were additional costs related to post-election violence.

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, I have also verified my facts and I want to confirm that the contractor has been paid a total of Kshs1.330 million and not Kshs1.05 million as stated by the Assistant Minister. The total contract sum was

Kshs1.4 million. The contractor has only dug 30 metres and not 70 metres out of the 400 metres. My question to the Assistant Minister is: If it is true that there was post election violence and you paid him the extra amount, why has he not done the work to date?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, the contractor has failed to sufficiently work on that particular project. That is why we said in the answer that we are short-listing contractors for the work once we make provision of Kshs1 million in the next financial year.

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, that contractor has not been paid Kshs70,000 to complete the work. Then the Assistant Minister is saying that they are going to contract another contractor to do the works. Is that not corruption of the highest degree? If that guy is supposed to be paid only Kshs70,000 to complete the work, and then he says that he is going to contract a new contractor at a cost of Kshs1 million to finish the work, what is going to happen to the contractor who was given that work and has not completed it?

**The Temporary Deputy Speaker (Prof. Kaloki):** Hon. Assistant Minister, why would you want to get another contractor when the hon. Member says that only Kshs70,000 is pending to complete the work?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, as you realize, the contractor has failed to perform in those particular works. As we work to see whether we can redeem whatever amounts are due, it is important that the project gets through. So, once a contractor fails to perform, there is the issue of ensuring that we enforce the performance bond. But we need to proceed with the contract as it is.

**The Temporary Deputy Speaker (Prof. Kaloki):** Order! What about the taxpayers' money?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, the performance bond secures the taxpayers' money.

**The Temporary Deputy Speaker (Prof. Kaloki):** So, there is no loss to the public?

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

**The Temporary Deputy Speaker (Prof. Kaloki):** What about the cost of doing the works?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, what has happened in this particular project is that we had paid Kshs1.080 million.

**Mr. Gaichuhie:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The contractor was given a deposit of Kshs285,000 and the Assistant Minister has always been avoiding that. Then, after that, he was given Kshs1.050 million. That makes it Kshs1.330 million and not Kshs1.050 million. That is because I have the facts.

**The Temporary Deputy Speaker (Prof. Kaloki):** Hon. Gaichuhie, how much money is needed to complete the project at the moment?

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, according to the contract sum, the only amount that is remaining is Kshs70,000.

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, I would like the facts to be tabled so that we can verify them. That is because I would be very disappointed with my own officers if the answer I have---

**Mr. Mbadi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to mislead the House that the public is not likely to lose

money, when he has confessed that they have paid over Kshs1 million and the contractor has not done even 50 per cent of the job? The contract is now being cancelled and given to another contractor before the public gets back their money from the contractor. Is he in order to mislead us that we are not likely to lose that money? What level of confidence does he have or the contractor is a friend of the Ministry and you are sure he will refund the money?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, I am not very sure whether that was a point of order, but I am not misleading the House. The point here is that we have performance bonds. Performance bonds are there as guarantee. If one fails to perform, then the payment of that performance bond will ensure that there is no loss to the council. I think that is the only point of order that I have been asked.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Assistant Minister, actually, you asked Mr. Gaichuhie to table some documents pertaining to that project.

**Mr. Nguyai:** Yes, Mr. Temporary Deputy Speaker, Sir. I had asked the hon. Member for Subukia to table the facts or the documents. That is because I will be very disappointed because the facts I have here indicate that Kshs1.080 million was paid. I would want him to substantiate that so that I can cross-verify.

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, I will table those documents this afternoon because I am allowed by law. However, this contract was awarded in 2008 and this is 2011; what time does it take to cancel a performance bond?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Nguyai, when do you think this project would be complete for that community to benefit from it?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, I will repeat the answer to the Question at part (c) as follows:-

The work on the project will resume in the next financial year after the Council has approved the budget. The Council has made a provision of Kshs1 million in the financial year 2011/2012 to finance the drilling and equipping of the borehole.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Gaichuhie, your last question!

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, he has not answered my question; what time does it take for one to cancel a performance bond because this contract was awarded in 2007 and we are now in 2011 but the contractor has not been working since January 2008.

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, the normal procedure is to first enforce the contract. Failure to enforce the contract, then the procedure that comes in is to terminate the contract. Once the contract has been terminated, then the enforcement of the performance bond takes place. As you know, those procedures are legal and take some time and that is why they have taken some bit of time.

**Gaichuhie:** How long is that?

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, I would like to get the help of the hon. Member for Kisumu Town West who is a legal person to tell me how long it normally takes.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! Be a bit serious and answer the question.

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, it is a legal process that is not normally in our hands. It is either in an arbitration or court process and that takes time.

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, could he tell us why he has not instituted that legal action?

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Nguyai, give your final answer.

**Mr. Nguyai:** Mr. Temporary Deputy Speaker, Sir, I can see that you have given the hon. Member a lot of leeway. The point here is that the Council is taking all the necessary steps and they are taking time but that will be effected.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Gaichuhie, I think you are satisfied.

**Mr. Gaichuhie:** Mr. Temporary Deputy Speaker, Sir, I am not satisfied. We have an implementation committee of this House. I would like it to take up the matter and see to it that it is implemented.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Gaichuhie! Actually, I wanted you to have an exchange with the Assistant Minister, so that you can get your answers but I think he has done very well. Nevertheless, he said that he will make sure that the item will be reflected in the next budget and you will be taken care of.

*Question No.662*

NON-REGISTRATION OF TAX COLLECTORS UNION

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

- (a) whether he could inform the House why the Tax Collectors Union (TCU) has not been registered since 1998; and,
- (b) when it will be registered.

**The Assistant Minister, Office of the Deputy Prime Minister and Minister for Local Government** (Mr. Nguyai): Mr. Temporary Deputy Speaker, Sir, I have been made aware that the Question was forwarded to my office but I had not received it by the time I came. Could we probably postpone it to tomorrow afternoon?

**The Temporary Deputy Speaker** (Prof. Kaloki): We will do that. The Question is deferred to tomorrow afternoon.

*(Question deferred)*

*Question No.780*

BUDGET FOR ISSUANCE OF IDS IN TANA DELTA DISTRICT

**Mr. Mungatana** asked the Minister for Immigration and Registration of Persons:-

- (a) to inform the House how much has been budgeted for the issuance of national identity (ID) cards in the Tana Delta District;
- (b) why the Government has not registered residents of Hurara Village in the district; and,
- (c) when the residents will be registered.

Mr. Temporary Deputy Speaker, Sir, I want to take this chance to profusely apologize for coming late.

**The Minister for Immigration and Registration of Persons** (Mr. Kajwang): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The total amount of money budgeted for issuance of national identity cards in Tana Delta District which is a new district is Kshs771,000 for the financial year 2010/2011.

(b) The Government has been registering residents of Hurara Village whenever the District Registrar of Persons and his team visit Wachu Oda Location for the registration exercise.

What I appreciated about this Question is that it was very particular but I am yet to get from the hon. Member what is so particular about Hurara Village.

(c) The reports I have indicate that the District Registrar of Persons of Tana Delta visited the locations, especially the Wachu Oda Location on 26<sup>th</sup> and 27<sup>th</sup> January 2011, again on 31<sup>st</sup> January 2011, on 1<sup>st</sup> February 2011 and on 14<sup>th</sup> and 15<sup>th</sup> March, 2011. We shall be conducting mobile registration exercises very soon all over the country when funds are made available to us and Hurara Village will benefit alongside other villages in the country.

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, I thank the Minister for the answer but he surely must know that Tana River District is indeed, very vast and Tana Delta which was curved out of the old Tana River District is still a very big district and that is why the locations themselves like Wachu Oda Location are indeed, very vast in size.

The complaint that is here, which I wanted the Minister to look at and specifically undertake is that, Wachu Oda Location - I appreciate that there have been these visits – Hurara Village, constantly is ignored by the officers whenever they visit. So, even if they come and go to other places, I am reliably informed by both the local leadership and my own team that they have ignored Hurara Village in all these occasions when they visit.

Could the Minister undertake to make sure that the next visit will specifically target Hurara Village because there are over 2,500 unregistered Kenyans who qualify to get registration in that area?

**Mr. Kajwang:** Mr. Temporary Deputy Speaker, Sir, first of all, that must be a very large village with 2,500 unregistered adults. He has brought that to our attention. We have been going to the location and assuming that when they go there, all the villages benefit but now that he says that our officers have not visited the area, we shall put emphasis. When next they go to Wachu Oda Location, they will go to Hurara Village. I do not know why my officers have not been going there. I do not know whether there is no road or what is going on but I will definitely pass this information to them. The next visit will benefit Hurara Village.

Mr. Temporary Deputy Speaker, Sir, let me use the opportunity to put a matter forward which I may forget and yet it is very important. Immediately after the Easter holiday, young people will be going to try their luck in the recruitment to various armed forces. The problem we have is that, we have not been quite up to date in issuing of identity cards to the young people. We have registered them and we have their details in our records but we have not issued their identity cards. I want to use this forum to make it public that we are going to use the waiting cards and identity cards for all practical

purposes. If the officers would want to verify whether the waiting card is genuine, they can do so through the normal channels with our officers.

We have discussed this with the Ministry of State for Provincial Administration and Internal Security and I hope that there will be no problem. We have even written to the Minister concerned. I hope that this information goes to the officers who will be in charge of recruitment so that any person does not lose his or her chance because he or she has not got the identity card. It would be unfair that the Government who must give you the identity card has not given it to you and at the same time the Government is telling you that without the identity card I cannot give you a job. Any young person who has not registered and has no waiting card, of course, will not be entitled.

**Mr. Chachu:** Mr. Temporary Deputy Speaker, Sir, Tana Delta is a very vast district and is inhabited by pastoral nomads, amongst others. That is why the Minister indicated that they will be doing mobile registration in some of those centres. For the whole year of 2010/2011, only Kshs771, 000 has been allocated; is that adequate for them to undertake effective registration of persons in that district?

**Mr. Kajwang:** Mr. Temporary Deputy Speaker, Sir, the sum is equal in almost all districts because it takes care of the basics, fuel and materials. It is actually very little. However, the mobile registration will be done all over the country. The Treasury has agreed to give us some money. We will put the money where it is needed most. If it is in Nairobi, we will not be doing mobile registration because people in Nairobi can themselves be mobile. If it is in Tana River, we will be doing much more intensive mobile registration than in towns. We will, therefore, put the money where it is needed most. What is important is that we reach every location in the Republic of Kenya. Now, I have learnt that we need to reach every village.

**Mr. Yakub:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for the information he has just given us on the issue of waiting cards. Could he extend the use of waiting cards by youths, who want to go outside Kenya to get jobs, when applying for passports? Can the immigration officers be informed that youths who wish to go for foreign studies or jobs should be allowed to apply for passports using waiting cards?

**Mr. Kajwang:** Mr. Temporary Deputy Speaker, Sir, in fact, I do not know why my officers at the Immigration Department have not done that. As a matter of fact, even when you bring your ID card, we still check with the Registration of Persons whether your records are the same as what you put in your ID card. I think I must say categorically that any young person who has applied for an ID card and has not obtained it because we have not provided it, it is up to us to check the records. It is something done electronically. It does not take time to check. Such persons should not be denied their travel documents because they have not obtained their ID cards.

**Mr. Ogindo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that the waiting card can be used to obtain a passport? My son was in his office yesterday and he was chased away. Is he in order to mislead this House?

**The Temporary Deputy Speaker** (Prof. Kaloki): Minister, is that the Government policy?

**Mr. Kajwang:** I started by saying that I do not know why my officers would do that. I am sure they are seeing me now. I am saying it is not so much the ID card which is



important; it is the records that we keep there. So, if somebody has a waiting card, we can quickly check the records with the Registration of Persons. If we confirm that he is registered, only that he has not obtained an ID card, we should give a travel document.

In fact, a travel document can be given even to a person who does not have an ID card. We give travel documents to children who have not even reached the age of 18 years. I think that was unfortunate and it will be corrected. Send your son to us today.

**Mr. Kiuna:** Mr. Temporary Deputy Speaker, Sir, a national ID card is a very important document in this nation. Many students when they leave school do not have any other opportunity to get this important document. Could the Minister make it compulsory for all primary school leavers and secondary school leavers to be issued with ID cards, so that when they leave the learning institutions, they do not go looking for this important document?

**Mr. Kajwang:** Mr. Temporary Deputy Speaker, Sir, it would require the amendment of the law, so that we can issue ID cards at an earlier age than 18 years. I suggested this immediately I came to this Ministry. I said that at the age of 12 years, a young person's thumb print is now stabilized and cannot change. At 12 years, we can capture their records and give them ID cards. We can even call them Junior ID cards, so that they are distinguished from the ones for the adults.

Even if we do not call them that, somebody can still check just from the face of an ID and see that one is under 18 years, and will not be allowed into bars and other places. However, I was met with a lot of hostility all over the country. I think the assumption was that I was opening doors for young people to vote. This was not necessary; I am sure the officers who run elections would know whether you are an adult or not. If the hon. Member could help me, he can bring a Bill to the House to amend the Registration of Persons' Act to say that any person at the age of 12 years ought to be registered. I would be glad to do it.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Mungatana, final question!

**Mr. Mungatana:** Mr. Temporary Deputy Speaker, Sir, I was happy to hear the Minister say that he will be conducting mobile registration. When these funds become available, as he said he has already requested them, will he make special provision for those far away districts like the Tana Delta District? Will he make arrangements for purchase of vehicles and hiring of extra staff? For real, some of these outer districts have serious problems in accessing ID cards. I want the Minister to give an undertaking along those lines, so that we can help our people access this service.

**The Temporary Deputy Speaker** (Prof. Kaloki): Minister, be comprehensive in your answer. What do you expect this year because in many districts, we lack that vital document?

**Mr. Kajwang:** Mr. Temporary Deputy Speaker, Sir, previously, the Treasury has promised me money in the Supplementary Estimates. I was told I was late again. I was quite upset. However, they have said they will put this money in this Budget, which means I may access it in August. We will do mobile registration for one month in all parts of the country.

As Mr. Mungatana, and many other people in arid areas have special problems, I think this mobile registration will target those areas. It is not meant for Nairobi, Kisumu or Mombasa. In cities, people can walk. However, in those difficult areas, we will put a little more fuel, hire vehicles and hire more staff to make sure that everybody is covered.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Minister! How many mobile units will you have per district, location or division?

**Mr. Kajwang:** Mr. Temporary Deputy Speaker, Sir, it will depend on the terrain of the area. We have mapped the country and know how difficult it is. In some districts, so long as vehicles can move from location to location, we will cover it easily. In others, we might need two vehicles or three vehicles. It will depend on the logistics and the experts in the areas; we will seek the help of the Provincial Administration. I will try to work very closely with them.

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

**Mr. Chachu:** Mr. Temporary Deputy Speaker, Sir, for the second time, I beg to ask Question No.789.

*Question No.789*

POSTING OF DC TO MARSABIT NORTH DISTRICT

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

- (a) whether he is aware that Marsabit North District has not had a District Commissioner (DC) since August, 2010; and,
- (b) when the Government will post a District Commissioner to the district.

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

(a) I am aware.

(b) I will try and post an officer by 29th of this month to that place.

Thank you, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Prof. Kaloki): Mr. Chachu, that is a specific answer! Thank the Assistant Minister.

**Mr. Chachu:** Mr. Temporary Deputy Speaker, Sir, I do thank the Assistant Minister for a very prompt response. However, this is a very simple administrative task, and yet it took the people of Marsabit North which is in my constituency nine months for the Government to do its job. Should I use the valuable time of this House to force the Government to do a very basic administrative task such as this?

**The Temporary Deputy Speaker** (Prof. Kaloki): But you do appreciate the Assistant Minister for giving that answer!

**Mr. Chachu:** I did say that, Mr. Temporary Deputy Speaker, Sir. I do appreciate the Assistant Minister for the response.

**The Temporary Deputy Speaker** (Prof. Kaloki): Okay! Mr. Assistant Minister, give us your final answer!

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, the hon. Questioner knows very well that this was a newly created district and he knows what it takes for officers to be posted to a new district. First of all, we have to identify the DOIs---

**Mr. Chachu:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This is not a new district because it has been there for five years. This is the third DC to be posted there. Let the Assistant Minister get his facts right.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, the hon. Member should have listened to me first before he rushes. I am saying that the problem he was having was as a result of the newly created districts. What happened was that we were transferring some of the experienced DCs to the expansive areas in order for them to create room for the DOIs who were being taken for training. That is exactly what happened on his part. Now that I have promised this House that by 29th, the DC will be at the hon. Member's place, he should arrange for everything else including accommodation in order for the DC to be welcomed.

Mr. Temporary Deputy Speaker, Sir, for areas---

**Mrs. Noor:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Assistant Minister say that the hon. Member should arrange accommodation for a public officer. Is he in order to tell an hon. Member of this House to arrange for accommodation for a civil servant who is supposed to be given the accommodation facilities by the Ministry?

**The Temporary Deputy Speaker** (Prof. Kaloki): That is a good point of order! Yes, Mr. Assistant Minister!

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, you are aware that when you are having a visitor, you have to arrange for a welcoming party---

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, they have to organize a party for the DC. They have to slaughter---

**Mr. Mbadi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to send a visitor to that district instead of sending a civil servant, who is a DC to go and work?

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

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, that district has been without a DC for the last eight to nine months. Now that I have identified a DC to be posted to that place, the only thing they can do to the new DC, is to organize how they can welcome him, so that he can start his work in that district.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! Give an undertaking to the House and to the hon. Member that you will equip the DC with a vehicle and the right tools to perform.

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I cannot commit myself to the issue of equipping that DC with a vehicle because on several occasions, I have said that we were waiting for the Supplementary Estimates to be passed in order for me to get the vehicles.

**An hon. Member:** But it was passed!

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, the Supplementary Budget was passed on Thursday, last week and we are in the process of getting any money, if not all. Any amount of money within my reach will be utilized to purchase those vehicles. On those DCs in a number of my colleague areas where we have not availed vehicles, I am happy to say that already I am making arrangements for the supply of 50 Land Rovers. The areas that we have never given vehicles will benefit from the 50 batch which will come out any time.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister! Elaborate on the issue of office and accommodation!

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, you will agree with me that there is an existing office because this is not a new district. We have an office, residence, toilets and latrines. We have everything!

**An hon. Member:** And carpets?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, I think there is also a carpet. So, the DC will enjoy staying there.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you. I believe Mr. Chachu is satisfied. Could you confirm to the House whether you are satisfied with the answer from the Assistant Minister?

**Mr. Chachu:** Mr. Temporary Deputy Speaker, Sir, I am absolutely satisfied with the answer from the Assistant Minister.

**The Temporary Deputy Speaker** (Prof. Kaloki): Thank you. Let us move on to the next Order!

## MINISTERIAL STATEMENT

### DISAPPEARANCE OF GOLD

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I did promise this House that I was supposed to issue a Ministerial Statement on the disappearance of gold, which was sought by Mr. Sirma. However, it appears like the hon. Member is not in. So, I will seek the indulgence of the Chair to defer this Statement until such a time that he appears in the House. I understand that he is out of the country.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right, since we do not know when Mr. Sirma will be here, we will defer that Statement to a later date when the Clerks-at-the-Table can consult with the hon. Member and the Assistant Minister's office.

*(Ministerial Statement deferred)*

## POINTS OF ORDER

### SPECIFIC STEPS TAKEN TO ADDRESS RISING FOOD PRICES

**Dr. Kones:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rose two weeks ago to seek a Ministerial Statement from the Minister for Agriculture on the specific steps the Ministry has taken to reduce or address the rising cost of food. Of course, I am aware that this matter was partially addressed yesterday in the Motion for Adjournment. However, this was a specific Statement which I sought from the Minister for Agriculture. I wanted her to tell us the specific steps she had taken to reduce the cost of food.

**The Temporary Deputy Speaker** (Prof. Kaloki): All right! Let me get some direction from the Clerks-at-the Table.

*(The Temporary Deputy Speaker (Prof. Kaloki)  
Consulted with the Clerk-at-the-Table)*

Minister, I want an undertaking here. Indeed, Dr. Kones has been pursuing the Minister for Agriculture to issue the Ministerial Statement. That has happened twice this month. Could we get an undertaking when we will get a Ministerial Statement to address the issues raised by Dr. Kones? When can that Statement be issued?

*(Mr. Mbiuki remained in his seat)*

Mr. Mbiuki, you are in the Chamber!

**The Assistant Minister for Agriculture** (Mr. Mbiuki): Mr. Temporary Deputy Speaker, Sir, I would like to seek the indulgence of this House so that we can give a comprehensive Statement next week on Wednesday morning.

**The Temporary Deputy Speaker** (Prof. Kaloki): Why not give it today?

**The Assistant Minister for Agriculture** (Mr. Mbiuki): Mr. Temporary Deputy Speaker, Sir, right now, we are not prepared. But we can give it on Wednesday morning.

**The Temporary Deputy Speaker** (Prof. Kaloki): Order, Mr. Assistant Minister. Let us get that Ministerial Statement tomorrow in the afternoon.

**The Assistant Minister for Agriculture** (Mr. Mbiuki): Mr. Temporary Deputy Speaker, I will do so tomorrow in the afternoon.

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, I do not see the seriousness in the Assistant Minister and the Ministry in general. This is the third time they are saying that and yet, we are trying to save this Government---

**The Temporary Deputy Speaker** (Prof. Kaloki): Order! The Assistant Minister is serious.

**Dr. Kones:** Mr. Temporary Deputy Speaker, Sir, he does not look serious.

**The Temporary Deputy Speaker** (Prof. Kaloki): He has already confirmed to this House that a Ministerial Statement will come from his Ministry tomorrow afternoon. We will determine at that particular time whether he is serious or not.

**Dr. Kones:** I hope he will be more serious tomorrow!

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, sometimes last year, in the month of November, there was a Question raised on the Floor of this House dealing with the former employees of Kenya Co-operative Creameries. That Question was referred to the Departmental Committee on Agriculture, Livestock and Co-operatives. To-date, we have not heard anything about it. We would like this House to be assured of when that will happen.

Equally, another Petition was referred to the Departmental Committee on Education, Research and Technology. The Petition had come from Aga Khan Primary School parents who fear that their school will be taken over by a private developer.

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Kioni, are you asking about petitions that were referred to specific departmental committees?

**Mr. Kioni:** Mr. Temporary Deputy Speaker, Sir, there are two issues here. One is a Question to the Departmental Committee on Agriculture, Livestock and Co-operatives dealing with former employees of KCC. Secondly, there was a Petition that I laid on the Table that was referred to the Departmental Committee on Education, Research and Technology. None of those Committees have come back to report their findings.

**The Temporary Deputy Speaker** (Prof. Kaloki): I believe that is the work of the Committees and the Clerks-at-the-Table will follow up on that. I direct the Committees to complete their work and bring those reports to the House.

Next Order.

## MOTION

### DEVELOPMENT OF SCHEME OF SERVICE FOR NON-TEACHING STAFF IN LEARNING INSTITUTIONS

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

THAT, acknowledging that non-teaching staff in primary and secondary schools play a critical role in the development and success of the institutions they served and, as such, warrant a separate scheme of service; noting that the main objectives of a scheme of service for officers is to attract people with the appropriate ability, ambition and integrity by offering a well defined career structure, this House urges the government to develop a scheme of service for non-teaching staff of both primary and secondary schools in order to prescribe realistic qualification requirements and also to maintain professional standards in the schools.

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

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

This Government, over the years, since Independence, has continued to commit a lot of resources towards the education sector in our country. That is for good reasons because education plays a crucial role in the economic development of any nation. We want to appreciate what the Government has done, and continues to do. We want to appreciate the enormous efforts and commitment that we continue to see from the current Minister and his Assistant Ministers in improving the quality of education in this country, and ensuring that the welfare of those who are in that sector is catered for.

Madam Temporary Deputy Speaker, the fact that we have continued to commit huge resources in the education sector; and the fact that we have, over and over again, continued to cater for the welfare of teachers among other workers, should not, at any given time, dissuade us from the fact that reforms and continued improvement in this sector must always be embraced. As I speak, I am aware that the Minister has put in place a taskforce. As we continue to make contributions on this issue, it should be taken as a

way of informing those taskforces so that the recommendations we will come with will, by and large, embrace the views of Members of Parliament who represent Kenyans in this House.

When we talk about non-teaching staff, it is important to note that in some institutions, we refer to them as subordinate staffs. There are those who are clear in their minds as to who is subordinate and who can be referred to as non-teaching staff. However, by and large, it is a term that has been used to define those individuals across the board. Specifically, we are talking about bursars, accounts clerks, secretaries, messengers, drivers, grounds-men or grounds-women, artisans, cooks, cateresses, matrons and even nurses. Some schools have nurses. We have the watchmen or gatemen. In some institutions, that also covers laboratory assistants. We now have computer technicians and librarians. That is the cadre of people that this Motion seeks to help get into a known arrangement by the Government.

It is important to know that the Government contributes Kshs3,965 per student per year. On the other hand, parents also contribute Kshs2,743 as a contribution to the same kitty. If you work out the total amount of that money, it amounts to a huge figure. This Motion does not seek to compel the Government to spend extra money on top of what it has been giving. However, there is need to look at the money it has been sending to schools – that is the Kshs3,965 per student and the contribution by the parents amounting to Kshs2,743. That money is given out as a result of a circular that was issued by the Government. When that was being done, the Government also gave a circular specifying how many workers should be put on board. The circular, if I can get some few details from it, says that schools with one stream and day schools with one stream were required to employ six workers. However, a one stream boarding school was to employ 10 workers. Two stream schools were encouraged to employ eight workers and a two stream boarding school - 15 workers. Day schools with three streams were to employ nine workers while the three stream boarding schools were to employ 20 workers. The ones with four streams were required to employ 13 workers and the boarding ones 28 workers. Five streams day schools were to employ 15 while the boarding ones were to get 30 workers. The last one is the six stream schools which were required to employ 18 workers if it was a day school or 36 workers if it was a boarding school.

Madam Temporary Deputy Speaker, while this circular directed the school management committees to engage those workers, it was lacking to the point that there was no direction as to who should be employed and how many should be taken in each category. How many messengers, for example, should be part of the six workers? In other words, there was no categorization of which jobs should be occupied by who.

Secondly, even the amount of money that was to be paid to each employee was not specified. So, we have ended up, across the country, with a situation where you have a messenger in one school paid X amount of money and in the neighbouring school, a messenger is paid Y amount of money. Both of them do the same kind of work but they are paid differently. This issue has been left at the discretion of the principal.

The principal decides who it is that should be employed and what amount of money he should be paid. There is the Board of Governors (BOG), but the Chief Executive Officer (CEO) quite often makes the decision and then reports to the BOG. That is the practice. We cannot run away from that reality. This has brought a lot of disparities within the institutions and, certainly, it affects the morale of non-teaching

staff. When we talk about the need to improve education in our country, and in our constituencies, we more often than not, do not pay any attention to members of staff in this cadre.

We spend a lot of time encouraging and motivating teachers to ensure that they produce good results. We talk a lot to teachers and the pupils. We even talk to parents, but more often than not, most of us and the Ministry forget this support team, who, if not also well motivated, performance in schools will not improve.

Madam Temporary Deputy Speaker, when I went back to the school I was in a couple of years, as a guest honour to help in giving out prizes to students, I found that the person who was cooking for us then is cooking for pupils today. I did not have an opportunity to ask him whether his terms of service have changed, but chances are that they have changed minimally. Why? This is because there is no scheme of service that compels the school's administration to move in a given manner.

So, it is important that we also think about these employees. Even as we talk about employment in the country, this is an area where we have very many employees. The Government is already committing money for their payment, but there is need to make sure that there is harmony across the country, so that when you are in that school, you can know what a messenger and other non-teaching staff are supposed to be paid.

Madam Temporary Deputy Speaker, it is important to note that even within those schools, those employees who were employed before the 1980s, are going to have pension upon their retirement, because there was a policy which covered them during that time. Those who were employed afterwards are not enjoying the same terms as those who were there before them. So, they have been left at the mercy of BOGs, and this is not a motivating thing.

It is, therefore, important that a criterion is developed by the Ministry, so that we know what one needs to have to qualify for the job of a secretary in a public school. It should not be left to the principal to just employ a relative or a friend and then fix the pay, depending on who has come onboard. It is important that an entry point is defined by the Ministry, which should apply uniformly across the country.

Madam Temporary Deputy Speaker, there should also be known progression. What happens when you are in employment? At what point do you leave the grade at which you are serving to the next grade? Eventually, how do you exit that service? At what point do you retire, and how do you take care of yourself after retirement? In other words, there is need for a pension scheme for non-teaching staff. There are also times when one may need to move on because he has gotten greener pastures. When that happens, what kind of package do you go home with? It is important that this whole issue is harmonised.

The Ministry has continuously been reforming the recruitment process for teachers. They have now approached BOGs to do the recruitment of teachers and forward their names to the Teachers Service Commission (TSC) for payment. So, the teachers who are recruited by the BOGs are put on a payroll, and they are paid directly by the TSC. Their salaries go straight into their bank accounts. Non-teaching staff who are already in schools can also go through the same process. It is important that they are re-interviewed by the BOGs. There can be a criterion to be satisfied in order for one to remain in service. The BOGs can then interview those employees and have their names forwarded to the Ministry for inclusion in the payroll.



Madam Temporary Deputy Speaker, what I want to emphasise is that, since the Government, through the Ministry of Education, is already sending money to schools for paying those employees, who are not enjoying a scheme of service, why not develop a scheme of service for them and, instead of sending that money directly to schools, send the money to their individual bank accounts, just like we do with other employees? In any case, this cadre of staff are not found only in the Ministry of Education. They are not only in schools. We have them in other Ministries. In any Ministry you go to, you find clerical officers, messengers, tea girls and tea boys as well as gardeners. In Ministries, these people are paid directly by the Government. Why kind of discriminate against those working in schools?

When you send money to school principals, it is like you are burdening the principals. You are giving them an extra responsibility of managing these people in terms of ensuring that they are paid.

Madam Temporary Deputy Speaker, we know that money in the education sector is disbursed in three tranches. It does not always get to the schools at the same time every year. There is unpredictability on the part of the employees in terms of when they receive the money. They cannot be certain that they will receive their salaries at the end of the month, and that they will continue receiving the salaries at the end of every month until the end of the year. There are times when Treasury fails to release funds. Since this is money for supporting schools, the dates on which these employees receive their salaries also vary.

There are times when they do not receive their salaries, especially towards the end of the year. This is because more often than not, the schools happen to have exhausted the money that was sent to them by the Ministries. Since it is not specified as to who should be paid what amount of money, the management of the schools have more often than not, spent money to do other things, including buying food. So, the sufferer is the non-teaching staff member. If we want to improve the whole sector, we need to make sure that their salaries are not used for any other purposes.

Madam Temporary Deputy Speaker, if the Government was to agree to this proposal, and if the House was to resolve that we encourage the Government to come up with a scheme of service for non-teaching staff in schools, then the Government will ensure that the money that is meant for this sector benefits the employees, because we have schools which have not employed the number of staff members recommended by the Ministry in its circular. This means the money that is sent to the ground is not totally used to pay salaries of non-teaching staff. Part of it ends up being used for other purposes. So, if there is a better way of managing this situation, the Ministry may end up with savings.

When payment of the salaries for these employees becomes constant, they will also be able to access financial facilities. As it is now, they cannot benefit from the many loan facilities being availed by banks because banks have no confidence in them, because their salaries do not come on time. If harmonisation is done across the country, it will be possible for the Government to transfer non-teaching staff from one school to another. I do not want to say that sacking is a way of managing non-teaching staff, but the only thing that school managements can do is to sack an employee because they cannot transfer him to another school.

Madam Temporary Deputy Speaker, I am not implying that if one under-performs he should be transferred, but you can transfer a bursar who has performed very well in one school to another school to help improve the standards in that school. As it is today, one has to work in the same school until one retires. If we had a scheme of service, which cuts across all the schools, we would be able to transfer staff members from one school to another, even for purposes of improving service delivery and avoiding complacency. It is important, therefore, that the Ministry, and this House, looks into these issues.

I want to ask my good friend, hon. Silas Muriuki Ruteere, to second this Motion. I know that even Benjamin wanted to second it, but I would like to ask hon. Ruteere, who is also in the education sector, to second the Motion.

With those remarks, I beg to move.

**Mr. Ruteere:** Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to second the Motion. First, I would like to thank hon. Kioni for bringing this Motion to this House, so that we can have a scheme of service for non-teaching staff in primary and secondary schools and also in special schools. I was a head teacher in a secondary school for 18 years and 12 years in a special school. Those days, we used to get grants and grants-in-aid from the Ministry of Education to pay for personal emoluments for all non-teaching and junior subordinate staff that were working in the schools. We used to get approvals of the kind of personnel that a school should have. The same employees used to be promoted after recommendations by the Board to the Ministry of Education. There was morale in the work that these people were doing. Today, non-teaching staff are at the mercy of the BoGs, especially the head teachers. If you are very loyal to the head teacher, you can be sure that your personal emolument, salary and allowances will be superior to those of others, who may not be attracting the eye or are not friendly to the head teacher.

The Chairman of the BoG and the head teacher would only want to reward some and deny others what is rightfully theirs. It is common sense that when you leave an individual or individuals at the mercy of certain individuals and not the entire Board, which is not looked after by a superior organization, then these individuals would always suffer because they will be at the mercy of those who are determining their salaries and remunerations. The KUDHEA, which is supposed to be their trade union, is a union that when you join, then there will be ways of getting out of the school. The head teachers feel harassed and threatened by this trade union. So, very few of them would want to join KUDHEA because once they join, then the school administration will not look at them fairly. Therefore, it is timely that this House urges the Ministry of Education to come up with a scheme of service which should be handed over to all the head teachers and BoGs. This scheme should be honoured, so that there is smooth running of these institutions and movement in the promotion of these people. You should not join the service at Job Group A and retire at Job Group A. You should not join as a bursar with CPA at Job Group G and retire at Job Group G. There should be movement or progression depending on the years you have served, the work you have done and how effectively you have done.

Therefore, I urge this House to pass this Motion, so that the schools are also stable. When the head teacher goes home, the entire school is left at the mercy of the gatekeeper, the watchman and the security guards. Those are the people who take care of the school at night. If there is any commotion and the students collude with these people, anything can happen to the school. These are the people who should be guaranteed

security. If you go to any school function and there is parading of the non-teaching staff in the school, once the cooks and the watchmen are mentioned, the students are very happy about them and they clap for them. These are the ones who are very close to them. They can let them sneak out and in. They also corrupt them. To avoid any kind of corruption, then let us pay them well, so that they do not have to go to the students to solicit for extra funds. They have to look upon the administration to give them guarantee and security.

I was a parent at Alliance Girls High School and we had one very good watchman who used to treat us very well as parents. He used to call everybody 'papa'. During parent days, the parents used to reward this man openly in the school administration. Those kinds of services should be rewarded, but should be open rewarding. If we want our schools to have discipline and stop the kind of riots that have been taking place, we should have a scheme of service for non-teaching staff in our schools. The reports which have come out from investigations into cases of indiscipline in our schools showed that there were collusion between the non-teaching staff and the students and at times between the teachers and the students. While the teachers are guaranteed of their scheme of service and they do their work very well and we appreciate it under the TSC, we would also want to see the non-teaching workers well taken care of by another administration. Therefore, we urge the Ministry of Education to give a uniform scheme of service for the entire country. It should also apportion some money towards the free primary and secondary school education for personal emoluments and say what kind of employees should be in a school. These include the drivers, artisans, bursars and house mothers in special schools. They should state their qualifications, terms and conditions of service. These should be spelt out very clearly, so that there is no question when it comes to the BoG in interpreting the circular that should come out.

With those remarks, I beg to second.

*(Question proposed)*

**Mr. Lang'at:** Madam Temporary Deputy Speaker, I want to thank the Member for Ndaragwa for moving this Motion. All hon. Members are *ex-officio* members of the Boards of Governors (BoGs) of our schools and we quite understand these issues. The Ministry of Education has increased funding and support to both primary and secondary schools and a lot of attention has been paid to the teachers over time. There will be an issue if we continue paying attention to one arm while the other arm does not move. So, it is important that those people who operate behind the scenes and are very important in terms of their contribution to education in our schools must also be taken care of. Everybody in a school has a role to play. We have cooks, watchmen, laboratory technicians, bursars and so forth. These people must also feel that they are part of the school and must be motivated. Therefore, this Motion is relevant to the extent that it tries to bring them on board so that they are at par with the teachers in order to motivate them.

If we continue allocating so much money to our schools, and yet we do not have qualified people, for example, bursars and accountants to help account for this money, then we risk what the Ministry is already facing. There are issues of corruption due to lack of accounting. Therefore, we also need to build the capacity for the schools as we fund them in order for them to account for the money. This will ensure that things do not

go wrong and then we come later on to make a lot of noise. This is a very important Motion and I think the Minister and his two Assistant Ministers who are present in the House should support it so that all the resources that we send to the schools are well taken care of.

Madam Temporary Deputy Speaker, I do not want to spend a lot of time on this Motion. Let us pass it because already money is being sent to the BoGs to pay those workers but we need to standardize that. We need to determine who should be in which school and his or her qualifications and experience. We need to have a way of control by the Government. The headmaster or the BoG might say that you are paid this and yet the others are not paid well. I think we need to have a standard way of handling these matters. The Ministry should control the quality, their operation and level of qualifications.

Madam Temporary Deputy Speaker, I do not want to say much because I want to give the other Members an opportunity to contribute to this Motion.

I beg to support the Motion.

**The Assistant Minister for Tourism** (Ms. Mbarire): Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion.

Madam Temporary Deputy Speaker, I want to begin by congratulating the Mover of this Motion, because I think it is a matter whose time has come. It is actually long overdue. This is a matter that the Government should have taken on board a while ago. For any Member of Parliament, who obviously sits in all the BoGs in the various schools in the constituency and understands how schools are being run, it is very clear that the non-teaching staff have been greatly ignored. It is time that we thought about that.

The success of an educational institution does not only depend on the teaching staff, but it is really the collective role of both the teaching and non-teaching staff. What we know is that non-teaching staff are grossly underpaid. Sometimes even that underpayment does not come as regularly as it should at end of every month. Sometimes these people go for many months without pay. I have cases in my constituency where, especially, watchmen of primary schools go for several months without pay. Sometimes even upon retirement, you will find that they are not able to get pension and they go home with empty hands after many years of service. We also find that the risks surrounding their jobs are not covered. In particular, I will go back to the watchmen again, who sometimes are hurt by thugs when they invade the schools at night. They sometimes end up dying and their families are left without compensation or any due consideration to the fact that they have been left without a bread winner. However, we know that this burden cannot be left squarely on the parents' shoulders. That is why I feel that a scheme of service for these people would be very important, so that we can get the right people who are well trained and skilled in their areas of profession. This will ensure that skills such as firefighting and first aid especially for those that watch over the children day and night can be part of the profession that they undertake to improve on their services as they move on.

Madam Temporary Deputy Speaker, I also feel that there is so much money, as one hon. Member has mentioned earlier on, from the Government to these institutions and yet some employees do not have adequate skills to manage those funds. If you look at primary schools, for example, you will find that the management of those funds is purely in the hands of the head teacher. I know that the Government has been training

them on how they should manage the resources that are sent to them, but most primary schools do not have accountants to do basic accounting for the school. So, you will find that everything lies squarely on the head teacher and the school management committee that comes for meetings once in a while. So, if you have a head teacher who is not very responsible, most of this money may not be used well. I think it is important that we have a clear scheme of service for these very important people, who are the backbone of the schools. I hope that hon. Members in this House and even the Ministry of Education will support this Motion so that we can be able to give these people what they serve and boost their morale so that they can manage our schools better.

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

**Dr. Otichilo:** Madam Temporary Deputy Speaker, I rise to support this Motion. I wish to thank the Member for Ndaragwa, Mr. Kioni, for bringing this Motion to this House.

This Motion is timely and we should not waste time to discuss so much about it. This is because it will make the management of our schools easy. Non-teaching staff in most of our schools, both primary and secondary, are at the mercy of the head teachers and as a result, they cannot perform their work properly. If they do not toe the line, they find themselves in many problems. Non-teaching staff in our schools play a very crucial role in both the management of the schools and their running. For example, in our secondary schools, the laboratory technicians play a very crucial role in ensuring that our students undertake their laboratory work very well. They organize laboratory lessons and so on. The bursar or accounts clerks are very crucial to the management of financial resources in our schools. The matrons and cooks are so important to the running of the schools.

Madam Temporary Deputy Speaker, most schools go on strike because of bad food or poor management of the resources. So, we need these people to be well rewarded. We need these people to be independent, so that they can perform their work to the maximum level without fear.

The need for a scheme of service for these non-teaching staff is very crucial. Currently, they are at the mercy of the Board of Governors (BoGs) or School Management Committees (SCMs). As my colleagues have said earlier, most of these decisions regarding these staff lie with the head teachers. The BoGs and SMCs play a very minimal role. Therefore, these people cannot perform their work well because of having total allegiance to one individual. Some members of the non-teaching staff who have tried to join unions have been sacked or punished by the head teachers or the SMCs. So, it is important that these people get a scheme of service, so that they can perform their work without fear.

Secondly, these people should have a chance for advancement. As my colleagues said here earlier, once somebody is employed as a cook in whatever job group, he will remain in that job group until he retires. When they retire, they have no guarantee that they will get their pension. Eventually, these people come to us and ask us to force the SMCs to pay them their pension. So, it is important that these people have a clear scheme of service, so that they work without fear or favour. They must rest assured that when they retire, they will get their pension.

On the issue of progression, it is important that people progress in their job career. The current schemes of services in our schools are such that these people cannot progress. Even if they sit for more exams and pass, they cannot progress to higher job scales. So, we need to have a scheme of service that will enable these non-teaching staff to progress, particularly the professionals; that is, procurement officers, bursars, lab technologists, among others.

Finally, these people who are also professionals should also have a chance to be transferred to other schools. When I go to my former secondary school where I was some 30 years ago, I still find some of those people still there because they cannot be transferred to any other place. So, we need a scheme of service that can allow them to transfer to other places.

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

**Mr. Chanzu:** Thank you, Madam Temporary Deputy Speaker. I also rise to support this Motion. Since we attained Independence in 1963, it is many years ago. We are now approaching 50 years since we attained our Independence. There have been a lot of changes in this country. During the colonial days, I understand that majority of the Kenyans who were given jobs, the best they could do was clerical jobs. The other jobs that they were able to do were those where they were watchmen and cooks for the *wazungus*.

In other sectors, we have been able to change. Education has helped us to change. We are now holding top positions; we are now running our own Government. We have ignored some of the sectors which caused this other top sector work. That is why you see the kind of things that are happening in this country. We saw what happened on our streets yesterday. It is because these people feel neglected. If they were able to understand that they are part of the country, they would appreciate the problems that we are going through. If it is the problem of the economy, they would understand. However, they are not appreciating because they are not recognized.

One of the best things that I can see in this scheme of service is that the Ministry should not really think about the issue money. I think the problem that the Government has been having when we move Motions like this one is that they start looking at the issue of money. Motivation of workers or anybody does not just lie with money. These people want to be recognized. Having a scheme of service is one basic way to show that we are recognizing these workers in the institution where they are working.

Madam Temporary Deputy Speaker, this Motion is very important and timely. As has been said by my previous colleagues who spoke on this, I think this Motion is long overdue because we need to recognize these people as part of the team that makes the schools perform. We have to give them job satisfaction and job security as it has been said.

Madam Temporary Deputy Speaker, I am very happy that the Minister and the two Assistant Ministers are here. Once this is drawn, it should take into account a number of factors. We have talked about the issue of retirement. I remember as a parent some time back at Precious Blood School, I talked to the Minister one time just for a person to be paid what the BoG had recommended. That board was recommending just on individual case basis.

So, without this kind of scheme of service, it is very difficult to determine who has left the service and who needs to be paid terminal benefits. They need to have a

medical scheme which can take care of them and their families. They need to have some kind of insurance which, again, should be in-built in this scheme of service.

Madam Temporary Deputy Speaker, we have many categories of these workers in the schools. If you look at the kind of job they do, they are trained people. If you look at the matrons in schools, these are people who are trained. However, their counterparts who are working in other institutions; either Government or private sector, have some kind of scheme of service. When they get to schools here, they do not have it.

One of my colleagues has talked about Alliance High School. We have old schools like Kenya High School and Mang'u High School. If you go to these schools, the women who are working in the dormitories looking after our daughters are the same ones who have been working there for more than 40 years. They take a lot of care of these children. However, when they retire, we are only notified through a letter that so-and-so has retired. We are asking in that letter to give some small donation, if we so wish. It is voluntary to do so. We want something which can give them assurance that when they retire, they will get their pension. That gives them confidence and time to concentrate on the work that they are doing.

With those few remarks, I beg to support.

**Mr. Gitari:** Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion. I want to congratulate Mr. Kioni for moving this Motion. It is timely. This is the time to implement this Motion.

Madam Temporary Deputy Speaker, the other day, I visited my former school and I found that the same bursar who was there over 20 years ago. I went ahead to try to know about the salary increment and such. To my surprise, since the time I left there, the increment was about Kshs1,000.

To me, a school is like a conveyer belt whereby both the teaching staff and non-teaching staff are equally important. So, I felt that if we can support this Motion, we can have a scheme of service in place.

As a member of the BoG, when a bursar retired, all that we could do was to give that lady a goat as her pension. I believe that if we can have a scheme of service in place for these staff, they will feel motivated. They will also run away from this idea of thinking that they must be very loyal to the head teacher to retain their jobs. I also believe that if we have such a scheme of service in place, the Government will be able to chip in. Every student is given about Kshs10,000 in secondary school and Kshs1,000 in primary school. So, my feeling is that if such a scheme is put in place, it can remove the burden from the head teachers and principals and non-teaching staff will be paid directly into their accounts. At the end of the day, they will enjoy their pension.

Madam Temporary Deputy Speaker, when you go to those schools, you will see the same people who used to be your secretaries or bursars are now working for your sons and daughters. It causes some fatigue. You tell your son: "This was my bursar. This was my secretary." I think if such a scheme is put in place, we could transfer them from school (a) to school (b).

Finally, there is a lot of discrepancy in the whole affair because of lack of a scheme of service. You go to one school and you find that the bursar is paid Kshs5,000. You go to another school and you find that a bursar with the same qualifications is paid Kshs15,000. Now, when those people try to compare their salaries in their social joints, some of them feel a bit demoralized. So, if we have a scheme of service in place, I

believe that all of them will feel that they have job security and they will feel encouraged and will work strongly to have good schools in the country.

With those remarks, I beg to support the Motion.

**Mr. M'Mithiaru:** Thank you, Madam Temporary Deputy Speaker. I also wish to support this Motion. Right from the year 2003 when free primary education was introduced, it shows that the Government has the spirit to see good educational institutions in our country. The same Government has also supported secondary education and very many day secondary schools have emerged throughout the country. We can see the good work that these endeavours are doing to Kenyans.

Madam Temporary Deputy Speaker, with that in mind, it shows that the Government's intention is to build educational institutions of excellence. I think the Ministry of Finance also came up with centres of excellence in terms of educational institutions. So, I think it now behooves on the same Government to ensure that the initiative is carried a notch higher. Whereas the Government has employed teachers and brought up many educational institutions in both primary and secondary level, we should not forget the support staff behind those educational institutions. By that, I mean cooks, watchmen, gardeners, secretariat, bursars and all those who work for those educational institutions. The staff must also be made to develop careers in educational institutions so that, even when people finish school, they can actually build careers to work in educational institutions.

Madam Temporary Deputy Speaker, the only way we can do that is to ensure that there is a proper scheme of service for those working in educational institutions. For accountants, we could take those who are in the line of bursars. They should have proper and requisite qualifications to work in those institutions.

We always talk about head teachers and teachers in primary and secondary schools but least is talked about the support staff working in those institutions and yet, they do a very good job. So, the only way to help them is to ensure that they get their own scheme of service. Under the scheme of service, they will actually come under direct employment of the Government or the Ministry of Education. That way, we will not tax parents to contribute money to pay them.

Madam Temporary Deputy Speaker, to assist in the management of the funds that are already being released to schools, we really require qualified staff. For example, today, each child in primary school is paid about Kshs1,060 and that money is administered by the head teachers. Most of those head teachers do not even have the basic knowledge or skills in book-keeping. So, you find that, in most cases, their records are not proper. When the records are not proper, you may not actually vouch for any ingenuity in terms of the statement of accounts that are kept in schools. But if each and every school has a qualified book-keeper who is employed by the Government to prepare those records, mismanagement of money will be curtailed.

So, I urge the Government that, as it prepares a scheme of service for support staff working in educational institutions, it should also have a budget to ensure that each and every school, both primary and secondary, get employees right from the Government. That way, the institutions that the Government is trying to build as centres of excellence will truly become all round in terms of development of teaching and non-teaching staff. We know for sure that schools are not about the teaching staff. It is total environment in that particular school. In fact, in some cases, even properly trained staff working in



educational institutions can arrest certain activities that could erupt in schools like riots. Sometimes, the support staff could even have a clue that a riot is in the offing, but they may not have a way of reporting that because they are never recognized at all. So, that can really assist to ensure that riots are minimized.

Madam Temporary Deputy Speaker, lastly, especially in secondary schools, if the Ministry could employ staff who can play the role of counselors, then secondary schools students who may be in delinquent clubs will be properly counseled to ensure that they become disciplined students and, of course, good citizens of tomorrow.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Dr. Laboso): Hon. Members, if no one else is interested, I will ask the Minister to respond.

**The Minister for Education** (Prof. Onger): Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to respond to this Motion which is before the House. I take note that most of the Members who spoke on this Motion have supported it. I think the most instructive information that we have is that this has been over a period of time. As the hon. Mover reminded us, up to 1980, there was some scheme of service which was in place and, therefore, those who were there before that time, did qualify for pension at the end of their service term.

However, as the institutions started improving under Legal Notice No.262 on Board of Governors (BOG) and Non-Teaching Staff Regulations in 1993 and, of course, the Education Act Cap. 211, BoGs and Parents Teachers Associations (PTAs) were given the mandate to manage the institutions, to engage, to promote and demote or terminate the services of any employees in that area.

Therefore, in simple terms, as the law stands today, the Board of Governors (BoGs) and the Parents-Teachers Association (PTAs) are the only legal entities that have the power to appoint suitable semi-professionals and subordinate non-teaching staff on conditions and terms that are determined only by BoGs and PTAs. As a Ministry, we have listened very carefully and we have seen some of the loopholes that are there. We are cognizant of the fact that the law as it stands today requires substantive amendment. Therefore, the Motion before the House cannot amend the existing law. It was because of this and with the onset of the new Constitution that we were instructed to set up a task force to specifically look at the way we are managing these institutions.

I have listened carefully about the partisan nature of either collusion between the chairman of the BoG and PTA in trying to employ these people. Obviously that will give skewed approach to the management of our institutions at the local level. Right now, there is much resource flowing at the school level both at primary and secondary levels. So, it is important that the Government puts in place machineries and capacities that are necessary in order to be able to utilize the resources optimally and also to be able to offer services in a professional way. Therefore, in the letter and spirit of this Motion, we are in agreement with you but there are certain preliminaries that must take place before we can be able to effect this kind of scheme of service that the hon. Members have so eloquently argued for.

Madam Temporary Deputy Speaker, I would like to say that we are taking into account the views that you have expressed. These views will be transmitted to the current task force which is in force and which is realigning all the policies of the Ministry of Education *vis-à-vis* the new Constitution. One of such policy is to look at the Education

Act, Cap.2011 to be able to realign with the realities of today other than the realities of yesterday. I think we will find a window of opportunity to be able to incorporate some of that information that you have given us in this House. We are also looking at the structure and the nature of people who will manage both primary and secondary schools. There may be need for specific qualifications that are required to manage some of these institutions so that we are able to put it in the legal framework which will come on the Floor of this House for passage. Therefore, I look forward to yet another debate that will inform this House on the kind of measures that the Ministry alongside the recommendations of the task force that will be laid on the Floor of this House in the form of Sessional Paper after it has gone through the Cabinet and also as a form of legal framework that will inform the kind of reforms that we intend to carry out. Obviously, the scheme of service for this cadre of staff will be a welcome feature. With my colleagues, I am also going to engage the Public Service Commission, because they have a similar scheme of service for subordinate staff in the Department of Personnel Management (DPM) and see how we can cross-fertilize the information available on the other side and see how this could be made viable.

One of the biggest problems is that, we may agree on something here which might become totally unviable because of the nature in which we have grafted that response. Therefore, in principle, we are saying that we shall be looking at the scheme of service but in tandem with the current expensive reforms that we are doing in order to realign the educational policies and programmes with the current Constitution of Kenya.

Madam Temporary Deputy Speaker, every child has a right to be in school, a right to study, a right to food, a right to nutrition and a right to health. Therefore, we must put these concerns into a legal framework which will then have the potential of releasing the resources that come along our way. I will be hinging heavily on Members of Parliament to assist us to be able to get the necessary resources to support education. I believe that investment in education is a critical factor. Investment does not only mean investment in teachers but also in our own children and non-academic staff who are working diligently in our institutions. These are all very important people in ensuring that we have an education that we can be very proud of. We look forward to this debate that will come.

The task force will be presenting its report within six months. It was set up in February. So, I am hoping that by August this year, we should have a preliminary report and we will subject that report to the stakeholders, and you are part of the major stakeholders. We have had the benefit of getting your information earlier than we had anticipated. That is why we are not opposing this Motion because it will form part of the body of the arguments that we use in coming up with the final document which will form the Sessional Paper to the Cabinet and this august House for informed debate. This is a very informative stage and if you could only bear with us so that we can carry through the process which will then result in the legal framework which will have effect and which will pronounce the kind of action that we must take as a Ministry.

I want to thank you for that contribution.

**The Temporary Deputy Speaker** (Dr. Laboso): I want to call upon the Mover to reply.

**Mr. Kioni:** Madam Temporary Deputy Speaker, I want to thank the hon. Members for the support that they have given this Motion. I want to thank the hon. Member for Imenti North, Mr. Ruteere, who said that in putting in place a scheme of

service, it will bring more stability and discipline in schools. The hon. Member for Ainamoi, Mr. Langat, also mentioned that there is need to have qualified persons to manage the enormous amount of money that continuous to go to these institutions. So, for that reason, a scheme of service is appropriate. The hon. Member for Runyenjes, Ms. Mbarire, mentioned that we need to take on board the risks that go hand in hand with the kind of work that is being done by these persons in the cadre of the unskilled or the semi-professionals. The hon. Member for Emuhaya, Dr. Otichilo, mentioned that we need employees who have total allegiance not to one individual but to the institution and, in so doing, we will be rewarded by good performances from the school and also the Ministry will be able to transfer these people from one place to the other.

The hon. Member for Vihiga, Mr. Chanzu, mentioned that there is also need to in-built within the scheme a medical scheme and some form of insurance to ensure that people do not feel neglected at the end of service. There is also need to recognize these people as team members and to avoid the issue of feeling neglected or ignored leading to the kind of demonstrations that we saw yesterday. The hon. Member for Kirinyaga Central, Mr. Gitari, mentioned the need to move away from giving a goat as pension for people who have been in service for many years as has happened to those who even taught or catered for him in school and are catering for his sons and daughters now. Mr. M'Mithiaru did mention that there is need also to include counselors in schools, so that they will help the management of these schools and ensure that when this scheme of service will be in place, there will be people who will respond at night when riots or strikes occur.

Madam Temporary Deputy Speaker, I want to thank those hon. Members for their contribution and support for this Motion. I also want to thank the Ministry and the Minister for Education, Prof. Ongeru, and his team, the two Assistant Ministers. Their being in this House as a team demonstrates to us that they are committed and have concern for the education and work they have been entrusted with by the Government. The fact that they have responded to, and supported the Motion; I want to thank them for the comments that they have made.

The Minister has promised us that within six months, we should be involved in a stakeholders' meeting, where we will discuss the findings of the task force. He also promised us that a Sessional Paper will be on the way, and it will be brought to this House for debate and passage. He will have used the debate to inform that Sessional Paper.

I want to thank him and his team. He has moved radically away from the unfortunate comments that were made by his Permanent Secretary one time when he was having a breakfast show meeting at the Kenya Broadcasting Corporation (KBC). He said that we are reckless as Members of the House to think that we can inform education matters, that they are issues that should be left to scholars and bureaucrats. It is totally unfortunate that those views were aired. Just because we have filed Motions does not mean we are reckless. It shows that we have concern.

Having the three of you here today demonstrates that you have concern and you appreciate that this House can inform any aspect that concerns Kenyans, who elected us to this House.

With those few remarks, I beg to move.

*(Question put and agreed to)*

**The Temporary Deputy Speaker (Dr. Laboso):** Next Order!

ENHANCEMENT OF FREE EDUCATION GRANTS  
TO PRIMARY AND SECONDARY SCHOOLS

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

THAT, cognizant of the fact that the Government policy on free primary school education and free secondary school education have been in place since the year 2003/2004; noting that the Kenyan economy was then at the total discretionary national Budget of Kshs284 billion, and the corresponding Government grant for secondary school education was Kshs10,265 per student and Kshs1,060 per pupil for primary school education respectively; aware that these figures have remained static to date, yet the economy has since grown threefold to a total discretionary national Budget of Kshs834 billion for the financial year 2010/11, with the respective GDP of Kshs1.206 trillion in 2003/2004 and Kshs2.713 trillion in 2010/11; noting that the cost of living has risen tremendously over the same period; this House urges the Government to double the secondary school grant per student to Kshs20,530 and treble the primary school grant per pupil to Kshs3,180 in order to ease the burden of high cost of education in the country on parents and guardians.

Madam Temporary Deputy Speaker, this Motion is informed by the fact that we have had reforms, not only in this country but also globally. Changes have taken place. Just as with the previous Motion, we are trying to get things streamlined. This was a noble idea by the Government. I think it was put in place immediately the NARC Government took over. I think it was a shift from what had been happening before. It was a commendable move. We saw the number of children who were able to enroll in primary schools at that moment. There was a problem as in every political decision. Sometimes a major political decision comes through a statement when people are not prepared. Kenyans and the Government as a whole were not prepared for the implementation of that policy.

However, I think because the Government and Kenyans were determined, and it was a welcome idea, we had many children going to primary schools. However, we did not have facilities like classrooms and teachers. We still have the same problems even today.

Madam Temporary Deputy Speaker, I also want to commend the other institutions which have been put in place and which have helped to alleviate some of the problems. For example, we have the Constituencies Development Fund (CDF). Members of Parliament, as patrons of the CDF, have spent quite a lot of money in trying to increase the learning space for children in primary schools and secondary schools. What I have said in the Motion is self explanatory. This is informed by the idea that outwardly, and as we compare with other countries--- We keep on comparing ourselves with countries within the East African region. We are now even comparing ourselves with other

countries in Africa. Sometimes we want to emulate what is happening in other parts of the world. However, when you look at what we saw on the face, in Nairobi and elsewhere - there are very isolated areas of Nairobi, maybe just around where we are - we see that there is a lot of prosperity in the country. If you look at the Budget, it has gone up three times. However, what surprises me sometimes is the trickle-down effect.

This Budget has gone up; we are spending three times what we were spending in 2003/2004. Workers' salaries, however, have not gone up. This is why we are seeing what we saw yesterday; people running around Parliament here, because they believe that Parliament can speak on their behalf, which we have to do. We have to speak for the people who elected us.

The trickle-down effect is not there, because of various factors. Most of the problems we have are to do with corruption. There is a lot of wastage. We have seen some of the projects we are doing. In fact, I think there was an article which I may not want to quote from - It is subject to denial that out of these trillions of shillings of the Budget we are talking about, almost a quarter of them goes into wastage and there are issues of corruption and so on. I am sure that if we can look into ways of handling corruption--- This corruption is not a monopoly of one place. I think it goes down. It is some kind of a culture. I believe that somebody gets a job in order to get something on top of what he is earning. This is the problem we have.

Madam Temporary Deputy Speaker, we have issues of mismanagement, poor planning and red tape which sometimes delay the release of the money. I am happy that when I raised the issue of the release of these monies last year in August, the Minister gave an assurance to the country that this year the money would be released earlier. Indeed, he did that.

*Waziri*, for that, I think you got a big score. You were able to assure this House that the money for free primary and secondary education was going to be released early and you released it in January. It helps a lot. When these children are sent away from school, they lose a lot of time. If we will compete with the others, like we say and yet children are out of school--- For example, the primary school teachers have taken advantage of this. I am sure my colleagues, hon. Members, must be having the same problem that we have had in Vihiga where a headmaster just wakes up in the morning and says that children must go back home and bring Kshs10. I have been saying that this is something that can be done because if the DEB passes something or an instruction comes from the Ministry that this must be done, we must communicate with the people. You must call a meeting and tell the parents that we have decided that the money you are paying, for example, Kshs1,060 per child is not enough and the parents have to contribute. However, they must be given adequate time to look for that money to take it to the school, because children do not have money. So, when you see children walking along the roads because they have been sent away to bring Kshs50 or Kshs20--- The idea of the Government which came out of the campaign manifesto of 2002 was just trying to reinforce what had been said even at Independence, where we were saying that the main problems that we had in this country were illiteracy, poverty, hunger and diseases. So, we are just trying to bring out what had already been said earlier on. However, now that we have institutions which are working and highly qualified Kenyans running Ministries, for example, the professors who are running the schools, I think we will be able to do much better.

The Government said, at that time, that it was free primary and free secondary education. At that time the fee that was being paid, for example, in a day secondary school, was around Kshs15,000 and the Government was subsidizing it. The Government was paying Kshs10, 265, but because of the rise in the cost of living, the total amount that is supposed to be paid now in some of these day secondary schools is more than Kshs20,000. So, the problem gets back, particularly to the leaders. Some of these students think they can get this money from the CDF and yet they cannot get all the money from the CDF. All of us here are Members of Parliament and the CDF is allocated only 2.5 per cent of all the revenue that we generate. This is the case and yet everybody depends on it. If the Government doubled the balance so that the amount it remits to secondary schools is Kshs20,530 per student, it will ease a lot of burden on the parents, guardians and the local leadership. These primary schools get Kshs1,060 per child from the Government which is also not enough. I request the Minister who is here to request for more money so that the Ministry can churn out Kshs3, 180 to take care of this.

Madam Temporary Deputy Speaker, we have just debated the good Motion on the management of this money; how we can have people who can manage these funds. These head teachers are good teachers. They even taught technical subjects when the 8-4-4 system started. However, if you go to a school you had allocated money to build toilets, you will see that they have collapsed. I have been asking these teachers how they were teaching the technical subjects if they cannot even supervise somebody to build a simple toilet. What they have been doing is to get a mesh wire, they put it on the ground like this and put concrete on top without reinforcing it. I think we need to have specific people who are tasked to do this kind of thing.

Madam Temporary Deputy Speaker, what I discovered about the primary school money, like when it comes to things like when they have to go for trips and so on, it is not per child. That money is given to a school and there is a problem. If the numbers are high because of the large enrollment, then the money is not enough when you share it out per child. I think we will have to change the system and go per child. When the Minister was answering a Question on this money last year, I remember him saying that if the teachers do not submit the returns on time, they will suffer by not getting the money on time. However, we were saying that it should not only be headteachers, but also the education officers like the DEOs and the PDEs who are in those offices who are supposed to make sure that the headteachers submit the information on time.

Madam Temporary Deputy Speaker, along with this, we must get the right people to run the education sector at the county level. They must be people who are competent to manage these places and not just people who are manipulated by what prevails on the ground. This will ensure that proper calculations are made and the Minister has proper information on the number of pupils who are in primary schools and the number of students who are in secondary schools so that we do not use averages or approximations. It should not be that because a school is there, we should allocate it Kshs100, 000 or Kshs1 million. That should not be the case. It should be per person.

As I said, the idea was very noble idea and it is still very noble. I am happy that the Ministry has tried the best it could to cushion the guardians and parents from the high cost of education. It was also to enable as many young people as possible to acquire education in this country. But more importantly, it was to enable us to meet the Millennium Development Goals – to achieve universal education and access to education

for our people. This has been achieved but, I think, there is a lot to be done. One of the things I would like to be done is for the Government to avail money so that we pay for the students who are in secondary schools. The Government should double the amount. There are still many other things that the parents will pay for because they have to contribute, but the basic must be paid for by the Government as it promised because it is the responsibility of the Government to offer education to its citizens.

So, the Government efforts on this are commended and I urge it to consider this Motion and avail the requisite money possibly in the next Budget – now that the Budget is being worked on – or in the Supplementary Estimates that will come so that we can comfortably provide education to our youth. We have said that we want to compete with the countries we were at par with like Korea, Malaysia and so on. We were together at Independence but today they are, I do not know, ten times ahead of us. The only way we can compete with them is by offering education to our children who are in primary and secondary schools.

Madam Temporary Deputy Speaker, another idea that has come and may be taken along is--- I want to commend the Government for the effort it has made to ensure that many as Kenyans as possible go to university. We only had the University of Nairobi and Kenyatta University some time back. However, the Government is encouraging as many Kenyans as possible to have university education. They have set up these institutions where people go for--- Like the teachers are now undertaking programs during the vacation period. You will find them in very many places; they are all over Nairobi. It is a commendable idea, but it is something that the Minister also needs to address so that we can formalize the places where they go for classes because like those who take courses at--- Some of them attend classes at the Kenya Water Institute (KEWI) and share the facilities with the students who take diploma courses. There are others at the Railway Training Institute. It is high time we designed--- The Railway Training Institute and the KEWI are close to one another. You can check what these institutes are doing, amalgamate them and have them in one place. After that you can create this as an institution for higher learning for those who can even continue. It is not only the teachers on vacations who should go there. We also have Kenyans who work in this City and would like to go for higher education. So, those facilities can be opened the whole year so that they attend those courses.

Madam Temporary Deputy Speaker, with those few remarks, I beg to move and request my colleague, Mr. Lang'at to second the Motion.

**Mr. Langat:** Thank you Madam Temporary Deputy Speaker. I beg to second this Motion. I will start by congratulating hon. Yusuf Chanzu for bringing this important Motion. I would also like to thank the Government for this noble idea of starting Free Primary Education and Free Secondary Education programmes. I think that was a very wise idea. However, I think it is time to review the idea. As the Motion says, it is not possible--- If we were paying Kshs265,000 in 2003, so much has happened in the last ten or five years. We need to review those figures.

In the new Constitution, the Bill of Rights says that every child has a right to education. Although it has not defined the quality of education, I think it means that they have a right to quality education. Therefore, for quality education to be achieved, we need to make sure that we finance education properly. I would like to support the Motion by saying that the prices of books, food, fuel, electricity and other things have gone up. It

is time for the Government to come in. If we were to increase the allocation for free education, then we must have a portion for infrastructural development. We have been financing the recurrent expenditure. There is no accurate formula that the Ministry has adopted to ensure that the infrastructure both in our secondary and primary schools is built. I know that there have been *ad hoc* programmes that have been carried out. However, they are not enough. We need to make sure that we factor in a portion of it to cater for development purposes.

There are some schools that have electricity. Unfortunately, I have one school in my constituency. The amount of money allocated for electricity per year is Kshs20,000. The school spends almost Kshs10,000 per month. So, when you look at that allocation, you will see that it does not help at all. Therefore, the Ministry must look at the proposed allocations on each item so that it can make them meaningful to help the schools.

I hope that the Government can also give schools some leeway to do their work plans with regard to what to procure. The complaint we have been getting out there is that the budgets are stringent. They are told that they must buy text books among other things, without giving them any leeway. The problems are unique in each institution. Therefore, each school should be given an opportunity to develop its own work plan. That way, we will solve all the unique problems in every institution.

With regard to secondary schools, the pressure is on the payment of school fees. Every time we are at the constituencies the challenge we face very day - and every hon. Member knows - even the Minister - is on the payment of school fees. We need to increase that so that we can reduce the pressure on leaders. We have issues of fundraising. The CDF money is very little to finance anything. We do not even know the fate of CDF. Therefore, the Ministry must put in place a structure where school fees are paid as a right to all the students.

There is something which is related to the Motion that we passed a while ago. Yes, we want to increase those amounts. However, we do not know what capacities have been built to account for those monies properly. There must be an element for financing the people who do the accounting work of the money allocated to schools. There are situations where headteachers are blamed for not keeping proper records. They should not be blamed because they are not trained in that area. You have not provided any mechanism to account for that money. That is why the Minister has many problems. People are saying that there is corruption. Maybe, there is no corruption. It is about lack of capacity. I think it is time we thought seriously about having an accountant or a qualified person to account for those monies in every school. If not, we must have some selected schools with qualified accountants to account for all the monies.

I do not want to say more than that. I want to encourage the Government to take action on this Motion because it is very important. What we are facing individually in this country is what the schools are facing as institutions. Therefore, we must increase the funding.

This time round, I congratulate the Minister for releasing the money on time. That should be our way of life. Money should be released in December so that when schools open in January, everything is fine. That way, schools' programmes will not be interfered with.

With those few remarks, I second the Motion.



*(Question proposed)*

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Thank you, Madam Temporary Deputy Speaker. I would like to begin by congratulating hon. Chanzu for bringing this Motion at this time when we are facing serious economic difficulties arising from the increase of prices of everything. I would like to support this Motion for the reasons that he has given. I want to congratulate the Minister and his team for managing the education sector well.

In spite of all the negative publicity we occasionally get in the media and from other sources--- I say so because I know it as a person who, in the past, has been a Permanent Secretary (PS) in this Ministry for three years. I know that they are doing well and I want to encourage the Minister to keep on encouraging professionalism, in the manner he is encouraging the sector, in spite of the many difficulties that he faces, particularly financial ones. I do not want to speak for the Minister, but I am sure that his wish would also be that the resources are increased. I am sure that at the end of the day, he will request us to seek support from the Treasury to fund what has been proposed in this Motion.

Madam Temporary Deputy Speaker, one of the biggest challenges that those of us from pastoral areas face is the question of enrolment. In many situations, the enrolment is below 50 per cent. I keep on telling my people that they are cheating themselves by not taking their children to school. If you take 50 children to school, and there are other 50 children who do not go to school, it means that they miss out even on the Kshs1,000 that is already provided.

I must also say that the percentages have increased since the passing of The Children Act, and the introduction of the Free Primary Education (FPE) programme. We are now seeing massive enrolment in those areas, including my constituency. In fact, school management committees now say that they are having big challenges relating to overcrowding, particularly in the lower classes. I have come across schools which have over 150 children in one classroom. Therefore, there is need to increase the number of classrooms in primary schools.

Madam Temporary Deputy Speaker, another phenomenon being seen in my county, if I may continue to give examples, is the introduction of day secondary schools. We have never had day secondary schools in my constituency since Independence, but in this year alone we have opened three day secondary schools. The biggest challenge we face is lack of teachers. We hope that, with an increase in resource allocation, it will be possible for some subsidy to go towards recruitment of teachers. I hope that with the support of the Kenya National Union of Teachers (KNUT), which does not want temporary employment, we will be able to address the issue of teacher shortages in secondary schools.

Another point I want to make is on management of resources, which is a very critical issue. However, I believe that, due to the transparent nature in which the Ministry has been disbursing the funds, those challenges will be overcome. When I visit schools in my constituency, I see the figures of the monies disbursed to them displayed on notice boards. The school committees are very much involved. I must say that there are very few cases of misuse of Constituencies Development Fund (CDF) money by schools, but

it is important to keep on checking to ensure that there is separation, in terms of accounting for CDF money and other monies provided by the Ministry.

Madam Temporary Deputy Speaker, we need more Quality Assurance Officers (QAOs). There has been a shortage of QAOs for years to the extent that other teachers are being used to play this management role, yet they are not supposed to do so but remain professional teachers. I know that there is a shortage of QAOs, but it is very important to address this issue, so that they can not only be able to check the application of finances but also the quality of education being provided.

Finally, I want the Minister not to give an ear to politicians, who are interfering with the management of education in my constituency. Recently, there was a mass transfer of teachers, which I am very happy about because the exercise was based on an analysis of the performance of the affected teachers. The exercise was overseen by a committee at the District Education Office. Some of the teachers who were transferred had stayed in one school for over 13 years, thereby running down the same schools. So, the Minister should stand very firm on those transfers. They must take place. We must avoid promoting clannism and other political interferences in the education sector. In my constituency in particular, I will give the Minister my full support. Let education specialists manage education, and politicians do what they are best trained to do.

With those remarks, I beg to support.

**Dr. Otichilo:** Madam Temporary Deputy Speaker, I rise to support this Motion, but before I do so I want to take this opportunity to thank the Government, and particularly the Ministry of Education for what they are doing. With the introduction of FPE and Free Day Secondary Education (FDSE), we have seen an enormous increase in the enrolment of children in both primary and secondary schools. This is commendable of the Ministry, and the Government generally. The Minister promised in this House that he would release the first tranche of FPE funds early this year, and he did it. We now have no problems because most of the schools are running very well. For that, I thank the Minister.

Costs relating to FPE have really increased. This programme has been in place for almost eight years now. The cost of living has increased disproportionately over the years. So, it is important that the Government looks into the possibility of increasing the funding, so that schools can run effectively. We have had the problem of infrastructure in our schools. Although the CDF has done a lot of work, we still lack sufficient infrastructure, particularly in the new schools that have been developed. In secondary schools, we need additional infrastructure. In primary schools, we need equipment, particularly books. The number of students has increased, but the available books are few.

*[The Temporary Deputy Speaker  
(Dr. Laboso) left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, there is need for the Government to enhance allocation of financial resources to schools, so that schools can buy more books.

However, as more books are bought, the Ministry should come up with a programme of managing the books. The Minister has contributed money toward purchase of books, but, due to poor management, if you go to primary schools, you will not find most of those books. If you find them, most of them are torn. So, the Ministry needs to come up with a programme of managing the book resource. Purchase of books is a big investment, but, because of poor management, most of the books end up disappearing or getting torn.

We also need to look into co-curricular activities, because, due to an increase in school enrolment, most of the co-curricular activities cannot be funded by the money that is currently provided.

Mr. Temporary Deputy Speaker, Sir, you will find that when there are things like sports, schools approach the Members to contribute. They ask the District Education Board (DEB) to ask parents to contribute towards this. This brings a big strain to the parents and also the leaders, particularly the Members of Parliament. So, if we can increase the amount of money that is allocated towards this, programmes like the co-curricular activities can be funded. We have just discussed about the scheme of service for the non-teaching staff. In most of these schools, particularly primary schools, some of the subordinate staff or the non-teaching staff are not paid salaries. They even go for three to six months without salaries. So, it is important that we look at the possibility of increasing this amount, so that money can be available to pay for all these extra-curricular activities, particularly the non-teaching staff.

The other issue that I want to raise is that our Ministry has come up with an ICT Programme and I want to commend it, but the problem is that we have no capacity to implement this programme due to lack of funding. The ICT is so crucial for our schools. If this country is going to become ICT compliant, then we have to start at the primary school level. The Government needs to put in more money, particularly to develop the ICT infrastructure for all our schools. Currently, candidates both in primary and secondary schools need to register online for their national examinations. About 95 per cent of our schools do not have ICT infrastructure. They are having a lot of problems and challenges. With an increase in the amount of money that goes to the free primary education, we should be able to plan and put specific funds for the ICT infrastructure development, so that our schools can have fully fledged ICT infrastructure.

Finally, I want to encourage the Ministry to move forward with the programme on improving the leadership of our schools. The leadership of our schools should be based on performance, so that our head teachers can be evaluated based on performance. Our schools need to come up with a programme on how to build the capacity of heads of schools and set targets for them, so that those who do not meet the set targets are eventually removed to maintain the leadership of our schools. The Government is putting a lot of money in these schools, but because of poor leadership in some of the schools, this money is not being used effectively. We need effective leadership in our schools. That is one area that I would like the Ministry to put a lot of emphasis on. If they do that, we will make use of this money very effectively.

With those many remarks, I want to support this Motion.

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

From the onset, I want to thank Mr. Chanzu for thinking outside the box and bringing this very important Motion before the House. The matter that the hon. Member

has raised has been celebrated in this country eight years ago. The free primary education system established by the Government in this country was something that every part of this world was proud of. All Kenyans celebrated this in a major way. However, the monies that will be allocated to these students also depend on the overall enrolment in the schools. I want the Minister to go out of his way to assist Kenyans to enroll more. There is still a huge percentage of young people who could access education, but have not been enrolled in the education system, first, perhaps because of the nature of the environment they live in.

This brings me to the point of nomadic education. I am very happy that the Minister and his two Assistant Ministers are here. It is very rare for Ministers to appear in the House when a matter that concerns their Ministry is being debated. The Minister has shown leadership and I want to congratulate him together with his colleagues. Very rarely do we have the whole team seated and taking notes, listening and encouraging Members of Parliament on a matter that is very critical.

On nomadic education, the Minister had an opportunity to tour that part of the country. We were excited but somehow that matter has “died” and it looks like there is no much activity going on. The policy has not been implemented or if it has, it has not come to the knowledge of the stakeholders concerned with these issues. I thought the Minister told us that they will have an interim Executive Order. That only required the Minister to speak to the President and get an Executive Order and establishes the National Nomadic Educational Commission which in its own foundation, was supposed to assist increase the enrolment of students to schools in nomadic areas. It is only after the increase in enrolment that this increase will be of benefit to the nomadic children. This is because this money is being given per child in school. If students in a particular area of the country are fewer, then that area continues to receive even less than it should have.

Mr. Temporary Deputy Speaker, Sir, I do not want to speak a lot on this matter because it is fairly straightforward and very genuine. It will assist the Ministry work better, because I know that the Minister does not provide the funds. This will be reflected in the National Budget and will encourage the Deputy Prime Minister and Minister for Finance to allocate more resources to the Ministry. We have always asked that the Ministry should be funded more. The funding as it is now is not acceptable. Even though the Ministry is receiving a substantial amount, I think they deserve more.

I want to contribute on the issue of staff that the Motion Mr. Kioni moved this morning dwelt on. This is very critical and these people need to be considered. But much more important is the leadership of the schools. I had an opportunity to attend the National Primary Heads Association meeting for all the counties in Coast region. A while ago, we had opportunity with the Vice-President and Minister for Home Affairs to speak to headteachers of primary schools. There is real need to develop a scheme of service for this cadre of leadership. Up to now, the “chief executive officers of schools” do not have a scheme of service. They do not have a scheme of service for a very important category of the teaching fraternity, which is responsible for the leadership of our schools. I intend to bring a Motion, if the Minister does not move fast, before the House in order to get a scheme of service for our headteachers, so that they can have a service that is payroll based and is intended to encourage them to perform better. This is because once that cadre of leadership is not encouraged or motivated, there is no scheme of service and they are just called chief executive officers of schools, then it is dangerous. In order to

establish an effective leadership system in our schools, they need to have a scheme of service, so that they know that when you become a headteacher, you are not like any other person. A scheme of service is also required for the primary and secondary schools' teaching staff. This is a very interesting Motion. It is a Motion that should not be debated in great detail because the House will approve it.

Mr. Minister, you can use this Motion as an instrument to push the Treasury to give you more money.

With those few remarks, I support this Motion.

**Mr. Gitari:** Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, let me take this opportunity to thank the Minister for introducing the free primary education and free secondary education funds. I also thank him for availing these funds on time.

Let me also take this chance to thank my colleague here, the Mover, Mr. Chanzu because I feel that this Motion is long overdue. As my colleague said, we do not need to debate a lot about this Motion. When this money was approved in the year 2003, a litre of petrol was going for about Kshs48. Today, a litre of petrol is retailing at Kshs110. So, the cost of living has gone up by about three times. It trickles down such that some of the money which is taken to both primary and secondary schools goes towards paying salaries of some staff members.

So, the net effect is that some of the people in these schools are unable to even raise money to take their children to the same schools. The CDF money is being used towards building infrastructure in some schools. I can bet that this money is not enough because some schools have very high enrolment. I have a school in my constituency where one class has 70 students. So, if this money is increased in these levels, I believe the schools will be able to run independently. The staff who work in these schools will be able to educate their children there.

Mr. Temporary Deputy Speaker, Sir, I have some special interest in education. As you are aware, Kirinyaga District was the first district in KCPE last year. With your permission, I would like to request the Minister to visit my district and congratulate our teachers.

I beg to support.

**Mr. Lagat:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me time to contribute to this very important Motion. I want to support this Motion because it is very important. As we know, Aristotle said: "Education is preparation for quality life." I think we are taking education seriously because we know its importance.

Mr. Temporary Deputy Speaker, Sir, I know that even though we are asking for more funds, we have so many challenges. I support that funds should be doubled for secondary schools and tripled for primary schools. However, there are so many challenges. In many schools, staffing levels are so low. I was so surprised yesterday when I visited one of my schools. I found out that they have some vacant classes. When I asked the principal of the school why that was so, he said that they cannot enroll more students because there is no staff. I think staffing should be taken seriously. In my constituency, some students who graduated in 2003 are yet to be employed to date. So, it is so discouraging at the moment. When you tell a Form IV leaver to join a college or a university and study education, they do not consider it. They think that when you graduate from a college, you do not get employment. I think the Government should take employment very seriously because most of the schools are under-staffed. I think it is a

very serious issue and the Government should take it seriously. When we talk about promoting education, we should also consider the staffing levels. That is because, at the end of it all, our students are not getting quality education due to shortage of teachers.

Mr. Temporary Deputy Speaker, Sir, it is only this year that funds have been released on time. But, all along, it has been a problem. Headteachers are forced to make the students to contribute. Schools cannot run due to the delay in releasing the funds by the Government. I think this time round, I want to congratulate the Minister for making sure that the funds were released early. I think that is very important. Let us continue like that. In the previous years, there were delays.

Mr. Temporary Deputy Speaker, Sir, right now, we are talking about economic problems. We are saying that funds should be increased because what is allocated to the students is not matching with the current economic situation. So, when we talk about free education, let it be so because teachers are forced to make subsidies so that they can sustain the running of the schools.

I think this Motion is okay and I support it.

**Mr. Odhiambo:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this Motion. We wish to congratulate the Government most sincerely for thinking about poor Kenyans who could not afford to take their children to school and, as a result, it introduced free primary education. That has enabled many parents to take their children to schools. As it has been said, the Ministry has done its best to ensure that funds are released to schools depending on the enrolment. But it was just yesterday when we were complaining about the cost of living in this House. That affects everybody else, including parents, children and teachers, in particular.

So, we are supporting this Motion because between the years 2003 and 2011, the cost of living has shot up. It is a realistic thing. We must accept that as a result, therefore, to enable the schools to be managed successfully, we support the Motion. The Government should definitely increase the amount given to both secondary and primary schools.

Mr. Temporary Deputy Speaker, Sir, when this money is increased, good head-teachers who will use it prudently can even save something small which can be used to employ some of the staff because I know that in both primary and secondary schools, we have teachers who are working on terms of the Board of Governors (BoGs) and Parents Teachers Associations (PTAs) and normally they are paid directly by the schools and not the Teachers Service Commission (TSC). By increasing this money, a good head-teacher will be able to save something small and use it to enhance the quality of education in his or her school.

I also want to say that the quality of education in public schools has gone down. We witnessed that during the Form One selection. There was that problem where it was decided that the ratio of those going to national schools from public schools should be bigger. This is because they are not performing well compared to private schools. The reason is because they are not sufficiently furnished with equipment and other necessities.

The cost of books, equipment and other things has gone up. So, public schools cannot compete favourably with private schools because they do not get adequate funding. As we go on doing this, the children of the poor who normally go to public schools will be disadvantaged and the children of the rich who can afford private schools

will be privileged. So, we will be creating a society where those who have will continue to have and those who do not have will continue not to have, and that in itself is like we are breeding future problems for this country.

Mr. Temporary Deputy Speaker, Sir, I also want to say that as we ask the Government to increase this funding, we should look into management of the same because increasing alone is not enough. Any money given to anybody must be managed well. So, I would also request the Ministry or the Government to look into the fact that the managers of schools, that is, headteachers and principals should be trained in school management. They should be properly trained so that they are able to manage these funds properly. When they manage the funds properly, they will be able to run their schools well.

I also want to say that the inspectorate is not adequately funded. Just like we are asking that the Government increases funding for schools, I also wish to say that the Ministry should increase funding for the inspectorate section. This is the backbone of quality performance in schools. They are not able to move because they do not have funds and they do not even have vehicles. So, they are not able to inspect schools and without this inspection, the schools are not run well.

I also want to say that poor staffing also contributes to poor performance. So, besides asking the Government to increase this funding, it should also look into the idea of increasing the staffing levels. Some of the teachers are taking advantage of this and are charging parents money. I know of some of the schools in my constituency where teachers have been asking Standard eight pupils to pay Kshs2,500. So, the idea of free primary education loses meaning when parents are asked to pay as much as Kshs2,500 and yet they cannot afford. If we increase this money, we will be in a position to monitor, through the inspectorate section and ensure that no extra funds are demanded from parents.

Mr. Temporary Deputy Speaker, Sir, finally, there was this issue where some loss occurred in the Ministry of Education. Some of the money that we disburse to schools is from donors. When donors bring that money they want to see it used well. When they hear that the money was not used well and has gone somewhere else in the Ministry---

I am glad that the Minister is here, we do not know what became of the inquiry about the money that was misappropriated. We do not know what happened. There was a time in the Ministry when some people were suspended.

**The Minister for Education** (Prof. Onger): On a point of information, Mr. Temporary Deputy Speaker, Sir. Just to inform the hon. Member, those were imprests and the matter is very active in court. Therefore, it would be wrong to discuss it further than that. There are more and more who have been taken to court.

**Mr. Odhiambo:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for that information. Well, as a Kenyan I think I was also just entitled to know what you have told us, that the matter is in court.

Finally, we should be able to improve the performance in our education. We should be able to give incentives to our teachers, particularly the primary school teachers. We should have a scheme of service for them.

In secondary schools, something is going on now and they can move up the ladder. They have Principal I, II or III, Senior Principal and Chief Principle. In primary schools we should also have a scheme of service for the primary school teachers and also

the head teachers. Some of the teachers have been on the same grade for a long time. This in itself demoralizes them. Apart from increasing the fund, you should also look into the possibilities of having a scheme of service for our teachers, especially in the primary section.

With those few remarks, I beg to support.

**Mr. Ruteere:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to speak on this very important Motion, which I support.

Since the start of the free primary and free secondary education, the enrolment in our schools has improved. We have realized that with the start of day secondary schools, many children who would otherwise not have got the opportunity to transit to secondary schools are going to school these days. However, we realize that we have many orphaned children in our society. We have a lot of poverty in our society. Some parents have more than three or four children in secondary schools, yet their income cannot even meet the basic needs of one child.

Mr. Temporary Deputy Speaker, Sir, it is time the Government thought about the poor. The poor children may have parents, but they cannot meet their needs. It is time we do not just concentrate on the orphaned children. The criteria given for the bursary funds that are channeled to constituencies and districts favour the orphaned almost 100 per cent, especially in situations where we have many orphans. I would urge that the population of the needy be looked into when channeling these funds to the constituencies.

In my constituency, last time I got Kshs1.2 million. This did not meet the needs of even half of those who needed the money for bursaries. Many students were left crying. When we went to the Constituencies Development Fund (CDF), there were so many students in universities and tertiary institutions, and because of the size of the constituency we could not meet their needs. So, it is time that these funds are increased, so that the poor are taken care of. Unless we address ourselves to the plight of the poor right now, we will have more people demonstrating on the streets, wanting to have food. This is because they are not able to transit to institutions of higher learning. They will not be able to complete their studies. We have seen that in some situations it is the bright children who are always sent home. They are the ones always told to go and get fees. We know, as has been said, schools are supposed to ask for fees to pay teachers. This is because there are no teachers. In primary schools when there is a shortage of teachers, parents must come in and hire teachers. The issue of free primary education then becomes meaningless.

In day secondary schools, the Government registers the school, gives the principal and sometimes the deputy. The rest of the teachers are then employed by the parents. The free secondary education then also becomes meaningless. So, if a school has been registered it should be taken over entirely by the Government. All the teachers must be provided by the Government. It is upon the Minister for Education to make sure that they employ enough teachers, if we are to have good standards of education.

I beg to support.



## **ADJOURNMENT**

**The Temporary Deputy Speaker** (Prof. Kaloki): Hon. Members, it is now time to adjourn the business of the House. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.