

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 10th October, 2012

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following papers were laid on the Table:-

Report of the Departmental Committee on Delegated Legislation on the Draft Elections Regulations, 2012.

Report of the Departmental Committee on Delegated Legislation on the Draft Elections (Voter Education) Regulations, 2012.

(By Ms. Amina Abdallah)

QUESTIONS BY PRIVATE NOTICE

SHOOTING OF MR. TOM O BONYO AT
KOMAROCK ESTATE

(Eng. Rege) to ask the Minister of State for Provincial Administration and Internal Security:-

(a) Under what circumstances was Mr. Tom Opiyo Bonyo, a former Director of Agricultural Services in the Ministry of Agriculture, shot dead near his residence in Komarock Estate on 17th September, 2012?

(b) Has any suspect(s) in relation with the incident been arrested and charged in court?

(c) What is the status of the investigations on the matter?

Mr. Speaker: Hon. Members, I am aware and I do recollect that the hon. Member for Karachuonyo is away on parliamentary business to represent the Kenya National Assembly at the National Prayer Breakfast for the Republic of Uganda in Kampala. So, I will have to defer this Question until such time that he returns to the country.

(Question deferred)

GAZETTEMMENT OF LAND IN NORTH HERR
FOR GITSON ENERGY

(Mr. Chachu) to ask the Minister for Lands:-.

(a) Under what circumstances was the 60,705 hectares of land in Bubisa Location, North Horr Constituency set aside for Gitson Energy by the Commissioner of Lands through Gazette Notice No.13135 of September 21st, 2012, contrary to Article 64 (4) of the Constitution?

(b) Is the Minister aware that the local communities in Bubisa were not adequately consulted before the communal land was set aside for the private firm?

(c) Could the Minister consider de-gazetting the land until adequate consultation is made?

Mr. Speaker: Where is the hon. Member for North Horr?

Hon. Members, I have no explanation as to the whereabouts of the hon. Member for North Horr. So, we will apply the rules. The Question is dropped.

(Question dropped)

MURDER OF MS. TERESIA WANGARI IN KAKAMEGA

Ms. Karua: Mr. Speaker, Sir, I beg to ask the Minister of State for Provincial Administration and Internal Security the following Question by Private Notice.

(a) Is the Minister aware that Ms. Teresia Wangari was murdered by known persons in Kakamega on 16th July, 2012?

(b) Have the police made any arrest so far?

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

(a) I am aware that on 17th of July, 2012, the body of Ms. Teresia Wangari was recovered by villagers in Kakamega Forest along Kimbiri-Cheruvani Road in Cheruvani Village, Lunga Sub-location. Police from Kakamega Police Station visited the scene and commenced investigations immediately vide OP No.74 of 17th July, 2012, while the body was removed to Kakamega District Hospital Mortuary for preservation.

(b) One suspect, Richard Asilwa Humphrey, has so far been arrested and charged before Kakamega Law Courts vide CR921867/2012 Criminal Case No.28 of 2012. The case has been scheduled for hearing on 29th October, 2012. Three other suspects have been identified, but are still at large, and efforts are being made to arrest them and bring them to book.

Thank you very much, Mr. Speaker, Sir.

Ms. Karua: Mr. Speaker, Sir, while thanking the Assistant Minister for that answer, some of these suspects were known to the deceased. Now that one of them has been arrested and was arraigned in court, what are the police doing to use the available information and whatever leads they can get from him to make sure that all the other suspects are arrested?

Mr. Khang'ati: Mr. Speaker, Sir, it is true that the suspects are known and several leads are being followed. I want to assure the hon. Member that even these three suspects who are at large are going to be arrested and brought to book.

Mr. Mututho: Mr. Assistant Minister, are you using modern technologies to try and confirm these incidences and, in particular, when people are said to be known and they are still walking scot free yet they have murdered an innocent lady, for that matter?

Mr. Khang’ati: Mr. Speaker, Sir, the police and other relevant agencies in charge of security all the time try to use modern technology. I have no doubt in my mind that it is the same with this case but it will be useful for the hon. Member also to know the geography of the area. The area where the deceased was attacked and murdered borders Kakamega Forest which is a huge forest. In fact, the body was recovered from the forest. Therefore, these suspects very easily sneaked into the forest and it will take a little bit of time before they are smoked out.

Mr. Kombo: Mr. Speaker, Sir, the Assistant Minister has said that the suspects are known. Why is it taking such a long time to find them? Are they using the local administration, for example, the village elders and sub-chiefs who would know the area and comb it to the last point to ensure that these people are found? It is not a very large area that it cannot be covered.

Mr. Khang’ati: Yes, Mr. Speaker, Sir, we are using every means possible, including the local administration, to ensure that the suspects are arrested.

Mr. C. Kilonzo: Mr. Speaker, Sir, the Assistant Minister has said something very interesting. He said the suspects got into the forest and it is taking too long for the Government to trace and smoke them out. Is he saying that the Kenya Police cannot get people who are in a forest whereas the military went all the way to Somalia and got rid of *Al Shabaab*?

Mr. Khang’ati: Mr. Speaker, Sir, I do not really appreciate the comparison that Mr. C. Kilonzo is trying to make. *Al Shabaab* had fixed bases in Kismayu and other towns. These are suspects on the loose---

Mr. Speaker: Order, Assistant Minister! I see nothing wrong with both the challenge and even the comparison. The hon. Member for Naivasha did ask you a simple Question: “Are you using modern technology?” How is your forensic investigation, for example? We do know that if you are using modern methods of investigation--- Even for you, if you leave that seat and you had committed a crime anywhere today or in the recent past, I can still be able using modern methods of investigation to know that hon. Khang’ati sat on this chair. That is the challenge being put to you.

(Applause)

Proceed, Mr. Assistant Minister.

Mr. Khang’ati: Mr. Speaker, Sir, I have indicated that, indeed, we are using modern technology, but we have not so far arrested the three individuals. It must be appreciated that there were four of them. One of them has already been apprehended and he has given us some useful information which we are going to use to arrest the rest.

Mr. Kigen: Mr. Speaker, Sir, the Assistant Minister has confirmed to this House that the criminals are known. I do not know what he is investigating then, because if he knows them. It is just to arrest them. Why can he not arrest them?

Mr. Khang’ati: Mr. Speaker, Sir, the fact I confirmed was that the criminals are known, but they are at large. However, they have disappeared somewhere; possibly in the forest. They are not sitting there waiting for police to arrest them. These are people who committed murder. They know very well that if they allow themselves to be arrested, they will be charged with murder. So, they are not just waiting, as it were, to be arrested and we have failed to do so. So, I plead with hon. Members that they should allow us time, so that we chase the leads that we know, arrest and bring these criminals to book.

Ms. Karua: Mr. Speaker, Sir, while I thank the Assistant Minister for, at least, that one suspect who was arrested, I will go back to the issue of technology. Without spelling out how he

should go about it so that we do not warn the criminals to know, could he undertake that he will use modern technology, and if he needs us to spell it out to him, we can do so privately in this House, so that he causes the arrest of the three suspects who are at large? We would want to see them tried alongside the one who was arrested by the end of this month.

Mr. Khang'ati: Yes, Mr. Speaker, Sir, I undertake to do everything possible, including the use of modern technology and any other technology, to ensure that the criminals who are at large are arrested and brought to book.

Mr. Speaker: Next Question by the hon. Member for Mvita.

ORAL ANSWERS TO QUESTIONS

GOVERNMENT POLICY ON SHARING OF PROCEEDS FROM MINERALS

Mr. Speaker: Is the hon. Member for Mvita not here?

(Question dropped)

SUSPENSION OF PENSION FOR MR. JONES M. MUKAMBA BY TSC

Mr. K. Kilonzo asked the Minister for Education:-

(a) whether he is aware that Mr. Jones Muvengei Mukamba (TSC No.26438) was released by the Teachers Service Commission (TSC) to the Department of Defence with effect from 3rd September, 1979, and that upon his release, the TSC suspended his pension in respect to his teaching service and undertook to pay him upon his retirement from the Armed Forces;

(b) whether he is also aware that the said person has not been paid the pension since his retirement from the Armed Forces on 28th September, 2007; and,

(c) how much his pension will be and when he will be paid.

Mr. Speaker: Minister for Education? Is the Minister for Education not here?

Hon. Member for Mutito, we will revisit this Question a little later during this sitting and hope that the Minister will be here then.

Next Question!

Question No.1739

REHABILITATION OF KAMOR LIBAN-DAMASA ROAD

Mr. M.H. Ali asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that Kamor Liban-Damasa Road is a security road and is currently in bad state; and,

(b) when the Minister will repair the road to motorable condition.

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

(a) I am aware that Kamor Liban-Damasa Road is a security road---

*(Mrs. Ngilu crossed the Floor without
Bowling to the Chair)*

Mr. Speaker: Order, Mrs. Ngilu! That is not the practice here!

(Mrs. Ngilu walked back and bowed to the Chair)

Proceed, Mr. Assistant Minister.

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

(a) I am aware that Kamor Liban-Damasa Road, which is in Lafey District, is a security road and is about 12 kilometres long. It was repaired in 2011. However, it has since then been damaged by the November/December rains of the same year.

(b) In fact, when this answer was being prepared, I discussed the situation with the Accounting Officer and I want to give an assurance to the hon. Member that now plans are underway to have the road repaired during the month of November, 2012.

Mr. M.H. Ali: Thank you, Mr. Speaker, Sir. I really appreciate the Assistant Minister's answer and thank him for ensuring that the funding for the repair of the roads will be done in November this year, just a month away. But I would like to ask him how much will be put to this road, so that it can permanently be in use.

Mr. Khang'ati: Mr. Speaker, Sir, it is not possible for me, at this point in time, to let the House know how much money is going to be committed because following the Question and, indeed, my intervention, the procurement process has just started. So, I do not have the amount involved at this point, but hopefully in another two weeks' time before the commencement, I will contact him and indicate to him how much money will have been committed to the repair of the road and exactly what will be done.

Mr. Letimalo: Mr. Speaker, Sir, the road cited may not be the only security road that is in a deplorable state. The question is: Has the Assistant Minister identified and mapped out security roads in the country to know those that need maintenance? What plans do you have to ensure that those roads are maintained?

Mr. Khang'ati: Mr. Speaker, Sir, I gave out information yesterday regarding security roads. For the benefit of the Member of Parliament, we have identified 176 security roads. Rough estimates were made amounting to Kshs500 million. The Treasury only allocated us Kshs100 million. It is one fifth of what we require. We are using that money to ensure that as many of those 171 roads are put in good condition.

Mr. Kigen: Mr. Speaker, Sir, the problem of cattle rustling is normally along the roads termed as security roads. If the Ministry is really intending to scale down the problems of insecurity and cattle rustling in particular, what efforts are you making currently to ensure that you get additional funding to assist you to make those roads motorable to security personnel in particular?

Mr. Khang'ati: Mr. Speaker, Sir, this is a responsibility which I consider to be joint - it is our office and, indeed, this Parliament when it comes to the issue of allocation of funds. I have stated that we did not receive enough funds as we would like. An appeal has been made to the Treasury---

Mr. Speaker: Order, Assistant Minister! A simple question: What efforts are you making to ensure that you have enough funds? Simple!

Mr. Khang'ati: Mr. Speaker, Sir, that is exactly what I was informing the House---

Mr. Speaker: Come to it quickly.

Mr. Khang'ati: Mr. Speaker, Sir, the amount of money that we were given this financial year was not enough. We are hoping that in the revised estimates, some additional money is going to be allocated to us so that we can meet this need.

Mr. Speaker: Very well, Assistant Minister. Indeed, your answer will have been so easy because the question was that easy. You would have started by simply saying that we have requested for more money and we hope the allocation will come in the Supplementary Estimates. It would have done it.

Assistant Minister, this is a different ball game.

Ms. Karua: Mr. Speaker, Sir, I would like the Assistant Minister to tell the House that even with the little he acknowledges he has received in terms of allocation, that road, being in the furthest point of northern Kenya, and the insecurity in that area comes not only from within but also from without, is he considering prioritizing that road above other security roads?

Mr. Khang'ati: Indeed, Mr. Speaker, Sir, in terms of priority, roads from arid areas and border posts are the ones which receive attention.

Mr. M. H. Ali: Mr. Speaker, Sir, my last question to the Assistant Minister is: Damasa Town is right at the border and, right now, our forces are camped there. There is a lot of patrolling which needs to be done between Bulafei through Damasa to Fino to Mandera Town. That is because there have been a number of attacks from the side of Somalia in the recent months. In the same breath, as Ms. Karua has said, I want the Assistant Minister to confirm to this House that he will prioritize that road and allocate reasonable money so that the road is in use come rain or shine.

Mr. Khang'ati: Mr. Speaker, Sir, I have already given an undertaking that, that road is going to be repaired starting from next month. I have also indicated that, at this point in time, I am not able to say how much money will be committed to the road works that will be done.

Mr. Speaker: Next Question by the Member for Naivasha!

Question No. 1678

MONIES OWED TO NAKURU RURAL WATER AND
SANITATION COMPANY BY DIRECTOR OF WATER

Mr. Mututho asked the Minister for Water and Irrigation:-

(a) whether she is aware that the audit reports by the Auditor-General have confirmed that the Director of Water in the Ministry owes Nakuru Rural Water and Sanitation Company Limited Ksh167, 206,140; and,

(b) when the debt will be paid to enable the company effectively discharge its mandate to the residents of Nakuru County.

The Minister for Water and Irrigation (Mrs. Ngilu): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware that audit reports by the Auditor-General have confirmed that the Director of Water in the Ministry owes Nakuru Rural Water and Sanitation Company Ltd. Kshs167, 206,140.

(b) My Ministry recommends that the debt should be removed from the records of the Auditor-General. That is because my Ministry, at its cost, has supported Nakuru Rural Water and Sanitation Company Ltd to effectively discharge its mandate. The support has included providing water treatment chemicals, paying electricity bills, paying salary to staff seconded to the company, training the staff and supporting investment in supply expansion to the company. So far, the support the company has received from the Ministry amounts to Kshs334, 176,750 which, as you can see, exceeds the amount of money the company would like to claim from the Ministry.

Mr. Mututho: Mr. Speaker, Sir, which accounting procedure is the Minister trying to introduce; battering debts and abdicating your role as a Ministry just to avoid the debt? Can you confirm that you will pay that money because what you are calling Kshs334 million or whatever it is, is supposed to be your job? You cannot batter your role and what you are paid for and assigned to do by refusing to pay what you owe to others.

Mrs. Ngilu: Mr. Speaker, Sir, while I agree with what the hon. Member is saying, he should also realize that it is not the duty of the Ministry to continue supporting water companies. The water companies should be able to support themselves. However, when they cannot afford some of the expenses that they incur, the Ministry comes in to support them. As much as it looks like battering services, we have actually supported them with much more than what we owe them. Therefore, it is a question of them paying us and then we can pay them. I do not think they are in a position to do so.

Mr. Kigen: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to try and avoid answering the question? Where she is supposed to carry out her obligation, why would she then use that as a payment mode for services rendered while she is owing---

Mr. Speaker: Order, Member for Rongai! You said: "Is it in order for the Minister to avoid answering the question." I want you to be precise and say which question she has avoided to answer.

Mr. Kigen: Mr. Speaker, Sir, she has avoided to answer the question where she is asked to tell the honorable House what form of accounting she is introducing by not undertaking her duty to the water company in Nakuru in exchange of the services rendered to her.

Mr. Speaker: Minister, did you avoid to answer that question? Was it asked?

Mrs. Ngilu: Mr. Speaker, Sir, I did not avoid to answer that question. Actually, if you do simple quick arithmetic and say Kshs334 million that we have paid on behalf of the company and the Kshs167 million that they would like us to pay them, you will find that the company actually owes the Ministry another Kshs168 million. Therefore, you want to ask yourself: Do we ask the company to pay the Ministry or do we say we have actually supported the company to discharge its mandate?

Mr. C. Kilonzo: Mr. Speaker, Sir, when it comes to issues of audit, I will trust the Auditor-General and, definitely, not the Minister and, more so, when the Minister is a politician. So, if that is the case, how come the Auditor-General never picked it up when he was doing the audit?

Mrs. Ngilu: Mr. Speaker, Sir, actually, the Auditor-General picked this up. However, we also said: "Yes. We also know that we owe Nakuru Rural Water and Sanitation Company Ltd. Kshs167 million but, however, we have spent Kshs334 million on them to discharge their duties. So, do we have to spend much more on them by giving them back the Kshs167 million and ask them to pay us back?" I know that this does not sound like very good way of doing things, but this is also allowed within the Government.

Mr. Speaker: What is it, Mr. Linturi? Do you want to rise on a point of order?

Mr. Linturi: Mr. Speaker, Sir, no. Mine is---

Mr. Speaker: Order! I have picked you on a point of order because you put in a request at intervention. I can see another request---

Mr. Linturi: Mr. Speaker, Sir, kindly, indulge me so that I ask a supplementary question.

Mr. Speaker: I will not because I have rules which I must follow. Member for Naivasha, carry on.

Mr. Mututho: Mr. Speaker, Sir, the money that the Minister purports to pay that particular company is money that is voted from the Exchequer here for specific purposes as required by the law. It is not a gift. It is not meant to go and settle her debts with the companies where she consumes the goods, just like furniture. When will you settle those bills as per the recommendation by the Auditor-General?

Mrs. Ngilu: Mr. Speaker, Sir, in this very same House, we passed the Water Act (2000). Those water companies are supposed to be independent and do their own work. However, I have to answer questions every other day about water companies that have failed to pay their debts. The Ministry then comes in to support them. Now, when the Ministry comes to support them, nobody says that they Ministry should not support them. I am now surprised that the hon. Member is asking that the Ministry should pay this money when he, himself, also knows that we have been supporting the company to the tune of Kshs334 million against Kshs167 million.

Ms. Karua: On a point of order, Mr. Speaker, Sir. Is it in order for the Minister to fail to answer the specific question asked by the Member for Naivasha? That is payment for services rendered - for water supplied to the Director of Water Services. The monies the Minister claims is supporting the water company are monies voted by this House for that specific purpose. Is she in order to fail to answer the question and, by extension, kill her own water companies?

Mrs. Ngilu: Mr. Speaker, Sir, let me just say that the water was not supplied to the Director of Water Services. It is just in the books that the Director of Water Services is the one who is charged with the responsibility of ensuring that all those water companies work. Where they do not work as expected, then the Director must come to their support and to their aid. This is what he did. Therefore, I do not see how the Director would be expected--- I know this company will still have some problems. They will still come to the Director for support. Once that happens, the Director will still give support to the water company.

Mr. Speaker: Order, Minister! There is the second part of the point of order which you have not responded to.

There is a second part of that point of order which you have not responded to; the money which you are saying you have supported that water company with was, in fact, voted by this House for that purpose. So, you have not done anything extra.

Mrs. Ngilu: Mr. Speaker, Sir, actually, that is not the case. We have had to take money from other votes to support the water companies. The water companies are supposed to be independent and limited companies that make money. However, from time to time, they run into trouble with resources and had to come to their rescue. So, there is actually no money voted to support water companies other than for building the assets for them and after that, we leave them to do their own work.

Mr. Speaker: Very well, Minister. That is fairly interesting bearing in mind that Ms. Karua is your predecessor at that Ministry, yet your conception of issues is miles apart.

Question No.1706

FAILURE TO RELEASE FUNDS FOR BOARDING PRIMARY
SCHOOLS IN SAMBURU EAST DISTRICT

Mr. Letimalo asked the Minister for Education why he has failed to release funds meant for low cost boarding primary schools in Samburu East District and when the funds will be released.

Mr. Speaker: Minister for Education! We now need an account of the whereabouts of this Minister. This is the second Question. Mrs. Ngilu, do you want to hold brief for your colleague? What is or is not happening to him?

The Minister for Water and Irrigation (Mrs. Ngilu): Yes, I will do that. I will pass a message to him.

Mr. Speaker: Fair enough. I will want to defer this Question to tomorrow afternoon and let the Minister know that we will deal with him in accordance with the Standing Orders.

Next Question is by hon. Member for Turkana Central. Hon. Members, I have information that I had, in fact, granted leave to the hon. Member for Turkana Central to be away. So, this Question is deferred until such time that he returns to the country.

Question No.1667

NON-ALLOCATION OF ECONOMIC STIMULUS
PROGRAMME MONEY TO TURKANA

(Question deferred)

Mr. K. Kilonzo: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Hon. Member for Mutito, I know we have said that we will revisit your Question. So, you should be patient. Learn to trust your Speaker.

Next Question is by Mrs. Odhiambo-Mabona. I have information that she is running from some other business to the House. So, I will revisit the Question later.

Question No.1727

ESTABLISHMENT OF MARITIME COLLEGE IN KISUMU

Next Question by Mrs. Noor.

Question No.1771

ASSAULT ON PASTORALIST COMMUNITIES IN
LAMU BY KPR OFFICERS

Mrs. Noor asked the Minister of State for Provincial Administration and Internal Security:-

(a) what the mandate of the Kenya Police Reserve (KPR) is;

(b) to inform the House how many police reservists (KPR) are there in the country and what their distribution is per county; and,

(c) whether he is aware that the said officers are assaulting, attacking and abusing the pastoralist community in Lamu county.

The Assistant Minister for Provincial Administration and Internal Security (Mr. Khang'ati): Mr. Speaker, Sir, I beg to reply.

According to Section 110(3) of the National Reserve Police Service Act, 2011, the reservists may be deployed in Kenya to assist the Kenya Police Service or the Administration Police Service in their respective mandates including:-

- (a) maintenance of law and order;
- (b) preservation of peace;
- (c) protection of life and property;
- (d) prevention and detection of crime;
- (e) apprehension of offenders and
- (f) enforcement of all laws and regulations with which the service is charged.

Mr. Speaker, Sir, I beg to table an extract of the National Police Service Act, 2011.

(Mr. Khang'ati tabled the document)

(b) There is a total of 7,003 police reservists in the country, and their distribution is as follows:-

Marsabit County	-	1,778
Isiolo County	-	238
Meru	-	98
Garissa	-	158
Wajir	-	359
Mandera	-	583
Tana River	-	590
Lamu	-	181
Turkana	-	1,165
Samburu	-	779
Pokot	-	526
Trans-Nzoia	-	512
Keiyo/Marakwet	-	22
Baringo	-	16
TOTAL	-	7,003

(c) I am not aware that the Kenya Police Reservists in Lamu County are assaulting, attacking and abusing pastoralists or any other person for that matter. However, I am aware of only one incident that occurred on 9th August, 2012, where police reservists were attacked by pastoralists while patrolling Pamu Ranch within Mukunumbi Area. The pastoralists had invaded the ranch with their cattle. During the ensuing scuffle, six people, including three Kenya Police Reservists and three pastoralists were injured. The pastoralists also damaged a motor vehicle Registration No. KAL 818X, a Toyota Hilux, double cabin. The incident was reported at Mpeketoni Police Station vide OB Nos. 13 of 10th August, 2012 and 31 of 12th August, 2012,

case file Nos. CR374/98/2012 and 374/99/2012 were opened respectively and are pending under investigations. Once investigations are complete, appropriate action will be taken.

Mr. Letimalo: Mr. Speaker, Sir, given that the Kenya Police Reservists supplement the work of the police as explained by the Assistant Minister, could he explain to the House how the Government appreciates the services rendered by the Kenya Police Reservists, particularly in terms of remuneration and provision of materials like uniform?

Mr. Khang'ati: Mr. Speaker, Sir, it is true that the Police Reservists do a great job but it is basically on a volunteer basis.

Mrs. Noor: Mr. Speaker, Sir, I thought I should be given the first slot---

Mr. Speaker: Order, Mrs. Noor! Why can you not use your opportunity and use it well?

Mrs. Noor: Mr. Speaker, Sir, the Assistant Minister said that there was one incident and I want to tell this House that it was more than one. When we got that information, *Mhe* Shakila and I took the initiative to go to the ground. We met with the County Commissioner, the District Commissioners (DCs), Provincial Police Officer (PPO), and Officer Commanding Police Division (OCPDs) of Lamu County. We held many meetings and it is true that the Police Reservists used excessive power to abuse the people of Lamu County. I am asking the Assistant Minister what he is going to do, so that the Police Reservists in the country can stick to their mandate. They should not go beyond that. This is a serious issue which can cause a problem. We are peace loving people and we want security in this country. What is the Assistant Minister doing to make sure that there is peace, and that his officers do not abuse their offices by using excessive force to maintain peace and order in this country?

Mr. Khang'ati: Mr. Speaker, Sir, while appreciating the effort that was made by the hon. Member of Parliament; the interventions that she took to ensure that we had peace and good understanding, I want to assure her that there is no single time we have condoned lawlessness either from individuals, the regular police or the reservists.

I have already indicated that the single matter that has been brought to our attention is still under investigation. If indeed it is found out that our officers used excessive force, then disciplinary action will be taken. We do not want our officers to be seen as people who are disrupting peace or who are making citizens to live in fear. So, my assurance to the hon. Member is that once the investigations are complete, we will ensure that any officer whether regular or reservist who has abused citizens will be disciplined appropriately.

Mr. James Maina Kamau: Mr. Speaker, Sir, could the Assistant Minister tell the House the criteria used in selecting these reservists and also tell us where they are trained?

Mr. Khang'ati: Mr. Speaker, Sir, the reservists are basically volunteers. They work alongside the regular police officers and Administration Police officers. Within that arrangement, they get sufficient training. They know the code; what to do and what not to do.

Mr. Sirat: Mr. Speaker, Sir, if one or few of these Kenya Police Reservists die in the course of duty; defending a particular location, why can the Government not compensate them? For example, early this year, a gentleman fiercely fought some *Al Shabaab* militants in Gerile Location but unfortunately, he was killed. He left behind a wife and seven children and they do not have anything to eat. Why can the Government not compensate the families of these officers when they die in the course of duty?

Mr. Khang'ati: Mr. Speaker, Sir, I am not aware of the case which the hon. Member is referring to. I will request that he brings it to my attention so that consultations are made with the relevant Government agencies to find ways and means of helping the family.

Mrs. Noor: Mr. Speaker, Sir, you have heard the Assistant Minister say that 7003 Kenya Police Reservists are working on voluntary basis. They do not have any resources allocated to them from the Government and these are people who can be hired by anybody any time. They are provided with guns by our Government. Could the Assistant Minister confirm that these people have been hired by people and that has created conflict in this country? That is why we are having all these problems of insecurity in this country because there is no proper way of monitoring them and giving them incentives. Because they are not given incentives, they go out and get incentives from persons who want to misuse them.

Mr. Khang'ati: Mr. Speaker, Sir, the police reservists are volunteers. They are very good Kenyan citizens who want this country to be peaceful. The allegation that these police officers are hired is a far-fetched allegation which my office is not aware of. If indeed the hon. Member is aware of any single incident where a police reservist armed or otherwise has been hired to disrupt peace and order, then that should be brought to my attention.

What I know is that they are very good Kenyan citizens and they are doing a great job. As we move forward under the police reforms that are ongoing, we will find a way of compensating them.

Question No.1797

DELAYED IMPLEMENTATION OF RECOMMENDATIONS ON
MICHIIKURU TEA GROWERS SACCO

Mr. Ruteere asked the Minister for Co-operative Development and Marketing:-

(a) whether he is aware that Michiimikuru Tea Growers Sacco is unable to meet its financial obligations to its shareholders due to financial mismanagement and theft by its previous management committee,

(b) whether he is further aware that an inquiry instituted by the Ministry in 2008 recommended that the members involved in the mismanagement be prosecuted, among other things; and,

(c) why the Ministry has not implemented the recommendations contained in the report of the inquiry on the matter.

Mr. Speaker: Where is the Minister for Co-operative Development and Marketing?

Attorney-General, do you want to hold brief for the Minister for Co-operative Development and Marketing and perhaps let us know what is happening to him?

The Attorney-General (Prof. Muigai): Mr. Speaker, Sir, to the extent that I would like to take responsibility for alerting the Minister that this issue was raised in his absence and that the Chair expects him to provide an answer at the earliest possible opportunity, as you may direct.

Mr. Speaker: Very well. I will defer this Question to tomorrow afternoon and let the Minister be aware that he is already in breach of our Standing Orders and that we intend to take action tomorrow even as the Question comes on the Order Paper.

(Question deferred)

Question No. 1793

NON-ISSUANCE OF TITLE DEEDS TO KWA NDOLO/
ITHANGA/TUMUTUMU RESIDENTS

Mr. Mbai asked the Minister for Lands:-

(a) what is the status of all settlement schemes in Masinga Constituency, especially Kwandolo, Ithanga and Tumutumu areas;

(b) how many people have been settled in those schemes and how many land owners have been issued with a discharge or transfer documents for the purpose of issuance of title deeds for the last six years; and,

(c) how much of the Settlement Fund Trustees loan has been collected for the last six years and whether he could provide a list of the names of the people who have cleared their loans and indicate when they will be issued with title deeds.

The Assistant Minister for Lands (Mr. Rai): Mr. Speaker, Sir, I beg to reply.

(a) Masinga District has a total of six settlement schemes namely Ithanga Basin, Ndithini Phase I, Ndithini Phase II, Kwandolo, Tumutumu and proposed disputed Kaseku and Kwa Drake Settlement Schemes. They are all squatter settlement schemes.

(b) Ndithini Phase I and Ndithini Phase II settlement schemes were established in 1969 and registered in 1991. The Ministry is at different stages of documenting individual plot holders as they clear their land loans. Tumutumu, Ithanga Basin and Kwandolo Settlement Schemes were started in 2008 and have not been registered. Several land owners in these unregistered schemes have cleared their SFT loans and will be issued with title deeds once the registration process is finalized.

There are two other proposed squatter settlement schemes namely LR 3567 Kwa Drake. The settlement exercise on this land remains suspended pending the hearing and determination of court case No.12 2005 in Machakos High Court.

GL 3529R Kaseku, the exercise of settling squatters on this land is earmarked for commencement in the next financial year. A total of 4,999 people have been settled in Kwandolo, Ithanga and Tumutumu settlement schemes. Discharge and transfer documents have not been issued because the schemes have not been registered.

(c) A total of Kshs14, 650,493 in form of Settlement Fund trust land loan repayment has been collected in the three settlement schemes. I hereby table the list of allottees who have already cleared land loans and whose title documents will be processed immediately on registration of the schemes. The maps are with the Director of Survey for checking and preparation of registry index maps.

Thank you.

(Mr. Rai laid the document on the Table)

Mr. Mbai: Mr. Speaker, Sir, I appreciate the answer given by the Assistant Minister. But he has admitted that a total of Kshs14,650,493 in form of Settlement Fund Trustee (SFT) land loan repayment has been collected. These monies were collected more than four years ago. These farmers are poor Kenyans who have disposed of their goats and cattle to pay the loan so that they can get their title deeds. How long does the Director of Survey take to register these schemes so that these people can get their title? It has taken a long time.

Mr. Rai: Mr. Speaker, Sir, I do agree with the Questioner that there has been some delay. The monies were not paid in one day, but we are on the final stage on these matters. Immediately after the survey is completed, the registration will be done and the titles will be issued. However, I really sympathize with the Questioner because it has taken some time because the monies were not paid in one day.

Mr. K. Kilonzo: Mr. Speaker, Sir, listening to the Assistant Minister, one realizes that he is not categorical. He has said that the money was not paid at once and that as soon as the survey is complete--- When will the people of Masinga get their title deeds? The idea of the Government imagining that it can collect money and after four years, it cannot execute its mandate is long gone. When will the title deeds be issued to the people in the settlement schemes who paid money long time ago and are waiting?

Mr. Speaker: Order! The Member for Mutito, you will realize that in the last part, you are now going over it again and again.

Yes, Mr. Assistant Minister!

Mr. Rai: Mr. Speaker, Sir, as I have said earlier on, these monies are sometimes not paid in one day, but they are paid gradually. We have gone to the last stage. We agree that monies to this tune have been collected and we still expect some money to be paid. We have now sent the monies to ensure that survey is ongoing and registration will be done. I have even spoken to the Director of Survey and I believe that he will have completed the exercise in the next 60 days so that he can refer the matter to the Registrar for the purpose of registration in order for titles to be issued.

Mr. Speaker: Last question, the Member for Masinga!

Mr. Mbai: Mr. Speaker, Sir, while I agree with the Assistant Minister, I think that he needs to do something to make sure that--- The people in Kwandolo and Ithanga are the most affected since they paid their money four years ago. The Assistant Minister should do something to expedite issuance of title deeds to these people.

Mr. Rai: Mr. Speaker, Sir, while I agree with the sentiments by the hon. Member that the exercise started in 2008 and it is quite sometime now, as I have told him, within the next 60 days, I believe that survey will have been completed and the matter referred to the Chief Land Registrar so that registration is completed and titles issued. I will personally ensure that I make a follow up on this matter so that, at least, I keep the honourable Questioner informed of what is happening in my office. This will ensure that his people are issued with title deeds.

Question No.1818

SUSPENSION OF PENSION FOR MR. JONES
M. MUKAMBA BY TSC

Mr. K. Kilonzo asked the Minister for Education:-

(a) whether he is aware that Mr. Jones Muvengei Mukamba (TSC No.26438) was released by the Teachers Service Commission (TSC) to the Department of Defence with effect from 3rd September, 1979 and that upon his release, the TSC suspended his pension in respect to his teaching service and undertook to pay him upon his retirement from the Armed Forces;

(b) whether he is also aware that the said person has not been paid the pension since his retirement from the Armed Forces on 28th September, 2007; and,

(c) how much his pension will be and when he will be paid.

The Minister for Education (Mr. M. Kilonzo): Mr. Speaker, Sir, first of all, allow me to apologize very sincerely for not having been here when the Question was asked first. One of my Assistant Ministers, hon. Mwatela, is in Mombasa attending a nurses' conference. I had thought that Prof. Olweny would be around. As for me, I was in my office polishing my final presentation on The Basic Education Bill later in the Order Paper. If you indulge me, I would like to request my good friend, hon. K. Kilonzo, and the House to note that I have not yet received the answer that will be satisfactory from the TSC. The answer is not ready and available for that able Member of Parliament. I request that the Question be rescheduled for Tuesday, next week in order to give me sufficient time to prepare the answer. Again, please, accept my apologies, Mr. Speaker, Sir.

Mr. Speaker: Mr. Minister, your apologies are accepted in so far as the business of the House this afternoon is concerned. The Member for Mutito, do you want to extend that indulgence to the Minister?

Mr. K. Kilonzo: Mr. Speaker, Sir, indeed, this is a very able Minister who takes his work very seriously. He recently resolved the teachers' strike and is always on time to deal with matters of Parliament. So, I will indulge him.

Thank you.

Mr. Speaker: Fair enough! My direction is that the Question comes on Tuesday next week.

(Question deferred)

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

Order! Hon. Millie Odhiambo, I had said that we will revisit your Question during this sitting, because I received information timeously that you were struggling to get here, away from other engagements which were important earlier on today but, unfortunately, you have turned up when we are out of time for Order No.6. So, I will defer your Question because of your good placing, to tomorrow afternoon.

Question No.1727

ESTABLISHMENT OF MARITIME COLLEGE IN KISUMU

(Question deferred)

MINISTERIAL STATEMENTS

Mr. Speaker: Do we have any Statements which are due today?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Khang'ati): Mr. Speaker, Sir, I have a Statement which was sought by

hon. Martha Karua. Unfortunately, I do not see her here although her bag is still in its place. I need your guidance as to whether I should read the Statement or not.

Mr. Speaker: Carry on and issue the Statement. We have precedents on this.

TORCHING OF MATHEW LOKULALE'S HOME

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Khang'ati): Mr. Speaker, Sir, on Wednesday 19th September, 2012, hon. Martha Karua rose on a point of order seeking a Ministerial Statement regarding the torching of Mr. Mathew Lokulale's house, a Governor aspirant for NARC Kenya Party in Turkana County.

The hon. Member sought to know the extent of the investigations and whether any suspects have been arrested and arraigned in court. Secondly, the hon. Member sought to know the measures that have been put in place to stop politically motivated attacks in the county. She also sought to know whether I have provided security to Mr. Mathew Lokulale and the humanitarian assistance accorded to the family. Lastly, she wanted an assurance that no such incidents will occur in future.

Mr. Speaker, Sir, I wish to state as follows. On the night of 13th September, 2012, at about 10.00 p.m., Mrs. Leah Edome Moru and her children retired to bed in their Johannesburg Estate home on the outskirts of Lodwar Town within Turkana County.

Since her husband, Mr. Mathew Lokulale, an aspirant for Turkana County Governor's seat on NARC-K party, was not in the House at the time, she decided to spend the night in the same bedroom with her two children and sister in-law. At about 12.00 a.m., they were woken up by a loud bang and on checking out, she noticed that the main bedroom was on fire. They raised alarm and members of public came to their rescue and helped to put out the fire. A report about the fire incident was made to the police on the following day at 10.00 a.m. and investigations commenced immediately. A case file CR822/268/2012 was opened by the CID and is pending under investigations. Samples of ash and other burnt materials were taken for expert analysis to determine the cause of fire and results are being awaited. So far, no arrests have been made.

Mr. Speaker, Sir, although, Mr. Mathew Lokulale has alleged political motive in the attack, no evidence has been adduced to either corroborate or support such allegations of political motive. However, investigations are ongoing with an aim to identify and arrest persons behind the attack. Following the arson attack, security around the home of Mr. Lokulale has been increased and appropriate measures are being put in place to ensure peace and tranquility is sustained as the general elections approach.

Ms. Karua: Mr. Speaker, Sir, in the Statement, the Assistant Minister has indicated that there is no evidence to show political motive yet he admits that Mr. Lokulale did indicate political motive. Could he then explain whether he has exhausted the investigations as per the leads that Mr. Lokulale gave? It is also amazing that three weeks later, this was on the 13th September, almost a month later, the results of the samples taken are not yet there. How long will it take you to investigate this case?

Mr. Speaker: Assistant Minister, take notes, we will do three requests for clarifications. Member for Ikolomani!

Dr. Khalwale: Mr. Speaker, Sir, it is very sad that the Assistant Minister is saying that after he was informed there was suspicion of political motive, he is still expecting the complainant to be the one to substantiate that claim. Could he tell us, since his political competitors are known, what statements he has recorded from them and finally, could he table

the evidence from the forensic experts, who obviously must have been invited to the scene of crime?

Mr. Koech: Mr. Speaker, Sir, this is a very sad situation. Aware that we are heading into a general election and this may not be the only case if the Ministry and the Government does not take this matter very seriously, what assurance are you giving to all aspirants in the Republic of Kenya and what indications will show that when one is attacked, you as a Government can be able to arrest and arraign such victims in court?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Khangati): Mr. Speaker, Sir, we are looking at several possibilities. One possibility, the victim being a politician, is that he could as well have been attacked by his opponents. There is also a possibility that some family disputes could have contributed to this arson. So, we do not want to rush to conclusions that simply because a politician has suffered some loss of some kind, then that loss must have been occasioned by his opponents. We have kept a very open mind. I have indicated here that investigations are ongoing and I want to assure hon. Karua that once the investigations are complete, we will let her know the full content of the investigations.

I believe my answer also to a certain extent addresses the issue that has been raised by hon. Khalwale. We know that political aspirants are just ordinary human beings who could as well be having other problems. But I want to go further and indicate that we have not interviewed his opponents because so far, we have not received any lead which indicates that this matter is political and that his opponents could have been involved in this.

Finally, in response hon. David Koech's question, it is true---

Mr. Speaker: What is it, Member for Ikolomani?

Dr. Khalwale: Mr. Speaker, Sir, is the Assistant Minister in order to avoid answering my question? My question was: Have you recorded statements and if you have not, why have you not?

I have also requested you to table here a forensic experts report on what they found when they went to the scene. So, you cannot just say you wrap my question with the one of hon. Karua and refuse to respond.

Mr. Speaker: Order, Member for Ikolomani. You have made your point. Assistant Minister!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Khangati): Mr. Speaker, Sir, hon. Dr. Khalwale will like the police to take statements from the opponents of Mr. Richard Lokulale and we are saying that once the investigations indicate that they could have had a role, then, indeed, the statement will be taken from them. But at this point, there is no indication whatsoever that they could have been involved in the arson.

Secondly, I said when I was reading this statement here that forensic experts have visited the site. They have taken burnt substances and ash which are being analysed. Again, when the results of the analysis are made available, we will be able to table them here. Unfortunately, that is not ready and, therefore, I cannot table something which I do not have.

Finally, I was talking on the concern of hon. Koech. I share his concerns that, indeed, politicians, whether incumbent or aspirants, face danger one way or the other. We cannot deny this fact because hon. Minister Kingi was attacked last week. Yesterday, when we were having a meeting with the Coast MPs, nearly each and every one of them requested for additional security. This is an indication that the lives of politicians are in danger. So, this matter is being

addressed by our office. We are going to do everything possible to ensure that politicians, incumbent and aspirants are protected and they do not suffer any injury because of their involvement in politics.

Mr. Speaker: Any other Statement from the Front Bench? Hon. Kosgei, I know there are many Statements pending.

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, I am unaware although I am aware that you directed that today there would be many Statements to be given. None of them is mine.

Mr. Speaker: Can you reawaken your house, so that the balance of the Statements which are awaited, come to the House at the earliest opportunity.

The Minister for Agriculture (Dr. Kosgei): Mr. Speaker, Sir, I will do so. Thank you.

Mr. Speaker: Fair enough. Order, Member for Juja! Let us hear you.

POINTS OF ORDER

Mr. Kabogo: Thank you, Mr. Speaker, Sir, for giving me a chance. I want to seek the indulgence of the Chair just as I did yesterday. There was to be a Ministerial Statement from the Minister for Justice, National Cohesion and Constitutional Affairs. You asked him to ensure the House that he would be in the House this morning. However, he did not show up. I raised the matter with the Chair then and he was asked to bring it this afternoon.

There is also the Ministerial Statement from the Minister for Finance regarding insurance bonds for clearing goods in Mombasa. I asked you to find them grossly out of order for not appearing as you had directed. I seek the indulgence of the Chair on this matter.

Mr. Speaker: Fair enough. Indeed, the Statements due from those two Government departments as sought by the Member for Juja are urgent and the two Ministers are obviously out of order, more so if they stood reminded yesterday.

Dr. Kosgei, obviously, this is very worrisome and unless you have a reasonable account, I may have to impose sanctions at the risk of elections being affected.

Dr. Kosgei: Mr. Speaker, Sir, I just want to confirm that I do not have a reasonable explanation.

Mr. Speaker: You do not have a reasonable explanation. I will then be prepared to take action which I am reflecting on. As soon as the Minister for Justice, National Cohesion, and Constitutional Affairs shows up this afternoon I will find the most convenient way to transact business from him. I undertake to actually deal with him.

I will take requests now starting with hon. Affey.

FAILURE OF STUDENTS TO REPORT TO GARISSA UNIVERSITY COLLEGE

Mr. Affey: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Minister for Higher Education, Science and Technology in respect of the circumstances surrounding the failure of over 600 students admitted to Garissa University College to report to the university on time. In his Statement, I would like her to explain why over 600 Joint Admissions Board (JAB) students have not reported to university to date and clarify whether there are plans to transfer them to other universities in the country. I also want the Minister to confirm that the operations

of the university will not be interfered with, and indicate when the Kshs150 million allocated by Treasury will be disbursed to the university for take-off.

Finally, the Minister should categorically state when the students will report to the Garissa Campus.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Mr. Speaker, Sir, we can respond to this next week on Tuesday.

Mr. Speaker: It is so directed. Is there any other Member with a request to make? Hon. Shebesh wanted to, but she is not in the House. Member for Gatundu North, I am afraid that we were not able to approve your request because it covers an area which has a pending request by the Member for Ikolomani. So, you will need to approach officers in Room No.8 to be assisted.

We will now go to Order No.8.

BILLS

First Readings

THE UNIVERSITIES BILL

THE SCIENCE, TECHNOLOGY AND INNOVATION BILL

THE TECHNICAL & VOCATIONAL EDUCATION & TRAINING BILL

*(Orders for First Readings read – Read the First Time -
Ordered to be read the Second Time tomorrow)*

Mr. Speaker: Order, hon. Members! From this point on you will be guided by the Supplementary Order Paper. All of us will now go to the Supplementary Order Paper and I give further directions as follows: What is numbered as Order No.8 on the Supplementary Order Paper is now renumbered Order No.11. What is numbered Order No.9 is renumbered Order No.12. Order No. 10 is renumbered Order No.13; Order No.11 is renumbered Order No.14, and Order No.12 is renumbered Order No.15.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Speaker, Sir, I apologize for coming late. I was to issue a Statement, but I do apologize for arriving late.

Mr. Speaker: Order, Minister! That is actually good enough. You were due to deliver a Statement as directed yesterday and so in your apology you must speak to that. Otherwise up to where you are, your apology is inadequate. If you were hearing me from wherever you were---

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Speaker, Sir, I have been ready with this Statement for a week. The Member was not in the House yesterday and, in fact, I had indulged him. He came and reminded you after the Order was read. I had the courtesy of sharing with him a copy of the Statement. I will be very glad, with your permission, to issue the Statement tomorrow. I have consulted the hon. Member and I assured him that I was ready with the Statement by yesterday only that he was not in the House himself. I do apologise profusely.

Mr. Speaker: Fair enough. Before I make my final pronouncement, let me hear the Member for Juja to see if you have concurrence on the matter.

Mr. Kabogo: Mr. Speaker, Sir, I met the hon. Minister at the door and he thought that you would go until 4.00 p.m. That is the explanation he gave me. So, really we may indulge him to issue the Statement if you so wish.

Mr. Speaker: Fair enough, Minister. Please, note that we take these matters very seriously; so, just do your best all the time to comply. Live within the rules and you will be comfortable.

MOTION

APPROVAL OF DRAFT ELECTIONS REGULATIONS/ DRAFT ELECTIONS (VOTER EDUCATION) REGULATIONS

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, pursuant to Section 109 (3) of the Elections Act No.24 of 2011,
this House approves:-

The Draft Elections Regulations 2012

The Draft Elections (Voter Education) Regulations 2012.

I wish to thank the Members because only yesterday we dealt with the regulations on voter registration. I particularly must thank the Committee led by my good friend, hon. Amina Abdalla, for going beyond the extra mile to ensure that these rules are properly done. Going by the quality of the rules of yesterday, I want to thank the Members for the value that they added to the rules, particularly with regard to the issue of Diaspora voters.

Today, I wish to now invite the Members to look at the draft elections regulations as well as the voter education regulations. I tabled these rules on 8th and I believe the Members have had ample time to go through them. Under Section 109, they are mere drafts for consideration and approval by this House. Once the House approves, these are going to be the regulations that will guide a very critical historical process that will be the first general election under the new Constitution.

Mr. Speaker, Sir, there has been uproar about the issue of the nomination fees. I want to thank the Committee for proposing changes to these nomination fees that have been set by the Independent Electoral and Boundaries Commission (IEBC). Before these proposals were made, it was required that there should have been adequate public participation to ensure that the public has an input in what eventually become the regulations. The high figures that had been issued by the IEBC caused the public outcry across the country, particularly from the youth and women candidates who are disadvantaged and wish to also participate in the historic general elections that are coming. I hope the Members have gone through the regulations to see that there are proposals to ensure that democracy is not too expensive as to be beyond the reach of ordinary Kenyans, particularly those Kenyans who have been on the periphery of our democratic process, namely the youth and the women of Kenya.

I will be inviting the Members, just like we did yesterday, to have their input through the amendments that they are proposing. Already, we have received quite a number of proposals. So we do not wish to take too much time in going through the regulations because the Members have already gone through them. However, we look forward to improving the regulations through the amendments, as we did yesterday.

The issue of voter education is very urgent. We want Kenyans to be properly prepared in terms of voter and civic education, so that they can make informed choices. This is going to be very important as we pass these regulations to facilitate the process of elections.

By the timetable that is prepared by the IEBC, we will be starting the exercise of voter registration on 1st November. The Biometric Voter Registration (BVR) equipment has already started arriving in the country. We believe that we are well on course to ensure that the elections are carried out within the timelines given. It will be necessary, after the registration of voters, to have proper voter education. We will be asking the Members, as we go on recess, to engage in a preparation of our citizens for them to know that these elections will not be the normal election that we have been having every year voting only three people. We will, for the first time, be voting for about six different candidates and we will be required to prepare them well.

With those few remarks, I wish to urge the Members to approve these draft regulations. They are mere drafts for the Members' consideration and approval. If there may be approval of this House, they will become the regulations that we will use in the historic election. I will be inviting my good friend, hon. Amina Abdalla to second.

I beg to move.

Ms. Amina Abdalla: Thank you, Mr. Speaker, Sir. I wish to second this Motion. In seconding the Motion, I wish to alert the Members of this House that the amendments that we will be moving in this Bill will fall into four categories. The first category is where we will establish whether these regulations are compliant with the Constitution. Under that category, we will be deleting the provisions that Members of Parliament should have 1,000 supporters and the Members of the Senate should have 500 supporters. That provision is inconsistent with the Constitution. Apart from the President, the provision for subscribers is confined to independent candidates.

We will also be proposing a lot of input, including requirements of Article 35. The Article requires the IEBC to go further than publishing to publicizing any register or document that they may be having.

We will also be noting that the IEBC left out very important aspects that are part of their constitutional mandate, namely that they should be dealing with disputes coming out of political parties nominations. In these regulations, they did not provide that the same is provided for in Article 88(4)(e) of the Constitution and Section 77 of the Elections Act.

There are also several gaps in these regulations that we need to deal with, mainly in relation to criminalizing campaign activities that are already ongoing. As you know, all of us on weekends go to campaign activities that these regulations have intended to criminalize. So, we will be bringing in provisions for them to only monitor the period of intensive campaign where an individual is moving to publicize their candidature.

There are issues that have been proposed here that seem to be inconsistent with the wishes of the stakeholders that the Minister for Justice, National Cohesion and Constitutional Affairs has already alluded to. We have received a lot of input from the members of the disability movement, who feel that the nomination fees are high. In fact, they propose that it is over 1,000 per cent higher than what was charged in the last elections. So, in the proposed amendments, you will note that we are proposing to amend these increases to 100 per cent, which is more consistent with the requirement that the IEBC will need to have funding for processing the nominations of persons. In appreciating that the Exchequer is funding the elections, we will not be entertaining the exorbitant figures that they have proposed.

Finally, we will be dealing with cleaning up. We wish to note, as a Committee, that this is the first set of regulations of any legislative nature that has come in a very poor state to this House which is uncharacteristic of other Government departments.

With those few remarks, I beg to second.

(Question proposed)

(Question put and agreed to)

Mr. Speaker: Next Order!

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

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

CONSIDERATION OF THE DRAFT ELECTIONS REGULATIONS, 2012

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Members, we are now at the Committee of the whole House to consider the Draft Elections Regulations, 2012. We will start with the Draft Elections Regulations, 2012 followed by the Elections (Voter Education) Regulations, 2012.

Regulation 2

Ms. Amina Abdalla: Madam Temporary Deputy Chairlady, I beg to move:-

THAT, regulation 2 be amended-

(a) in the definition of the term “copy register” by deleting the expression “regulation 62(4) (b)” and substituting therefor the expression “regulation 62(4) (a) or its electronic version”.

(b) by inserting the following new definition in its proper alphabetical sequence-

“campaign” means the promotion of a candidate or political party for the purposes of an election during the period referred to in regulation 56.

This is to provide for one, the electronic version of the voter register and two, to define what campaign period means. In this case, we are defining it to mean the promotion of a candidate or a political party for purposes of an election during the period referred to in Regulation 56 so that we do not criminalize ongoing party promotional activities.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Regulation 2 as amended agreed to)

Regulation 3

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Members, we have two amendments.

Ms. A. Abdalla: Madam Temporary Deputy Chairlady, I beg to move:-

THAT, regulation 3 be amended by inserting the following new paragraphs immediately after paragraph (1)-

“(1A) Prior to appointment under paragraph (1), the Commission shall provide the list of persons proposed for appointment to political parties and independent candidates at least fourteen days prior to the proposed date of appointment to enable them make any representations.

(1B) The returning officer shall be responsible for –

(a) conducting elections at the constituency level;

(b) receiving nomination papers in respect of candidates nominated for the post of National Assembly and Ward representative;

(a) the tallying of results from each polling station in the constituency;

(b) announcing results from the constituency for purposes of the election of the President, Senator, Governor, woman representative to the National Assembly, member of National Assembly and county representatives;

(c) declaration of the results tallied under subparagraph (c);

(d) such other functions as may be assigned by the Commission.”

We are proposing to include Regulation “1A” which will clearly state that prior to the appointment of County Returning Officers and all returning officers, the Commission shall provide the list of the persons proposed for appointment to political parties and independent candidates, at least, 14 days prior to the proposed date of appointment. This is in line with the need for transparency and ensuring that compromised persons are not appointed as returning officers.

Secondly, we are proposing to give responsibilities to returning officers. Whereas the regulations talk about the responsibility and the appointment of County Returning Officers, it left out Constituency Returning Officers. Therefore, we are providing for their appointment and the responsibility that they will be having.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Dr. Laboso): There is another amendment by Eng. Gumbo. We do not want to start doing what we did yesterday, that is to recommit it. For now, we may have to continue.

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

Hon. Members, we have several amendments by hon. Eng. Gumbo and we do not know why he is not in the House. Does anybody know why he is not in the House? I would not like to drop all of them because they may be useful amendments.

Ms. Karua: On a point of order, Madam Temporary Deputy Chairlady. I thought that the rules of the House apply to all debates including the rules. So, if someone proposes something and he is not in, the House must move. So, could the Chair give directions in accordance with the Standing Orders?

The Temporary Deputy Chairlady (Dr. Laboso): Yesterday, we ended up recommitting because of the same reason of coming late. Therefore, we will drop the amendments. We have dropped the amendment in Regulation 3 already and now the new Regulation 3A is dropped.

(Proposed amendment to Regulation 3 by Eng. Gumbo dropped)

(Regulation 3 as amended agreed to)

Regulation 4

Ms. Amina Abdalla: Madam Temporary Deputy Chairlady, I beg to move:-
THAT, regulation 4 be amended by-

(a) deleting paragraph (1) and substituting therefor the following new paragraph-

“(1) The Commission shall appoint county returning officers to be responsible for—

- (a) receiving nomination papers in respect of candidates nominated for the post of Governor or county woman representative to the National Assembly and the Senate;
 - (b) tallying results from constituencies in the county for purposes of the election of the President, county Governor, Senator and county women representative to the National Assembly;
 - (c) declaration and announcement of results tallied under subparagraph (b);
 - (d) such other functions as may be assigned by the Commission.”
- (b) inserting the following new paragraph immediately after paragraph (1)-

“(1A) Prior to appointment under paragraph (1), the Commission shall provide the list of persons proposed for appointment to political parties and independent candidates at least fourteen days prior to the proposed date of appointment to enable them make any representations.”

This is basically to give the responsibility of the County Returning Officer and in part “b” to also ensure that their recruitment is transparent by sharing their names prior to appointment with political parties and independent candidates.

(Question of the amendment proposed)

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Madam Temporary Deputy Chairlady, we wish to welcome this amendment as it brings clarity particularly on the issue of the roles but most importantly, on the issue of transparency as we did yesterday. This amendment adds value.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

The Temporary Deputy Chairlady (Dr. Laboso): We have a further amendment by Eng. Gumbo but again, he is not here. The amendment is dropped.

(Proposed amendment to Regulation 4 by Eng. Gumbo dropped)

(Regulation 4 as amended agreed to)

Regulation 5

Ms. Amina Abdalla: Madam Temporary Deputy Chairlady, I beg to move:-

THAT, regulation 5 be amended by inserting the following new paragraph immediately after paragraph (1)-

“(1A) Prior to appointment under paragraph (1), the Commission shall provide the list of persons proposed for appointment to political parties and independent candidates at least fourteen days prior to the proposed date of appointment to enable them make any representations.”

This again brings transparency to the appointment of Returning Officers.

(Question of the amendment proposed)

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

The Temporary Deputy Chairlady (Dr. Laboso): There is another amendment by hon. Gumbo and it is dropped.

(Proposed amendment to Regulation 5 by Eng. Gumbo dropped)

(Regulation 5 as amended agreed to)

New Regulation

Ms. Amina Abdalla: Madam Temporary Deputy Chairlady, I beg to move:-

THAT, the following new regulation be inserted immediately after Regulation 5-
Appointment of
polling clerks

5A (1) The Commission shall appoint such number of polling clerks for each constituency as it may consider necessary.

(2)The Commission shall share the list of appointees with political parties and independent candidates within fourteen days from the date of appointment to enable them raise any objections.

(3)The list of the appointees shall be displayed prominently at the offices of the Commission within the constituency.

Madam Temporary Deputy Chairlady, this is to give provision for the appointment of polling clerks. Polling clerks are an important component of elections and their appointment needs to be provided in these regulations. So, that is what it is providing. It is also providing that the list of those polling clerks be shared with political parties and they be displayed prominently in the constituency offices, so that we do not have bias in the polling clerks appointed.

(Question of the new regulation proposed)

(New regulation read the First Time)

(Question, that the new regulation be read a Second Time, proposed)

(Question, that the new regulation be read a Second Time, put and agreed to)

(The new regulation was read a Second Time)

(Question, that the new regulation be added to the Regulations, put and agreed to)

Regulation 6

Ms. Amina Abdalla: Madam Temporary Deputy Chairlady, I beg to move:-

THAT, Regulation 6 (1)(c) be amended by inserting the words “and publicise through electronic and print media of national circulation and other easily accessible medium,” immediately after the word “Gazette”.

(Question of the amendment proposed)

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Ojaamong, do you want to intervene?

The Assistant Minister for Labour (Mr. Ojaamong): Madam Temporary Deputy Chairlady, I rise on a point of order regarding the amendment by hon. Gumbo. When we came in here, we had the original Order Paper. As we were seated here, we were given a Supplementary Order Paper. I know that hon. Gumbo is at the Bomas of Kenya, dealing with some ODM matters. He is the leader of the Nyanza team. He was not aware that this Supplementary Order was going to come up.

So, as a House, are we doing any justice to the amendments proposed by hon. Gumbo by dropping them? It seems as if hon. Gumbo has been ambushed. We could even have courtesy to call and tell him that a Supplementary Order Paper containing his amendments has been brought to the House.

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Ojaamong, your argument is valid. It is true that these amendments have come up as a result of introduction of the Supplementary Order Paper. That is why, at the beginning, I made the statement that we will not say that the amendments by hon. Gumbo are dropped, but we can re-commit them at the reporting stage. In that case, can somebody get in touch with hon. Gumbo as soon as possible, so that he can get here to move the other amendments?

Yes, hon. Millie Odhiambo.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Chairlady, what you have said is what we did yesterday in respect of some of the amendments by hon. Gumbo. The Assistant Minister raised something very fundamental. I do not know whether we have specific timelines. If we do not, I would personally encourage that we do this tomorrow.

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Millie Odhiambo, we have already started. What is your point of order, hon. Bonny Khalwale?

Dr. Khalwale: Madam Temporary Deputy Chairlady, what hon. Ojaamong has said is important. Whereas we allowed what you suggested yesterday, hon. Members have had time to be seized of those amendments. I am a Member of the House Business Committee. As by 8.30 p.m., we were not sure whether these amendments would be on the Order Paper. So, it is quite clear that many of the hon. Members have not appraised themselves on these amendments, which are important. So, the logical thing to do is to bite the bullet and say that it is not fair for us to deal with these amendments this afternoon and resolve to deal with them tomorrow.

The Temporary Deputy Chairlady (Dr. Laboso): You have made your point, Dr. Khalwale. Yes, hon. Martha Karua.

Ms. Karua: Madam Temporary Deputy Chairlady, I am just finding that we are moving forward and backwards. We have started dealing with the Rules. Nobody rose to say that this was an ambush. You had dropped hon. Gumbo's amendments, unless you are now reviewing your decision. I do not know whether there is a provision for such review. So, it means that the amendments are dropped.

Even though we are dealing with a Supplementary Order Paper, this is a procedure which is known in Parliament. The more we delay the passage of these Rules, the less likely we are to have more hon. Members. We have been in this House and just a few of us have been passing business. So, I want to plead with my colleagues and the Chair that, yes, you can give us time, if hon. Members commit themselves to staying here tomorrow until we finish the business on the Order Paper. I would have preferred that we continue and if there is that window of re-

committing the amendments, a colleague could call hon. Gumbo and tell him that this is Parliament's time. Party business can go on later.

Madam Temporary Deputy Chairlady, we need to make some progress. So, give direction.

The Temporary Deputy Chairlady (Dr. Laboso): Can we hear the Minister?

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Madam Temporary Deputy Chairlady, hon. Millie Odhiambo asked whether there are time constraints. I want to confirm to her that, indeed, we are constrained for time. These Regulations are already late. The electoral timetable is tied to the passage of these Regulations. We need them in place like yesterday. We appreciate that hon. Members have already given us an extension. Instead of six months, it was given four months. We will really appreciate, if we can move on with what we are doing, just like we did yesterday. If hon. Gumbo comes, the Chair and I will talk to him and whatever he feels need to be re-committed, we will accommodate him. So, in the interest of time, let us move on.

The Temporary Deputy Chairlady (Dr. Laboso): Thank you Minister, for the guidance. I tend to agree with you that, really, even though this is a Supplementary Order Paper that has just been dropped to us, which is allowed by parliamentary procedure, we do not want to have amendments that would add value to our Rules completely discarded. I agree with you, in the interest of moving forward. So, we will not drop those amendments but we will say: "Please, get in touch with hon. Gumbo so that we can re-commit his amendments if he feels that they are absolutely necessary. We will not discuss this matter any further.

Hon. Millie Odhiambo, you have heard what the Minister has suggested.

Mrs. Odhiambo-Mabona: Madam Temporary Deputy Chairlady, I have, indeed, heard the Minister. I was actually going to raise this at the beginning, but we had another Parliamentary Committee meeting. The Speaker had actually ruled before that we should not be having them when the House is sitting. I am one of the few hon. Members that hon. Martha Karua said are always in the House. I want to tell you that today I am here as an "ornament" because I have not read those Rules. Can we, please, have copies and read them as we go on? Otherwise, we will not be doing anything substantive. I started asking for them yesterday but until now, I have not seen them.

The Temporary Deputy Chairlady (Dr. Laboso): Serjeant-at-Arms, please, avail copies of the Rules to the hon. Members. You must have noticed that the Speaker did invite people to debate the Rules earlier on, while we were in plenary but nobody showed interest to do so and, therefore, we moved straight into the Committee of the whole House.

Hon. Members, I will repeat the proposal to Regulation 6, for clarity.

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

The Temporary Deputy Chairlady (Dr. Laboso): Hon. Members, we will defer hon. Gumbo's amendment for determination later on.

*(Eng. Gumbo's proposed amendment
to Regulation 6 deferred)*

(Regulation 7 agreed to)

Regulation 8

Ms. Amina Abdalla: Madam Temporary Deputy Chairlady, I beg to move:-

THAT, regulation 8(1) be amended by inserting the words “and through electronic and print media of national circulation and other easily accessible medium” immediately after the word “Gazette”.

The Temporary Deputy Chairlady (Dr. Laboso): Mr. Ruto, you will not be heard. You need a microphone. You can use the Dispatch Box.

QUORUM

Mr. Ruto: On a point of order, Madam Temporary Deputy Chairlady. I want to bring to your attention that there is no quorum in the House.

The Temporary Deputy Chairlady (Dr. Laboso): Could the Clerks-at-the-Table confirm that, that is the case?

*(The Clerks-at-the-Table confirmed
the number of hon. Members)*

The Temporary Deputy Chairlady (Dr. Laboso): Fortunately, there is quorum and we will continue. The House is back in session and we will continue.

Ms. Amina Abdalla: Madam Temporary Deputy Chairlady, I do sympathize with the House that they may not have read this amendment. The way we are going, they are going to say that we ambushed them. Given that this is the body of what the amendments are about, I suggest that we report progress and return tomorrow when hon. Members will have read them. I would want to request that hon. Members--- I have suffered for two weeks looking for quorum to have this thing approved. So, when we move to tomorrow, please, be there.

The Temporary Deputy Chairlady (Dr. Laboso): I do not see any point of order here. Is that the feeling of hon. Members. *Waziri*, can you say something?

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Madam Temporary Deputy Chairman, Sir, we obviously look like we are not well prepared. Perhaps, we should indulge hon. Members and report progress.

*(Question, that the Committee be adjourned
to tomorrow, put and agreed to)*

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Madam Temporary Deputy Chairlady, the Committee of the whole House is considering The Draft Elections Regulations, 2012 and has instructed me to report progress and seek leave to sit again tomorrow.

(Question proposed)

(Question put and agreed to)

(The House resumed)

*[The Temporary Deputy Speaker
(Dr. Khalwale) in the Chair]*

PROGRESS REPORTED

THE DRAFT ELECTIONS REGULATIONS, 2012

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House is considering The Draft Elections Regulations, 2012 and has instructed me to report progress and seek leave to sit again tomorrow.

The Minister for Roads (Mr. Bett) seconded

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Speaker (Dr. Khalwale): Hon. Members, we will now go back to the Order Paper and continue with the Orders as listed.

Next Order!

BILLS

Second Reading

THE KENYA PLANT HEALTH INSPECTORATE SERVICE BILL

The Minister for Agriculture (Dr. Kosgei): Mr. Temporary Deputy Speaker, Sir, I beg to move that The Kenya Plant Health Inspectorate Service Bill be now read the Second Time.

Mr. Temporary Deputy Speaker, this Bill is about the Kenya Plant Health Inspectorate Service (KEPHIS), which was established in 1996 under the State Corporations Act, with a mandate to update quality control services through administration of regulatory framework, with focus on protection of plant resources and facilitation of trade, but more importantly to protect our own agricultural products, and also establish standards in the industry. The mandate that was given to KEPHIS at the time was limited. The mandate is governed by Acts of Parliament but we seek now to expand the mandate to give some more teeth to KEPHIS to be able to control what comes into Kenya and, indeed, to protect the breeders of our own intellectual property rights. This is what we seek to do now. Because of this, we want KEPHIS to be re-organized, so that it becomes an independent authority under the relevant Ministry. We seek to give it the proper normal arrangements that exist in other arrangements to work as a board. That is to give it proper administrative structure and legal cover. It is a very simple Bill in that it is not changing anything much, and it will not cost much. All that we want to do is to make it more effective and

be in keeping with the current regulations in the country, and also with the new Constitution. Furthermore, we want to enable KEPHIS to be represented at various counties, so that it can deliver services to farmers, consumers and breeders. It will also protect the intellectual rights of the breeders of seeds and plants.

With those few remarks, may I request my able assistant, Mr. Ndambuki, to second. I beg to move.

The Assistant Minister for Agriculture (Mr. Ndambuki): Thank you Mr. Temporary Deputy Speaker, Sir. I would like to second this Bill.

This Bill is long overdue. A lot of things have been going on and our farmers have been really suffering. For example, you will find when KEPHIS finds fake fertilizer sellers, they cannot take these people to court and when they take them to court they are fined peanuts.

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

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

Madam Temporary Deputy Speaker, this Bill will enable KEPHIS to be able to arrest those people who will be found with fake seeds and fertilizers and also those people who are importing things and bringing them illegally into this country.

Madam Temporary Deputy Speaker, I would really like to ask the House to support this Bill so that we can save our farmers because they have suffered a lot. You remember one time when farmers were sold ash and told it was fertilizer and then they incurred losses. You remember another time when there was an invasion of weevils people were also sold chemicals which were fake and they ended up losing a lot of their harvest.

So, we are seeking the support of this House so that we can pass this Bill to protect farmers and those breeders of different types of plants. With this Bill, now KEPHIS will be able to charge a fee which will keep them in operation. Now they are charging a very minimal amount and we want to enable them to be on their own so that they can collect sufficient fees in order to run their organization and to be able to regulate themselves rather than being regulated by other Acts.

Madam Temporary Deputy Speaker, I would like to ask the House that we pass this Bill which is really required as soon as possible.

I second the Bill.

(Question proposed)

The Minister for Roads (Mr. Bett): Madam Temporary Deputy Speaker, I rise to support this Bill.

I believe this Bill is long overdue because of what has been happening to us either here in Kenya or outside Kenya because we relate to our neighbours in East Africa.

While supporting this Bill, I would also want the Minister to consider very strongly having consultations with other relevant Ministries in order for research funds to be appropriately allocated to the institution so that as and when they find a situation that is threatening, they should be able to do their own research, survey, analysis and assessment of the

threatening situation without necessarily relying on funds which may not have already been voted for.

I would want to urge the Ministry to also consider linking up KEPHIS to other international institutions to strengthen themselves. This way, they can undertake their role fully and establish relations with other institutions in the world for purposes of standardizing their activities.

Madam Temporary Deputy Speaker, this will also be very useful in matters of disease control more so, in plants. I am saying this with a lot of agony when I come to think of what has happened to us in the South Rift where the maize crop for this particular financial year has failed completely due to a situation which I understand is being attended to by the Ministry. I would want to urge the Minister to put in more effort. This is because what seems to have been explained to the people is that the soil is bad. We were wondering how the soil for South Rift is not taking this particular seed and yet elsewhere it is being accepted. We have tended to believe it is something to do with seed infection. Hence I go back to the issue of research and the ability to investigate such situations.

Finally, this will be a very clear avenue for us to obviate unscrupulous traders in seeds and fertilizers who are trafficking certain seeds across the border from Uganda to Kenya, from Tanzania to Kenya and vice versa. This law, I believe will provide control measures which will assist in disease control. A disease which may be noticeable in Kenya, Tanzania or Uganda would be then checked at the border. So, this law is quite urgent and, more so, as we go towards another planting season and especially those of us who are now terrified as a result of the problem that we have faced in the production of maize.

With those remarks, I beg to support the Bill.

Mrs. Odhiambo-Mabona: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity.

First of all, I want to congratulate the Minister for bringing this Bill, save that I do not know if there is a problem because I can see the title outside it is being referred to as the Kenya Plant Health Inspectorate Service Bill and inside it is the Seed and Plant Varieties (Amendment) Bill. I do not know whether the Minister could just clarify because then it means we are looking at two Bills in one.

Other than seeking that, I just want to say that when we were looking at the Seed and Plant Varieties (Amendment) Act earlier, the Minister had indicated that they would bring before this House several Bills that would seek better protection of indigenous knowledge and beneficial properties of plants genetic resources.

Nonetheless, what the Kenya Plant Health Inspectorate Services Bill seeks to do is still to protect breeders much more than it does to farmers. I have heard the hon. Assistant Minister while seconding say that it seeks to protect farmers. But it only seeks to protect farmers once they are exposed. This is because the intellectual property rights of our indigenous knowledge of our plant genetic resources are not protected. That, therefore, means we are losing a lot of traditional and indigenous varieties that were more resilient to drought, disease and generally the harsh weather in Africa. So, I urge the Minister to consider with the same speed to introduce a Bill that will protect our traditional farmers and indigenous knowledge on the beneficial properties of plant genetic resources.

Madam Temporary Deputy Speaker, I support.

The Assistant Minister for Labour (Mr. Ojaamong): Madam Temporary Deputy Speaker, I also wish to support the Bill, but further emphasize to the Minister for Agriculture that

currently, we have crop failure. Farmers have been complaining even in my constituency. There is fear that we will have terrible famine next year. In fact, the farmers are asking: “What is the Ministry going to do, in the shortest time possible, to salvage the situation, because most people are going to rely on this second harvest, which has totally failed?” In fact, let me say the whole of Busia County? So, I appeal that the Minister goes to the ground and assess the situation. I know her officers have been there, but let us come up with a statement and tell the public: “Indeed, we are foreseeing a total crop failure and this is what the Government is doing to provide you with alternative food come next year.” This will enable the public not to live in uncertainty.

Madam Temporary Deputy Speaker, most of Kenya’s problems especially in the agriculture sector have been caused by some unscrupulous people who have been supplying bad seeds to the farmers. This has been a very prevalent problem all over the country. When I was growing up, there was a kind of seed that we used to call “hybrid” which every farmer knew. It was the real hybrid because if you planted it, even without fertilizer, it could give you a yield. But nowadays the seeds that are supplied to farmers either totally fail in the course of their growth or give very low yields. So, the Bill provides for those provisions in which the people who are supposed to be breeding the seeds are registered and checked. Even the suppliers are thoroughly scrutinized.

Madam Temporary Deputy Speaker, when it comes to the movement of plants or seeds across the borders, you will find that in some countries even for a seed variety to cross the border, it has to be checked by the officials concerned. However, I think that our boundaries are very much porous. So, I request that the Minister works very closely with other agencies, because we have countries like Uganda and Rwanda which are not yet well established. They might import some seeds or plant varieties which might cross over to our country and end up destroying our ecological setting.

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

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. Wamalwa): Madam Temporary Deputy Speaker, I beg to support this Bill and thank the Minister for Agriculture, Dr. Sally Kosgei, for bringing it to this House.

I come from the breadbasket of this country, that is, Trans Nzoia County, where we are privileged to house both KEPHIS and the Kenya Seed Company. I know that over the years, the Kenya Seed Company has produced some of the best seeds in this country. It has been a source of seeds not just to Kenyan farmers, but also to Tanzanian farmers. If you go to Kampala in Uganda, you will find that they are using our seeds. However, we have always had a problem every year of fake seed. We do know that this is one thing that has affected our effort in realizing our national food security. Through this Bill, we do see very clear legal measures to counter the problem of fake seeds by ensuring that we give KEPHIS proper inspectors, who will have powers to enter premises, inspect and establish the whereabouts of the merchants who have been supplying fake seeds to farmers and put in place measures that will ensure that we bring this menace to a stop.

Madam Temporary Deputy Speaker, we also know that apart from being able to trace those fellows who have been supplying fake seeds, we have lacked the necessary legal framework to bring about punitive laws that will deal with this menace. I am very pleased to see, under Clause 14 of this Bill clear provisions dealing with people who will be tampering with sampling of seeds or perhaps with intent to deceive or procure fake seeds.

Recently, we passed a Bill on the Kenya National Examinations Council (KNEC), where we have introduced very serious punitive measures against people who will be found with materials or trying to interfere with our examinations. The kind of penalties that we have imposed are very punitive, including five years imprisonment and a fine of Kshs1 million, so as to guard against the menace of exam cheats. However, I urge the Minister to look at the penalties that have been provided under Clause 14, because they are quite lenient. For example, a person found guilty of an offence, under Clause 14, will pay a fine not exceeding Kshs5,000 or imprisonment for a period not exceeding six months. This is quite lenient because those fellows who deal in fake seeds make millions of shillings. We know of some large-scale farmers who have been implicated and taken ordinary commercial maize from their farms and tried to colour and brand them as Kenya Seed Company seed maize. If we do not have punitive measures, we will continue having this menace and Kenyans will continue getting fake seeds. We will be asking, as we pass this Bill, that perhaps the Minister could look at the possibility of enhancing the penalties to put these checks in place.

Madam Temporary Deputy Speaker, probably, the Bill might need some cleaning up, because of the two titles. We have The Kenya Plant Health Inspectorate Service Bill, 2011 and inside we have The Seeds and Plant Varieties (Amendment) Bill, 2011. Perhaps, it is just a matter of cleaning up.

On page 1783, we have clear parts. Part I is on the preliminary and Part II is on the establishment of the Service while Part III is on the financial aspect. We need those parts to be clearly set out. Perhaps, it is just a matter of cleaning. Otherwise, it is a good Bill and we wish to support it.

Madam Temporary Deputy Speaker, we also wish to encourage the Minister for Agriculture, because we have a seed company which produces the best seed--- Members of this House have been urging - and I have been part of that membership - the Ministry of Agriculture to look at the possibility of establishing a fertilizer factory in our country. Before I was appointed to the Cabinet, I did bring a Motion before this House which was adopted and feasibility studies were done. If we have a seed company and a fertilizer factory in this country, we will remove Kenya from the food insecure nations of the world. This country has the capacity to produce enough food not just for its citizens, but also for export. This will be possible when we have seeds and laws protecting the quality of our seeds such as the one that the Minister has brought before this House. We should also have a fertilizer factory established in this country. I urge the Minister to be the Minister who will make the history of having a fertilizer factory established in this country during her tenure. But if she fails to do so, I promise that it will be one of my top priorities to ensure that we have a fertilizer factory when I become the President.

Madam Temporary Deputy Speaker, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): I thought I had hon. Namwamba on the screen at some point!

The Minister for Youth Affairs and Sports (Mr. Namwamba): Madam Temporary Deputy Speaker, I tried to catch your attention and when I failed I seemed to have given up. But now that I have finally caught your eye, I want to fully support this Bill and of course to applaud the Minister for Agriculture, who herself has been really at the forefront of revitalizing this critical sector.

Madam Temporary Deputy Speaker, of course, we do know that agriculture is the backbone of the economy of this country and also knowing really that a country that is not able to feed its population cannot even start to dream or aspire to grand goals like Vision 2030. It is

very important that we establish institutions and framework that can enable this country to effectively manage the agricultural sector. Challenges remain. At one time, I did chair a Select Committee of this House titled: “Parliamentary Select Committee on Cost of Living”. Through this Committee, we had opportunity to interact with farmers across the length and breadth of this country. I was able to appreciate in a very intimate manner the serious challenges still facing our farmers in this country and so, I do believe that passing this Bill will be one further step of ensuring that we improve this sector towards food security and towards realization of the grand vision 2030.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, I see no further interest from the Members and I will therefore put the Question.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a committee of the whole House tomorrow)

Next Order!

THE BASIC EDUCATION BILL

The Minister for Education (Mr. M. Kilonzo): Madam Temporary Deputy Speaker, I beg to move that the Basic Education Bill, 2012 be now read a Second Time.

Madam Temporary Deputy Speaker, today yet again marks another milestone in the country’s reform process. It will be recalled that following the promulgation of the new Constitution, the Ministry of Education immediately set up a taskforce to align the education sector to Kenya Constitution, 2010 and particularly Vision 2030. It is little surprise that the bulk of the Order Paper today reflects reforms in the education sector.

Madam Temporary Deputy Speaker, following these reports, we have prepared the Basic Education Bill, 2012 and I would like before I present it, to draw the attention of the country and this House particularly, to the fact that the education sector has been operating under the Education Act, Cap.211 of 1968, which was lastly revised in 1980, more than 32 years ago. In addition, Kenya is a signatory to many international conventions and agreements, for example, the Universal Primary Education and also the Education for All, otherwise known as EFA and the Millennium Development Goals.

Madam Temporary Deputy Speaker, since, Cap.211 was enacted, it has not been reviewed. However, various legal notices have been issued by my office to respond to emerging issues from time to time and other concerns in the sector. Over the years, the country’s political, social and economic landscape has changed and this has affected the education sector in many ways. The current Education Act has not kept pace with these changes. The country has developed Vision 2030 as a blue print for development. This recognizes the central role of education in human resource development, research, science and technology, if the country is to achieve Vision 2030.

Madam Temporary Deputy Speaker, the country and the education sector have also been globalizing, where the world community is now virtual. As a result, the education sector is expected to respond to globalization in several ways:-

1. The education system must be of such a high standard that Kenya becomes a destination of choice for those pursuing quality education and training;
2. The product of the system must be competitive to fit in the national, regional and global needs;
3. Our Children should no longer merely be taught content, as the idea in the modern world in the 21st Century is to teach our children to have that capacity to ask questions, the ability to confront what they are told so that even if somebody says, “it is now three clock”, the children of Kenya should turn around and say, “sir, please, prove it”, because that is the only way to encourage modern development, research and light.

Therefore, the current situation and the challenges within the education sector face constraints in access, equity, quality and relevance. For example, despite the increased enrolment at both primary and secondary levels, as a result of free primary education and free day secondary, about 1.9 million children are still out of school. This is an unacceptable situation.

Madam Temporary Deputy Speaker, transition rate from primary to secondary is currently at 73 per cent, yet the country is a signatory to international conventions, for example, the one I have mentioned; Education for All and the Universal Primary Education and Millennium Goals. The situation is so intolerable and so unacceptable to those who know that we have worked day and night in the Ministry to bring this proposed law in front of this House and to the country. The existing Education Act does not even address itself effectively to issues of governance at the institutional, county and national level, to fit within the demands of a devolved system of Government.

I am sure all of us have noticed the enormous challenges of students burning dormitories and classrooms and yet dormitories do not talk, dormitories cannot hurt you; dormitories are merely a symptom of the challenges the school faces.

Madam Temporary Deputy Speaker, the current law does not also clearly provide for investment in education, especially the critical role of the public, Government and private sector. The Act does not adopt a constitutional approach to education provision in relation to the rights of the disadvantaged, marginalized, people with special needs and gender needs as required under the Kenyan Constitution.

I am proud to inform the House that I have now released to the hon. Attorney-General, the Kenya Law Reform Commission and Commission on the Implementation of the Constitution (CIC) a draft law catering for learners with learning disabilities and I will be presenting it to this House very soon.

Similarly, the existing Education Act is silent on adult and continuing education as well as alternative provisions of basic education. The current Education Act does not address itself to the contemporary methods and nature of quality assurance and standards, especially in relation to standardizing monitoring and evaluation, capacity building of the personnel and strengthening the co-ordination of quality assurance processes. The current education does not adequately take into cognisance the need for regular curricula reviews in line with the dynamic nature of the country’s social and political, as well as economic environment.

Madam Temporary Deputy Speaker, therefore, I come to this House in confidence to present new proposals for management of education because the country is now under 2010 Constitution and the current Act does not carry the spirit of the Constitution. In particular, you will recall that the retired Constitution which generated the 1968 Act did not mention the word “education” anywhere from corner to corner, from top to bottom, yet the new Constitution in the

Bill of Rights, now talks about education in Article 43, 44, 53, 55, 56 and 57. Therefore, a rethinking is necessary.

A rethinking is necessary. The guiding principles of the Bill I am presenting this afternoon---, if you look at Part I particularly clauses 27 and 28, you will realize that this is the first time in the continent of Africa for a Bill to contain the words, “The right of every child to free and compulsory basic education.” This is a complete departure from the past and it is driven by Article 53 of the Constitution of Kenya, 2010. I encourage Members to look at these clauses and enrich them by further contribution and amendments, if necessary, or even additional fertilization, so that we can bring out this very aspect of Article 53 on the right to free and compulsory basic education.

Part I, particularly clause 4 deals with equitable access for youth to basic education and we also have equal access to education and institutions. Here, I am thinking of the so-called informal schools in our slums and the challenges that you find in areas otherwise known as pastoral areas where you find that parents are following pasture and the children do not have access to education. The time to rectify this is now.

In Part IX, you will find Clause 62, promotion of quality and relevance and then accountability and democratic decision-making within institutions of basic education. We have also included, if you look at Clauses 29 up to Clause 38 advancement and protection of the child. We are also talking of encouraging independent and critical thinking, that is, cultivating skills, innovativeness, invention, technological transfers, entrepreneurship and above all, curiosity. Our children must be trained in institutions where curiosity is the primary guiding principle as opposed to just $1 + 1 = 2$. This is because you have noticed some of them end up saying that $1+1 = 11$, or they might not even be able to write the 1.

You also find human dignity, gender parity, promotion of good governance, participation of parents, communities, the private sector and other stakeholders. I must admit that I have already been requested by people calling themselves “The Complementary Education Schools”. They run schools in slum areas. I will be sharing this with the House at a later hour, particularly during the Third Reading, my ideas as to how best we can make sure that each Kenyan child is a Kenyan child; no child is for the slum and no child is for the rich.

Therefore, in these clauses you will find those principles and so on. It is a Bill I speak on with confidence. It is also fair that I say that I have received presentations from sponsors of schools such as churches and other organizations. I dare say that this House should listen to them, so that ultimately when we finalize with the definition of sponsors, it is a broad spectrum definition and not something targeting one small group, or one organization so that they also feel a sense of ownership.

I will also be recommending to this House that we also define parents associations so that they are also given a sense of ownership of schools. I am going further to define the principal of a school and the head of a school, so that they can also take responsibility for the enormous resources that the country is giving to schools from day to day. In the process, I will be demanding that they also offer accountability for the resources. That accountability can only come if we recognize them in the Bill itself.

We are proposing to have a National Board of Education and County Education Boards. Hon. Members, please, look at these clauses and tell us whether they reflect what you had in mind in giving this beautiful country the new Constitution, so that it is inclusive. I am quite open to proposals. We also have Boards of Management to replace Boards of Governors. Each

Member of Parliament has challenges in his constituencies. Please, bring all these together so that you can inform this Bill with the quality that we are looking for.

In Clause 47 we have touched on the establishment of private education and institutions. Education in many countries is an invisible export that generates huge sums of money. This country is spending huge sums of money in other countries including our neighbor, Uganda, India, USA, and UK. The time has come to create the climate and take advantage of the quality governance of this country in investing in education. Therefore, I want to ask hon. Members to look at this scheme that I have come up with so that you fertilizer it and improve it, so that even Americans can start sending their children to Kenya.

There is the Quality Assurance Commission. You will find this at Clause 63 onwards. Above all, I am proud to present Special Needs Education as a component of our education, and it is essential that all hon. Members look at this because God is the one who makes us. He decides whether you will have five fingers or four. No Kenyan can be discriminated against because they have three fingers. For purposes of education, I am seeking the approval of this House to this very important law so that Special Needs Education is dealt with.

Madam Temporary Deputy Speaker, we have also addressed Early Childhood Education (ECE), so that this, for once, is not misunderstood. Allow me to refer Members to the schedules. They are also very important because they all create certain aspects of the law that you might wish for.

Finally, it is the issue of the definition of a school. The existing Act is so wanting because it only says that so long as you have at least 10 children you can be described as a school. I am proposing to this country that that policy must be retired and we redefine “school” the way I have proposed. We want to listen with a very keen ear to all hon. Members, so that you can give many ideas. This is because I am not totally satisfied that I have come up with a satisfactory approach to these so-called informal schools in slums and such areas. Our children are all equal and they must, therefore, be treated equally.

With those far too many remarks, and I know how much you love education, I beg to move. My good learned friend, hon. Abwabu Namwamba has kindly agreed to second.

The Minister for Youth Affairs and Sports (Mr. Namwamba): Madam Temporary Deputy Speaker, let me first of all start by commenting my learned senior, the Minister for Education for the tremendous work that he is doing in this Ministry. He is running a sector that is at the core of this country, both in terms of developing personnel and driving us towards the realization of Vision 2030. We are all aware of the enormous challenges that face education in this country, but it is also good to see that we are making very deliberate legislative efforts towards realization of the beautiful dream encapsulated in the new Constitution of this Republic. It is a Constitution that, in a very clear and express manner, recognizes education as a human right; it is an entitlement to every child in this country. Therefore, we should view this Basic Education Bill as part of our broader agenda of implementing the new Constitution and bringing the benefits of the new Bill of Rights to the people of this country.

Madam Temporary Deputy Speaker, I want to particularly commend the efforts that have been made to deal with areas that have remained with gaps in the management of our education. I want to commend part of this Bill that addresses the area of the Early Childhood Development (ECD). The ECD, as we know it, is one area of the education sectors that have almost existed outside the formal structure of education in terms of financing and staffing. It is good to see that this Bill has made very clear provisions that county governments will now be responsible in a very direct manner. I can see many aspiring governors, including my own aspiring governor for

Busia County, hon. Ojaamong, they should note that they are going to carry the challenge of managing this very critical service of ECD. Even as that happens, it is good that the TSC will retain the responsibility and the burden of staffing these schools. I want to hope that as soon as this Bill is enacted, we will see a very clear Motion towards incorporation of the ECD within the broader framework of delivering education to our children.

It is also good to see the efforts that have been made to improve the management of schools generally. The Bill now calls the Board of Governors, Boards of Management. It is very good that we have now set certain standards, namely, minimum requirements in terms of qualifications for those who can serve on these boards. Among the challenges that we have continued to face is the quality of the persons that some sponsors of schools bring to these boards that manage the affairs of our schools. Therefore, generally, without belaboring the point that the Minister for Education has already placed the House, I want to commend him once again and the Ministry. I do not think it will be in order for me to finish without commending the Minister for having dealt very deftly and humanely with the recent teachers' strike, having listened to our teachers and within the framework of the Government, having found a way to get our teachers back to school and our children back to class.

I beg to second.

(Question proposed)

The Minister for Roads (Mr. Bett): Thank you, Madam Temporary Deputy Speaker. Education, be it basic or higher education, is a critical aspect in economic development of any people. It is a social economic issue to a people. We must all educate our children if they are to compete fairly with other children within and outside the country.

Recently, we yielded to a demand by the teachers to pay them more. We are now in a bid to pass a Bill on the management of education. I would like to use this opportunity to say that the teachers must also appreciate that they have been listened to and, therefore, take their work seriously. I am aware a couple of them would want to indulge in activities that militate against the education of our children. We must reject this and condemn it in the highest language possible. My other concern is the issue of the graduates of Standard Eight. It concerns me because not all of them are absorbed into secondary schools. Thereafter, there is no other activity that is planned for them to be economically useful to themselves, their families and the nation at large. As we pass this Bill, the Minister needs to think seriously about what we should do with our children after Standard Eight. I am not talking about Form Four, but I am more concerned with these very delicate children who do not go beyond Standard Eight.

I want to urge the Minister to also find a way of improving on the syllabus for schools to include environmental studies. Today, we have issues of climate change and we are being told of *El Nino* and *La Nina*. These are issues which we need to address from the basic level in our lives, namely, from Standard One all the way upwards, so that we can internalize the importance of conserving our environment.

We may also need to find a niche in our syllabus for high schools to include family planning. Today, our population is growing at a higher level than the economic growth. That situation is causing stress to the delivery of services by the Government. Classrooms, health facilities and water supplies are stressed. This is all due to the increased population growth. I would like to suggest that at the high school level, we may need to introduce in a very intelligent and careful manner, lessons on family planning in order to control our population.

Under the County Education Board, there is a representative of the governor. I would like to suggest that we boldly say this is the governor, his or her representative. As the chief executive of that county, he or she should be given the responsibility of the management of education in that county. The other one is the issue of sponsors and the Minister touched on it. This is a delicate issue, but there are also schools which may not necessarily be sponsored by religious institutions like the ones we are building under the CDF. We need to re-look at the role of these religious institutions in the management of schools. One would need to ask how much they are contributing to the facilities and the infrastructure of these institutions apart from claiming that they are the sponsors of the schools. We need to re-look at that issue.

Another issue is the issue of free primary and secondary education. The flow of money from the Ministry or the Exchequer is so poor and it causes distress to the schools as well as causing stress to the children who are supposed to be supported through that facility. The law should provide a regular timeframe within which that money should be disbursed to the institutions as opposed to where at the moment they rely on God's grace and when the money is available.

Finally, we need to address the issue of the infrastructure as suggested by the Minister. Who will build classrooms and laboratories? The 15 per cent that we will be sending to the counties, will it be enough or will there be some more money from the National Government to assist in the building of these facilities?

Madam Temporary Deputy Speaker, who will give us computers so that we can all be computer literate in the whole country in order to compete internationally? Who will give us those computers or will we rely on somebody somewhere to give us his or her used computers as a way of dumping them in our country? As far as I am concerned, that is dumping of used equipment from other countries in our country.

With those remarks, I support the Bill.

The Assistant Minister for Youth Affairs and Sports (Mr. Kabando wa Kabando): Thank you very much, Madam Temporary Deputy Speaker. I rise to support this Bill. In implementing the Constitution, one of the basic things is education and unless we are empowered enough, all the other categories of implementation required in the Constitution would be inhibited because we would not have the manpower and capacity to ensure that we have the right drive to achieve the vision that we have set. Empowering, of course, of young people is core because it is investing for the future and for the right resource.

I want to laud the Minister for this well thought piece of legislation that is proposed and note that with a few highlights, we can easily achieve the turn-around of the educational sector. The inclusion of the National Education Board and the Quality Assurance Commission will significantly upgrade the tracking of programmes in schools and education institutions. It will also ensure that governance is improved and that remedial measures that are currently taken *ad hoc* and visits to institutions that are mostly *ad hoc* are streamlined. They will be systematic, predicable and the audit will be received and annual reports expected. Therefore, the necessary corrections of any area that will be discovered to require improvement will be made as a matter of routine engagement.

We have had scenarios where areas or schools have gone for years without any serious audit. We have had instances where institutions have been mismanaged and there is no report that can cause any correction. This also provides an opportunity for such reports to document easily the achievements of those managers that do very well because the evaluation or assessment of governance in institutions of learning will enable stock-taking and below

performance assessments. Therefore, the staff that do very well in financial management and in administration, in tapping the best resources and utilization of resources can easily be marked. I also note that in this Bill, there is provision for guidance by the County Boards on school based assessments and certification of school assessment tests. This is very important so that the commercialization of these exams, because of the competitiveness that we experience currently, and particularly, the disadvantaged positioning of public institutions because of personnel and in many instances the infrastructure, is reduced. The platform that schools get will be equal to those which are well placed.

I am very excited by the definition of who the sponsor is. Hon. Bett has mentioned this. It is good to laud and congratulate those sponsors particularly, religious organizations that pioneered the development of schools and have continued, at the level of secondary schools, to give attention and support. They have done very well and this cannot go unmarked. We know that the synergy between religious bodies and communities under the supervision of the District Education Boards as previously constituted have made very important strides. However, we will be hiding our heads in the sand like the proverbial ostrich if we do not accept that there have also been great challenges with some of the sponsors. This has been there and it has been experienced. There are those who have raised concerns as the Minister said when he was moving this Bill and those concerns need to be taken on board for the improvement of this Bill. However, a message should go out that if institutions have made significant contributions to the development of schools in infrastructure and in human resource; contributing significantly to the sustainability of good performance and ensuring that school expansion is achieved in a way that is acceptable, they need to be brought on board so that we bring quality on board. This is especially in the composition of the board of management of these institutions. I know the qualifications have been set which is again an overhaul of the current scenario where you may have institutions where members of the Board of Governors have been in place for two or three terms but their input has been challenged. We know that everybody comes on board in good faith to give additional value but it is also important to note and enact expectations which this Bill has brought.

My colleague here was talking about the involvement of the County Governor, saying that he or she should be on the Board. I think the Minister needs to rethink that. He will receive comments from many of us but I think the Governor is a mini-president in the county and should not be expected to sit in those levels. The report will be taken to the Governor of Education or other sectors. So, the person we should expect to sit is, Mr. Minister, the person for the time being chairing or in charge of the county executive committee addressing educational matters. Otherwise, bringing the attention of the Governor down will be telling the mini-president of that county that he developed a report that I cannot criticize and also audit it in that regard.

Finally, the very fact that we are moving from primary elementary education, Standard 8 as basic education, to High School or Form Four is a milestone. We, who work in the Ministry of Youth Affairs and Sports, and my boss is here, know that for one to now qualify and take examinations in a youth polytechnic, you are advantaged if you have gone up to Form 4. There are many youth now with good grades of C+ and B-. These are people who are just slightly below the mark of the Joint Admissions Board in Public Universities who go to polytechnics to acquire skills that are essentially not very basic in technical areas. Therefore, this Bill enables the youth of the Republic of Kenya to be part of the strength that will ensure that the capacity to engage in professional or career courses and also benefit the nation by their technical skills is achieved in a very fast way.

With those remarks, I feel that time is due. I congratulate the Minister for bringing this Bill on board. I strongly support it.

The Minister of State for the Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): Madam Temporary Deputy Speaker, I also want to join my colleagues in congratulating the Minister and thanking him for bringing the Bill to the House. This Bill will really help us to implement the new Constitution and take education to a higher level.

I want to join my colleagues on what they said about boards of management and sponsors. They have done a good job in the past. A number of them have continued to do a good job but, as everybody else has said, some of them have taken that job to levels that are not acceptable – levels which are outside the Constitution. There have been instances where students have been denied their rights to worship and other religious needs.

Madam Temporary Deputy Speaker, since Independence, Kenyans have been very tolerant of each other in terms of religion and ethnicity. People used to move from one part of the country to another to pursue education. People would come to Nairobi all the way from Turkana and all over the country. But what has been creeping in, in recent times? Some schools are even trying to stop students from taking subjects like Christian Religious Education (CRE), if it is the North Eastern Province; or Islamic Religious Education (IRE) in some national schools.

I wonder where we are headed to. During my time at Wajir High Schools, Muslim students were taking CRE and doing very well. So, it should be individual choices by students to do any subjects in school. Nobody should be denied the right to take CRE or IRE just because he is a Muslim or a Christian. Even if it is one child in that school, he should be facilitated to take it.

Madam Temporary Deputy Speaker, I am told that in some places, boards of managements are making money out of the schools. Therefore, proper audits need to be done. The traditional sponsors are gone. Other people have come in, who are actually making money out of those particular schools. There is need for such people to be flushed out.

There is an issue on the Bill, in respect of which I hope to bring an amendment. The Bill says that we want to reach out to mobile children and children from disadvantaged places. We have a million children in Northern Kenya who are out of school because their parents have chosen to adopt a livelihood system that requires them to move around. That is not to say that their system of livelihood is inferior to any other system. We should have the Ministry of Education and “Ministry of Schools”.

Madam Temporary Deputy Speaker, those children deserve to have access to education. With technology, it is now possible to use a variety of tested methods to provide education to those children. So, I will be proposing that we actually put it more formally and strongly that we have a nomadic education institution, whatever the name will be. We have too many Commissions. So, we can have another name for that institution. It could be a Board to bring about all the experience of the world and make sure that we reach those one million children. As we speak, we have nomadic schools under the Ministry of Education which move around. So, there are requirements like “physical addresses”, which need to be reviewed to ensure that we conform to all the types of schools we have in the country. The penalty that has been provided in this Bill, for parents who fail to take their children to school, should apply to nomadic families only after the Government sets up the institution I have proposed, and it has worked for some time to ensure that it is possible for every child to access education. We should not make a law which is impossible for people to obey.

Madam Temporary Deputy Speaker, I say that because education is very important for everybody but for the pastoralist, it is even more important. It is one of the best strategies for

exiting pastoralism. Pastoralism is changing. Population is increasing. The more people that go to school, the more people we will remove from pastoralism to find alternative livelihoods. The few remaining pastoralists will be able to eke out a livelihood from that particular land. In every year, mobility remains the most economically viable way to use in those areas until we probably get more money from oil and change that particular kind of livelihood.

Adult education has not been taken seriously in this country, particularly in the last few years. I am happy that it is now being given attention. I want it to be given even more emphasis. Maybe, we can find a way of putting in a clause that says we have a campaign for this sub-sector for a number of years. It is tragic that almost 50 years after Independence, we still have an illiterate rate of 80 per cent in Northern Kenya. Do you know how many teachers we have across Northern Kenya? They are slightly over 200. I wrote to the Minister about this recently.

Madam Temporary Deputy Speaker, I am just from my constituency. One of the districts has recorded 93 per cent illiteracy rate. So, unless we come up with a campaign to make sure that the current adult group is actually given literacy, this situation will continue for a long time. The best school enrolment rate in all the counties in Northern Kenya stands at 40 per cent, which means that unless we do something about the nomadic education system that I have talked about, we will have a higher level of illiteracy. We all know that without a literate population, all other Government programmes will fail.

I hope to bring an amendment to this Bill to give additional emphasis aimed at bringing about equity and giving more resources to those areas to ensure that we increase the level of literacy in those areas.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Dr. Laboso): Yes, hon. Sally Kosgei.

The Minister for Agriculture (Dr. Kosgei): Madam Temporary Deputy Speaker, I thank you for giving me an opportunity to support this very important Bill.

This Bill has, obviously, undergone a lot of work, because I have seen that on areas which have hitherto now been ignored, especially special education, the Bill has been crafted extremely well. As hon. Members probably know, we have children with special needs in schools, with no teachers or appropriate facilities. They stay there for a short time and then give up and go away. So, I am very pleased to see particularly this area being given attention.

Madam Temporary Deputy Speaker, I am worried, in some ways that, what we are trying to address is some level of equality, but the infrastructure in our schools is very unequal. When I talk of infrastructure, I am not talking only about the classrooms although classrooms are also very important. Let us look, for example, at modern technology and the way of studying. You can access any book anywhere in the world, if you have the right equipment. In our local schools, such facilities are not there.

Let me tell you a short story. About four years ago, the Director of Basic Education went with me to visit some schools in the neck of the woods. When we got to one of the schools, it was lunch time. There were some little girls, who were in Standard Two, sleeping in their classroom because they could not go for lunch. The teachers were waiting to come and teach them at 2.00 p.m. and at 3.00 p.m., ask them to plaster the floors with the cow dung they had brought so that they do not get infested with jiggers.

Madam Temporary Deputy Speaker, this was a mixed school. But the boys had long run away from school and they were not going to go back at all. We have tried to improve this situation using the Constituencies Development Fund and what the Ministry has done. The reason I am raising that issue is because in this Bill we are talking about the functions of Parents-

Teachers Associations, which are to develop infrastructure and look after the development projects. I have a feeling that their capacity is wanting. Children continue to be rained on because we moved from this to another school where the rain came down; it was easy because the children could exit through any part of the wall. This was because there were no walls to talk of. The school had been constructed in 1953 and was condemned. There are many schools like that around the country.

So, if you are in that situation, how are you going to compete with people in other areas which have teachers and infrastructure? If you are my generation, it would not have affected you because you had the teachers even if infrastructure was not there. It is sometimes hard to believe it, but I started school writing with my finger in the soil but teachers were practically uniform across the country. The exams were uniform and we could get through. We can say that, sometimes, by the grace of God, when you look at those children who are running away now, it might be me. It need not be that way. This Bill seeks to address a lot of this. For example, I am particularly excited that you will take on board the need to strengthen the Early Childhood Education which we sometimes take for granted in the city. As a mother I knew at a certain level in my time that I would take my little child to school, so that I could have a little time to work. That child would learn some things I would not be able to teach him or her.

I went to standard one having lived in this city for a while. Therefore, I was the top dog because I was already educated by just being around other children who were in school. For the child who was then coming from a situation without early childhood education, and being in an environment where people were illiterate, they could not even understand why they were being asked the names of their father. They could just say “my father is called Daddy and mother is called Mummy,” but they had no idea about the other names. But at that time, I could read and write. Therefore, I had a head start. I can well appreciate this.

You can see that children come to school not prepared into regular school because they have not been in early childhood schools, and they will have a complex which is going to affect them throughout their education life. So, I am particularly pleased that the Ministry has paid a lot of attention to early childhood education.

Let me once more say that I support this with a lot of praise for the Minister and the Ministry of Education for doing a job that had not been done all these years, and one that many Kenyans are going to benefit from. If one were to look at what it is that would bring more equality in this country, this Bill should be one of the things to be looked at.

The Assistant Minister for Labour (Mr. Ojaamong): Madam Temporary Deputy Chairlady, I also want to praise the Minister because having been in politics for some time, I cannot believe that this is the very Minister who used to articulate KANU issues.

You will find that the issue of free and compulsory education has been adequately addressed in the Constitution and also in the Bill. This is the issue of poverty that is disturbing in the countryside. As Members of Parliament, we are given bursary money and CDF from the parent Ministry but you cannot satisfy all people in the constituency who need the bursary. Some Members of Parliament end up even giving Kshs2,000 which is totally inadequate. You find that most of the children are still out there just as the Minister indicated. Providing free secondary education will at least bring equity because the children of the poor will be able to access it. So, this will be very good news to the people at the grassroots level who have been complaining that they cannot pay school fees for their children.

Madam Temporary Deputy Speaker, apart from that, even parents should learn to be very responsible. Mr. Bett said that we should bring in the issue of family planning. Some parents are

giving birth to very many children and they are running away from them, leaving the whole responsibility to the Government. As much as this provision in the Bill will ensure that almost all children go to school, parents should come in, chip in and assist the Government.

There is the issue of infrastructure in schools and the management which has been addressed in the Bill. This is very crucial. If you look at the facilities that are being put up, they are totally sub-standard. That is why we need to strengthen the management. In my own constituency at one time, a small kid lost his life because of a toilet that was very weak; when the pupil went in to attend to the call of nature, it collapsed and he died. That was a very miserable situation. This is widespread all over. When we bring in proper management of schools through the school management committees and the rest, you will find that some of these accidents in collapsed buildings, toilets and so on will be taken care of.

Regarding the issue of disabled children, as a Member of Parliament, if you went round your constituency, you would find that we have so many children with disabilities. In my constituency, the programme that came recently on how to assist the children with disabilities--- Those who are impaired through hearing, the lame ones and so on need serious attention. I have a school called St. Brigid in my place for disabled children. If proper investigations are undertaken, it will be seen that there is some equipment that can assist children. It is true I have seen some children who are deaf, but given this equipment they can hear properly. So, it is upon the Ministry to come to the assistance of these children. There are those who cannot walk but are subjected to very unfair treatment. I found a child who did not have limbs but he had to go to the same toilet as other children. This was very unfair and very unfortunate. We should at least have some policies or laws that will assist children with disabilities access facilities that are useful to them.

Madam Temporary Deputy Speaker, I am in the Ministry of Labour and we talk to many employers. You will find that in our labour market, there is a mismatch between the skills given in schools and those required in the labour market. If you look at somebody who has studied for a degree in religious philosophy, disaster management and so on, they cannot be useful. In Form Four, people are taking combinations that are not useful. We could choose Arts, Physics, Double Maths and Physics so that you could become somebody. You will find that somebody is doing Maths and combining it with Geography and CRE and this is not very useful. If you put somebody in the market, he just looks out of place. So, we should critically address this. We should be preparing people for the job market. If it is Chemistry, Biology or Geography, we know that somebody is going for something. If it is CRE and English we know that one wants to be a pastor. If it is English and something, then we shall know one wants to be a lawyer like my capable campaign manager, Mr. Namwamba, in my county. So, we should at least ensure that the skills people get in schools are those that are useful in the job market.

Madam Temporary Deputy Speaker, when Mr. Uhuru was the Minister for Finance, we introduced the centres of excellence. Those were very welcome ideas. There were to be two primary schools and a secondary school. We thought this would continue, but because it was benefiting the people, the forces of darkness came in and prevented this programme from continuing. Up to now when you move around, you will find that some of these projects are incomplete. So, Mr. Minister, try to prevail upon your friend Mr. Githae to re-introduce these centres of excellence. By now, I know I would be having five very good secondary schools and over 10 very good primary schools. That could have been a start. But when you leave this to the CDF alone, we tell people CDF is just 2.5 per cent of the total overall Budget. The local authorities take 5 per cent and the remaining percentage, around 80 per cent remains in the

Central Government. People keep on condemning Members of Parliament just because of the 2.5 per cent which is supposed to be spread all over. I would appeal that we go back to the Minister for Finance and tell him that we need proper infrastructure in schools and we shall support you in this Parliament if we still have time.

With those few remarks, I beg to support.

Mrs. Odhiambo-Mabona: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity. I want to thank the Minister for a very well-crafted Bill. I want to thank the Minister that within the short time that he has been at the Ministry, he has done an excellent job albeit sometimes with a little drama. But I think it is because he epitomizes the rights of the child as enshrined in the Constitution which is the right to dress and the right to play. So, Minister, please continue protecting the rights of our children in the Ministry.

I also want to laud the Minister for variably handling the teachers strike and for remembering our teachers who sometimes we forget and who are the sole reason that we are here today.

Madam Temporary Deputy Speaker, I just want to laud especially the provisions in relation to the values under Clause 3. These are:-

- (i) The value on the right of every child to free and compulsory basic education.
- (ii) The value on promotion of peace, integration, cohesion, tolerance and inclusion and promotion of good governance, participation and inclusiveness.
- (iii) Elimination of gender discrimination, corporal punishment or any other form of cruel and inhuman treatment or torture.
- (iv) Promotion of innovativeness, inventiveness, creativity, technology transfer and entrepreneur culture
- (v) Non-discrimination and protection of the marginalized.

However, I would want to encourage the Minister that you need to very specifically provide for the promotion of child participation as a value on its own and also provide for promotion of the child's right to play as a value on its own because when we grew up, we had a lot of time to play and we therefore grew up in a very wholesome manner. Indeed, I am part of a network of an alumni of my old school Homa Bay Primary School and we were just reminiscing yesterday about how we used to play *bladder*, seven stones, *rounders*, *hoola hoop* and all those games. It is because we played all those games that some of our brains are very active and alive.

The other day I was asking why a lot of young people are committing suicide. It is because we are not enabling children to just be children. They need to be children; they need to play. The games that our children play nowadays are games that encourage children to be very unfriendly. For example, the play station and all games that do not involve interaction with other children. That is why we need to provide very specifically on that.

Madam Temporary Deputy Speaker, I would want to move an amendment. I know what I am raising has been controversial in the past because I raised it in this House, in relation to the value 4(f); the advancement and protection of every child to be instructed in the language of his or her choice where this is reasonably practicable.

I know as a human right activist, it sounds as a very nice thing. I grew up in a small town in Homa Bay where I was born and brought up. One of the things I can say for a fact is that in the school I went to, our medium of instruction in school was English and Kiswahili. Because of that, it in a way enhanced the issue of integration. We were asking ourselves the other day that we had a lot of people from different ethnic communities and we had no clue because the language had a unifying effect around us. I went to primary school with all communities such as

Somalis, Kikuyus, Indians and the “white” people. But we used two languages of instruction; English and Kiswahili. After I left that school, a new policy was introduced and they said the medium of instruction is the language of the surrounding community. They started using *Dholuo* as the medium of instruction in that school. This is a town school where there are very many mixed students. The standard of education plummeted immediately. Indeed, I boast of very many people that I went to school with---

(Loud consultations)

The Temporary Deputy Speaker (Dr. Laboso): Order, hon. Keynan and company! The level of consultation is high.

Mrs. Odhiambo-Mabona: Thank you, Madam Temporary Deputy Speaker, for protecting me.

Madam Temporary Deputy Speaker, indeed, I boast of very many professionals who I went to school with. In this House alone, hon. Augustino Neto went to the same school with me. We also have many Judges and prominent personalities. But since then, when we meet students who go to that school now, we find that most of them drop out of school in Class Eight. Most of them do not go further. Instead of progressing, we are regressing. Some of those are as a direct consequence of policies that were well-intentioned but have gone wrong. I will, therefore, bring an amendment that will seek to equalize the playing field. You cannot instruct children in *Kijaluo* or Kisii languages and then expect them to undertake an examination in English and Kiswahili. If you instruct children in *Kijaluo*, then do the national examination in *Kijaluo*.

Madam Temporary Deputy Speaker, I also want to congratulate the Minister for remembering Early Childhood Development (ECD). Indeed, as hon. (Dr). Kosgei says, many of us who benefited from that had an early start in education. You will find children who are joining Standard One with absolutely no knowledge of what is in a school and you expect them to compete at par with the children who have had a head-start of five or six years of education. So, I thank the Minister for making provision for that.

I also thank the Minister for integrating Information and Communication Technology (ICT) which takes into account the global world. Now, all our transactions, including this Parliament, are in a new global era with ICT. Indeed, if we leave our children behind, then they cannot compete equally at a global level.

Madam Temporary Deputy Speaker, I also want to congratulate the Minister for taking into account children with special needs. Indeed, for my LLB, I did my thesis on something that touched a little on children with special needs. One of the challenges that we face, as a country, is that there are very few educational centres for children with special needs.

I would also like to encourage the hon. Minister, in his definition of the “parents” to take cognizance of the definition that has been used constitutionally; that includes children born out of wedlock. What we are providing right now, may preclude children born out of wedlock, because they did not apply to be born. They were not partakers of their parents’ misdeed, but now that they are here with us, we are under obligation to take care of them.

Madam Temporary Deputy Speaker, again, I want to encourage the Minister in Clause 8(2) (b) to include human rights as expertise for the qualifications that may be needed for persons who serve in the board. I would also like to encourage the Minister that in the board representation, if you are staying true--- I worked very closely with the Ministry of Education in mainstreaming child rights in the Ministry. I can see that even though there are attempts to

mainstream child rights, we are forgetting the issue of child participation. Therefore, whether it is at the county level board or the national board, we do not have an organization that represents children's interests. If it was up to me, I would actually encourage that we put a time to suit the children because we should not purport to know what the children want. Our children are nowadays very clever and very wise. So, we should get a child or their representatives both at the county level and national level. I would, however, want the Minister to also clarify what Clause 20(3) seeks to achieve.

“All Members of the County Education Board shall have a minimum qualification of secondary education certificate as may be determined by the Cabinet Secretary from time to time”.

Did you mean to say that the Cabinet Secretary shall be determining secondary certificates because that is really a mandate that the Cabinet Secretary does not have? I think it is with the Kenya National Examination Council and not the Cabinet Secretary.

Again on Clause 29, the Minister provides that:

“Every parent whose child is born in Kenya”

By providing for every parent whose child is born in Kenya, we are not actually providing for the standards that are set in the Constitution because the Constitution does not just recognize children that are born in Kenya but includes children who are born outside Kenya so long as their parents are Kenyans. So, you should bring that amendment to take into account my child who I shall give birth to outside Kenya.

I would also want to encourage the Minister that on the boarding facilities, if he could very specifically provide for priority for girls boarding schools because a lot of our girls get abused especially when they go to day schools and they are forced to do night classes.

I would also like to commend the Minister for the introduction of Clause 32(2) which says:-

“No child shall be denied admission in a school of basic education institution for lack of proof of age”

I say this because I know that there are very many needy children who have been unable to access education in the past like children in Nyumbani Children's Home because they find it very difficult to access birth certificates and many of the schools deny them access or entry because they are unable and yet the Constitution now provides for that. Leave alone our children in Nyumbani who we know are Kenyan but we cannot prove, but we know that the Constitution finds that every child who is found in Kenya who is below eight years will be presumed to be a Kenyan unless the contrary is proven.

Madam Temporary Deputy Speaker, I had a lot of comments, but I will leave it at that and the rest I may propose by way of written comments to the Minister. I congratulate you and thank you for a very good Bill.

Mr. Ogindo: Madam Temporary Deputy Speaker, let me congratulate my good friend the hon. Minister for Education for his intervention in the Ministry, and for seeing to this revolution.

Madam Temporary Deputy Speaker, a lot of things have been taken for granted for a long time and this has brought us to where we are. Education is most important in the development of any country. We must seize this opportunity that we are now revising our Education Act to bring it in tandem with the new developments.

It is important that we relook at our national curriculum. The difference between development in countries is in terms of the focus and content of their national curriculum of

education. Countries like Cuba have gone a long way purely because of education. Turkey just recently took off on account of its revised focus on content on the national curriculum. It is important that we take this opportunity to get the focus and content of our curriculum once and for all. It is also very important to appreciate that education makes us what we are today. What we are today is a result of what we learnt in our formative stages. It is very important that we get our formative stages with relevant and appropriate content.

Madam Temporary Deputy Speaker, I am glad that today the Constitution says that Early Childhood Education (ECE) is a function of the county government. This has been predominantly missing in the marginalized areas and the rural areas. Today, I believe the Constitution has given it adequate focus, so that this thing can be undertaken.

Today we offer Free Primary Education (FPE), but the physical facilities that we have do not favour this. We seriously need a classroom environment that facilitates learning, both physically and emotionally. It behoves us to find ways of financing the same. Most of the things that we call school infrastructure mirror into what would have been otherwise called “cowsheds”.

It is very important that today we embrace information technology and make it a compulsory medium of communication right from primary education. It is important that we expose our children to ICT as early as possible if they are to make the best out of technology.

The old story of teacher to student pupil ratio is with us. It is important that we look at this problem in the eye because we want to see that there is a good interaction between the pupil and the teacher.

The school management committees need to be defined properly in this Act. Previously, we have had everybody becoming a member of the school management committee. I think it should be made a basic requirement that we get people who have a little understanding of education into these management boards. This is because if you have all blind people to manage a school, then they will not. If you have people who have never been to school to manage a school, they will not. So, it becomes important that certain minimum requirements be spelt out in this Bill.

The other thing I must point out is in the financing of education. We need a radical shift here and we must think outside the box. In Ghana, when they wanted to make university education free, they introduced a special tax rate. I have looked at the finance part of this Bill and I have seen the various sources of finance. I think the Minister could ask his team to, maybe, think outside the box a little and find other ways of financing education. This is because if we do not finance our education then we will find it expensive financing the rest of the sectors.

We need to remove education from this financing system whereby it becomes a part of a sector and then they divide the resources. We need to come up with a way of developing a tax that is specific to the education sector. For example, those who have gone to the University of Nairobi, they pay the loan. Everybody who has gone through the University of Nairobi must have gone through a secondary school, a primary school and through the ECD or pre-primary school. If we make a policy that in this country, once you are employed, you have an education levy of Kshs1,000 per month, then we will be talking about financing education in this country, over and above what the general Exchequer is giving. I want to persuade the Minister to consider that as I will also consider it, so that something can come which might crystallize into a policy that is able to finance our education sector, which is badly needed, when we come to the Third Reading.

With those remarks, I support.

Mrs. Shebesh: Madam Temporary Deputy Speaker, I will be very quick because I am sure the Minister wants to respond. I am glad that I have found this very important Bill. I want to declare my interest first as I contribute on private schools because we run private schools as a family. Therefore, my issue on the private schools is that even as the Minister speaks about them, they must know that the children's rights are being violated by a quota system which is totally in disregard of the Constitution. I am happy to see that the Bill says that every child has a right to private education for basic education. I just want to clearly state that even as we are celebrating this, we are violating the rights of children in private schools.

On special needs, today is the World Mental Health Day. Again, for children with special needs, I would like the Minister to understand that when it comes to free primary education, it is not free for children with special needs. Again, this is a violation of the rights of children. He must look into this. We are sure that this is a Minister who knows about human rights, those issues will be rectified even as this Bill goes through.

The Minister for Education (Mr. M. Kilonzo): Madam Temporary Deputy Speaker, I just want to thank the Members. I have heard and heard very loudly. I will address all these things during the Third Reading, particularly some of the issues raised on the infrastructure, the ECD, among others. My student forgot to say that I taught her policy on disabilities.

I want to thank the House for supporting this very fundamental and essential law as we move into the future. For hon. Shebesh, I will look into the special needs and I will seek some time to meet with her to discuss the issues.

I beg to move.

(Question put and agreed to)

(The Bill was read a Second Time and committed to a Committee of the Whole House tomorrow)

Second Reading

THE SPORTS BILL

The Minister for Youth Affairs and Sports (Mr. Namwamba): Madam Temporary Deputy Speaker, it gives me great pleasure to move that the Sports Bill, Bill No.43 of 2012 be now read a Second Time.

I want to start by expressing my great pleasure and satisfaction to get the opportunity to move this Bill, a Bill that has been on the lips of virtually everybody who has interest in sports. Several of my predecessors have spoken at length about this Bill and they have expressed great interest to see this Bill enacted. Virtually all stakeholders in the sporting scene have made it absolutely clear that the enactment of a Bill that provides a broad legal framework to manage, regulate and provide guidance on how to conduct and administer sporting affairs in this country is absolutely essential.

Indeed, when the history of the sporting of this country is written, it will be amazing just how a critical facet of our lives like sports has managed to operate and come this far without any clear and deliberate legal framework.

Members will appreciate that this country has a great sporting tradition. It will also be appreciated that sports is a universal language. It is a language that can unite; it is a language that

can help bring down barriers, negative ethnicity and all the divisions that sometimes define our relationships.

When David Rudisha shattered the Olympics World Record in 800 metres in London, no single Kenyan – I believe – stopped to wonder what community or region of the country David Rudisha came from. Every Kenyan in unison rises to applaud, celebrate a great feat by a great Kenyan. When Denis Oliech scores a fantastic goal for Harambee Stars, nobody cares about his ethnicity. Everybody celebrates this great talent of a great Kenyan. Therefore, sports is a language that can unite us and it is the language that should unite us. Therefore, I take great pride to get the privilege to move that this House enacts this Bill.

This Bill will provide a very specific legislative framework that will guide how we manage sporting affairs in this country. It is a Bill that in a very innovative manner has brought to the table the views and opinions of various stakeholders and offered certain ways in which sports in this country should be managed.

The Bill seeks to establish institutions which will be critical in rationalizing the manner in which we manage sports affairs. Those institutions, which will serve the needs of both women and men, include the Kenya Sports Development Authority (KSDA), the National Sports Fund (NSF), the Kenya National Sports Institute (KNSI), the Registrar of Sports Organizations (RSO), as a new office; and the Sports Disputes Tribunal (SDP).

Madam Temporary Deputy Speaker, the Bill provides a very clear delimitation of roles and responsibilities for all those organizations. It will be appreciated that up to now, where we are today since this country got Independence, many sporting organizations in the country have operated in a manner that has often raised a lot of friction. It should be appreciated that this Bill does not seek to, in any way, interfere with existing sporting organizations.

Indeed, it will be noted from the body of the Bill and even from the Schedules in this Bill; that the Bill has not made any effort to interfere with currently constituted sporting organizations. What this Bill seeks to provide is a framework within which sporting activities can be regulated.

Madam Temporary Deputy Speaker, I want the House to note that this is not a new thing, and that it is not something unique to Kenya. A study by the European Union (EU) in 2008, which covered 27 of its member states, made it very clear that regulation of sporting activities by the state is absolutely important. To quote verbatim a section of that report, the EU concludes:-

“In our opinion, the trend of regulation should not decrease. It should, in fact, increase in the following years. Sporting is becoming more and more important in the European way of life.”

Madam Temporary Deputy Speaker, for a continent like Europe, which has made great strides in sports, to acknowledge that some kind of regulation is essential, really, is a pointer to how useful regulation legislation could be in improving the management of sporting affairs. Therefore, the Bill seeks to regulate sports organizations in the same manner that the Registrar of Societies did in the past; only that it should be noted that it will be in a better environment.

I would like hon. Members to remember that the Office of the Registrar of Societies is the one which also regulates all manner of associations, including little SACCOs, burial and benevolent societies and, previously, even political parties. Therefore, having an office that will regulate sporting organizations on their own in an organized manner will definitely provide all sporting organizations in the country with a better environment within which to operate.

Madam Temporary Deputy Speaker, it is important to say that even as this Bill proposes some kind of regulation of sporting organizations, sporting organizations in this country should

relax and know that their existence, as currently constituted, will not be interfered with. The only thing they should expect is a better environment that will better regulate them and improve the conditions in which they operation.

The Temporary Deputy Speaker (Dr. Laboso): Hon. Namwamba, you will have 50 minutes to complete moving debate on the Bill when this business resumes next time.

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): Hon. Members, it is now time to interrupt our business. Therefore, the House stands adjourned until tomorrow, Thursday, 11th October, 2012, at 2.30 p.m.

The House rose at 6.30 p.m.