

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th September, 2007

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.078

USE OF LIVE AMMUNITION BY POLICE DURING MOMBASA/KISUMU RALLIES IN 2005

Prof. Olweny asked the Minister of State for Administration and National Security, under what circumstances the police used live ammunition during the public rallies in Kisumu on 29th October, 2005, and in Mombasa on 11th November, 2005, which resulted in the loss of lives and serious injuries to members of the public.

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, I beg to reply.

Police officers used live ammunition during the two public rallies, one in Kisumu and the other in Likoni, Mombasa, on 29th October, 2005 and 11th November, 2005, respectively. In the Kisumu incident, a riotous mob caused mayhem inside Kenyatta Sports Ground and its environs, while protesting against the rally that was organised by Mr. Tuju, hon. Member for Rarieda, and the then Minister for Tourism and Wildlife, and other leaders to discuss the then National Referendum on the proposed Constitution. Police efforts to control and calm the riotous mob was met with overwhelming and unwarranted hostilities, where the mob was attacking the police and destroying their vehicles, and at the same time engaging in looting and destruction of private property. When the situation threatened to get out of control, the police had no option other than to use minimum force to maintain law and order.

Mr. Deputy Speaker, similarly, following a similar incident over the National Referendum rally in Likoni, Mombasa, a riotous mob invaded the Likoni District Officer's office in an attempt to break into the police armoury and seize firearms. Security officers were forced to use reasonable force to prevent the commission of the intended forceful seizure of the armoury. Under these circumstances, therefore, the action taken by the police was within the law and constitutional.

However, in both incidents, inquiry files have been opened and the matters were brought before the court for direction. We are awaiting the court's decision and direction on both cases. The hon. Member is advised to be patient and wait for the outcome of the inquest.

Prof. Olweny: Mr. Deputy Speaker, Sir, in his last statement the Assistant Minister told me to be patient and wait for the outcome, yet the dead are not patient in their graves! The Assistant Minister said that rioting, mayhem and looting led to the use of live bullets. There was a school child who was killed while holding his books and was from school. Could he tell this House that the young boy, who was hit by a bullet on the head, was actually looting? That problem was in a stadium, which was three kilometres away from the child who was hit. What did the child do?

Mr. Munya: Mr. Deputy Speaker, Sir, I have said that there were hundreds, probably thousands, of mobs that were rioting. They were not just rioting, but were also throwing stones and other missiles at the police and Ministers. The police were not equal to the numbers of the crowd, and live ammunition had to be used to stop them, because more people could even have died if the mob was left to continue behaving the way it was behaving.

It is possible that an innocent person, like the young boy he is talking about, was hit by a stray bullet. That is why we have an inquest pending in court to determine how that death and other deaths could have taken place. But, as to whether the police did what they were allowed to do by law, they did the right thing.

We have a problem in this country where people think they can riot, destroy property, go on rampage and nothing should happen to them. This culture of impunity needs to stop, especially now that we are going for elections. We have people who think that when they are campaigning, they have a right to prevent other people from campaigning and to even attack them. It is a very dangerous culture, and I am ashamed that an hon. Member can come here and ask a Question relating to this matter.

Mr. Deputy Speaker: Mr. Assistant Minister, I think the fundamental issue here is that this matter took place in November, 2005, and we are just approaching November, 2007, which is nearly two years. Probably, the hon. Member would be more concerned about the time that the matter is taking. Even if the due process is taking place, in as far as investigations are concerned, it is a matter of time. Is it not too long that two years have elapsed?

Mr. Munya: Mr. Deputy Speaker, Sir, I want to agree that the matter has taken quite a long time, but you will also agree with me that our courts are clogged. In fact, that is why we are bringing a law here to increase the number of judges and magistrates to deal with the normal court work, and other incidental, or unintended, matters that arise like this one. Sometimes cases take even five years in court; so, there is no special treatment for inquests. That is why it has taken some time. There are other cases pending in court right now that happened five years ago. This is because we have very few judges and magistrates to deal with these matters.

Capt. Nakitare: Thank you, Mr. Deputy Speaker, Sir. You have heard what the Assistant Minister has said. When two bulls fight, it is the grass that suffers. In that case, could the Assistant Minister tell us whether the instigators of that violence have been dealt with? Could they be named in this House? Nobody can just leave his house and go and cause mayhem and stone passers-by, unless there is an instrumental insider. Could the Assistant Minister tell us whether he has dealt with those planners, designers or architects of that mayhem?

Mr. Munya: Mr. Deputy Speaker, Sir, in that case, I do not think there were two bulls involved. Those were Kenyans going to Kisumu to exercise their rights. They exercised their freedom of assembly and speech by going to campaign for a document that had been passed by this House. But some members of the public who are very uncultured thought that it was their right to stop them. So, the issue of bulls and grass does not arise here. What we need is to try to teach our people to be more tolerant to other people's opinions, even when they contradict theirs or do not agree with theirs. That is the only way we can build a civilised society!

But, Mr. Deputy Speaker, Sir, as long as we think that we can use violence on something which is not in our favour, then we are building a very, very unstable society for ourselves and our children.

Mr. Khamisi: Mr. Deputy Speaker, Sir, all over the world, law enforcement officials are actually confronted with similar situations. However, I do not understand why the Assistant Minister feels that live bullets should have been used, while it is obvious that things like rubber bullets and tear gas could, as well, have done the same job! Why does he think it is important for the police to use live bullets in this country?

Mr. Munya: Mr. Deputy Speaker, Sir, in civilized societies, demonstrations are organized peacefully. People do a peaceful procession in town. They even ask for police protection when they are holding a demonstration. In that case, it was not a normal demonstration. It was actually an attack on people who had asked for permission to have a rally in Kisumu. It was not a demonstration. It was an attack!

Mr. Deputy Speaker, Sir, in that particular case, eight police officers were injured, seven police vehicles were damaged, a police firearm, a Ceska pistol S3260 with 25 rounds of ammunition, was snatched from a police officer! What is my friend, Joe Khamisi, expecting the police to have done? They never directed the live ammunition to a particular individual. They were using it to scare the rioters away.

The Deputy Speaker: Well! I will allow Mr. Ojode to seek a clarification and then I will take the last question by Prof. Olweny.

Mr. Ojode: Thank you, Mr. Deputy Speaker, Sir. This Government is fond of issuing licences for rallies and then, later on, withdrawing them at the last minute. I have a case in point where the ODM Party was given a licence to hold a rally here at Uhuru Park. I understand that they have cancelled the rally now!

The Deputy Speaker: Ask your question!

Mr. Ojode: Mr. Deputy Speaker, Sir, could the Assistant Minister explain to this House why it was necessary for those policemen to go and kill innocent wananchi four kilometres away from the stadium, where the rally was supposed to be? Can he explain why a policeman left Police Headquarters in Kisumu and went four kilometres away from the site of the rally and killed innocent wananchi?

Mr. Munya: Mr. Deputy Speaker, Sir, probably, one of the questions that these people who are asking questions need to ask is: Why was it necessary for that mob to go and stop Ministers from addressing a rally? Why were they carrying stones? To kill their own Ministers in Kenya - a free country?

Mr. Ojode: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker: Order! Mr. Ojode, I allowed you to ask your question as long as you wanted. Now, let the Assistant Minister respond!

Mr. Munya: Mr. Deputy Speaker, Sir, I am just wondering whether my colleagues on the other side do not see anything wrong with that kind of attitude. The only thing they can see wrong is when the police come to intervene and save loss of more lives and property. That is because those were marauding gangs. In fact, they were entering shops and looting! They were pelting people with stones and more lives could have been lost if the police had not come in to control the crowd and disperse the rioters.

Prof. Olweny: Thank you, Mr. Deputy Speaker, Sir. I do not know whether the Assistant Minister lives in another world which is different from ours. He has said that, across the world, demonstrations are more peaceful than ours. Maybe, he is out of touch with the most recent developments across the world, when it comes to demonstrations.

Recently, Mr. Deputy Speaker, Sir, we had mayhem in Kisii where Ministers were watching as their colleagues - hon. Members - were almost being butchered! The police were watching as---

Mr. Angwenyi: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker: Order! Order! Order! Mr. Angwenyi, you do not have to shout! Just stand on a point of order and I will see you! What is your point of order?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, is the hon. Member in order to refer to an incident which he did not witness; an incident which has been misrepresented by a biased media,

instead of addressing himself to the issue where they wanted to kill a Government Minister?

The Deputy Speaker: Prof. Olweny, could you restrict yourself to the Kisumu incident? That is what your Question is all about!

Prof. Olweny: Mr. Deputy Speaker, Sir, I am restricting myself to the Kisumu incident. But the Assistant Minister gave an example of "the rest of the world". I do not want to give examples from "the rest of the world". I am giving examples from Kenya. We have seen them and we have some experience.

The Deputy Speaker: Order, Prof. Olweny! The Assistant Minister referred to "the rest of the world". He did not refer to Kenya! So, if it is "the rest of the world", is Kenya not part of that world?

(Laughter)

Could you ask your question? You are taking too long!

Prof. Olweny: Okay, Mr. Deputy Speaker, Sir! Let me come closer home.

Mr. Deputy Speaker, Sir, across the world, and even in Kenya, there are effective ways of restraining rioting mobs, as opposed to the use of live bullets. Even in Kisii, they do not want to agree that even the police were watching. They were watching!

(Applause)

The Deputy Speaker: Order! Order, Prof. Olweny! Could you ask your question? Prof. Olweny, this is not debate time! Ask your question! You have now taken over five minutes asking a question.

Prof. Olweny: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House what other effective ways our police are supposed to use, apart from using live bullets?

The Deputy Speaker: Right! Now, that is a good question!

Mr. Munya: Mr. Deputy Speaker, Sir, we do not have alternative ways. What we have is the prescription in our Constitution. The police are empowered to disperse rioting crowds to prevent loss of life and property. The police are required to use minimum reasonable force; force that is enough to counter the force that the mob is using. So, if the mob is using stones and attempting to kill people--- In fact, in that case, they were targeting the Ministers and hon. Members who had gone to campaign there. It was the responsibility of the police to rescue the Ministers who the rioters were attempting to kill!

(Applause)

*(Mr. Ojode and Prof. Olweny
stood up in their places)*

The Deputy Speaker: Order! Order! The Chair has, in the past, ruled against the "mob" asking of questions! The matter is settled!

Next Question by the hon. Member for Nakuru Town!

Question No.151

ALLOCATION OF FUNDS FOR SPECIAL
EDUCATION IN NAKURU TOWN

Mr. Mirugi asked the Minister for Education:-

- (a) how much money has been allocated for Special Education in to Nakuru Town Constituency since the Financial Year 2003/2004 to date; and,
- (b) how the funds have been utilised.

The Assistant Minister for Education (Mrs. Mugo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry has allocated and disbursed Kshs25,293,320 for special education in Nakuru Town Constituency since the Financial Year 2003/2004 to date. The two schools which received the funds were Nakuru Hill School for the Mentally Handicapped and Menengai School for the Deaf.

(b) The funds have been used for the following activities:-

- (i) Buying of food and rations for pupils.
- (ii) Paying of workers.
- (iii) Purchase of specialized learning and teaching material.
- (iv) Construction of classes and dormitories.

Mr. Mirugi: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer. However, I would like to request her to consider Ngala School for the Deaf which is not listed in the answer. It also needs special education requirements. Could she address that issue?

Mrs. Mugo: Mr. Deputy Speaker, Sir, the hon. Member should give me the list of those schools and we will consider them. We will also support them.

Mr. Karaba: Mr. Deputy Speaker, Sir, is the Assistant Minister telling this House that the money given to special schools countrywide is adequate? Some of these pupils are always chased away from school because of lack of fees and other amenities. Is the Ministry going to undertake the responsibility of making sure that handicapped pupils are educated, without being sent home for school fees?

Mrs. Mugo: Mr. Deputy Speaker, Sir, no child should be chased away from school because of any fees. To begin with, every child in primary school in Kenya gets free primary education. Every child is allocated Kshs1,020. On top of that, every child with a disability, is allocated Kshs2,000. That is a total of Kshs3,020. Therefore, it is out of question that any child is chased away from these special schools. We also give Grants-in-Aid to all the special schools. It is a lot of money. It is supposed to support those children. Therefore, they should not be sent away from school.

Mr. Mirugi: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for the answer. I do not have any further questions.

Mr. Deputy Speaker: Thank you, Mr. Mirugi.

Next Question.

Question No.446

IRREGULAR ALLOCATION OF
MOLO POLICE STATION
LAND TO PRIVATE DEVELOPER

Mr. Mukiri asked the Minister for Lands:-

- (a) under what circumstances the land belonging to Molo Police Station was allocated to a private developer; and,
- (b) what remedial measures he is taking to deal with the anomaly.

Mr. Deputy Speaker: The Minister for Lands! Is he here?

I remember this Question having come on the Floor of this House before, is it not so Mr. Mukiri?

Mr. Mukiri: Mr. Deputy Speaker, Sir, that is correct. I do not know what is happening to the lands docket---

Mr. Deputy Speaker: Mr. Mukiri, I cannot hear you!

Mr. Mukiri: Mr. Deputy Speaker, Sir, that is the correct position. I do not know what is happening to the lands docket. They seem not to be attending Parliament to attend to Questions!

Mr. Deputy Speaker: I now want to order that the Minister for Lands comes with an answer for this Question on Tuesday afternoon, next week! Is that okay, Mr. Mukiri?

Mr. Mukiri: Mr. Deputy Speaker, Sir, could we have it on Wednesday morning?

Mr. Deputy Speaker: Wednesday morning?

Mr. Mukiri: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Very well! I now order so!

I hope that the Minister of State for Public Service, Mr. Akaranga, will pass the message. It is an order that the Minister for Lands will answer this Question on Wednesday morning without fail!

The Minister of State for Public Service (Mr. Akaranga): Mr. Deputy Speaker, Sir, I will surely pass the message to the relevant Ministry.

Mr. Deputy Speaker: Very well!

(Question deferred)

Next Question by the hon. Member for Kerugoya/Kutus Constituency!

Question No.463

EXPLOITATION OF KIRINYAGA HORTICULTURAL
FARMERS BY MIDDLEMEN

Mr. Karaba asked the Minister for Agriculture:-

(a) whether he is aware that horticultural farmers in Kirinyaga District have suffered great losses arising from wanton exploitation by the middlemen as they market their produce; and,

(b) what steps he is taking to protect the farmers from further exploitation.

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

(a) I am aware that horticultural farmers in Kirinyaga District have suffered losses from exploitation by middlemen as they market their produce.

(b) My Ministry is taking the following steps to protect farmers from exploitation:-

(i) Mobilization of growers into marketing groups.

(ii) Provision of market intelligence through radios, newspapers and Ministry of Agriculture information desks.

(iii) Encouraging farmers to enter into contract farming with exporters.

(iv) Educating farmers to enlighten them on their rights.

(v) Involving other stakeholders such as Horticultural Crops Development Authority in addressing marketing problems.

Mr. Karaba: Mr. Deputy Speaker, Sir, I thank the Assistant Minister for that answer. All the same, he is talking theoretically. Practically, if he went to Kirinyaga District today, he would find that middlemen are the ones peddling farmers produce for Nairobi and export markets. Is he talking the truth about the situation in Kirinyaga District? The exploitation continues unabated! He is not doing anything to help the farmers!

Mr. Muiruri: Mr. Deputy Speaker, Sir, I have already admitted that the farmers are being exploited. However, they are exploited by their own people who are brokers. We are not able to control the brokers because they do so on a willing seller-willing buyer basis. However, I have underlined the steps we intend to take to educate the farmers and ensure that they get the maximum from their produce.

Mr. Mbau: Mr. Deputy Speaker, Sir, I wish to bring to the attention of the Assistant Minister that this problem is not confined in Kirinyaga District only. Maragua District is the third largest producer of horticultural produce in this country. It is only after Machakos and Meru Central districts. We know that horticultural produce is the number one export for Kenya. However, when you go back to where the produce comes from, you cannot explain the discrepancy. Is he telling us that he is not able to take steps that can control the mechanisms and systems that ensure that farmers get their due share of their hard-earned produce?

Mr. Muiruri: Mr. Deputy Speaker, Sir, I have already said it very clearly. We are educating the farmers on their rights and advising them not to sell their products through brokers, but through the Horticultural Crops Development Authority. It is up to the respective hon. Members of Parliament to educate their people that they are being exploited.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, we have had similar problems with regard to financial institutions. Pyramid schemes have raked in billions of shillings from poor Kenyans. Here we have a similar case in which poor farmers are being deprived of their income. The Government is just sitting advising them to sell their products through organised societies. Why can the Government not move in and recover the loot that has been taken away from the poor farmers?

Mr. Muiruri: Mr. Deputy Speaker, Sir, with all due respect to Mr. Angwenyi, I do not know what pyramid schemes are. However, coming to the issue that is before this House this morning; we, as a Ministry, have admitted that there are brokers who go round exploiting farmers. I am advising the hon. Members, and people at large, to sell their horticultural produce through the Horticultural Crops Development Authority.

Mr. Karaba: Mr. Deputy Speaker, Sir, I think it would be pertinent if the Assistant Minister told this House the amount of money that farmers, particularly in Kirinyaga District, contribute towards the national revenue. He should also tell this House which measures the Government is going to take to prevent the farmers from further exploitation. Kenyans, particularly in Kirinyaga District, are losing a lot of money through fraudulent trade.

Mr. Muiruri: Mr. Deputy Speaker, Sir, it is true that horticulture is a big foreign exchange earner for this country. In 2005, Kirinyaga District produced 5,401 metric tonnes of tomatoes which fetched Kshs149,510,000. In 2006, this rose to 9,275 metric tonnes valued at Kshs154,580,000. The district also produced 4,475 metric tonnes of French beans valued at Kshs163,000,000. This again rose to 5,356 metric tonnes valued at Kshs183,920,000 in 2006. These figures confirm that Kirinyaga District has a big potential in agriculture. This could even rise to three times more if the farmers would sell their produce through the Kenya Horticultural Crops Development Authority instead of the brokers.

Mr. Deputy Speaker: Hon. Members, that concludes Question Time this morning. Before we go to the next Order, I think hon. Ndolo had a matter.

POINT OF ORDER**CANCELLATION OF ODM
UHURU PARK RALLY**

Mr. Ndolo: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Minister of State for Administration and National Security on the cancellation of the ODM rally which was to take place on Saturday, 29th September, 2007. The ODM had applied for a permit to hold the rally on Saturday and it was given by the Nairobi City Council. The amount of money required was paid and a notice was given to the OCS, Central Police Station. He also stamped and acknowledged it. Unfortunately, yesterday afternoon, we received a letter indicating that the rally had been cancelled.

Mr Deputy Speaker, Sir, we would like to know from the Minister if the police are the owners of Uhuru Park. When the Assistant Minister, Office of the President was answering Questions here this morning, he talked about a civilised society. Since he is very young, I hope that he is going to be very civilised and understand that we want peace in Nairobi. We do not want clashes any more. We want to be given an opportunity to hold that rally on Saturday.

Mr. Deputy Speaker: So, Mr. Ndolo, you are seeking a Ministerial Statement from the Minister of State for Administration and National Security?

Yes, Mr. Assistant Minister!

The Assistant Minister, Office of the President (Mr. Munya): Mr. Deputy Speaker, Sir, I will issue the Ministerial Statement tomorrow.

Mr. Deputy Speaker: Thank you!
Next Order!

MOTIONS**GRANTING OF MANDATORY PAID
MATERNITY LEAVE TO WOMEN
EMPLOYEES IN PUBLIC/PRIVATE SECTORS**

THAT, in view of the reproductive and productive role women play in the growth of the Kenyan economy and noting that the Government is a signatory of the resolution of the International Conference on Population and Development (ICPD) 1994; noting further that the Government has committed itself to attaining the UN Millennium Development Goals (MDGs); conscious that both women and children in this country suffer from serious post-natal health problems; this House do grant leave to introduce a Bill for an Act of Parliament entitled the Employment (Amendment) Bill to amend the Employment Act, Cap.226 of the Laws of Kenya, and the Regulation of Wages and Conditions of Employment Act, Cap.229, in order to grant all women employees both in public and private sectors three months mandatory paid maternity leave excluding the annual leave and male employees two weeks paternity leave.

Mr. Deputy Speaker: Hon. Members, hon. Ndung'u is out of the country on official duties. This Motion is, therefore, deferred.

(Motion deferred)

Next Order!

A BILL TO AMEND THE HELB ACT

Prof. Mango: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the inequitable and unstructured distribution of loans managed by the Higher Education Loans Board (HELB) for students in institutions of higher learning; aware that the distribution of funds has tended to favour students from urban areas and highly populated regions of this country; cognizant of the need to provide all young persons with equal opportunities to acquire knowledge and specialized skills; this House do grant leave for the introduction of a Bill for an Act of Parliament to amend the Higher Education Loans Board Act, Cap.213A, of the Laws of Kenya, to provide for a decentralized Constituency Higher Education Loans Scheme (CHELS) to ensure equitable distribution of loans' funds at the constituency level to students in both regular and parallel programmes studying in public and private universities and for matters incidental thereto and connected therewith.

Mr. Deputy Speaker, Sir, the Higher Education Loans Board (HELB) has been very useful in helping many students to acquire higher education. The HELB was established by an Act of Parliament in 1995 with the objective of administering the students loans scheme to the needy Kenyan students pursuing higher education. It operates under Cap.213A---

(Mr. L. Maitha consulted while standing)

Mr. Deputy Speaker: Could I ask hon. L. Maitha to sit down because he is standing just next to the hon. Member who is moving the Motion?

Prof. Mango: Mr. Deputy Speaker, Sir, it operates under Cap.213A of the Laws of Kenya. It empowered the HELB to establish a revolving fund or the students' loans scheme to finance higher education. All the past beneficiaries are required to repay their loans so that more students could benefit. For the time being, this loans scheme is being administered to students who have been selected by the Joint Admissions Board (JAB) to join public universities and also those students pursuing education in private universities who have applied for loans. Although this money is budgeted for, it is not enough to cater for all the students. It is also centralised in Nairobi. So, students from Mandera, Wajir and other parts of Kenya will have difficulties to travel to Nairobi to access the loans. If they have any queries, it is quite hard for them to present them to the HELB. The bursary fund is not enough to cater for every needy student in the country. Therefore, it has been a limiting factor to students who want to access higher education.

The HELB has been very commendable because it has been able to assist students from poor families. However, the disbursement of these loans remains a major constraint. Also, the loans are not sufficient and sometimes students drop out of institutions of higher learning because the money is not sufficient to take care of them.

Mr. Deputy Speaker, Sir, parents sell their pieces of land so that they can educate their children because the loan is not sufficient. The high cost of education remains a major constraint to many students to access higher education. For example, in 2006/2007 an estimated 39,000 students were awarded the loans compared to 38,000 in 2005/2006. This leaves out many students who scored mean grade C+ which is the minimum university entry grade. The students get a maximum of Kshs42,000 and some get as low as Kshs20,000 which is not enough to sustain them throughout the year. Therefore, there are many complaints that the money is not sufficient and there is need for

the Ministry to look into the matter and see whether they could increase the funding to the Higher Education Loans Board (HELB) so that many students can access the loans and get sufficient amount of money.

There is also gender disparity in the award of those loans. A total of 24,833 male students were given loans as compared to 12,000 female students in 2005/2006. Similarly, in 2006/2007, 25,000 male students and only 12,000 female got the loans. Thus, only half the number of female students as compared to males have been getting the loans. That seems to perpetuate the disparity within the education sector as far as female students are concerned. If we continue like that, we will not bridge the gender gap between the female students and the male students. The Budget allocation to HELB is so inadequate that many students who qualify with a minimum grade C+ are left out, thus wasting the human resource that we should be developing.

Mr. Deputy Speaker, Sir, currently HELB disburses loans from Nairobi, which is a centralised place. This has left many students from far off areas of the country disadvantaged because they have to travel long distances to fill the forms and when they are queried, they cannot come back to Nairobi fast because it is expensive. So, they cannot travel to Nairobi quickly to appeal and sort out the issues of their loans. Therefore, HELB needs to be decentralised so that the service is brought closer to all students. The constituency remains the central point for all Kenyans. Therefore, this service should be taken to the constituency so that Kenyans are served from the constituencies rather than from Nairobi.

Mr. Deputy Speaker, Sir, the loan form is also cumbersome and many students find it difficult to fill the forms as required. Many students have been technically disqualified because of the questions in the forms. Therefore, HELB forms need to be simplified for the benefit of the applicants. Currently, HELB disburses Kshs1.6 billion per year while it receives only Kshs800 million. This means that many applicants are not catered for. Also HELB needs to have mechanisms for collection of the repayments from the loanees. It needs to bring in the Kenya Revenue Authority (KRA) to help it collect the money from the loanees so that more students can benefit. The KRA can provide valuable support to HELB in collecting repayment loans from the beneficiaries who are now working.

Mr. Deputy Speaker, Sir, HELB plays a major role in support of higher education and, therefore, should be supported with more funds so that many Kenyans can access the loans. If we are to industrialise, we have to train more Kenyans and create more human resource who will contribute to the industrialisation of this country. Therefore, HELB plays a major role but it does not have enough funds to support students who go overseas as private students, those who go to private universities and those who undertake parallel programmes. They are all part of the human resource that is being created to develop this country.

Mr. Deputy Speaker, Sir, this country needs skilled and well-trained manpower. Therefore, concerted efforts and strategies are needed for this country to develop that human resource. The constituency, as a development unit, is very important and, therefore, HELB needs to be decentralised to the constituency level so that it can be accessed from there instead of Nairobi, where many parents and students find it difficult to reach to apply for the loans.

Therefore, I would like to seek leave of the House so that we could amend Cap.213 to allow for the introduction of the Constituency Higher Education Loans Scheme, which will ensure that all qualified students within a constituency, and from all corners of Kenya, are provided with access to scholarships. The recent trend in admission criteria by the Joint Admissions Board (JAB) is that the cut-off point is rising every year. When the cut-off point keeps rising every year, it leaves out very many qualified students. It does not mean that those students who are not admitted by JAB are not qualified to join university. Therefore, if the HELB is decentralised, the constituency will look at those who have qualified and award them funding to join university on parallel

programmes, so that they can further their education. That way, students from all areas will be provided with funds to be able to access higher education. This will contribute to human resource development. It is, therefore, my humble request that we decentralise HELB from Nairobi to the constituencies for easy access.

Mr. Temporary Deputy Speaker, Sir, education is very important to all Kenyans. Some parents even sell their parcels of land to have their children complete secondary school. Such parents do so because they value education. The Higher Education Loans Board (HELB) is a very noble idea, which has helped many Kenyans to access higher education. However, we need to take a step further, and take it to the constituency level, so that many Kenyans can access it more easily, without having to travel all the way to Nairobi. HELB should be decentralised to the constituency level to work in the same way as the Constituencies Development Fund (CDF), so that it can be accessible to all Kenyans. That way, constituencies will distribute the money fairly to all students.

Just as the CDF has been a noble idea, which is helping this country to develop, if we decentralise the HELB, it will also reach more people more conveniently and easily as opposed to the way it is now. Many students do not know much about HELB. Although the mechanism for disbursing HELB money is good, it is very far away from the people. A student may not have money to enable him travel to Nairobi to fill the application forms for bursary and also know whatever is available. So, this noble idea should be extended to all parts of Kenya to make it more accessible. That way, the money will be distributed better than it is being distributed now. It will reach more Kenyans than it is doing currently.

Mr. Deputy Speaker, Sir, the issue of equity in this country is very important. The CDF has shown the way. Devolution of the CDF has made it possible for the money to reach more areas, and it is being utilised in better ways. Therefore, HELB should also be devolved to the constituency level to make it accessible to more students. It will help to level off the situation, so that more students can access university education through the Joint Admissions Board (JAB) or the parallel degree programme. Education is the most important component in developing the human resource. Therefore, we need to spread HELB money to all parts of Kenya, so that we can develop all Kenyans and contribute to human resource development, as well as to nation building at a higher level. That way, Kenya will easily industrialize using the developed human resource.

With those remarks, I beg to move and ask Mr. Sungu to second the Motion.

Mr. Sungu: Mr. Deputy Speaker, Sir, from the outset, I would like to commend Prof. Mango for bringing this very important Motion to the Floor of this House. It is only unfortunate that the Motion has come here towards the end of the life of this Parliament. So, we may not be able to achieve the objective of the Motion, but it has a noble objective.

The key words of this Motion are "equitable distribution of loans". I have figures with me here, which have been issued by the HELB. These figures speak volumes. In the 2006/2007 academic year, in Kiambu District, Central Province, 596 male students and 519 female students got HELB loans. Let us compare those numbers with those in Kitui District, where only 331 male and 281 female applicants got loans. These figures speak volumes. The HELB loans, which are given by the Government, are supposed to be a form of affirmative action to help students from poor areas.

Mr. Deputy Speaker, Sir, if I were to read out all the figures contained in this document, one would want to query why Central Province gets the lion's share of the HELB kitty, despite the fact that all Kenyans pay taxes to the Central Government. Central Province does not dominate payment of taxes. We know that most of the taxes come from Mombasa District. So, we know for sure that there is discrimination. It is, therefore, important to ensure that this inequality is corrected, so that Kenyans can have a fair chance of getting HELB loans.

We also know something from the grapevine. We talk to students from various universities, who are our constituents. They tell us that it is not a question of coming from Central Province but rather a question of those who are able to reach HELB. Students from rich backgrounds are the ones who get HELB loans, yet that money is intended to help students from hardship areas, whose parents are unable to pay fees. If you look at the money that has been disbursed by HELB, you will notice that most applicants from Central Province get the highest amounts of loan, whereas if any student from my area ever got Kshs20,000 from HELB, that would be a record. They always get much less than Kshs20,000, yet they are the people who are poor.

Mr. Deputy Speaker, Sir, this favouritism of the rich, against the poor, must be stopped. One way of doing so is to make sure that this Motion sails through. We need to provide equal opportunities to students, with recognition of gender. The dangers posed by being unfair to our young people is insecurity, lopsided development, with the result that we may even have conflict in this country. This kind of thing should not be acceptable to Kenyans. Since this Parliament has got very noble aims, I would urge hon. Members to support this Motion. Acquiring specialised skills is important. The human resource is an important factor in development.

If we want to ensure a proper future for this country, by ensuring that our young people are the leaders of tomorrow, as we always say, we must ensure that they get loans. The myth that we were going to create 500,000 jobs in a year has not come to fruition because our people have not been empowered across the board. Wealth and employment creation mean that people must have skills, so that they can start companies and run them successfully. Therefore, the human resource factor is very important. One of the ways of making sure that this is properly catered for is to ensure that there is equitable distribution of this resource.

Mr. Deputy Speaker, Sir, the other issue raised in the Motion is decentralisation. We have a very good example of how the CDF, which is a devolved fund to the constituency level, has worked. The reason as to why there is so much controversy and concern is the fact that the CDF has had an impact, because it has gone right to the ground, where the people are. The people are aware of that fact. On the other hand, if you look at HELB, you will find that it is mysterious. Even as late as yesterday, a student came to me saying: "I need to pay this money. We do not have this money. My family is poor. I am an orphan. I have applied to the HELB, and there is nothing I can do".

We all know that more often than not, we are required to either write or physically go to the HELB for it to take action. That is unfair. It is now known, for example, that most funds from the HELB go to Central Province. Again, I say that this is very unfair. If we were to decentralise HELB and have the funds disbursed at the constituency level, obviously, we would make it a success, because students from my constituency will be able to know whether they have been adequately funded, given the fact that people are from various backgrounds. Some are orphans, others are from poor families, while others are from rich families.

Mr. Deputy Speaker, Sir, a good example is when Parliament decided to take the Minister for Education to task. We now have the bursary funds for secondary schools disbursed at the constituency level. This has also been a success story. There are no complaints. I have not seen a single Question

coming to the Floor of this House about the secondary school bursary funds that are being provided by the Ministry of Education. Therefore, as a House, we must insist that, even if this Motion was passed and we are not able to bring the law into operation, this Government acts before the Bill is enacted by Parliament and ensures that HELB is decentralised. Again, that will ensure fair regional distribution. We know that this is working even in the District Roads Committees (DRCs). We now know what is coming to our districts. There are less questions about such issues.

Mr. Deputy Speaker, Sir, issues that are raised by constituents are many. One of them is

that the students are not able to get those loans in the simplest way possible. Discrimination, favouritism and even tribalism is the order of the day at Higher Education Loans Board (HELB). We often have to intervene to ensure that our constituents get those loans. The reverse side is to take Kenya as a country. Take the number of students. There were about 38,000 students last year. This year, there are about 39,000. Those are very many students. It is difficult to manage at that level. If you decentralise HELB, it is going to be easy to manage. That may allow HELB to actually obtain some of the funds that they have loaned out to people.

The other day, HELB put a notice in the newspapers saying that it will ensure that anybody who wants to come to Parliament will do so after he or she has paid back the loan in full. I, for example, paid my loan a long time ago. That is supposed to be a revolving fund. A revolving fund cannot work because the supply of money to HELB is limited. The objective of a revolving fund is to ensure that those who have benefited from those loans pay them back so that other students can get the loans.

It is a shame because the other day, HELB published in the newspapers that it is owed billions of shillings. Imagine a situation where they were able to get those billions and distributed them across the board to the entire country! That would go a long way to help our people. That is why I said that we should decentralize HELB, so that it can have more time to manage its affairs properly.

Mr. Deputy Speaker, Sir, there are many issues that I could have raised. We have got many facts and figures. But I believe other hon. Members want to contribute.

With those few comments, I beg to second.

(Question proposed)

Mr. Wamunyinyi: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. This Motion seeks to decentralize the distribution of loans to students of institutions of higher learning in the country. Since we adopted the spirit of district focus for rural development, we were aiming at devolving and decentralizing most of the activities. We want to improve the efficiency on the distribution of the loans. The proposal to decentralize the distribution of loans should be supported to ensure that we support needy cases in rural households and poor families.

Mr. Deputy Speaker, Sir, as a result of the past mistakes which we are all aware of--- Deserving cases have been left out. Many students have not been given loans for their studies. Some of them even dropped out or postponed their courses until they were able to raise the money. I am sure that, at the constituency level, every constituency has many students in higher learning institutions, particularly in the universities. It will be easy for those needy cases to be identified and supported at the constituency level.

Mr. Deputy Speaker, Sir, I really support this Motion. I know that HELB has done a good job. We commend their efforts. HELB has been able to support quite a number of students. But it needs to be structured in a better way. Necessary reforms should be undertaken to ensure that HELB is decentralized to benefit the people in the rural areas.

Mr. Deputy Speaker, Sir, some regions have not benefited from HELB. It has also been difficult, in some cases, to follow-up on the repayment of the loans. If the distribution of those loans is decentralized, follow-up can easily be done with the help of the constituency where the students came from. They can easily be pursued in terms of tracking them down wherever they are. After completion of their studies, those who are not in the Civil Service can always be known where they are, and be followed up.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, there is a very disturbing scenario within HELB. Some students who are pursuing courses under the parallel degree programme are not supported by HELB. We appreciate the fact that, no student can be admitted unless he or she meets the necessary requirements to join a university for a particular course. But, usually, there is no space to accommodate all the students who qualify to join universities. But there is space for parallel degree programmes. That is something that we do not understand. Students under the parallel degree programme are admitted because they meet the requirements for university education. While at the university, they are not considered for loans by HELB.

We want to ensure that when the process will be decentralized, all members of the communities in the respective constituencies who are known to be students at the universities will be supported by HELB by way of giving them loans.

Mr. Temporary Deputy Speaker, Sir, on this note, I also think the university administration should take time and review its admission criteria which is usually based on available space within universities. Now that they are able to admit larger numbers of students for parallel degree programmes, I strongly feel that students who many not necessarily want to stay at the university should be admitted on the basis of just attending college and going back if they can find their own accommodation. They can live in their residences or stay with relatives. I think this should be considered to ensure that as many students as possible are admitted so long as they qualify to join the university. For example, when the 8-4-4 System of Education started, a candidate with a grade of C+ would automatically join a public university, but we have since moved from C+ to B- and then to B+. In fact, this year, there was a proposal that the minimum requirement was going to be A-.

The minimum grade for admission to university is C+, but the public universities are admitting students who only attained Grade A- and above. So, you will find that the rest of the students who qualify are not admitted to the public universities. This should be reversed to ensure that all those students who qualified and met the entry mark to the universities be allowed to join them. If accommodation is not available, they should be asked to find their own accommodation. If they are able to find their accommodation, they should be allowed to proceed with their studies. So, it is important that we do so. Obviously, for those who do not have relatives or families near the universities, they should be given money by the Higher Education Loans Board (HELB) to hire accommodation to live in and carry on with their studies.

Mr. Temporary Deputy Speaker, Sir, this Motion is quite timely. I want to appeal to my colleagues to support it, so that the necessary amendments can be proposed on the Education Act to ensure that our students benefit from the HELB scheme.

Mr. Temporary Deputy Speaker, Sir, I also strongly feel that the HELB scheme should, not only apply to university education, but also to middle-level colleges like the Kenya Polytechnic and our national technology colleges that are available. These are the most important institutions in attempts to spur development in this country. Students in these institutions are also very important and also need to be supported. That is, in fact, the most important cadre that we utilise in terms of applicable labour and the people we require to do the works in our various industries and so on. These are those pursuing technical courses at the diploma and higher diploma. Why should they not be considered for these loans also? This applies to the needy cases. As we know, we cannot develop without having these students in middle-level training colleges supported. They are the

resource available for our workforce.

Mr. Temporary Deputy Speaker, Sir, I want to appeal to colleagues to support this Motion. Maybe we may have to push for consideration of those students that are taking courses, not necessarily in university degree programmes.

With those few remarks, I beg to support.

Mr. Billow: Mr. Temporary Deputy Speaker, Sir, I think this is a very important Motion. I seek to support it.

Mr. Temporary Deputy Speaker, Sir, education is deemed to be one of the most important pillars in fighting poverty. To the extent that there is inequity in resource allocation in this country, and inequitable distribution of resources in the education area, what we are doing is not only failing to fight poverty, but we are actually increasing the gap between the rich and the poor. We are actually increasing inequality in the various regions of this country. This Motion is very important because it addresses those core problems of inequitable distribution of resources. You remember last year in a report that was published by the Society for International Development known as *Pulling Apart*, Kenya ranks as one of the worst countries in the world in terms of inequalities that exist. It is mainly because of the poor allocation of resources to the area of education.

Mr. Temporary Deputy Speaker, Sir, there are two main aspects of this Motion. One, is the fact that the Mover seeks to devolve the fund to constituency level, which is a very important thing. You will remember in 2004 when the Bomas Draft of the Constitution was done, the main interest of all Kenyans was to devolve allocation of resources from Nairobi back to the rural areas. It is in this context, that Members of this House very positively came up with the concept of the Constituencies Development Fund (CDF) in terms of allocating resources down to the constituency. The same has been done for roads and several other funds. I think the reason is because we feel that there are disparities in the development of various regions of this country.

Mr. Temporary Deputy Speaker, Sir, the second aspect is the issue of including students in the parallel degree programme in the allocation of these loans. Currently, only the regular students are receiving it. You will appreciate that one of the main limitations the HELB faces is in terms of the resource allocation. We are giving in the Budget a maximum of Kshs800 million annually for assisting students who are going to university, with loans. Compared to the same amount that we are giving for secondary schools bursaries, then this is a drop in the ocean. When we have over 50,000 students admitted to universities and we are allocating them only Kshs600 million, are we serious? In the first instance, I think it is really an indication of our minimal concern or commitment to education in this country. However, out of that 60,000 plus students who are admitted every year, we are told only about less than 40,000 actually receive the HELB loans. This is really worrying.

What it means is that there are thousands of students who are actually admitted and who may not access loans to complete their studies in the universities. The second concern is that students receive a maximum of Kshs42,000 a year and a minimum of Kshs20,000. We know how much it costs to be in university these days. To be allowed only a maximum of Kshs40,000 and a minimum of Kshs20,000, really it means that parents have to dig deeper into their pockets to actually finance substantial amounts of the fees which are required to sustain the students in the universities. This is becoming very difficult. For a country where 50 per cent of the population is living below the poverty line and cannot even buy bread, to be asked to pay school fees for students in universities when you are already struggling with fees for students in secondary schools, is going to be a very difficult thing.

Mr. Temporary Deputy Speaker, Sir, I think one of the things that we need to urge the Government is to look critically at the issue of higher education. The Government needs to allocate more resources for it. A sum of Kshs800 million is nothing. We spend billions just renovating the

offices of our Ministers in this city alone every year. Out of Kshs700 billion, Kshs600 billion, as a matter of fact, is spent on what we call operations and maintenance. That is keeping the Government in office. It is not spent on development. We can allocate a little of that to educate our children, so that they can have good education up to university.

Mr. Temporary Deputy Speaker, Sir, the other main concern that I have is the issue of inequality. The country is not equal in terms of wealth. We know that there are regions in this country where the poverty index is over 76 per cent. A good example is North Eastern Province where the poverty index is 76 per cent. In other words, 76 per cent of the population in that area cannot raise Kshs1,500 a month to keep them alive. They cannot even raise Kshs70 or Kshs80 a day and yet parents in those areas are expected to pay the same fees as their counterparts in well-to-do areas for their children in public universities. I think this is where the inequality is. What the Higher Education Loans Board (HELB) has done is to develop a standard application form that applies in North Eastern Province and other high potential areas in this country. Consequently, students who come from the poor regions of this country do not really have fair access. There is no fairness and equity in the allocation of these resources.

Mr. Temporary Deputy Speaker, Sir, by devolving these funds to the constituencies on a formula similar to the one used by the Constituencies Development Fund (CDF)--- The CDF takes into account the issue of poverty index. So, if we use poverty index as the basis for allocating loans to the constituencies, then we will introduce fairness and equity. Each constituency in this country will get its fair share of money for university education. So, what we need to do is to determine how many of our students are in regular courses and how many are in the parallel programme. We can then go ahead and distribute the money.

One major disadvantage that we have is that many students coming from marginalised areas in this country fail to get the necessary qualifications to be admitted in the regular university programme through the Joint Admissions Board (JAB). For example, in 2005, in the whole of North Eastern Province, we are told that only 30 students from Garissa, 18 students from Wajir, three students from Ijara and 25 students from Mandera were admitted into our public universities. In other words, in the whole of North Eastern Province we had less than 70 students being admitted to regular courses in our public universities. The reason is that they failed to get the A- requirement and yet we all know the kind of circumstances in which students from this area have to study. There are no schools, teachers, facilities and so on.

Consequently, out of the 3,000 or 4,000 students who sit for secondary school exams, a large number is forced to end up in our universities through the parallel degree programme. They will miss out from the assistance provided by the HELB. This is the inequity that we are talking about. The benchmark that we use for admission to university is wrong. It is not fair because it does not take into account the inequalities, the levels of development and the disparities that exist in our lives in North Eastern Province. That is the situation that obtained in 2005/2006 academic year. If you come to 2006/2007---

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Billow! If that document is official, you may wish to table it.

Mr. Billow: No, Mr. Temporary Deputy Speaker, Sir. I just wanted to quote the figures.

In the following year, we still had less than 70 students in North Eastern Province being admitted to our universities for the regular programme. Again, that means that there are hundreds of students who will have to struggle to get to university through the parallel degree programmes because of their qualifications. Those students will not have access to the same funds that students from other parts of the country have access to. For those reasons, I believe that it is absolutely important that we devolve these funds so that we can also bring on board the students who are under the parallel degree programme who come from North Eastern Province. This is important.

Education is not just about education for the sake of it. It is about livelihood and the future. It is about getting trained manpower so that, in the future, they can be appointed to high positions in this country. You will find a situation whereby only particular regions - those regions in the country that have high potential and are developed - produce all the manpower. Consequently, we live in a vicious cycle. Since we cannot produce quality students from North Eastern Province, we do not have access to public universities. Since we cannot afford to pay for them to do courses in the parallel degree programme, we cannot train them. Since we cannot do that, they cannot secure jobs in senior positions in Government. So, we have a situation where those living in marginalised areas are actually resigned to poverty forever unless we actually stop the systems that we use. One of the fundamental systems that we need to change is this one which actually provides funding to students who are in university.

Mr. Temporary Deputy Speaker, Sir, the other concern is that in addition to what they get in the Budget, the HELB actually receives money from students who had been given money earlier on. In other words, they recover loans through the Loans Recovery Programme. We also know that they have challenges because of the inefficiencies regarding the recovery of loans. There have been proposals that, for example, they may use the very efficient system that the Kenya Revenue Authority (KRA) is using. The KRA has everyone who is able to pay taxes or who is employed in the Personal Identification Number (PIN) System. Everyone who is in employment has a PIN. Consequently, it becomes easier to trace people and recover loans from them. You can actually monitor them using the PIN issued by the KRA. Perhaps, HELB could use this method to recover loans from people.

However, the most important thing is for the Government to consider allocating more resources. More importantly, the Government should ensure that these funds are devolved to the constituencies. We now have the CDF being enhanced. The Government is now appointing Account Managers and, perhaps, in future, more officers will be appointed and made permanent. That way, it becomes easier to manage resources, including the money under the Kenya Roads Board. Last year, we passed a Motion which brought those funds under the CDF. Perhaps, this is an opportunity also to take these funds down to the constituencies so that we ensure fairness and equity in our country.

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

Capt. Nakitare: Thank you, Mr. Temporary Deputy Speaker, Sir. This Motion is very important in terms of enhancement and improvement of education. However, before I go on, I would like to highlight a few things that the HELB has to take into account.

Currently, in order to maintain a university student, one requires over US\$23,000. That is a lot of money. In the past years, the HELB gave money to students and assured them of employment. The revolving fund system that was set up was intended to help students who join university as freshmen. The Government used to offer the graduands a two-year contract job so that they could repay the loans. However, by giving a student a loan, you are essentially committing him financially. If at the end of the student's graduation he is unemployed, how will the Government recover the money from him?

The Government has to come up with a solution to sort out this issue. It has to go back to the drawing board from the past years where students were given loans and assured that after graduation they would be assimilated in Ministries so that they could repay the loans. Otherwise, the Kshs800 million the HELB is operating on is peanuts. I do not think this is reasonable because of the rise in population in our education system. I do not see how this kind of money will be budgeted for when we already have in place Free Primary Education and Free Secondary Education. In our universities today, we have both residential students and those pursuing parallel degree programmes. We also have a programme for adult education in our universities. All these

people want to pursue higher education and so we need to have a vision, say, for 50 years from now.

Mr. Temporary Deputy Speaker, Sir, CDF has proved itself to be a homegrown Government project. I think that the financial aspects of CDF will take care of this euphoria of *majimboism* or devolvement of Government services. I do not see how well the Government can increase districts when at the same time money is being channelled to constituencies. I think it is better for us to increase the number of constituencies and devolve this money to the constituency level, so that the students can benefit.

Mr. Temporary Deputy Speaker, Sir, all along, the experience has been that children who are raised in cities and urban centres are closer to the HELB headquarters. This means that they are the best suited students to be considered for the loans because they know when to apply and they are known in the board rooms. A child from a rural area, for example, Gitwamba in my constituency in Trans Nzoia, who does not know the streets of Nairobi will not benefit from this loan system because he does not know the procedure. The procedure should be devolved and taken to the constituency level. It should be a homegrown issue that should be considered by the communities. This will also help in poverty eradication. The HELB does not know the rich and the poor. It receives applications from millions of children and ends up advancing loans to children of the rich people and denying the rural poor children chances of pursuing higher education.

The loans recovery has not been structured well. It is ordinarily a speech. To me, it is like a posthumous issue where somebody from the HELB comes up to say that they would want to recover money from political aspirants. Why now and not before? Most of the people who were advanced loans have retired from employment and yet, they never repaid the loans. Mere enough is good enough. Awarding these loans at the constituency level will help and will be a wake up call. It will stimulate the minds of the children who feel that even if they are admitted to pursue higher education, their parents cannot afford to pay the fees.

Mr. Temporary Deputy Speaker, Sir, when you look at the children who have been awarded scholarship overseas, you will find that they are hierarchial from the executive class. I have never seen a child from a rural area like Masaba in my constituency, who has been awarded a scholarship to Oxford University in England. The names that we see in newspapers are of children from towns and cities.

There is a lot of inequality in the selection of the students to be assisted. In 2006/2007, 24,833 male students were awarded loans compared to 12,799 female students. It is like male students are always given priority. We are encouraging female students to come up and be at the same level with their male counterparts. We need to have competition. We also have genius female students. Discrimination or disparity in awarding loans also discourages the girls and they go into early marriages because they cannot afford to pursue higher education. If you look at 2006/2007---

The Temporary Deputy Speaker (Mr. Sungu): Order, Capt. Nakitare! You seem to be quoting from a document. It would be nice for us to know whether it is an official document or not. Would you like to table it, so that other hon. Members can have the benefit of looking at it, when you finish with it?

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, I will not quote from the document. I will quote from my own encyclopedia in the head.

It is a fact that there is a lot of disparity when it comes to uplifting the girl child education. This starts right from Class One to university. When you look at the girls who are pursuing medicine, their number is *ultra vires*. When you look at the number of girls who are pursuing law degrees, you will find that the ratio of girls to boys is 1:20. These children are being discouraged because they come from poor families and they are not able to pursue higher education. For us to seal this gap, I strongly feel that we should support this Motion by Prof. Mango. We need to

devolve the HELB down to the constituencies level, so that the loans can benefit children from poor families.

With those few remarks, I beg to support.

Prof. Olweny: Thank you, Mr. Temporary Deputy Speaker, Sir.

Ms. Abdalla: (Inaudible)

The Temporary Deputy Speaker (Mr. Sungu): Order, hon. Abdalla! I hope I did not hear you well, but Prof. Olweny was ahead of you!

Ms. Abdalla: Did I say anything?

The Temporary Deputy Speaker (Mr. Sungu): Okay, I will say that I did not hear.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, I want to support this Motion. University education in this country has come from a point where it was affordable. It was almost free and most of the expenses regarding university education were supported by the Government. However, it has now become almost a dream to get to university. Many Kenyans who want to get university education today, even if they are qualified, find it close to impossible. As an educationist, I feel that it is the right of the young Kenyans to get university education.

In many of our neighbouring countries, university education is not as expensive as it is in Kenya today. In fact, if you take the actual cost of education in our public universities, you will find that it is terrible and horrible. For someone to pursue a Degree in Medicine at the University of Nairobi, the actual amount that is payable, including the Government bursary and all the other expenses, is more than Kshs500,000. If you go to Makerere University, this will be less than Kshs300,000. So, I do not know where Kenyans are running to. I do not know what the aim is here and yet, we want Kenyans to get education. This has made many young Kenyans who want to pursue university or college education to be virtually beggars, begging for money to pay for their education. This is very embarrassing to the youth who want to get higher education.

The Joint Admissions Board cut-off point is also very high. The qualification to join any university according to the Kenyan system is a C+ and above.

If you do not have those qualifications, the JAB will not give you a chance to join a university. C+ is the lowest qualification. That is just enough for one to join any university across the world, according to the Kenyan education system. That also makes university education another dream for the youth who would like to join universities. So, to qualify for the Higher Education Loans Board (HELB) loans, one needs to qualify to join public universities. To qualify to join public universities, you need a B+ and above. That means one needs to attain grade "A" or a very strong "B". Anything below that, you cannot qualify to get HELB loans. That is very discouraging to the youth of this country who want to get university education. Even those who get HELB loans do not get enough. That is why I support this Motion. They get peanuts! It is okay for the Government to meet tuition fees for public university education, which is quite a bit of money. But there is a lot that is yet to be paid by students in public universities. That is where they need to be assisted by HELB. The students are given a small amount of money to meet the other costs like accommodation, purchase of books, stationery and other facilities. Even part of the tuition is still being paid through the HELB loans. If HELB is serious about supporting our students, let it give them the full loan. It should not just give them small amounts of money. That leaves the students to be beggars around. Some of them live in very poor conditions at the universities, just because they do not have enough money. That is a shame to our system. It is a shame to our universities. It is also a shame to this Government which is supporting those students at the universities and yet, they live in very poor conditions.

So, my suggestion here is: If HELB wants to support our students, let it give them the full amount that they want. Some students get Kshs20,000 while others get almost Kshs50,000. What criteria is being used to arrive at that kind of discrimination? Those who get less have a lot of

problems. Many of them organise harambees. But very few people contribute these days towards harambees. Let HELB be serious in supporting our students.

For HELB to give adequate funds, it should be serious in recovering the loans that have been given out. Some people are actually working and they are not servicing those loans. That is one failure.

Mr. Temporary Deputy Speaker, Sir, I think Prof. Mango is right when she says that HELB would be more effective, transparent and helpful to our students in the universities, if it was devolved. That is if it was taken to the constituency level. We have a good experience with the Constituencies Development Fund (CDF) which has been devolved. It is doing very well. Today, we have a very good experience with the bursaries, which have also been devolved to the constituency level. It is at the constituency where we identify real needy students. HELB does not have people in locations and sub-locations to identify the needy students. That is why the distribution of loans is lopsided. Most of it goes to the rich parts of the country. Students from the richer parts of the country are the ones who get it because, probably, they are more aggressive. Usually, the poor students are very shy. The poor always do not come forward. So, they end up being marginalised. They end up being disadvantaged. So, they do not get the loans. We want that loan facility to be devolved to the constituency level. That way, we can have committees that would help us in identifying the needy students and those who actually qualify for it. My feeling is that anybody who has the qualification to be admitted into a university - that is C+ and above - should be supported by HELB.

That now takes me to those who are in private universities. Those students in our private universities and those who have joined universities outside this country should also be allowed to apply for those loans. It should not be restricted to only students in public universities. Even some public universities are discriminated too much. They favour students with B+ and above. What about other students who also qualify to join universities? Let those in private universities and others who have joined universities abroad be allowed to benefit from those HELB loans. After all, at the end of the day, they will repay.

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

Ms. Abdalla: Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion by Prof. Mango for the following reasons:-

Mr. Temporary Deputy Speaker, Sir, I am a beneficiary of HELB. I think HELB, as previously constituted before, got into the system of issuing varied loans. It had a very fair system in which everybody got the same amount as opposed to the situation now. The problems affecting HELB are not caused by decentralisation but, rather, standardisation. All the students sign the same form, irrespective of their parents' economic situation and their own exposure. That means that students who are more exposed, irrespective of whether they come from rural or urban areas, are able to fill those forms in such a way that they receive more loans than those who are less exposed. So, the change that this Motion is seeking for should be looking more deeply into how the forms should be made more practical and user-friendly. That way, children from less exposed families will be able to fill the forms in a much better way than they are filling now. The disparity now is not how much the student qualifies for a loan, but how well they filled their forms. So, in this regard, I will be looking more at the issue of decentralisation of information and criteria, rather than having officers in different constituencies. Although decentralising to the constituency level might be another possibility, but in my view, as a beneficiary of HELB, I think the solution is to increase the knowledge base of all the children - at least, the ones going to public universities - so that they can fill the forms correctly. So, those who deserve more will be able to get more than those who do not deserve. I think having it at the constituency will help in identifying more deserving cases than in just having another bureaucracy decentralised to the constituency level.

So, in terms of public universities, we should be looking at how the knowledge base of the applicants should be increased, so that those who are deserving will fill those forms better and benefit more.

Mr. Temporary Deputy Speaker, Sir, as has been said by previous speakers, students from marginalised areas are already disadvantaged by not being able to access public universities because of the cut-off points. A student who gets a "C" from a school in Ijara is definitely very competitive, if he or she was given the same facilities with students from other areas.

Mr. Temporary Deputy Speaker, Sir, one of the biggest successes of our former colleague, Dr. Godana, was to experiment with children who were performing in Marsabit and receiving grade "Ds" in their examinations. He would help them to get into certificate courses. Eventually, those children became Grade "A" students in diploma courses and then pursued parallel degree programmes in universities. This clearly shows that children from marginalised areas should be given a different opportunity to get into higher education. This means that if we have a decentralised HELB system, a child from Ijara or North Horr who gets a Grade "C" or a "C" minus, should be given funding to go for a parallel degree programme. I am sure, he will be able to have First Class Honours in the university given that he or she was able to perform under much harder circumstances in those marginalised areas.

In terms of decentralisation, we should be looking at the neediness of the person rather than just saying that this will be open to parallel degree students generally. In that sense, the people who have access to parallel degree programmes are already exposed enough. If they organised a harambee, they would be able to raise more money than children from marginalised areas.

Mr. Temporary Deputy Speaker, Sir, the other reason why the HELB should cover children who are going to parallel degree programmes is that the cut-off points in our public universities are based on the places available rather than the performance of the students. If we expand HELB to cover students joining parallel degree programmes, we will be able to have more children enrolling in our universities who cannot afford university fees.

Another thing that the HELB programme has not looked into very deeply is to change the entire culture of the Kenyan psyche. We need to make it clear that you have to pay for whatever you get. This means that if we make sure that students can get loans from the HELB, if your children turn 18 years of age and you have given them the best education and facilities, they would then know that they will go to the HELB to look for this money and will have to pay back. That will eventually kill the culture of us having to do harambees all the time, sometimes for cases that are less deserving just because they are able to meet and discuss their problems with Members of Parliament or other leaders. We should assist the more deserving cases.

Mr. Temporary Deputy Speaker, Sir, in my opinion, if the HELB widened its scope, people would have less excuses for having harambees for higher education. Former students would also look for jobs because they will not be able to get any other loans unless they pay their loans from the HELB. This decentralisation will help deserving cases, parallel degree programmes and increase the situation of equity which the current HELB is not addressing. It depends on how well an individual fills the form rather than whether he is a deserving case.

I say this with concrete evidence. I have a case of two students; one an orphan and the other for a single parent. The single parent has a very well-paying job, yet her child got more HELB money than the student who is an orphan. My analysis of that situation is simply that the student who is an orphan did not fill the forms properly. The HELB officials do not invest any time in ensuring that the deserving students get the loans and also assisting those who fill their forms wrongly. I do not believe that currently the HELB has an effective public relations department. They should adopt a more human approach towards students applying for loans.

Mr. Temporary Deputy Speaker, Sir, I hope that this law, once amended, will not just call

for decentralisation of the HELB and get people who are insensitive to the applicants at the constituency level. That will not solve the problem that currently the centralised HELB is facing.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Sungu): We have ten minutes before the Government Responder, responds.

QUORUM

Mr. Maore: On a point of order, Mr. Temporary Deputy Speaker, Sir. Given the impact of this kind of Motion, is it really appropriate to debate it without a Quorum? There is no Quorum.

The Temporary Deputy Speaker (Mr. Sungu): It has been brought to my attention that there is no quorum. Therefore, I order that the Quorum Bell be rung for five minutes.

(The Division Bell was rung)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Sungu): Order, hon. Members! It appears as if we may not raise quorum. The Chair must state with concern that lack of quorum has become an issue when we are discussing issues of national importance. Due to lack of quorum, we must adjourn now.

This House is, therefore, adjourned until 2.30 p.m this afternoon.

The House rose at 11.05 a.m.