

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 1st December, 2004

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.073

NUMBER OF KITUTU MASABA
RESIDENTS KILLED BY POLICE

Mr. Mwanicha asked the Minister of State, Office of the President:-

- (a) how many people have been killed by the police in Kitutu Masaba in the last five years;
- (b) what action he has taken to stop further loss of life; and,
- (c) how many people, so far, have been compensated by the Government as a result of (a) above.

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

(a) Five people, namely, Rodgers Nyang'au, Denis Obae Mong'are, Tom Onguri Oside, Yunis Nyamuote and Paul Nyamweya have died as a result of police shooting in Kitutu Masaba Constituency in the last five years.

(b) The law enforcement officers are trained and constantly undergo retraining on crime prevention and arrest of suspects using minimum force. Whenever it can be proved that officers have acted excessively, the due process of the law takes its course. If, on the other hand it is proved that police officers have acted in legal self defence, then no criminal liability can arise.

(c) In none of the cases mentioned above has compensation been made.

Mr. Mwanicha: Mr. Deputy Speaker, Sir, many of these names are misspelt, but I understand it. The list is not comprehensive. In December, Mr. Ondiek Boga was killed by police officers in Sirate. This is a case of the Government killing its people. I do not understand why this should happen. Could the Assistant Minister consider compensating these people?

Prof. Kibwana: Mr. Deputy Speaker, Sir, in 2001, Rodgers Nyang'au was shot dead by Administration Police (AP) officers and there is an inquest file pending to determine the circumstances under which he was shot. In 2002, Denis Obae, Tom Oside and Yunis Nyamuote were shot by police officers after they confronted them at Makongo area following a criminal incident. Before one can determine whether these people have been killed innocently and there is a criminal liability against the police officers, it is important to complete the inquiries regarding the cases. As I have indicated in the answer, if it is found that the police officers are responsible for wrong doing, they cannot be protected. Also, it is important for us to appreciate that many police

officers are killed in the line of duty. **[Prof.**

Therefore, we must also sympathise with police officers.

Mr. Kombe: Bw. Naibu Spika, Waziri Msaidizi amesema kwamba ni lazima tuwahurumie maofisa wa polisi. Jambo hili halina ukweli wa haja kwa sababu kukiwa na ghasia katika vyuo vikuu, maofisa wa polisi huwapiga wanafunzi risasi hata ikiwa hawana silaha. Ni hatua gani itachukuliwa maofisa wa polisi ambao huwapiga wanafunzi risasi?

Prof. Kibwana: Bw. Naibu Spika, kama Mbunge angetoa mfano wa visa ambavyo anazungumzia, ingekuwa rahisi kwangu kumjibu kwa ukamilifu.

Mr. Midiwo: Mr. Deputy Speaker, Sir, the Assistant Minister has said that even police officers are killed in the line of duty. I wonder what he is trying to portray. It is not the duty of the police to kill its own citizens. That statement sounds very bad. Could the Assistant Minister tell this House what happens to police officers when they shoot innocent citizens or even criminals? Do they remain on duty and investigate themselves? You cannot say that investigations are on going when the inquest file is in the same police station where the killer is. Once a police officer shoots a person, he is a killer and not a police officer any more. **Prof. Kibwana:** Mr. Deputy Speaker, Sir, when investigations are on going, you cannot reach the conclusion that a police officer is a killer. With regard to my statement that police officers get killed in the line of duty, this is a fact and this is a matter which was highlighted in the media. Many police officers are killed by criminals when they are trying to secure peace. Currently, we are working on a modality of ensuring that police officers are insured. The enforcement of law and order is two way. Police officers have their rights and those who may be shot by them also have their rights. In my answer, I have indicated that there are times when police officers act in self defence. If they do not act in self defence and they are just trigger happy, then that is a situation where the law must take its course. In this particular case, there are inquests that are going on to determine what exactly happened. The police officers who are being investigated cannot compromise the investigations because they are being done by the courts of law.

Mr. Deputy Speaker: Last question by Mr. Mwanacha! We are only on the first Question this morning and it has already taken ten minutes.

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

Mr. Deputy Speaker: No, Mr. Kombe! I gave you an opportunity to ask a question. Proceed Mr. Mwanacha, please!

Mr. Mwanacha: Mr. Deputy Speaker, Sir, in the last five years, five persons have been killed by Government forces in Kitutu Masaba Constituency. There are 210 constituencies in this country. If we multiply that number by five persons per constituency, that is a very high number of people being killed by Government forces. Something needs to be done. In Makongo, Ms. Eunice Nyamwita was struck dead by a police Land Rover. Chaos ensued because the police wanted to take away the body. How long will it take, at least, to compensate this particular lady? I do not even know what investigations are being done.

Prof. Kibwana: Mr. Deputy Speaker, Sir, I think as I indicated, when investigations are completed in terms of the circumstances surrounding that particular death, and I would like the hon. Member to also furnish me with more details about that particular case, then the appropriate action will be taken. This is because if any citizen is injured without legal recourse then the Government has got a duty to look into that matter.

Mr. Kombe: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that he does not know of any incident in Kenya where students have been shot? If I can give an example, at KTTC, Mr. Vincent Otieno Owiti was shot by the police in 1982. What is he talking about?

Mr. Deputy Speaker: Did the Assistant Minister say he was not aware of any student who has been killed? Prof. Kibwana, did you say that?

Prof. Kibwana: Mr. Deputy Speaker, Sir, I said that the question which had been put to me by the hon. Member was of a general kind and I had invited him to give me specific examples, so that I can respond to it accordingly.

Mr. Deputy Speaker: Next Question by Dr. Oburu! I understand Mr. Marende, you will ask the Question on behalf of Dr. Oburu. Is that not so?

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

Question No.902

DEATH GRATUITY FOR
MR. BASIL OGOLA'S FAMILY

Mr. Marende, on behalf of **Dr. Oburu**, asked the Minister of State, Office of the President:-

(a) whether he is aware that Mr. Basil Ogola who was the District Officer, Kitui, died on 2nd May, 1998;

(b) whether he is further aware that the late Mr. Ogola Nyagudi's death gratuity has not been paid to date; and,

(c) if the answers to "a" and "b", above, are in the affirmative, whether he could inform the House what urgent measures he is taking to expedite payment to the family which is in desperate need of the money to meet basic needs.

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

(a) I am aware that Mr. Basil Ogola Nyagudi who was a District Officer in Kitui died on 2nd May, 1998.

(b) I am also aware that the late Nyagudi's death gratuity has not been paid.

(c) The late Ogola Nyagudi was appointed in the civil service as a District Officer III on probationary terms of service with effect from 11th June, 1997 and passed away on 2nd May, 1998. His length of service was, therefore, ten months and 22 days. Since the late Nyagudi had not completed the requisite period of two years on probation, he was not confirmed in appointment and, therefore, death gratuity is not payable in this case.

Mr. Marende: Mr. Deputy Speaker, Sir, I did not have a written answer earlier. But that notwithstanding, the late Mr. Nyugudi died and left behind a young family constituting of three school-going children and an ageing mother. This is an officer who though had served for a short period in the Government, deserved some payment so as to look after his family. Could the Assistant Minister consider, if lawful gratuity is not payable, making some *ex-gratia* payment on humanitarian basis to take care of this family?

Prof. Kibwana: I am happy that the hon. Member has acknowledged that as far as the law is concerned and as it presently stands, gratuity had not accrued. I would be ready to offer any type of gratuity if this hon. House changes the law to permit it. Even for *ex-gratia* payments, the law has to authorise them.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, under the NARC Government, we have seen the families of Ministers and the former Vice-President who have died being taken care of. The former Vice-President and Ministers had some resources, but this is a poor officer. Could the Assistant Minister consider supporting the family of this poor officer who died from the kitty that these other people benefitted from?

(Applause)

Prof. Kibwana: Mr. Deputy Speaker, Sir, that is a very interesting question. But I had actually really prepared my answer in terms of this specific case and what the law says in terms of paying gratuity for an officer who has not worked for the requisite time.

Mr. Deputy Speaker: Last question, Mr. Marende!

Mr. Marende: Mr. Deputy Speaker, Sir, as you have noted from the answer given by the Assistant Minister, he is actually avoiding answering questions that are very pertinent. In law, when we talk of an *ex-gratia* payment, it means that there is no explicit provision in law, but because circumstances deserve humanitarian attention, you make that payment. I have asked the Assistant Minister if he could consider making that kind of payment to the family of the deceased. Even in the case of the former Vice-President or Ministers who have died while serving in office, there were no express provisions in law providing for payment and yet, payment was made. Why should we discriminate against Kenyans who are poor in favour of those who, in fact, are very well-placed and rich?

(Applause)

Prof. Kibwana: Mr. Deputy Speaker, Sir, my understanding of the Kenyan law is that it does not permit discrimination. As far as *ex-gratia* payments are concerned, they have also to be specified within the law. One cannot make an *ex-gratia* payment if the law does not allow it. Normally, the law allows such *ex-gratia* payments, particularly to assist an officer in terms of, for example, medical bills and so on. But this is a matter again which the Public Service Commission can be invited to consider if there is anything within the law that can be done to assist the family of the late officer.

Mr. Deputy Speaker: Next Question by Ms. Mwau!

Question No.787

CLAIMS OF RAPE BY BRITISH
ARMY PERSONNEL IN LAIKIPIA

Ms. Mwau asked the Minister for Justice and Constitutional Affairs what steps he has taken to address the claims of rape by the British Army in Laikipia.

The Assistant Minister for Justice and Constitutional Affairs (Mr. Githae): Mr. Deputy Speaker, Sir, this Question was subsequently re-routed to the Office of the President because it deals with police matters, and I understand they are preparing a reply. But just for the interest of hon. Members, I may just point out that our Ministry is charged with the portfolio under constitutional matters, ethics, governance, human rights, corruption issues, justice issues, judiciary, electoral issues, assets recovery and transitional justice. This Question was re-routed to the Office of the President.

Mr. Deputy Speaker: So, the Clerk is directed to have this Question come up through the Office of President.

Ms. Mwau: Mr. Deputy Speaker, Sir, when?

Mr. Deputy Speaker: I cannot tell you now. Consult with the Clerk and he will have taken the necessary action to make sure that the Question comes as soon as possible.

(Question deferred)

Next Question by Dr. Khalwale!

*Question No.585*EXPANSION OF WESTERN
UNIVERSITY COLLEGE

Dr. Khalwale asked the Minister for Education, Science and Technology:-

- (a) whether he is aware that Western University College needs land for expansion; and,
- (b) when the Ministry will give possession of the following properties to the university college to allow for the expansion; Kakamega Approved School and Old Kakamega Show Ground.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) I am aware that Western University College needs land for expansion.

(b) The Ministry, through the university college administration, has initiated discussions with the relevant Ministries under whose docket the properties fall; that is, the Office of the President and Ministry of Lands and Housing. In both cases, we have got positive replies. We are only waiting for the implementation.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I am happy to hear that the Ministry has already initiated those discussions. But going by the experience that we have witnessed in this country, it looks like various Ministers and Ministries do not discuss with each other. You remember what happened between Mr. Mwiraria and Mrs. Ngilu the other day. With those worries in mind, could the Assistant Minister give me a progress report of those discussions?

Dr. Mwiria: Mr. Deputy Speaker, Sir, first of all, I have nothing to do with the battles that are going on between Mrs. Ngilu and Mr. Mwiraria. That has nothing to do with how we run our business at the Ministry of Education, Science and Technology. I do not know why the hon. Member would like me to give him a progress report. That is not what he asked for. I think it is enough for him to know that things are happening. Maybe, he would like me to give him a deadline of how certain things will be done. I can assure him that, as late as August this year, very serious discussions took place between the various Ministries. A lot of progress has been made and we are just waiting for confirmation from the relevant departments that they can, indeed, give up the land for the college.

Mr. Deputy Speaker: Mr. Wamunyinyi, do you want to ask a question?

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that the Question by Dr. Khalwale has been answered. But what Dr. Khalwale has asked is a supplementary question which is accepted and valid. The Assistant Minister is fond of twisting answers. Could he tell the House what specific progress has been made towards that initiative?

Dr. Mwiria: Mr. Deputy Speaker, Sir, I do not know what the hon. Member means by "twisting answers". Maybe, he should be asked to explain. But I can confirm that on 13th August, 2004, the Vice-President and Minister for Home Affairs wrote to the Ministry of Lands and Housing to release the Kakamega Show Ground land to the university. The letter was copied to the Principal of Western University College. On 20th August, 2004, the Minister for Lands and Housing wrote to His Excellency the Vice-President and Minister for Home Affairs and stated that he was waiting for the concurrence of the Agricultural Society of Kenya and the Minister for Agriculture in order to act on the request. So, if that is considered as "twisting answers", too bad!

Dr. Khalwale: Mr. Deputy Speaker, Sir, so far, I am very happy. I am only waiting for the Assistant Minister to tell me when the final report will be brought before this House. I need to

know the date.

Dr. Mwiria: Mr. Deputy Speaker, Sir, I cannot give a definite date. But let me undertake to give a report within the next three months.

Mr. Deputy Speaker: Very well! Next Question, Mr. Omingo!

Question No.911

ABSORPTION OF TRAINED
TEACHERS INTO SERVICE

Mr. Omingo asked the Minister for Education, Science and Technology:-

(a) whether he is aware that many teachers, who were trained as early as 1994, have not been absorbed into the service;

(b) what urgent measures the Ministry has taken to address the situation; and,

(c) whether he could consider instant replacement of teachers who have retired or deceased to alleviate the shortage of teachers in the country.

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

(a) I am aware that many teachers who were trained as early as 1994 have not been absorbed into the service.

(b) The Ministry has not taken any action because of the freezing of employment of civil servants and teachers with effect from 1998. That order is still in force.

(c) The Ministry will review the existing policy on teachers' recruitment, once it finalises the on-going recruitment of teachers to replace those who left through natural attrition.

Mr. Omingo: Mr. Deputy Speaker, Sir, this is a simple and straight forward Question that requires a positive and definite answer. The freezing of employment had nothing to do with the replacement of people under natural attrition. Basic arithmetic suggests that, once somebody dies on a higher grade, you recruit at a lower grade. The Ministry always gets monthly returns. Why should a child, who is a future leader, suffer for waiting that long, when the Ministry knows that it can replace at a lower level?

Mrs. Mugo: Mr. Deputy Speaker, Sir, we replace those posts every year. In fact, right now, the 6,000 teachers that we are recruiting are replacements for those who have gone through natural attrition.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, shortage of teachers is a very serious issue. Indeed, it affects the quality of education. This is not the first time the Assistant Minister is addressing this issue. However, her answer is contradictory. Could she deny that it is not? On one hand, she has said that the recruitment of teachers was frozen in 1998 and, at the same time, there is an on-going recruitment of 6,000 teachers. Could she state the fact and address the issue of poor quality of education in this country right now?

Mrs. Mugo: Mr. Deputy Speaker, Sir, there is no contradiction, whatsoever! I said that the freeze affected new teachers and not replacements through natural attrition. We do replacements all the time! That is what we are addressing by recruiting 6,000 teachers.

Mr. Deputy Speaker, Sir, I deny that there is poor quality of education. We have increased our supervisors and given motorbikes to all our school inspectors. We have also given vehicles to District Education Officers (DEOs). Those things were not there before! That way, they can inspect

all the schools.

Mr. Deputy Speaker, Sir, at the moment, there is an on-going exercise to establish the teacher-pupil ratio, especially in the Arid and Semi-Arid Lands (ASALs). In such areas, the teacher-pupil ratio is lower compared to other populated areas. Once that exercise is completed, we will establish exactly how many more teachers need to be employed.

Mr. Karaba: Mr. Deputy Speaker, Sir, recently, there was an increase of 1.2 million pupils as a result of the Free Primary Education Programme. I am sure the Ministry was prepared for such an increase. Was it also prepared to increase teachers to cater for the same?

Mrs. Mugo: Mr. Deputy Speaker, Sir, I would say: "Yes!" However, increasing the number of teachers is a process. We held special urgent training courses for our teachers to cope with the extra load. It is something that we are working on. We have not perfected it yet. Even Rome was not built in one day. We will gradually increase the number of teachers as we move on.

Mr. Ogur: Mr. Deputy Speaker, Sir, there is no way you can say that the same number of teachers die in different areas. How come that, in the recruitment of teachers, no consideration is given to areas where more teachers die? When recruitment takes place, they give specific years which leave out people from such affected areas! Is that in order?

(Laughter)

Mrs. Mugo: Mr. Deputy Speaker, Sir, I heard his statement, but I did not get what he was asking.

Mr. Deputy Speaker: I am must say that I am also at a loss because he ended up by asking whether the Assistant Minister was in order. However, let us allow hon. Ogur another chance to rephrase his question.

Mr. Ogur: Mr. Deputy Speaker, Sir, I was saying that the death rate is higher in certain areas than others. When teachers are being recruited, you will find that the Ministry ignores the fact that some areas require more teachers than others. Why can the Ministry not recruit more teachers for areas that have been affected by a higher death rate?

Mrs. Mugo: Mr. Deputy Speaker, Sir, with regard to replacement, we only replace teachers in schools that are faced with natural attrition. When I talked of schools in the ASAL areas having fewer teachers, I said that those schools are more widely sparsed. The schools are not densely populated as is the case in other areas. However, the ratio will be determined as soon as this study is over.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, when you look at the recruitment of teachers in the Ministry of Education, Science and Technology, the Teachers Service Commission (TSC) has run away from its responsibility. It has allowed non-professionals to interview professionals. For example, people who have never learnt teaching are allowed to interview a teacher for the job of a Physics teacher. Why is TSC abdicating its responsibility of recruiting teachers and handing it over to non-professionals? When will they reverse the trend?

Mrs. Mugo: Mr. Deputy Speaker, Sir, we are considering that. However, this House, and Kenyans in general, have been calling for decentralisation in the recruitment exercise. When the Ministry delegated that responsibility to the District Education Officers (DEOs) and the Board of Governors (BOGs), complaints still arise. When the Ministry had the exercise centralised, it was accused of corruption. So, it is difficult for us although we are studying the situation. If this House recommends what the hon. Member has just suggested, then we can always revert to TSC.

Mr. Omingo: Mr. Deputy Speaker, Sir, the Ministry knows, for a fact, that there are teachers who are just about to attain retirement age before they start earning their first salary. I have ten of them in my constituency and they are 44 years of age. It is unfortunate that the Ministry is

striving to send teachers to Rwanda after training them for so many years. What is the policy of instantaneous replacement of teachers as a result of death? The gap left actually makes children suffer.

Mrs. Mugo: Mr. Deputy Speaker, Sir, there are policies that we follow even with regard to employment. We try to replace teachers as quickly as possible, but it must be understood that it takes time because there are processes to be followed.

Question No.829

SETTLEMENT OF SQUATTERS IN NGONGOGERI
SETTLEMENT SCHEME

Mr. Mukiri asked the Minister for Lands and Housing:-

- (a) whether he is aware that over 300 families in Molo Constituency have resided in Ngongogeri area for 40 years as squatters;
- (b) whether he is further aware that the Government established Ngongogeri Settlement Scheme but the above families were never considered and the farm was given to outsiders; and,
- (c) what the Government's criteria on allocation of land in settlement schemes is.

The Assistant Minister for Lands and Housing (Mr. Ojode): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that there are over 300 families in Molo Constituency that have resided in Ngongogeri area for 40 years as squatters.

(b) I am aware of the establishment of Ngongogeri Settlement Scheme, but I am not aware that the above mentioned families were never considered when the farm was given to outsiders.

(c) The Government's criteria on allocation of land in settlement schemes is that 60 per cent of the plots within the scheme are allocated to the local landless people of the district where the settlement scheme is located and 40 per cent goes to any other landless Kenyans. The list of successful applicants is forwarded to the Minister for Lands and Housing by the district settlement committee for approval and subsequent issuance of a letter of offer by the Director of Lands Adjudication and Settlement.

(Loud consultations)

Mr. Deputy Speaker: Order, Members at that corner there!

Mr. Mukiri: Mr. Deputy Speaker, Sir, I am surprised by the Assistant Minister's answer that he is not aware of the 300 families. Ngongogeri Settlement Scheme was given to these families by the former President when he visited the area. The moment the President left Ngongogeri, the settlement scheme was established. However, all these families, most of whom come from the Turkana Community, did not benefit from the allocation of land. The land was grabbed by prominent people in this country. Could the Assistant Minister table the list of those prominent people, some of whom are hon. Members in this House?

Mr. Ojode: Mr. Deputy Speaker, Sir, I am not aware that only outsiders were allocated land. The criteria of allocation, as I said, is that 60 per cent of plots within the settlement scheme are given to the locals and 40 per cent is given to the landless who come from other districts. I agree with the hon. Member that there are some prominent people who benefitted from the land allocation. However, an hon. Member for an area within which allotment is being done, is a member of the allocating committee. So, the hon. Member should have denied those prominent people land

during the allocation exercise.

Mr. Serut: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that 60 per cent of land within a settlement scheme is given to the locals and 40 per cent to outsiders. I agree with him, but are settlement schemes meant for the rich or the poor people?

Mr. Ojode: Mr. Deputy Speaker, Sir, any person who applies for land is considered by the allocation committee where the area MP is a member. If the committee decides to approve all the applications, I have nothing to say about that particular recommendation.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. You have heard the hon. Member say that some rich people, including Members of Parliament benefitted from this allocation of land. Is the Assistant Minister in order to protect those people by refusing to table their names? The nation must be told who these rich Members of Parliament are. He must table the list of the names.

Mr. Ojode: Mr. Deputy Speaker, Sir, it is common knowledge that when you apply for allocation of land, if there is enough land to be given to the landless, then the committee will decide and allocate land to you. There is nothing wrong in giving land to those who applied for it, but my list is very long! I have a list of---

Hon. Members: Lay it on the Table!

Mr. Ojode: I have a list of names---

Mr. Deputy Speaker: Order, Mr. Ojode! The question of the list being long does not arise because you can lay the list on the Table. Do you have the list and your problem is only that the list is too long?

Mr. Ojode: I neither have a problem in laying the list on the Table, nor do I have a problem in mentioning the names of prominent people in that list. But let me say this---

Hon. Members: Mention them!

Mr. Deputy Speaker: Order, hon. Members! You know, Mr. Ojode, there is no point in bringing this acrimony in the House over a point that you can resolve very easily. If you have the list, lay it on the Table! Do you have the list?

Mr. Ojode: Let me answer what has been asked by the Questioner.

Mr. Deputy Speaker: The question from the Chair is---

Mr. Ojode: He asked me---

Mr. Deputy Speaker: Order, Mr. Ojode! I asked a specific question, do you have the list? If you do, please, lay it on the Table.

Mr. Ojode: Yes, I have the list.

Hon. Members: Lay it on the Table!

Mr. Ojode: But---

(Loud consultations)

Mr. Deputy Speaker: Order, Mr. Ojode! If you have the list, then lay it on the Table!

Mr. Ojode: A total of 1,618 people benefitted from this particular scheme.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members!

Mr. Ojode: I will give the names of the first---

Mr. Deputy Speaker: No, lay the list on the Table of the House!

Mr. Ojode: Yes, I am laying the list on the Table, but I am also replying to his Question whether there were some prominent people who got land.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Order, Mr. Ojode! You know, I am presiding over this House. So, when I tell you to do something, you should do it. You do not tell me: "I will do this, or I will do that". I asked you if you had the list and you said you did; then I asked you to lay it on the Table if you have it. That is it!

Mr. Ojode: I hereby lay on the Table, the list of the beneficiaries of Ngongongeri Settlement Scheme on the Table; a total of 1,618 beneficiaries.

Mr. Deputy Speaker: Very well! Now, last question, Mr. Mukiri!

Mr. Kembi-Gitura: On a point of order, Mr. Deputy Speaker, Sir. I know that you have made a ruling and I respect that very much. But this is a very, very important matter because it deals with the issue of landlessness in Kenya and also about the rich, including hon. Members of Parliament, taking advantage to benefit from the settlement schemes.

Mr. Deputy Speaker, Sir, my point of order is that I want the Assistant Minister to name the Members of Parliament on that list.

An hon. Member: The "squatter" Members of Parliament!

Mr. Kembi-Gitura: Yes, the "squatter" Members of Parliament. We cannot have 1,618 hon. Members of Parliament; there are only 210 hon. Members of Parliament, and it is very easy to pick out from that list who hon. Members are. It is important for the nation to know who are taking advantage of the situation.

(Applause)

Therefore, I would like Mr. Ojode to pick out the names of the hon. Members and let us know who they are.

Mr. Deputy Speaker: Order! However, I have a short answer to that issue. We will allow hon. Members to have access to that document---

Mr. Kembi-Gitura: But the press will not have access to it!

Mr. Deputy Speaker: Therefore, I will defer the Question, so that hon. Members will have had an opportunity to look at that list. The Question is, therefore, deferred to Tuesday, next week.

Mr. Kembi-Gitura: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: I have already made a ruling!

Mr. Ojode: Mr. Deputy Speaker, Sir, I want to plead with you because I have already answered this Question. If you want me to highlight the names of those who have benefitted, that is the only thing I can do, because there is no need of deferring the Question! Why then do you defer the Question?

Mr. Deputy Speaker: Order! Order, Mr. Ojode! The Question is, therefore, deferred to Tuesday next week, to specifically deal with the issue of the names and nothing else.

Next Question, Mr. Wamwere!

(Loud consultations)

Order! Order there! Order! Can that list be brought to the Clerk? Order, hon. Members! This list belongs to the House, so lay it on the Table! Order, Mr. Katuku! The Clerk has not even seen it; could you Table it now? Why are you excited about it? So, we will deal with the matter of the names when we meet on Tuesday, next week.

(Mr. Ojode laid the list on the Table)

(Question deferred)

Next Question, Mr. Wamwere!

Question No.788

UNDERVALUING OF TREES
HARVESTED FROM BAHATI
FOREST BY COMPLY INDUSTRIES

Mr. Wamwere asked the Minister for Environment and Natural Resources:-

(a) whether he could explain why his Ministry has allowed Comply Industries Ltd. to undervalue trees harvested from Plantation KEN 5"U" in Bahati Forest by Kshs9,473,710.60;

(b) whether he is aware that Comply Ltd. has not remitted Kshs532,000 to the Government as royalties for 380 trucks worth of wood fuel from Bahati Forest; and,

(c) whether he could inform the House why a forester, Mr. P.K. Kenduiwa was transferred from Bahati Forest Station.

The Assistant Minister for Environment and Natural Resources (Prof. Maathai): Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has not allowed Comply Industries Ltd. to undervalue trees harvested from Plantation KEN 5"U" in Bahati Forest. The assessment and valuing of the plantation was done by the Forest Department Inventory Section of the Ministry.

(b) I am aware that Comply Ltd. removed firewood worth Kshs532,000 from Bahati Forest Station. This amount of royalty payable to the Forest Department has not been settled. My Ministry is already taking appropriate action to ensure that this royalty is paid.

(c) The forester, Mr. P.K. Kenduiwa, Personal No. 8104826, was transferred from Bahati Forest Station to another working station under normal circumstances. Government officers are transferred from one station to another, to enhance delivery of Government services.

Mr. Wamwere: The Assistant Minister has denied that they allowed Comply Industries Ltd. to undervalue trees harvested from Plantation KEN 5"U" in Bahati Forest. But did they allow the Ministry's Inventory Section to undervalue trees for Comply Ltd., given that the Ministry transferred the forest officer, Mr. Kenduiwa, after he wrote a letter to the District Forest Officer in which he said:

"On plantation No. KEN 5"U", I received the stamp-paid statements and the royalty bill at the same time. When I compared my data and that of the inventory team, there was a very big difference showing that the plantation had been undervalued".

Mr. Deputy Speaker: Order, Mr. Wamwere! Are you asking a question?

Mr. Wamwere: I just want to point this issue out and then ask my question. He continued to say:

"Please advise on how to recover the loss from the said plantation. The bill was Kshs3 million against mine of Kshs12 million".

Mr. Deputy Speaker, Sir, when this officer asked for advice, was it right for the Ministry to respond by giving him a transfer from Bahati Forest?

Prof. Maathai: Mr. Deputy Speaker, Sir, it is true that the valuation that the forester used has been acknowledged as faulty because there is a difference between valuing forests with trees

standing and when they are on the ground. Unfortunately, this matter was not rectified in time. However, this had nothing to do with the transfer of the forest officer.

(Loud consultations)

Mr. Deputy Speaker: Order, Members! Order, Mr. Ligale! Could I ask that we consult, not even facing backwards, but on the sides, so that we can make some progress.

So, Mr. Wamwere, ask your last question.

Mr. Wamwere: Mr. Deputy Speaker, Sir, would the Assistant Minister accept that by transferring the forest officer, the Ministry sent a very clear message to forest officers and forest guards that they must not complain against corruption or theft of trees? Since his transfer from Bahati Forest, there has been an on-going destruction of forests and theft of trees. As a result of this, the Ministry has refused to transfer the forest officer who is in charge and his forest guards were supposed to protect the forest and trees, the same way they were quick to transfer Mr. Kenduiwa. Does she see the relationship between what happened in the transfer of Mr. Kenduiwa and what happened after?

Mr. Deputy Speaker: Mr. Wamwere, you know you take a very long time to ask a question. But anyway, could the Assistant Minister respond?

Prof. Maathai: Mr. Deputy Speaker, Sir, I said the transfer of Mr. Kenduiwa did not have anything to do with the faulty assessment. The House will remember that last year, our Ministry sent home over 800 foresters, due to our belief that many of them were involved in corrupt practices in the forests. This year, we brought a large number of them back, believing that we had got rid of the corrupt officers. If these officers are still doing business that they are not supposed to do, the hon. Member should complain to the Department of Forests with evidence. We have a frustration as a Ministry. If we have Kenyans who are not sufficiently committed to protect forests, it is virtually impossible for us to be trying to ensure that our own officers are doing what they are supposed to do. So, I regret what the Member is reporting and I would urge him to bring the evidence to our Department of Forests so that action can be taken, if the officer is indeed, corrupt.

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

Mr. Deputy Speaker: No, Mr. Wamwere, I had given you enough time. Next Question by Mr. Oparanya!

Question No.339

ALLOCATION OF LATF FUNDS TO
BUTERE/MUMIAS COUNTY COUNCIL

Mr. Deputy Speaker: Is Mr. Oparanya not there? We will leave his Question until the end. Next Question!

[Mr. Deputy Speaker left the Chair]

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

Question No.921

UPGRADING OF GEDE HEALTH CENTRE

Mr. L.B. Maitha asked the Minister for Health when Gede Health Centre would be upgraded to the status of a sub-district hospital.

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

The Ministry of Health has no immediate plans to upgrade Gede Dispensary to a sub-district hospital. However, if the Health Management Board, through the District Development Committee (DDC) recommends the upgrading of the dispensary to a health centre, my Ministry would consider Gede along with other health facilities in the area, and provide some additional funds for this purpose.

Mr. L.B. Maitha: Mr. Deputy Speaker, Gede Dispensary has a catchment area of about 25,000 people, because it serves two huge locations consisting of five sub-locations. The volume of traffic flow is about 150 to 200 patients a day. I think this is enough for this dispensary to be upgraded to a sub-district hospital. Could the Minister tell us what standards the Ministry takes into account when it wants to upgrade such a facility into a sub-district hospital?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, in actual fact, the catchment area is not 25,000 people, but it is about 40,118. For this reason, we have the following staff members for that dispensary; one clinical officer, one Kenya Registered Nurse, one community nurse, one public health officer, one public health technician and we also have a VCT counsellor. The dispensary also has six beds.

I appreciate that we could upgrade it, but let us get a recommendation from the DDC and we will allocate resources in the next financial year.

Dr. Kibunguchy: Mr. Temporary Deputy Speaker, Sir, what policy does the Ministry have in terms of upgrading such institutions from dispensary to health centre and to sub-district or district hospital?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, it depends on the number of people who visit such facilities and the disease burden.

Mr. L.B. Maitha: Mr. Temporary Deputy Speaker, Sir, now that the Minister agrees that she is waiting for a recommendation from the Health Management Board, which I am sure will be forthcoming, could she consider posting a fully-trained medical doctor now since the number of people using that facility is far larger than in a normal dispensary?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, it is not possible to send a fulltime doctor now. But we have a clinical officer who is very qualified to undertake the work. If there is any immediate need for a patient to be referred to a district hospital, then the clinical officer would do it.

Question No.982

ARREST OF MS. HELLEN CHEPKERING

Mr. Koros asked the Vice-President and Minister for Home Affairs:-

(a) whether he is aware that Ms. Hellen Chepkering was arrested and remanded at Lang'ata Womens Prison in 1994;

(b) whether he is further aware that Ms. Chepkering conceived and delivered a baby in 2002; and,

(c) whether he could inform the House why Ms. Chepkering was remanded and whether he could consider releasing her.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Ms. Chepkering was arrested in the year 1994.

(b) I am aware that she conceived and produced a baby in custody.

(c) There is a board that checks up to see those who can be released, and it is actually looking into the possibility of this lady being released. The matter at the moment is with the Attorney-General where we hope it will be completed and she will soon be released.

*[The Temporary Deputy Speaker
(Mr. Poghio) left the Chair]*

[Mr. Deputy Speaker resumed the Chair]

Mr. Koros: Mr. Deputy Speaker, Sir, according to the answer given by the Vice-President and Minister for Home Affairs, he is aware that Ms. Chepkering conceived and later gave birth in 2000. I would like to know who impregnated her. Was it the police officers, or other insane people? Was the child born also mad?

Mr. Awori: Mr. Deputy Speaker, Sir, the lady in question was found to have difficulties in her mental capacity. In other words, to use the word I do not want to, she was found to be insane. As a result, she was moved to a maximum security area where both men and women do not get great restrictions in interacting during treatment at the Mathari Mental Hospital. As a result, it is quite possible that one of the inmates might be the father of the new born baby. I am not aware that the child's mental capacity is any different from mine, for instance.

Mr. Munya: Mr. Deputy Speaker, Sir, it is shocking that the Vice-President and Minister for Home Affairs is telling us that insane people who could be in danger of doing anything to each other, including impregnating one another, are allowed to interact freely in Mathari Mental Hospital. Since it is the Government that is responsible for the security and consequences which may befall insane people, could the Government consider compensating this lady and taking care of her and her offspring for the rest of their lives?

(Applause)

Mr. Awori: Mr. Deputy Speaker, Sir, these are sick people, but they are not mad. At the time of interaction, there is a group that seemed to be getting better because they had been on medication. As a result, during the treatment, as I said, they were separated from those who have got serious mental illnesses. These people are closer to being released and are not a danger to anybody. I have no reason to doubt that the report we received from the doctors is a clear one and that Ms. Chepkering will soon be released.

Mr. Mwanzia: Mr. Deputy Speaker, Sir, I appreciate the answer given by the Vice-President and Minister for Home Affairs. However, we should note that at one time this child will need to know the father because of various documents, for example, a birth certificate. Could he consider conducting a DNA test to establish who the father is because the inmates were known?

(Laughter)

Mr. Awori: Mr. Deputy Speaker, Sir, I think that is a very fair question. We will consider conducting DNA tests to establish who the father is.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I sympathise with the Vice-President and Minister for Home Affairs on this particular issue. It is a shame that when women are put in remand, they cannot be assured of security. Could he tell us whether the lady has been tested for HIV/AIDS status? Could we also be told whether whoever impregnated her is a fellow inmate or somebody outside the remand? If it is somebody outside the remand, for example, a worker, what will be done

to that person?

Mr. Awori: Mr. Deputy Speaker, Sir, the lady was not in remand at the time of conception. She was in a ward reserved for people who are suffering from mental incapacity. It is quite possible that the father, as I mentioned, could be one of the inmates. As a result of budgetary restrictions, we had not segregated men from women at the time when they were receiving their treatment. I understand from the doctors that one of the symptoms of the condition that she had is being hyper sexual. This is what I have read from the doctors report. So, I would like to confirm that she was not in remand, but in the ward.

(Laughter)
(Several hon. Members
stood in their places)

Mr. Deputy Speaker: Order, hon. Members! I would like you to appreciate that we are already past Question Time by the clock. I already have six questions unanswered. That Question has been fairly dealt with. I do not think I can go beyond that.

Last Question, Mr. Koros!

Mr. Koros: Mr. Deputy Speaker, Sir, if I may ask Mr. Cheboi to ask a question on my behalf?

Mr. Deputy Speaker: Mr. Koros, you cannot do that!

Mr. Koros: Mr. Deputy Speaker, Sir, the Vice-President and Minister for Home Affairs has said that the lady was found to be insane. Could he consider releasing her because it was recently announced that over 20,000 prisoners will be released soon?

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

Mr. Deputy Speaker: Order, Mr. Sasura! You are out of order!

Mr. Awori: Mr. Deputy Speaker, Sir, the lady was actually arrested and charged for murder. However, because she was found to be mentally incapacitated, this is the reason why she did not go to the maximum area. It has been found that she has responded to medicinal treatment. She is among those prisoners we are waiting to hear from the Attorney-General if they will be released. Let us not put her together with the other 20,000 prisoners who will possibly be released. This is a special case that only doctors can advise on. At the time she killed, she was not aware of what she was doing. However, she has now been treated, is feeling better and there is no reason why she should not join the society which she left.

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

Mr. Deputy Speaker: Mr. Cheboi, I know you want to ask a question, but there is no opportunity to do so. Therefore, let us move on.

Next Question, Mr. Wambora!

Question No.767
COMPLETION OF KYENI
WATER REHABILITATION PROJECT

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

- (a) what the total cost of Kyeni Water Rehabilitation Project is; and,
- (b) what the completion percentage of the project to date is.

The Assistant Minister for Water and Irrigation (Mr. Sugow): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) Kyeni Water Supply Project has several intakes and gravity lines which have been

developed over the years since 1969. In order to meet the current water demand for the area, this water supply requires major rehabilitation and augmentation. My Ministry, through the Central Region Water Service Board (CRWSB), will assess rehabilitation and augmentation requirements for this water supply in order to define the scope and establish the cost estimates for the works.

(b) Various components of this water supply have been completed and are operational. However, the scope of this water supply needs to be expanded to meet the current water demand. The completion percentage of the project will, therefore, be determined after the assessment of the rehabilitation and augmentation requirements.

Mr. Wambora: Mr. Deputy Speaker, Sir, as you have heard, the answer is very general and yet, my Question is very specific. I am asking about specific figures. What is the total cost and the completion percentage of the water project whose works started during the last financial year at a cost of Kshs5 million as per the Budget? This project is to serve Kyeni North, Kyeni South and Karurumo Locations. So, I am asking about a specific project which commenced during the last financial year.

Mr. Sugow: Mr. Deputy Speaker, Sir, I understand the specific question the hon. Member is asking. However, this project, besides its allocation of Kshs15 million last year, has been ongoing for a while and requires augmentation every now and then. For us to be specific in solving its problems, we need to do reassessment of the project to determine what further augmentation it requires. I am, therefore, urging the hon. Member to give us time to assess the project thoroughly, so as to come up with the specific information he is asking for.

Capt. Nakitare: Thank you, Mr. Deputy Speaker, Sir. You have heard what the Assistant Minister has said about rehabilitation of water projects. Is he aware that Kiminini Water Project, which was started by the Government at a cost of Kshs16 million, was abandoned in 1976? What steps is he taking to rehabilitate the projects which were near completion but were abandoned?

Mr. Sugow: Mr. Deputy Speaker, Sir, I agree with the hon. Member that there are quite a number of projects that were started but stalled more than a decade ago. The Ministry is currently rehabilitating a number of these projects across the country. There are many projects which are on the drawing board. However, the hon. Member could bring to the attention of the Ministry the specific project he has in mind. With the establishment of the water services boards countrywide, I believe that we will hasten the rehabilitation of stalled projects.

Mr. Wambora: Mr. Deputy Speaker, Sir, I want to make it very clear to the Assistant Minister that I am talking about a very specific project, whose intake is in Nthuci River in Kyeni North and is intended to move on to Karurumo, which borders Siakago Constituency. In this financial year, there is an allocation of Kshs5 million earmarked for Embu District to the Kyeni Water Rehabilitation Project. the project. Could the Assistant Minister assure this House that he will release the current allocation of Kshs5 million to the district, so that I can supplement it with the Constituency Development Fund (CDF) money?

Mr. Sugow: Mr. Deputy Speaker, Sir, I can assure the hon. Member that the amount of money which has been allocated for rehabilitation purposes in the district has already been allocated to the rehabilitation of this particular project. On part "b" of the Question, I assure the hon. Member that we will consult, and give him specifications for this project so that he can also use money from his CDF.

Question No.339

ALLOCATION OF LATF FUNDS TO
BUTERE/MUMIAS COUNTY COUNCIL

Mr. Oparanya asked the Minister for Local Government:-

- (a) how much money has been remitted to Butere/ Mumias County Council from LATF since the Funds' inception; and,
(b) what projects have benefited from LATF funds in Butere Constituency and how much was spent on each project.

Mr. Deputy Speaker: Mr. Oparanya, you should first apologise to the House for coming in late! This is the second time I am calling out your Question! You owe it to the House!

Mr. Oparanya: Mr. Deputy Speaker, Sir, I apologise to the House for coming in late.

The Assistant Minister for Local Government (Mr. Tarus): Mr. Deputy Speaker, Sir, may I beg the indulgence of the House to answer this Question on Tuesday? The answer was not ready.

Mr. Deputy Speaker: Mr. Oparanya, you have heard the Assistant Minister.

Mr. Oparanya: Mr. Deputy Speaker, Sir, this is the fourth time that this Question is being deferred. In fact, I have a written answer.

Mr. Deputy Speaker: Mr. Assistant Minister, could you tell us why you cannot answer this Question?

The Assistant Minister for Local Government (Mr. Tarus): Mr. Deputy Speaker, Sir, I am sure that the hon. Member wants a good answer. That is why I am requesting that it be deferred.

Mr. Deputy Speaker: This is the last time we are deferring this Question. This Question is deferred to Tuesday afternoon.

Mr. Oparanya: Mr. Deputy Speaker, Sir, when have you deferred it to?

Mr. Deputy Speaker: I have deferred it to Tuesday next week.

Mr. Oparanya: Mr. Deputy Speaker, Sir, I will not be in on Tuesday afternoon.

Mr. Deputy Speaker: When will you be in?

Mr. Oparanya: Mr. Deputy Speaker Sir, I will be in on Thursday.

Mr. Deputy Speaker: Thursday next week is fine. That is a good compromise!

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

EVICITION OF SMALL-SCALE FARMERS IN ISIOLO

(Dr. Kuti) to ask the Minister of State, Office of the President:-

- (a) Is the Minister aware that the School of Infantry near Isiolo is evicting small-scale farmers from their farms, claiming ownership of the land?
(b) What is the Minister doing to ensure that these peasant farmers are not left landless?

Mr. Deputy Speaker: Is Dr. Kuti not here? This Question is dropped.

(Question dropped)

SALE OF CIVIL SERVANTS' HOUSES

Mr. Munya: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Lands and Housing the following Question by Private Notice.

- (a) Is the Minister aware that civil servants who recently retired are threatened with eviction from Government houses to pave way for sale of houses they have occupied for many years to other

civil servants?

(b) Why is the Ministry not giving them first priority to buy these houses?

(c) Could the Minister table a list of houses so far sold and those in the process of sale, their location, a list of buyers and the price paid for each house?

The Assistant Minister for Lands and Housing (Mr. Ojode); Mr. Deputy Speaker Sir, I beg to reply.

(a) I am aware that civil servants who have retired do not qualify to buy houses according to the regulations published through Legal Notice No.98 of 15th September, 2004, vide Kenya Gazette Supplement No.58. For one to qualify for tenant-purchase scheme, one must be a serving civil servant.

(b) The Ministry is not giving retirees priority because the terms, conditions and regulations bar them from joining the scheme.

(c) So far, no houses have been sold. However, in Nairobi, the following 184 non-strategic houses have been offered. In Kileleshwa 206 - units; Mayfair Shauri Yako - 15; Nairobi West - 71; Mugoya South C - 144; Rubia Langata - 280; Kibera Highrise - 299; Kongoni Flats South C - 18; Sungura Road flats South C - 24; Kabrass Flats South B - 7 and Mkenia Flats South B - 20 units. The total number of these houses is 1,084. Submission of applications is with 10 per cent deposit of the sale price, closed on 31st October, 2004.

Applications are now being processed and those who qualify to buy the houses will be allowed to do so subject to their acceptance of the offer.

Mr. Munya: Mr. Deputy Speaker Sir, you have heard the Assistant Minister say that civil servants who have lived in those houses for many years, and are retiring and have enough money to buy the houses, are being barred by the Ministry from doing so. I would like the Assistant Minister to tell us the unit price of the houses since he has said that 10 per cent of the cost of the houses has been deposited by buyers. Could he tell us the price of each unit that is being sold?

Mr. Ojode: Mr. Deputy Speaker, Sir, you will agree with me that, that is a different question. It is not possible for me to table the price of each unit because the hon. Member did not ask for the prices to be tabled.

Mr. Munya: On a point of order, Mr. Deputy Speaker, Sir, the Assistant Minister is deliberately avoiding to answer part (c) of the Question!

Mr. Deputy Speaker: Mr. Assistant Minister, part "c" asks for the location, list of buyers and the price paid for each house.

Mr. Ojode: Mr. Speaker, Sir, I have the number of houses for sale and the applications we have received. So, the number of houses for sale is 1,084. Those applied for are 1,024, and those not applied for are 60. Returned application forms are 973. I think I can come up with a schedule of each and every estate, showing what has been paid for. However, the total deposit realised is Kshs215,117,425.50.

Mr. Munya: Mr. Deputy Speaker, Sir, the Assistant Minister does not seem ready to answer this Question. He does not have prices for each unit, yet he is already telling us the amount of money that has been deposited. Could we defer this Question until he brings a proper answer, because this is a scam? These houses are being dished out to cronies and friends of some people.

Mr. Deputy Speaker: Very well, I defer the Question.

Mr. Ojode: Mr. Deputy Speaker, Sir, I oblige.

Mr. Deputy Speaker: You said that you will be in this on Thursday?

Mr. Ojode: I will not be in this week on Thursday. I request that you defer it to next week on Tuesday.

Mr. Deputy Speaker: Very well, the Question is deferred to next week, Tuesday.

(Question deferred)

REPAIR OF YABICHO DISPENSARY ROOF

Mr. Billow: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that the roof of Yabicho Dispensary was blown off in August, 2004 leading to its closure?

(b) What action is the Minister taking to repair the dispensary and make it operational?

The Minister for Health (Mrs. Ngilu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the roof of Yabicho Dispensary was blown off by wind in mid-August 2004 and services have been relocated to a staff house.

(b) My Ministry has already taken action and has issued an Authority to Incur Expenditure (AIE) of Kshs766,000 to facilitate the repair of the roof and have the dispensary operational once again.

Mr. Billow: Mr. Deputy Speaker, Sir, I must appreciate that answer by the Minister. For the first time, I do not have a supplementary question to ask her. I think that clearly is an indication of a Minister who is very serious with Questions asked by hon. Members of Parliament. I, therefore, thank the Minister.

(Applause)

Mr. Deputy Speaker: Very well. That is good enough.
Next Question by Eng. Muriuki!

FUNDING FOR OL JORO
OROK REHABILITATION CENTRE

Eng. Muriuki: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Gender, Sports, Culture and Social Services the following Question by Private Notice.

(a) Is the Minister aware that Ol'Jororok Rehabilitation Centre for the disabled is about to close due to lack of funding?

(b) How many students is the centre supposed to cater for and how many does it have now?

(c) What was the total allocation for the centre this financial year?

(d) What measures has the Minister taken to save the centre from collapse?

Mr. Deputy Speaker: I have been informed by the Leader of Government Business that the Minister for Gender, Sports, Culture and Social Services is not there and, therefore, he requests that this Question be deferred. Is that okay because there is no Assistant Minister to answer it?

Eng. Muriuki: Yes, Mr. Deputy Speaker, Sir. However, I hope that it will be deferred to only tomorrow because I will not be here the whole of next week.

Mr. Deputy Speaker: Yes, I will not even like to defer it for a longer period than tomorrow because this is a Question by Private Notice. Therefore, could Prof. Kibwana get somebody from the Ministry of Gender, Sports, Culture and Social Services to answer this Question tomorrow afternoon?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Deputy Speaker, Sir, I will do that.

(Question deferred)

POINTS OF ORDER

DIMISSAL OF TSS TRANSPORTERS EMPLOYEES

Mr. Khamisi: Mr. Deputy Speaker, Sir, I stand on a point of order to ask for a Ministerial Statement from the Minister for Labour and Human Resource Development with regard to a long standing trade dispute between 32 employees and Twahir Sheikh---

Mr. Deputy Speaker: Is the Minister for Labour and Human Resource Development here? He is not here! So, I request again that we get someone from the Ministry of Labour and Human Resource Development. Who is listening on behalf of the Ministry of Labour and Human Resource Development? Mr. Mungatana, can you do that please?

The Assistant Minister, Office of the President (Mr. Mungatana): Yes, Mr. Speaker, Sir.

Mr. Deputy Speaker: All right. Proceed!

Mr. Khamisi: Mr. Deputy Speaker, Sir, I stand on a point of order to request for a Ministerial Statement from the Minister for Labour and Human Resource Development with regard to a long standing dispute between 32 employees and Twahir Sheikh Said Transporters otherwise known as "TSS". These workers were sacked unfairly last year for demanding an award made by the Industrial Court. "TSS" is a well-known, politically-correct individual and has a habit of victimising workers.

I want the Minister to issue a Ministerial Statement to address the following issues: Why was "TSS" allowed to defy a court order? Why has the Ministry not taken any action against the company for flouting labour rules? What is the state of the employees who are now in a limbo?

Mr. Deputy Speaker: Mr. Mungatana, all Ministerial Statements requested by hon. Members should be issued by next week!

The Assistant Minister, Office of the President (Mr. Mungatana): Yes, Mr. Deputy Speaker, Sir.

MISREPORTING BY *DAILY NATION*
ON MR. KHANIRI

The Assistant Minister for Tourism and Wildlife (Mr. Khaniri): Mr. Deputy Speaker, Sir, thank you very much. I rise on a point of order following a report on the front page of the *Daily Nation*. There is a headline which says that: "A Protestor slaps a Minister". I rise to protest, clarify and demand for an apology from the *Daily Nation* newspaper.

Over the years, I have personally developed a lot of trust and confidence in *Daily Nation* newspaper and I have always believed that they practise firsthand reporting and not just reporting from hearsay. As the Chair has always stated, it is important for the newspapers and all the other media houses to report truthfully and, indeed, Kenyans are entitled to be told exactly what happened.

Following this article in the newspaper, there is a lot of panic in my constituency. I am getting a lot of phone calls from my constituents and I want the *Daily Nation* newspaper to clarify this matter and I seek for an apology from them.

Indeed, it is true that, yesterday afternoon, just before I came to the Chamber, I was standing outside there with my driver and other friends. A very smartly dressed gentleman, who I do not want to believe is a mad man, as the newspaper reported, jumped over the fence and came running towards me. He plucked a flag from one of the cars that were in the parking yard which I was eventually told was hon. Munyao's car. He then came straight to me and started lecturing me, saying

how Kenyans are dissatisfied with this Government. I believe he is just a stressed Kenyan. He was not particularly targeting me. I am sure he would have gone to any other Minister standing there. So, he said that Kenyans are tired of this Government and we must all resign *en masse* and that if we do not, then Kenyans will ensure that by next year they will have a new Government that will take the interests of Kenyans---

Mr. Deputy Speaker: What is the gist of your complaint?

The Assistant Minister for Tourism and Wildlife (Mr. Khaniri): Mr. Deputy Speaker, Sir, the gist of my complaint is that I want the *Daily Nation* newspaper to report truthfully because I was never touched by this man neither did I argue with him as the paper has alleged. He just went on and lectured me and he was arrested by the security detail here.

Mr. Deputy Speaker, Sir, the second thing is about the security of this place. I think it is a big concern to me that a man can come from outside and jump over the fence and get access to me. He could have slapped, stabbed or shot me if he wished to. So, I want the issue of security within the precincts of Parliament to be addressed.

Thank you, Mr. Deputy Speaker, Sir.

(Applause)

Mr. Deputy Speaker: First of all, I want to address the issue of security. I think this is a very grievous matter and it is being addressed by the Clerk and the Office of the Serjeant-At-Arms. This is a matter that Parliament is taking very seriously.

On the second issue of misreporting, I believe Mr. Khaniri has stated clearly that he was not slapped as was reported by the *Daily Nation*. I think it is only fair that the *Daily Nation* corrects this report. Therefore, it is requested that it corrects the report and puts it in the correct perspective. If they need to interview Mr. Khaniri, he is available and I think we have underlined in the past that it is fair to demand that we get correct reporting on what goes on around the precincts of Parliament. Therefore, I hope that the *Daily Nation* newspaper has heard and it will take the appropriate action.

Now, before we move to the next Order, I want to say that I have been informed that there are some hon. Members in possession of Order Papers showing that after Order No.7, Mr. Nakitare's Motion will follow. The correct position is that the House Business Committee decided to give Mr. Mwanacha's Motion priority and, therefore, it will be now in this order. Order No.7 will be Mr. Oparanya's Motion, which is the debate which was interrupted on Wednesday 24th. When it is over, we will move to Mr. Mwanacha's Motion and Mr. Nakitare's Motion will follow in that order.

MOTIONS

CONSTRUCTION OF PHYSICAL FACILITIES IN PRIMARY/SECONDARY SCHOOLS

THAT taking into consideration that the introduction of free primary education in January, 2003 has put pressure on the existing facilities in primary and secondary schools and on physical facilities of colleges and universities; this House urges the Government to set aside a special budgetary provision every financial year to cater for the construction of physical facilities both in the primary and secondary schools in the country to ensure success of free primary education.

(Mr. Oparanya on 24.11.2004)

*(Resumption of Debate
interrupted on 24.11.2004)*

Mr. Deputy Speaker: Who was on the Floor?

(Mr. Oparanya stood up in his place)

Mr. Oparanya, you had finished moving the Motion and we will, therefore, give the Floor to the seconder. Mr. Wamwere!

Mr. Wamwere: Bw. Naibu Spika, mengi kuhusu Hoja hii yaliongewa na Bw. Oparanya alipokuwa akiitoa Hoja yenyewe. Kwa hivyo nitaenda moja kwa moja kuelezea faida ambazo ninaamini kuwa zitakuja kutokana na ujenzi wa shule na Serikali.

Faida ya kwanza ni kwamba Serikali ikichukua jukumu la kujenga shule nchini, wananchi wataondolewa mzingo wa kujenga shule. Wakati tume kuhusu Harambee ambayo nilikuwa Mwenyekiti wake, nilipata bahati ya kuzunguka kote nchini. Jambo moja ambalo lilingishangaza ni kwamba tangu Uhuru upatikane, Serikali iliwaachia jukumu la kujenga shule wananchi na karibu shule zetu zote zimejengwa na wananchi badala ya Serikali. Mzigo wa kujenga shule si mwepesi; ni mzito sana. Nikiongea juu ya eneo uwakilishi Bungeni la Subukia wakati mwingine ninasikitika kwamba tangu Uhuru, hatujajengewa hata shule moja na Serikali. Hali iliyoko Subukia ndio iliyoko pahali pengine katika maeneo ya uwakilishi Bungeni. Wakati wa Serikali kuchukua jukumu lake la kujengea watu shule umefika na ndio sababu ninaiunga mkono Hoja hii.

Faida nyingine ambayo italetwa na ujenzi wa shule na Serikali ni kwamba maskini watasaidiwa kujenga shule ambazo wakati huu wameshindwa kujenga. Tumepata ripoti nyingi kwamba umaskini nchini mwetu umekuwa ukiongezeka badala ya kupungua, hasa ukiwaza kuwa kuna watu ambao wanalipwa mishahara ya Kshs80 kwa siku. Kuna mamilioni ya wazazi ambao wana watoto shuleni lakini hawana kazi. Karo za sekondari pia zimepanda sana, na utaona ni kwa nini wananchi, hasa wale maskini, wana haja kubwa ya kujengewa shule na Serikali. Pia ninaamini kuwa mzigo huu ukichukuliwa na Serikali, hatua hii itasaidia kupunguza umaskini. Ikiwa maskini analazimika kutoa michango ya kujenga shule, ambayo inamwongezea umaskini, na hiyo michango ikiondolewa, umaskini utakuwa umepunguza.

[Mr. Deputy Speaker left the Chair]

[The Temporary Deputy Speaker

(Mr. Poghiso) took the Chair]

Bw. Naibu Spika wa Muda, faida nyingine ambayo italetwa na ujenzi wa shule na Serikali ni kwamba shule zetu zitaboreshwa. Ukiangalia shule ambazo zimejengwa na wazazi maskini ni duni sana. Kuta zimejengwa kwa matope, hazina sakafu za simiti na nyingine hazina paa. Ni majengo mabaya sana! Kama tunataka kuziba pengo lililoko kati ya shule ambazo zinahudhuriwa na watoto wa maskini na zile ambazo zinahudhuriwa na watoto wa matajiri, Serikali haina budi kuchukua jukumu la kuwasaidia maskini kujenga shule. Kwa wakati huu, maskini wakiachiwa mzigo wa kujenga shule zetu, shule zao zitakuwa mbovu zikilinganishwa na zile ambazo zimejengwa na matajiri. Ni lazima ieleweke kuwa watu wenye uwezo wamekataa kupeleka watoto wao katika shule ambazo zimejengwa vibaya na maskini, na wamewahamisha watoto wao na kwenda kuwajengea shule za kifahari na zenye kila kitu. Maskini nao wameachwa katika shule zao ambazo ni mbaya sana. Ninaamini kuwa Serikali ikichukua jukumu la kujenga shule, pengo lililoko kati ya shule za maskini na za matajiri litakuwa limezibwa na tutakuwa na usawa zaidi katika elimu.

Bw. Naibu Spika wa Muda, faida nyingine ambayo italetwa na utekelezaji wa Hoja hii ni kwamba elimu tunayosema ni ya bure, lakini ambayo inagharamiwa na Serikali, itakuwa imekamilishwa. Kwa wakati huu, tunazungumzia namna Serikali ilivyofaulu kuwapa Wakenya elimu ya bure. Lakini ukiangalia utaona kwamba elimu si ya bure kwa sababu wazazi wengi, hata kama hawalipi karo, wanalazimika kuchangia ujenzi wa shule. Pesa hizi wakati mwingine zinakuwa ni nyingi hata kuliko karo yenyewe. Kwa hivyo, ukiwauliza kama kwa kweli elimu ya bure imekuja, watakwambia hawajaiona. Elimu ya bure itakuwa imefika wakati, kwa kweli, Serikali itachukua mzigo wa kugharamia elimu yenyewe pamoja na ujenzi wa shule. Ni lazima tuone Hoja hii kama Hoja ambayo itaisaidia Serikali kukamilisha lengo lake la kuwapa Wakenya elimu ya bure.

Bw. Naibu Spika wa Muda, faida nyingine itakayopatikana kama Hoja hii ikipita na kutekelezwa, ni kuwa wananchi wataondolewa mzigo wa kufanya Harambee za kujenga shule. Katika nchi hii watu wengi hawaelewi kuwa Harambee ni aina fulani ya kodi. Wakati watu wanalazimika kufanya Harambee, wanatoa kodi nyingine baada ya kulipa kodi ya kawaida, ambayo kila mmoja wetu ni lazima atoe. Serikali ikianza kujenga shule na haja ya Harambee iondolewe, wananchi watakuwa wameondolewa ile kodi ya Harambee, ambayo wananchi hawatambui kwa urahisi kuwa wanalipa.

Jambo lingine ni kwamba hii Hoja ikipita, itawaondolea Wabunge haja ya kushiriki katika Harambee na kuvunja sheria kuhusu maadili ya maofisa wa umma. Umesikia Wabunge wengi, ingawa tuna sheria hii, wakitamka hadharani kwamba, kwa vile ni lazima wawasaidie wananchi kujenga shule, watashiriki katika Harambee hata kama kwa kufanya hivyo ni kuvunja sheria. Ninaamini kwamba Serikali ikichukua jukumu la kujenga shule, itakuwa pia imewaondolea Wabunge haja ya kushiriki katika Harambee hizi, na wakati huo huo kuwaondolea ushawishi wa kuvunja sheria. Hii ni kwa sababu tukiwemo katika nchi ambamo Wabunge wanavunja sheria na ndio wanaoitunga sheria hiyo, tutakuwa tumeingia taabani na kupiga marufuku utawala wa sheria. Kwa hivyo, hii ni Hoja ambayo, ikipita na kutekelezwa, itasaidia kuimarisha utawala wa sheria nchini kwa kuwaondolea Wabunge ushawishi wa kuvunja sheria na ambao ni aibu kubwa kwa Bunge hili.

Jambo lingine ni kwamba ujenzi wa shule na Serikali utawanyima viongozi nafasi ya kutumia Harambee za kujenga shule kama minada wanakonunua uongozi na kuipatia nchi hii viongozi wafisadi, ambao hawana uwezo wa kupigana na ufisadi. Ingawa tunasifu sana Harambee, ukweli ni kwamba zinatumiwa sana na viongozi kama minada au mahali pa kununua na kuuza uongozi.

Bw. Naibu Spika wa Muda, Serikali ikiwaondolea wananchi haja ya kufanya Harambee ili kujenga shule, minada hiyo itakwisha. Watu hawatapewa nafasi ya kupanga mikutano ya Harambee ambako watu huchanga pesa nyingi, si kwa sababu wanawapenda wananchi au wanapenda kujenga, lakini kwa sababu wanataka waonekane kwamba wao ndio wanaofaa kutawala au kuongoza, kwa sababu wana pesa nyingi zaidi. Kwa hivyo, hilo ni jambo muhimu. Tumetangaza vita dhidi ya ufisadi. Namna moja ya kushinda vita hivyo ni kuwaondolea wananchi ushawishi huo. Tunapaswa kuwaondolea viongozi ushawishi wa kutumia mikutano ya Harambee kuchangia ujenzi wa shule kama mahali pa kununua uongozi na kuipa nchi hii viongozi wafisadi. Tukitumia pesa ambazo huibwa na wafisadi Serikalini kwa ujenzi wa shule, hakutakuwepo na pesa za kuibwa na watu hao. Kwa hivyo, ujenzi wa shule na Serikali utasaidia kupunguza ufisadi nchini.

Kwa hayo machache, ninaomba kuiafiki.

(Question proposed)

Mr. Billow: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion.

This is a very important Motion. I do not think there is any system in this country which reflects greater injustice than our education system. Although we claim that we all have access to education, any of us who has recently looked at the reports on equality in this country will have seen that there is no greater inequality than in our education system. This is the only area where you compare an orange to a potato. Two unlike things are compared. A school that has all the required facilities is compared to a school that does not have infrastructure, toilets, desks, books or teachers. Children from two schools are required to sit the same examination, and are supposed to have the same access to opportunities in this country.

Mr. Temporary Deputy Speaker, Sir, in terms of inequality, there are two main areas I want to address. One of the greatest sources of inequality is access to education, which is determined by availability of infrastructure and affordability. The latter aspect is known to many Kenyans, and is partly being addressed by the so-called free primary education. Access to education can only be there if there are proper facilities, so that children can go and study. There are many areas in this country where schools simply do not exist. In those areas, parents are so poor that they cannot afford to construct schools. You cannot expect an area where people receive famine relief food from the Government to survive to raise Kshs1 million to build a school, provide toilets and desks. Even if they ultimately do that, they do not have teachers. So, their children do not have access to quality education.

There is no fairness in this system, unless the Government constructs schools for all Kenyans. The Government should do that, because that is the only way to provide access to quality education. Talking of enrolment, I would like to cite the North Eastern Province. In that province, the gross enrolment in schools is only 20 per cent. In other words, 80 per cent of the children who should be in primary schools are not in primary schools simply because there are no schools. Where there are schools, the facilities are not adequate to accommodate all the children.

Last year, when enrolment increased, schools could not accommodate all the children, because they did not have enough classrooms. The Government knows that this is an area where there is need for affirmative action even in terms of providing food to parents. There is in place the school feeding programme, because parents cannot afford to provide lunch for their children. The parents survive on famine relief food, and yet you expect them to build schools. It cannot work.

Mr. Temporary Deputy Speaker, Sir, you cannot claim to be providing free primary education simply because you provide books and pencils, and expect the parents to provide the facilities. What is more expensive? Is it the building of a school and provision of desks or buying books and pencils? The whole concept of the free primary education programme does not make sense unless we have the physical facilities. That is the only way we can give our children the opportunity to go to school.

Every year, about 600,000 students sit the Kenya Certificate of Primary Education (KCPE) examination, but only about 240,000 get admission to Form One in secondary schools. What happens to the other 350,000? Has this Government ever thought about what to do with this lot? Education is a right. If it is a right, what is education then? Is it up to primary school level? Education is not just about passing examinations. It is about giving children opportunity to learn how to read and write. It is about giving children an opportunity to gain knowledge.

If that is opportunity, then why can the Government not build enough secondary schools to accommodate all the children who qualify for Form One admission? What do we do with the 350,000 children who complete primary education but do not get Form One admission? What happens to the lives of these children? So, our system must address some of these questions. You can only address these questions if you think of providing physical facilities in existing schools and establish new schools to accommodate more children.

Mr. Temporary Deputy Speaker, Sir, the other area of inequality is in the quality of

education. Some schools have remained at the top in national examinations for the last 40 years. When examinations are held at the end of every year, they simply emerge among the top ten or top 100 schools in the country. Other schools in this country have remained at the bottom for the last 40 years. Has the Government ever asked itself why that has been the case? Is it not because of the difference in the quality of education being provided in our schools? Quality education is not just about the presence of teachers in schools who, in fact, lack in many of the disadvantaged areas of this country.

Quality education is also about learning in an appropriate environment. How can you have a school with buildings that are very dilapidated and almost collapsing? Some school buildings have no windows or roofs. Some schools do not even have buildings. Children study under trees. You will find a class of about 100 children, seated on dusty floors. How would you expect children learning in such an environment to concentrate? Such schools have no toilets, or the ratio of toilets to pupils is very low. You have about 200 students using one toilet. How do you expect children to improve in such schools? The same children are supposed to be taught hygiene. What hygiene are you going to teach? A teacher is supposed to tell his class: "You must wash your hands after using the toilet", but there is no water or toilet in that school!

It is, therefore, important that we address these issues by providing physical facilities, because without doing so, the quality of education will continue to be affected.

In North Eastern Province, for example, last year out of 1,200 students who sat for the KCSE, 800 of them got Grade "B" and below. That is about 75 per cent. In my own district, the mean grade received last year for KCPE was 199 points. Not a single candidate in the last seven years has actually qualified to go to university in the entire district with 65 primary schools and over seven secondary schools. This is shame! We have poor quality education because we do not have facilities. The only girls' school that is in my constituency does not even have a laboratory to date, and yet they are expected to compete with students at Alliance Girls' High School or any other schools, sit the same examinations and qualify to join university. How can they? These are some of the problems that we have in this country, and one of the reasons why we have these problems is that the Government lacks priority.

Mr. Temporary Deputy Speaker, Sir, I remember that the Ministry of Education, Science and Technology prepared a budget in 2001; that they required Kshs20 billion to put up 37,000 new classrooms in schools. This Financial Year, we are giving Kshs12 billion to the financial sector to restructure Government banks, for example, the National Bank of Kenya, so that they can be sold. The Government intends to write off debts which do not exist so that we can restructure them and make them more comfortable to foreign buyers. Yet according to the Ministry of Education, Science and Technology the Kshs12 billion can put up all the classrooms we require, in all the primary schools which do not have them. So, where are the priorities in this country? This is a country where we spend Kshs3 billion to Kshs4 billion to buy a state-of-the art passport issuing equipment, whereas the Kshs4 billion can provide half of the classrooms we require in the country. So, I think it is a question of priorities. I think the Ministry of Education, Science and Technology should not claim at any time that there are no resources available. I agree with Mr. Wamwere that the country has resources, and it is these resources that we must spend. We should not spend money on those lavish things when, in fact, our children do not have classrooms, desks and toilets and, yet we claim we have no money and the money is available.

It is the same thing that we are being told about provision of free health care. That there is no money available, yet we know, and those even outside the country can see that we have the resources if we are committed.

Mr. Temporary Deputy Speaker, Sir, education is a right, and since it is a right, we must provide physical facilities in both primary schools and secondary schools. I would like to take the

opportunity to thank the Mover of the Motion because I think this is something that is overdue. Everyday we have Questions being raised in this Parliament about roofs being blown off from classrooms. We always get generic answers that there is no money available for repair. Sometimes the money required to repair a roof that has been blown off is not more than Kshs500,000. We know the Government can raise Kshs500,000 at any time, but there is lack of commitment. We must put our feet down in this House and say that the Government must allocate. I would like to urge the Mover of the Motion, that if the Motion goes through, he must bring a Bill so that it becomes law; that the Government must provide for the construction of physical facilities in schools.

I support the Motion.

Mr. Karaba: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this useful and timely Motion which has come at a time when we are talking a lot about free primary education.

Mr. Temporary Deputy Speaker, Sir, you will reckon with all facts that Kenya has been independent now for the last 40 years. There was a Sessional Paper brought to the House at Independence that education was to be free. This has not been realised up to now, even when we are talking about free primary education. What we are realising now is that the gap between the rich and the poor seems to be widening with the introduction of free primary education. There are schools in Kenya which offer very good education. We have seen it in the country and we have heard it from hon. Members of Parliament that some primary schools are not even worth being called schools. They are walk-in, walk-out type of schools. This is where the gap between the rich and the poor starts coming out clearly. The moment somebody goes to a good school which has all the facilities, the same boy or girl will have a chance to join the same high school and go to university which a poor person cannot access. For example, when a person goes through Alliance Boys' High School to the university and maybe then gets a job as a managing director in a bank, and somebody else in North Eastern Kenya could not get such a chance, he will continue getting poorer whereas this other one will continue getting richer. This is what we are talking about inequality in education, opportunities and wealth. This is what creates the poor and the rich. This is what is happening in Kenya.

Mr. Temporary Deputy Speaker, Sir, in order to synchronise education in this Republic, we should attend to the provision of facilities in all schools in the Republic. We should also address ourselves to the kind of examinations we are giving to these students. It is true that one cannot be a physicist unless he has studied physics in school. You cannot even be a chemist if you have not done chemistry in secondary school. There are very few schools in this country which can provide and offer pure sciences as it were. They are the same schools in which students qualify to pursue science further in this country. That means that those students who cannot afford to do sciences since they cannot afford, because the facilities are not there, such as electricity and laboratories, cannot excel. That leaves only students from good schools to excel both in education and life. That is still inequality. This, therefore, leads to corruption in society. If we must talk about fairness in society, we must address the disparities in the provision of education.

Mr. Temporary Deputy Speaker, Sir, as the Chairman of the Departmental Committee on Education, Science and Technology, I have been to quite a number of countries; to compare the reforms in those countries with ours. Recently, we were in Sweden where I was shocked to learn that even the poorest places in that country have equal facilities with the other urban places. I could not believe it. Here in Kenya, you find that schools in Nairobi have very good facilities compared to schools in the rural areas, and yet the students are subjected to the same examinations. This means that those students from urban centres certainly get better schools. This is what leads to corruption.

The other issue we have noted is that most of the students are finding it very hard to continue schooling in Kenya, either because the facilities are wanting or very expensive. They are

now moving to the neighbouring countries to further their education. We are aware that recently there was an article in the newspapers; that 39,000 students in Kenya cannot get into our public universities because they can only cater for about 10,000 students. What is the point of having to strain students and then you frustrate them when they end up not getting chances to join the universities which have limited facilities? It is, therefore, very important to note that in order to provide even primary, secondary and university education, we should provide the same facilities to all students who should be subjected to the same examinations in this country. It is important to support this Motion and hope that one day the Government will realise that education is key to progress. We cannot talk about development or industrialization by the year 2020 if we cannot talk about the development of education. When we talk about developing education, we are talking about provision of facilities in Kenyan schools.

Mr. Temporary Deputy Speaker, Sir, we have also noted that there are very good provincial secondary schools in some provinces, whereas, there are none in others. In some provinces, there are many good schools while in others, there is none. We need to revisit the whole system of education, so that we can equalise the facilities for all schools in the country. We also need to think about the centres of excellence. If schools in North Eastern Province cannot afford to send someone to the university, Kenyans should ask why. There must be a reason. Maybe, a centre of excellence should have been put up in such places with special facilities and local qualified teachers, so that students could attain the requirements to enrol at the universities. That is what the Motion wants to devolve. The provision of facilities and books in the Free Primary Education Programme must be done so with the help of teachers. A teacher is a very important teaching aid. If teachers are, therefore, not available, we are leaving our students to fate. That should not be allowed to happen.

Mr. Temporary Deputy Speaker, Sir, we have many cases of school dropouts in poor schools due to frustrations. A child cannot proceed beyond Standard IV because the preceding classes, that is Standard V, Standard VI or Standard VII do not have chairs and desks. That child is supposed to sit down and write on his or her lap. How does he or she then compete with other students who sit comfortably? So, the

provision of facilities is a very important factor in the promotion of education in this country. If all of you care, let us support this Motion that urges the Government to provide facilities in our schools.

With those few remarks, I support.

*[The Temporary Deputy Speaker
(Mr. Poghio) left the Chair]*

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

Mr. Serut: Mr. Temporary Deputy Speaker, Sir, I stand here to support this Motion. With the introduction of free primary education, facilities in both primary and secondary schools have been over-stretched and there is need to expand them. It is common knowledge that, in this country, we have discrepancies in the provision of facilities, especially in the educational sector. Whereas we know that education makes people very easy to lead, it has become very difficult to lead certain people in this country because they do not have access to education. What has actually turned out to be the norm is that, in areas like Mt. Elgon, the people have enslaved themselves to their leaders, instead of being led, because of lack of education. Unless the Government comes up with an affirmative action and provide the physical facilities, certain areas, in the near future, will not have

anybody employed in any Government office or any sector. That is because what determines one to be employed is the certificates he or she has.

Mr. Temporary Deputy Speaker, Sir, performance in most schools, especially in the area that I come from, is pathetic. You know that performance in national examinations is tied to facilities in schools. If you have good facilities, the performance is most likely to improve. I want to give a good example of schools in my place. In Mt. Elgon, pupils select provincial schools. Out of the 140 students who are selected, only ten or 15 turn up. The reason for that is because of the facilities in those schools. Most parents would like to know: "If my child is selected in a particular school, what facilities are there?" That is actually what dictates the performance of a particular pupil.

Mr. Temporary Deputy Speaker, Sir, I would like to say that the construction of classrooms and other facilities in both primary and secondary schools is a pledge that was given in this House by His Excellency the President, when he opened the Ninth Parliament. I am now asking the Government: What happened to that pledge? Was it shelved? If it was shelved, what were the reasons for shelving the pledge of His Excellency the President? I think time has come when physical facilities should be looked into seriously. Unless that is done, accessibility, relevance and quality of education in certain areas of this country will be irrelevant. I do not see why we should have 100 pupils in one classroom, who cannot be controlled by one teacher because of their numbers.

Mr. Temporary Deputy Speaker, Sir, payment of school fees in schools where I come from is very poor. The reason is simple. Parents would like to pay fees. They look at education as an investment. But the first question which comes into their minds before they pay fees is: "Once you pay fees, what is your child going to achieve?" The answer they get is that the child will come out with Grade "D". What leads to that grade? I would like to say that it is the facilities that are offered at those particular schools. The teachers could be there, but there are no classrooms and other teaching facilities! So, the end product is that a child comes out with a poor grade and, therefore, he or she cannot be employed.

Most poor parents take their children to school not because they want them to be educated only, but also to be employed. So, when a child comes out of school with a Mean Grade "D", he or she cannot be employed in any sector in this country. Therefore, the parents lose hope. As a result of that, most parents do not take their children to school. That is why there is increased insecurity in this country.

Mr. Temporary Deputy Speaker, Sir, I am of the opinion that, if the Government took over the construction of physical facilities, the communities would achieve something in life. There will be poverty eradication. You cannot reduce poverty by giving people money. I say so because money is being given for poverty eradication. That is fine. But whom are you giving the money? Is it the poor? The answer is that those who get the poverty eradication money are not poor. It is those who have the means to canvass, coerce and get the money! I think the Government should divert the poverty eradication money towards the construction of physical facilities for education so that all Kenyans can have access to free education.

Mr. Temporary Deputy Speaker, Sir, there has been a discrepancy in bursary disbursement. This is because the amount of bursary given is tied to the number of students in schools. The Government should not forget that the number of pupils in schools also depends on the number of facilities available. Nobody would want to take his or her child to a school where there are no facilities. It is high time that the Government looked into this issue of tying bursary funds to the number of students. Those parents who are able to pay will definitely take their children to schools which have the facilities.

I also want to talk about the issue of national examinations. There are unified national

examinations throughout the country, but they have not taken into account the facilitation of education nationwide. Therefore, if the Government has to continue giving national education without affirmative action, then it has to provide physical facilities, equitably to all schools in the country by providing a special budgetary allocation to schools during each and every financial year.

With those few remarks, I beg to support.

Mr. J.M. Mutiso: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support the Motion. I would like to thank my colleague, Mr. Oparanya, for this important Motion which is before the House.

Education is very important. It is the key to development. Education, as a matter of right, is a basic fundamental right. The call for the Government to set aside special budgetary allocation for provision of physical facilities cannot be more important. In 2003, when the NARC Government came into power, it took it upon itself to implement free primary education as a matter of policy and as a matter of national importance. We have more than one million pupils who have since registered in different institutions of our education system. It is quite important that we realise that, without adequate physical facilities, it will be a pipe dream for this country to achieve proper education.

The problem of physical facilities is a very serious one. There is one school in my constituency which has been dogged by a problem of physical infrastructure in terms of classrooms, in the last few years. In fact, these "classrooms" may not even fit the definition of a classroom because the whole school is made of mud walls. Even when we made an effort through the Constituency Development Fund to make sure that this school is provided with some funds to build new classes, we had a problem of finding land to build some of these classrooms.

Therefore, a case like this, of a school called Mwatha Primary School is replicated across this country in different regions and places. I do agree all the more that there is an urgent need for the Government to look at its policy of how it allocates its resources to education. We do understand that 40 per cent of the resources which are allocated for education go into paying salaries and wages which are equally important.

However, physical facilities have been neglected for a long time. The fact that we have more students in these institutions, makes the problem even worse. When we look at the resource allocation from the Ministry, the statistics from the Kenya Bureau of Statistics or the Ministry of Planning are questionable. You will find that some regions have been regarded to be more poverty-stricken than others. There are resources which are given through pockets of poverty. Some of these regions seem to have higher indexes of poverty than others. Therefore, even the current method of allocating the resources from the Constituency Development Fund or the Budget leaves a lot to be desired.

Mr. Temporary Deputy Speaker, Sir, besides agreeing with the Mover of this Motion, Mr. Oparanya, I think it would be more prudent if, in accordance with the poverty reduction strategy for wealth creation, we would have an amendment of the manner in which we approach our macro policy, particularly on the fiscal and monetary policy. It appears that our Budget is a go-stop kind of tool whereby we do not have specific envelopes or policies regarding development of these schools or physical facilities in the education sector.

For example, the Government has been borrowing heavily to repay debts or salaries, but hardly borrowing to rebuild the infrastructure, education sector or the health sector. Therefore, I am urging the Government and also the Mover of this Motion to see to it that if it is possible, we can have benchmarks; that have specific envelopes. For example, we can have 1 per cent of the resources going to the education sector and the Government can only borrow to finance this specific improvement of the physical facilities.

We know that Kenya is famed to be one of the countries with a high calibre of human resources. The current human resource base that we have is based on a previous setting. Now the

whole scenario has changed. Three years down the line we shall have standards being re-evaluated to see whether we meet certain standards which are required in the education sector. I agree all the more that we need to set aside special funds for budgetary provisions every financial year in order to make sure that our physical facilities are improved in these institutions.

Some of the developed countries have to retrain our graduates for one more year to meet those standards for this country. This morning I was reading a newspaper whereby we have over 7,000 students going to the United States of America every year. You can imagine that 80 per cent of those students have to spend one more year being retrained again to be standard compliant to our education system. Therefore, I think this Motion is timely. It will be a boost to the education sector and it will make this country's human resource base recognised world over.

With those few remarks, I beg to support.

Mr. Poghiso: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to join my colleagues in supporting this timely Motion. I would like to thank the Mover of this Motion, Mr. Oparanya, for coming up with this kind of a Motion.

Education does not need to be expensive. It only needs to be made available to all the children and all those who need it. We do not need to think of this as an expensive venture. From the outset, I would like the Government to understand that this is putting your money where your mouth is. It is as important as getting the Government going. The education sector, especially where it involves schools and learning institutions, should be a very central part of the Government.

Mr. Temporary Deputy Speaker, Sir, I would like to ask the Government to do a bit of research and find the cheapest way of constructing all the school buildings that have been asked. This should not cost as much as we budget for. The universal primary education is provided so that even in those areas where you would normally not send money to, buildings are constructed. There are better and cheaper building materials that we can afford. For example, if we decide to use bricks, this money should be used to develop bricks that do not cost a lot of money, roofing materials that do not necessarily cost a lot of money. We can use our young people who are being trained in our polytechnics to construct these buildings. The Government should not begin to worry now as to where the money will come from. First of all, you are putting the money in the right place and secondly, it can cost less than you think.

The area of buildings separates the men from the boys. I went to raise funds for a school in Kapenguria and to my surprise, when I was being shown around the school I was told: "Class one is that tree, class two is the other tree and class three is the other tree". There were about seven trees and a classroom for Class Eight. That is going on in the 21st Century. It is amazing! It is not even known to the Government that there is such a school. So, our system of reporting from the grassroots as to which areas are worse off than others does not seem to exist.

Even now when the Ministry has money to develop new schools and build classrooms, this money is going to areas which are already developed. Nobody has any information about schools like the one I have referred to where there are seven trees and one classroom, a headmaster and one or two teachers. Such schools are there and yet there is money which is budgeted for school buildings every year and it goes to build extra classrooms in places where they already exist. That is the paradox of politics. That is why I believe that poverty in this country is politically-induced. There is always marginalisation that is deliberate from the centre. When will we get everybody to the centre? Education is intended to bring everybody from the periphery, so that even in the Ministry of Education, Science and Technology, you can find people from Kacheliba Constituency. They are not there today! They do not qualify to be there because they have not been trained to be there.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Planning and National Development, whatever it is planning, is not moving in the right direction. I am sure the Minister for Planning and

National Development knows that there are places which you plan for and others which you do not plan for at all, and yet we are in the same country. This politically-induced poverty is prevalent in the education sector.

There is the issue of land. For us to build schools, we need land, which is getting very scarce. The Ministry of Education, Science and Technology should begin to work very closely with the Ministry of Lands and Housing, so that land is set aside early enough. I do not have to tell you that we need more land to construct schools. We are expanding. We are expanding. We are having the free primary education encouraging more pupils to join schools. We will need land. It is good to start early to have land set aside. In areas which are under trust land, we should issue title deeds to schools and institutions, so that we can expand.

Mr. Temporary Deputy Speaker, Sir, the paradox of, as I called it, politically-induced poverty and marginalisation is that, today, everything goes to where the "great" and "big" guys in Government come from. It will be like that in this country for a long time. So, everybody wants to be on that side, so that everything goes to where they come from. I come from a constituency where the Government has put up nothing. Of course, Kacheliba Constituency is unique because we were once administered by Uganda. But since we came back under the Kenyan administration in 1970, the Government has put up nothing in terms of education. There are no classrooms or even a secondary school. This is the Government of Kenya. So, when I see a Motion like this, I just hope that the Government understands that it has not put in place anything in my constituency. I need to reveal that in that constituency, there are only two secondary schools. One has been built and sponsored by the Catholic Church, and the other one is sponsored by the Anglican Church. In fact, in some areas of my constituency, people think the Catholic Church is the government. So, when they see a priest, they mistake him for the Minister for Education, Science and Technology.

So, we need to make ourselves felt on the ground. I want to thank the Catholic Church and all the other churches which have done that. Every school in my constituency has been put up by a church, and so, those are the people we think of as government. I would like to thank, especially the Catholic church for thinking of starting a new secondary school in Alale in January, 2005. They have the land. I think they will, probably, have the classes under a tree for that secondary school. But I hope that somebody will raise the money to assist the Catholic Church to put up that school, so that we can have students in January. To travel from Alale to the next secondary by road will take you about four hours. Now that the Catholic Church is beginning to put up a secondary school there for us, for sure, I can join my people in thinking that they are the government, and I would like to thank them.

Mr. Temporary Deputy Speaker, Sir, a lot has been said and I would like the Assistant Minister who is here to understand that, what I want him to do is simply jump into his Land Rover and travel to Kacheliba Constituency and other parts that are hard to reach, to find out for himself, so that he knows exactly where to put that money, now that we will pass this Motion. It will enable him to know where exactly to begin this programme of the universal primary education. I come from the border. On the Ugandan side, they have this programme of the universal primary education. They are building schools just across the border, and my people are now going to school in Uganda. In fact, I think we have more students attending Ugandan schools because it is better than learning under trees. So, we will be seeing a move from our schools on this side, to the Ugandan side. Many of our students are attending secondary schools in Uganda. In fact, we are losing a lot of money to Uganda. We are losing almost a billion of shillings to Uganda! I do not know why. Do our people think those institutions are better? We can make ours better, and I would like to challenge the Minister. This is the time for him to come out and reach out to us.

Finally, the few students from poor families join secondary schools, and spend half of the term out of the school because they are sent home for school fees. Let us rein on the headmasters, so

that they can find ways to sort out those issues, so that these students can finish their four years in secondary schools.

Mr. Temporary Deputy Speaker, Sir, I know that my time is up. So, with those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Rotino): I will now call upon the Official Government Responder to respond!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to respond, although I realise that it is a right as the Government Responder. I would like to say that we are totally in agreement with what hon. Members have said. It is important that this Motion goes through. We, therefore, support the Motion in principle. We will implement this Motion as long as resources are voted for by this Parliament.

We realise that there are budgetary constraints and many of the difficulties that we are talking about were inherited. We had a regime that, for more than 40 years, did not address those problems. It is high time recognised the central role that education plays in the development of this country, apart from the fact that, it is a human right.

*[The Temporary Deputy Speaker
(Mr. Rotino) left the Chair]*

*[The Temporary Deputy Speaker
(Mr. Poghisio) resumed Chair]*

Mr. Temporary Deputy Speaker, Sir, it is also important for us to realise that, if this Motion goes through, as some hon. Members have said, corruption that has been supported through Harambees may be a thing of the past. It will no longer be an opportunity to use stolen money to prove that you can do something for the communities, especially the construction of schools.

I think the point has been made in terms of standards. If you leave communities to decide on what kinds of schools to build, the facilities to provide and where they will build them, the standards are likely to be different. Communities that are better placed to provide good facilities would do it. Those that are totally disadvantaged and very poor will end up with education facilities that are below standard. So, in the sense of standardising and getting the Government to be at the centre, that is critically important.

It is also important that we support this idea because our public schools will regain faith. As it is now, even teachers in public primary schools are sending their children to academies. That is because they have no faith in a poorly endowed public school system. But, more importantly, it is the issue of equitable promotions. I must say that, myself, I am ashamed as an Assistant Minister for Education, Science and Technology in this Government that, although I am a great believer--- We all know the role of education in reducing inequality. Education in this country, for the last 40 years and more, has contributed to intensifying existing inequalities. It is individuals who are well endowed, communities with resources, and those schools that historically benefited from missionaries that have continued to flourish. It is Central Kenya, parts of Eastern and Western provinces that have continued to benefit. But, more importantly, it is individuals who have made it in life, some of them corruptly, that have benefited from access to quality education. If you are wealthy, have a good job or well connected in the Government, you will be able to send your child to a good primary school; preferably a very high cost academy. As a result of that initial advantage, beginning with pre-primary to primary schools, your child stands a much better chance of joining a top national or provincial school, compared to most average Kenyans whose children go to poor

public schools. So, basically, we are determined. We want to bridge the already existing imbalances by supporting a system where children of the rich, hon. Members, medical doctors, top civil servants and well connected politicians are not the only ones who take up the best places in top schools.

That also translates to what happens at the universities. If you go to our universities now, many students who are in competitive professional courses; for instance, engineering, medicine, architecture, law and commerce, come from specific backgrounds. The majority of them come from specific backgrounds. Those backgrounds have very much been supported by the kind of initial advantage that those children got in pre-primary, primary and secondary education. These advantages are, in fact, visible after school. What is happening is that the rich people cannot get their children to go to the competitive faculties in our universities. They do not qualify to study for Law or Medicine unless it is through Parallel Degree Programmes. They can also opt to go to private institutions such as United States International University (USIU) or go to England, USA or top South Africa universities. When they come back after completing studies to look for employment, in addition to the education advantage, their parents have important connections to link them up to job opportunities. So, it is not necessarily important what kind of degree one brings back. The parents will ensure that their children get good jobs and ensure that they progress careerwise.

Mr. Temporary Deputy Speaker, Sir, I am greatly ashamed of the fact that inequalities in our education sector have been intensified, rather than reduced. It is for that reason that the Ministry supports this Motion so that we are able to address historical imbalances. We have a good chance of redressing these imbalances and getting education to contribute to reduction of the increasing inequalities. It is really a shame. In fact, what it means is that despite all the talk about the poor and poverty alleviation, this country has gone backwards instead of forward, in terms of bridging the gap between the poor and the rich people.

Apart from voting resources for primary schools to ensure that there is equity in distribution of resources in all schools in the country, we have decided that from the next academic year, we will support the establishment of centres of excellence in every district. That way, apart from supporting primary schools, we shall ensure that children from poor districts like your own, Mr. Temporary Deputy Speaker, Sir; or my own, even though it has been said that resources are being allocated to a certain community, get a chance to go to school. All our children will not make it to Alliance High School or Mangu High School. We need as many children as possible to have an equal chance in competing for the best schools. Why do we not build schools equivalent to Alliance Boys High School, Mangu High School or Alliance Girls High School in other districts? If we do that, every district will have a top girl and boy secondary school supported by the Government's resources. These schools will be allowed to recruit students from all over the country. The quota that will be available for secondary schools, Alliance Boys High School will not necessarily take the top 400 students in the country. They will instead be distributed across all national schools in the country. The schools will then become attractive, given the kind of students that they admit. The Ministry is committed to that, and we would like this House to support us by voting resources that will enable us establish those schools. That way, we will reduce the inequalities that exist.

We have discussions going on between us and the African Development Bank (ADB) and the World Bank through the Structural Adjustment Programmes (SAPs) to ensure that we support the already existing schools in order to upgrade their standards. We have come up with policies that will support the non-State providers of education, that is, religious organisations and NGOs. Somebody said that in his own district, you would think that the Catholic Church is the government since it does everything. So, we should create an environment that will encourage these organisations and the private sector in general to deliver educational services. One way of doing that

is by ensuring that we provide land for the development of those resources and also ensure that the system of clearing goods and services meant for education services is duty-free and expedited.

Mr. Temporary Deputy Speaker, Sir we are hoping to do a great deal in terms of expanding opportunities in secondary schools and our universities. For example, the two major polytechnics in the country will soon be upgraded; WECO is now a university college; Bondo College will get more facilities and Garissa Teachers Training College is being upgraded to become a constituent college. We, in the NARC Government, need to ensure that for as long as we are in power, we have many institutions of higher learning. We have to ensure that we have institutions of higher learning which are respectable in every corner of this country, so that it does not have to be the case that you can only have a university in your region if the President happens to come from that region, as has been the case before.

Mr. Temporary Deputy Speaker, Sir, we also hope to support very strongly the idea of establishment of day schools in virtually every division, and a third stream in the already existing schools. If we do that, then we will create more opportunities. But it will not just be about establishing schools; it should be about establishing schools that are backed with available resources to ensure that the quality of that education is, indeed, worthwhile; and to be able to, therefore, convince parents of those communities that their children should, indeed, enrol in those schools. We are doing much, of course, for other facilities. Somebody spoke about toilets and water which are not available in certain communities, but as you know, the Ministry has approved up to Kshs60,000 for every primary school for sanitation and toilet facilities.

To help cope with the increased numbers of students, we have programmes for training teachers. We also have programmes to support the overall quality improvement through teacher training, provision of books, inspections and so on. Those points have already been made. But more important is to ensure that as we support those programmes, there will be some kind of standards to ensure that the quality is, to the extent possible, uniform across much of the country.

Having said that, the Government commitment is not going to solve all the problems, and as much as we like it, I think we need to realize that resources that are available to the Government are not limitless. Therefore, that is why I made the point earlier on that we will do everything possible to support non-state providers; religious organizations, private sector and even individuals who would like to set up schools, as long as the institutions they set up are of some acceptable quality. We also hope that we will collaborate with hon. Members of Parliament to ensure that, even if it is not necessarily for the establishment of schools, or for the construction of one or two classrooms, but also the provision of facilities and borrowing of some money from the Constituency Development Fund to support education.

I think it is important for our communities and parents to take responsibility and continue doing so because of their children. In this regard, now that parents are not being asked to pay school fees, and given that the level of inequality is not the same across the whole country, and that among parents, some parents can afford to educate their children, I do not think we should have a blanket recommendation that parents should not contribute to the development of education in this country when, indeed, there are parents who can do that and when the problem of inequality in this regard, differs from one area of the country to the other.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that we should encourage rich Kenyans to share with the poor Kenyans. It is high time that we had African and, indeed, Kenyan "Rockfellers, Fords" and so on; all these philanthropists. I do not think our business people, farmers and the corporate sector are doing enough to support education. I would like to propose that we have all these contractors and suppliers of goods and services to schools, and all they are good at is to ask for contracts. But if you ask them to give back to the community, they will not. I hope that at some point, we can say as a Government: "Continued support for Government business would only

be to those that are contributing or giving back to their communities".

Just the other day, I was in Murang'a with the President and there was an Indian who has done cereals business in Murang'a for many years and had book stores. They made a lot of money from the people of Murang'a and, in appreciation, they contributed Kshs30 million to build an academy for the people of Murang'a. I am sure we have other people who can, at least, build primary schools and even secondary schools. We have rich people here like Mr. Moi and others.

Mr. Moi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member kindly substantiate what he means by saying that I am a rich man? I am only rich in spirit and I hope he was alluding to that.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I was alluding to both spiritual and material wealth. But I just gave him as an example, since many Members here are well off and I would like to encourage them to lead by example. They should go to their communities and say, "by the time I get out of this Parliament, if I cannot build a primary school, I can build a secondary school." This is the best example in terms of encouraging others who have resources to do that. If people cannot do that, and we know there are many Kenyans here who have gained money corruptly--- We have been told about the Ndung'u Report that has not been released, and we know Kenyans who have benefited from corruption. We have been told about people who have benefited from the Goldenberg Scandal. Since the people with this money are so mean, I think it is time we forced them to contribute to the development of public good, especially in the construction of schools and other facilities.

Mr. Temporary Deputy Speaker, Sir, all these contributions by various actors will need to be co-ordinated; otherwise we will encounter problems of inequality, different standards and so on. We may also encounter problems of duplication of effort, whereby, communities that are much better connected with NGOs and the religious world, or with specific politicians, will tend to continue to benefit much more from those that are not as well endowed.

Mr. Temporary Deputy Speaker, Sir, many things are possible if there is economic development. I think, as Members of Parliament, we must demonstrate the greatest commitment. The solution to many of the problems that we talk about, be they poor health or educational services, arise because this economy has not been growing. It is not growing because there is too much bickering for political power, instead of concentrating on actual development. It is not growing because we are not concentrating enough efforts on development of rural areas, where the majority of our people live. It is not growing because we are not doing enough to alleviate poverty, although we talk about it all the time.

We spend our time on too many conferences and seminars about poverty alleviation. If we alleviate poverty in rural communities, then even people will be able to invest in education. If communities have income, then it would not be too much to ask them to invest in education. Much of this is not possible unless we take care of our governance. We must ensure that public resources are not being lost because of corruption. We must ensure that available resources are managed efficiently and transparently. We must also ensure that the available resources are allocated judiciously. In terms of what has been taken, with regard to our education institutions, if necessary, we repossess the land that has been taken, but more importantly also, set aside land for development of educational infrastructure.

Mr. Temporary Deputy Speaker, Sir, Parliament will always talk about the need to invest in education and health. But it seems like we have no say in terms of having these priorities set up in the Budget. So, I think Parliament should scrutinise the Budget well in advance, and make decisions on the allocation of those resources, based on actual evaluation of where we see the greatest need. I do not think it is enough to be leaving it to only the bureaucrats, especially when we talk about many of the issues that we would like to be of priority.

Finally, I would like to say that with growth, even education can be free. If we put our resources in the development of our economy and there is some growth, education and health facilities can be free, and many of the social services can also be free, as is the case in many developed countries. We must take a conscious effort to ensure that every move we, as politicians, or officers in Government, make is to support development, so that this becomes a rich country where the beneficiaries of development will not remain the same. They will not be the same people we have been talking about, or those who are using education to ensure that they continue taking advantage of what they have already got themselves when they inherited the system. This will be a system where the poor will be able to benefit from the huge resources of this country, which has not been the case for many years.

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

Mr. Sambu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. I rise to support this Motion, although I do not agree with certain terms which say: "This House urges the Government." It should read: "This House directs the Government."

The Temporary Deputy Speaker (Mr. Poghio): Mr. Sambu, you cannot make an amendment to those terms at this stage!

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, I am not amending these terms. However, I do not agree with the word, "urging". Nonetheless, if we are urging the Government, then I would like to start by urging them to, first of all, distribute equitably the available resources.

It is unfortunate that loans from the Higher Education Loans Board (HELB) are distributed quite unfairly. I hope that the responder would listen to more contributions from hon. Members before he can respond. We should start by being fair with what we have. The HELB is not helping students in this country. In fact, it is discriminative. When students apply for their loans without consulting their parents, one wonders what criteria is used to award loans. One is not surprised to find that, for example, some students get the full amount of Kshs50,000; some get Kshs35,000, and others get nothing. I have talked about this issue here before. Therefore, let us start, first of all, fairly distributing the available resources.

Mr. Temporary Deputy Speaker, Sir, secondly, before we ask the Government to put in resources, we should, first of all, examine the current system of education. We have boarding schools in certain parts of this country. However, in the ASAL areas, the number of boarding schools should be increased, both for primary and secondary schools. However, one wonders why we should have boarding schools in high potential areas, where a child does not take more than one hour or half an hour to get to a secondary school or to a primary school. Why do we insist on setting up boarding schools in those areas? In many of those areas, schools were initially built by missionaries. However, most secondary schools that came up after Independence were built by communities. The children of people who built those schools do not even get an opportunity to learn in those schools because they have been classified as provincial or national schools. Secondly, even if they were selected to join those schools, the administration insists that they should become boarders even if their home is about three or four kilometres away. They have to pay a minimum of Kshs25,000. If a parent has got four children, that amounts to Kshs100,000. However, if they were day scholars, the fee is between Kshs8,500 to Kshs9,000. The difference between Kshs25,000 and Kshs9,000 is over Kshs16,000. So, for one child who is in boarding school, the parent could pay for almost three children in a day school. If the parent had four children in day schools, he would only pay Kshs36,000.

Mr. Temporary Deputy Speaker, Sir, let us think of this practically because with the pressure of so many children joining secondary schools, there will be no openings. I agree with the Minister because at one time I raised this matter and he said that those head teachers who insist on

having boarding facilities in high potential areas are only looking for some *chakula*. That is even on record in the HANSARD. So, we should have more day secondary schools, so that our children get opportunities because of the so-called free primary education programme which is allowing more students to sit for KCPE and, as a result, they need to join secondary schools.

As I said earlier, it is parents who have built most of our schools. Instead of building boarding schools, we should save the money used for construction of dormitories and use it to construct laboratories and libraries. We do not have our priorities right. A dormitory or a dining hall should not be a priority. Building a library or a laboratory should be of a greater priority. We should use the Constituency Development Fund (CDF) money to equip libraries. Parents and the Government should build laboratories. We must have our priorities right. I support this Motion. However, I will still move a Motion here to say that secondary schools in high potential areas should be day schools.

We have many children who graduate from secondary schools. The kind of polytechnics we have are the ones which produce diploma level graduates. Rarely do we find a polytechnic offering certificate courses, yet most of the jobs available, which this Government promised, are likely to be found in the technical field. It is unfortunate that this Government stopped the training of 1,000 people, who were aspiring to become employees of the Kenya Wildlife Service (KWS), yet it is trying to create 500,000 jobs. We should concentrate more on training artisans. Employment opportunities can be increased if we equip village polytechnics. That is where we train tailors, mechanics, blacksmiths and potters. These polytechnics are supported by villagers. The Government should change our education system, so that our technical schools can produce certificate level artisans. That is where the bulk of our people will get training from.

Mr. Temporary Deputy Speaker, Sir, we are pushing everybody to the degree level of education. Not only are people searching for the first degree, but also for masters degrees. Our universities are now jammed by people who are searching for masters degrees. Those who have their first degrees do not even have jobs yet, the universities are now jammed with students who are studying under the parallel programme. The regular programme at the universities lacks enough teachers to run it, because many of them have opted to run the parallel programme. I have no problem with the parallel programme. However, let us diversify our education system. We should not just insist on degree programmes. Let us train more technical-oriented people in technical schools, which are now being referred to as youth polytechnics. I would suggest that we have one technical school to serve three sub-locations in a district. We have teachers who graduate from colleges with technical subjects but cannot get jobs.

Mr. Temporary Deputy Speaker, Sir, I support this Motion, but also want to say that the Government should take up the responsibility of making sure that students who leave primary schools get higher education in technical institutions or universities. I appeal to the Ministry to start by distributing the Higher Education Loans Board (HELB) funds fairly.

With those remarks, I beg to support.

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

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! I really cannot take any more of that. It is time for the Mover to reply.

Mr. Oparanya: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to give two minutes each of my time to hon. ole Metito, Dr. Kibunguchy and Prof. Kibwana and then I will have the four minutes. I am sorry.

The Temporary Deputy Speaker (Mr. Poghiso): Order, hon. Members! Mr. Oparanya, I

think you ought to know that you are basically donating two minutes of your time to the hon. Members. You are not giving anybody some minutes.

Mr. Oparanya: Yes, Mr. Temporary Deputy Speaker, Sir.

Mr. ole Metito: Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to support this Motion by saying that it is not only at the primary and secondary levels that the physical facilities are limited. Even at the university level, these physical facilities are so limited. An example is that the qualifications for entry into university education in this country has been a C+, but for this year it is B+, which is three grades higher due to lack of accommodation facilities and other physical facilities. So, it is very important to note that the physical facilities of the education system are limited all over the country.

Mr. Temporary Deputy Speaker, Sir, I would also wish to say that the Monitoring and Inspection Unit of our education system has really collapsed. I want to give an example in my own constituency, Kajiado South. The Deputy District Education Officer was posted to Loitokitok a year ago, but since then he has never moved out of his office just because he has no resources to go round and carry out the monitoring and inspection of the education system there.

It has also been said that free primary education has attracted 1.3 million or more pupils per year, but there is a lot of congestion in the classrooms. Some of the classrooms are not there. There are no teachers. The roofs have been blown off. Floors are not cemented. There are no books, desks and social amenities. I think these are enough reasons to support this Motion.

I beg to support.

Dr. Kibunguchy: Thank you, Mr. Temporary Deputy Speaker, Sir. Mr. Oparanya, thank you for giving me the two minutes.

First of all, I support the Motion with the following reasons. One, for us to be able to realise the virtues of free primary education, we must move away from quantity to quality, and we can only have good quality education once we have the basics on the ground, that is, the classrooms, enough teachers and reduction of congestion.

Two, we have to realise that very soon, we are going to have a large influx of students joining our secondary schools. So, I would like to ask the Ministry not to wait until we are faced with the problem of many students wanting to go to secondary schools before we start rushing to build the secondary schools. We also have to look at quality even in secondary schools. We have to look at the libraries and the laboratories and emphasise on computer classes.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to say that for us to be able to address the issue of Harambees, we have to support this Motion and I would like the Ministry to move with speed and implement the spirit of this Motion.

Thank you.

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Temporary Deputy Speaker, Sir, I would like to thank Mr. Oparanya for giving me these two minutes. I fully support this Motion, because a mind is a terrible asset to waste. We must develop human capital and be prepared for that, come 2010, when we will have the first Form I from the free primary school education that started in 2003. We need infrastructure in terms of buildings, teachers, equipment and all those other things that have been mentioned, for us to have a good educational system. This will be in keeping with the introduction of bursaries in secondary schools and universities. We also need to explore the possibility of giving bursaries to middle-level colleges and institutions, especially polytechnics, so that we can even export education. If we have good centres of excellence, we can also, like Uganda, export education and other products of our educational system. For university, Form IV and middle level graduates, we need to start an internship programme under which we can put them in the public service and give them allowances. This will ensure that we train them to take over from retiring public servants.

Finally, the Ministry of Labour and Human Resource Development should assist our graduates to get jobs abroad. The Ministry of Education, Science and Technology should also assist parents who want to start paying their school fees early. There should be a system allowing people to pay fees instalments in advance, so that when their children get to secondary school, they find it easy to pay school fees.

Thank you for the two minutes.

Mr. Oparanya: Mr. Temporary Deputy Speaker, Sir, first of all, I want to sincerely thank hon. Members who have unanimously supported this Motion. I also want to thank the Government immensely for supporting this Motion. It is the Government's social responsibility to provide education to its citizens, and it cannot do so without making sure that there are adequate facilities.

Investment in education in our country has been very low. According to the data that I have, the global average annual state expenditure per child in primary education is US\$629. In Africa it is US\$48, with South Africa and Seychelles spending about 1 per cent of their gross domestic product (GDP) on education. In Kenya, our expenditure is only US\$15 per child and, therefore, we are much behind compared to other countries.

The available data also shows that the return from public investment in education is as follows. If we invest in primary education, the return is 18 per cent; from secondary education it is 13 per cent, while for the university education it is 10 per cent. This is the social return if we invest in those areas. Therefore, investment in education is important to every country for economic development.

I am not saying we should invest everything we have in education tomorrow, but that we have to do it gradually. We have to make sure that we motivate the private sector to invest in education and give it incentives like tax holidays, grants and loans, so that our education system progresses.

Last week, we heard that 39,000 students who qualified to go to university will not be admitted to university because of lack of facilities. It is, therefore, important that the Government makes a provision to ensure that facilities are provided. Our neighbours are doing it, and for the last two years, the Ugandan Government has managed to build 13,000 classes and spent Kshs1.4 billion. It is making a provision in its budget every year for educational facilities. We will have a federation in 2010 and we are worried about what will happen when we come together and Uganda is far ahead of us educationally. We cannot claim to belong to the same country when the rich take their children to expensive schools.

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

(Question put and agreed to)

DEVELOPMENT OF THE SISAL SUB-SECTOR

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

THAT, in view of the fact that the use of plastic bags has serious environmental effects due to their unbiodegradability, and in view of the Government's stated objective of alleviating poverty through industrialization by the year 2020, this House urges the Government to develop the sisal sub-sector as one of the ways of alleviating poverty, increasing job opportunities and substantially reducing the environmental effects caused by plastics.

At the moment, we have a crop called sisal, which can do very well in areas which receive very little rainfall and have very poor soils. These are areas in the rural areas, which we need to develop. This has been stated in the Poverty Reduction Strategy Paper, but nothing much is being

done in that regard. The purpose of this Motion is, therefore, to urge the Government to use these areas and develop the sisal sub-sector.

Mr. Temporary Deputy Speaker, Sir, if the material used for bagging maize, wheat and sugar was sisal, we would revitalise our sisal sub-sector and create a lot of jobs. We could even have taken advantage of the United States of America's African Growth and Opportunity Act (AGOA) initiative, which is meant to assist developing countries by to access the American market. Unfortunately, we now manufacture all manner of plastics. Plastic bags are very cheap, because they are of all sizes and gauges. They are used in supermarkets, where they are given freely to shoppers. Plastic bags are now being used for bagging edibles like chips. Unfortunately, the people who carry chips in those bags do not know that they are carry a very dangerous item. Plastic has elements of cadmium and lead, which are very dangerous to the human body.

Plastic bags are given for free at supermarkets and, therefore, they are disposed of all over. If you travel to our major towns, starting from Nairobi, to Nakuru or Mombasa, and especially if you visit garbage dumping centres, you will find plastic bags all over. They are a big eyesore. Plastic bags are sometimes set on fire. They are burnt and keep smouldering the whole night. Unfortunately, the fumes that are emitted from the burning plastic bags are a big danger to the environment. They affect the ozone layer. They are also inhaled by human beings. They are a cause of cancer that is now common amongst our people. Plastics are a big problem in the national parks where they are eaten by wildlife. In the pastoralism areas, I am reliably informed that they are a big danger to the livestock because as the animals are grazing, they eat up the plastic bags, and in the process, many pastoralists have lost their livestock. In the high potential areas, where I happen to come from, these plastics are eaten by our dairy animals, some of them as expensive as Kshs60,000. Cows costing up to about Kshs60,000 are lost just because they have eaten the plastic bags.

Mr. Temporary Deputy Speaker, Sir, when disposed, the plastic bags are impervious to water. Water collects in them. This is the breeding ground for mosquitoes. These are found in all towns. No wonder now malaria is a big problem countrywide, even in areas where there was no malaria, because of the plastic bags holding the water and forming breeding grounds for the mosquitoes. Plastics pose a big danger and we have to discourage them and encourage the sisal sub-sector.

In the marine environment; the oceans and lakes, we are losing a lot of fish because of fragments of plastics that are partly disintegrated and floating in water. They are mistaken for jelly fish by the bigger fish and turtles, which end up swallowing them and dying. Unfortunately we are losing our marine life because of the use of plastics.

Mr. Temporary Deputy Speaker, Sir, on the beaches, plastics have become a big problem. Unfortunately, tourists are very particular about the environment. There is need to stop this wanton littering of plastics so that we can continue to retain our tourists. Many of them cannot stand a littered environment. We need to do something about this if we are to continue retaining our tourists. There is absolutely no need to encourage the use of plastics to carry our shopping. We can develop the sisal sub-sector and encourage the use of *ciondos*, because they are usable. A *kiondo* can be used for three to four years. We should not encourage the use of plastics.

In the developed world, plastics are now recycled. There is also new technology which makes plastics bio-degradable. We can also develop plastics that are of heavier gauge. The one that is light is the one that is cheap and, therefore, easily thrown away after it has been used by people to carry their shopping. However, if we could have a heavier gauge of plastics that could be re-usable--
- If we could have plastics that are made using the new technology, so that it could be degradable, the effects of plastics, which are a big problem especially in our sewerage system, will be solved.

When it rains in Nairobi, almost all the sewerage system is blocked. Storm water, which is supposed to be channelled through the drainage or the rivers, is blocked. That is how, sometimes,

people drown. If something is not done with the plastics--- That is why I have brought this Motion. I want to urge the Government to try as much as possible and develop the sisal industry as a substitute to plastics. If that is not done, we will continue having malaria and poisoning of our people through fumes that result from burning plastics.

Mr. Temporary Deputy Speaker, Sir, instead of using plastic bags for packaging chips, we could develop our own paper packages. We can do it using bagasse that comes out of our sugar-cane industry. We do not have to go to our forests to replace plastics with paper packages. The bagasse from our sugar factories can be developed into cheap paper, so that we can completely do away with the use of plastics in carrying our shopping and chips. We can develop our sisal sub-sector and make bags for sugar and maize. That way, we will do away with plastic papers.

With those remarks, I beg to move and request Mr. Wamwere to second the Motion.

Mr. Wamwere: Bw. Naibu Spika wa Muda, naomba kuunga mkono Hoja hii ambayo lengo lake ni kuendeleza kilimo cha mkongwe nchini. Kilimo hicho ni muhimu sana. Kama alivyosema Bw. Mwancha, kuna sehemu nyingi ambazo ni kame, na ambazo zinafaa kwa kilimo cha mkongwe na mananasi. Hapo mbeleni, nilikuwa Mbunge wa sehemu ambayo sasa haimo katika eneo la Subukia. Sehemu hiyo ilikuwa nzuri kwa kilimo cha mkongwe. Ningetaka kuongea kidogo juu ya yale nimeyaona kuhusu kilimo hicho.

Ningependa kusema kwamba kwa bahati mbaya, tunapojaribu kukuza mkongwe, ni lazima tukumbuke kwamba kwa wakati huu, kilimo cha mkongwe kiko mikononi mwa kundi moja la watu wenye asilia ya Kigiriki. Sijui ni kwa nini kilimo hicho kimo mikononi mwa watu wa asili ya Kigiriki peke yao? Kwetu Nakuru, mhusika mkubwa katika kilimo hicho ni mkulima mmoja ambaye anaitwa Harry Horn, ambaye ana shamba kubwa la ekari 120,000! Katika sehemu za pwani, kuna mkulima mwingine ambaye anaitwa Criticos. Ana shamba kubwa sana la kilimo cha mkongwe lenye zaidi ya ekari 75,000!

Ninachojaribu kusema ni kwamba ili tuweze kukuza kilimo hiki, kuna haja ya kuwahusisha Wafrika katika kilimo cha mkongwe. Hii inawezekana kama tutakubali ya kwamba wakulima wachache ambao wanamiliki karibu mashamba yote ambayo yanahusika na kilimo hiki wanafaa wakubali kuruhusu watu wengine wagawiwe baadhi ya mashamba yao. Kwa mfano, siamini ya kwamba ili uweze kufanya kilimo cha mkongwe, lazima uwe na ekari 50,000. Unaweza kufanya kilimo hiki ukiwa na hekari 10,000 na zingine zinaweza kugawiwa Wafrika ili wawe wawekezaji katika kilimo hiki.

Bw. Naibu Spika wa Muda, jambo lingine ambalo ningetaka kuzungumzia ni kwamba ili kukuza na kustawisha kilimo hiki, lazima tuondoe taratibu inayotumika katika kilimo cha mkongwe, ambayo inaitwa "kiporo". Sijui kama Wabunge wengi wanaelewa taratibu hii. Hii ni taratibu ya wafanyakazi kupimiwa kipimo cha kazi ambacho ni lazima wamalize ili waweze kulipwa mshahara wa siku. Kilimo hiki kinawaruhusu wawekezaji kuwafanyia wafanyakazi unyonyaji wa hali ya juu kwa sababu wafanyakazi wanapewa kiasi cha kazi ambacho hawawezi kumaliza kwa siku moja au mbili. Utapata kuwa wafanyakazi wanahitajika kutoa watoto wao shuleni, waje wawasaidie ili waweze kumaliza kazi ya siku. Hata baada ya kusaidiwa na watoto wao, utakuta ya kwamba mfanyakazi ambaye amefanya kazi siku 30 kwa mwezi bado analipwa mshahara wa siku 12, 13 au 15 kwa mwezi. Unyonyaji wa aina hii ni lazima uondolewe katika kilimo hiki ili kiweze kustawi.

Miaka 32 iliyopita, wakati nilipokuwa Mbunge hapa, nilileta Hoja ya kuuliza kwamba kilimo cha kiporo kisiwekwe tena. Hoja hiyo ilipita lakini kwa bahati mbaya, upinzani uliendelea na mpaka sasa wafanyakazi katika mashamba ya mkongwe hawalipwi kimwezi. Ni kulipwa kimwezi tu ambako kunaweza kuwasaidia wafanyakazi katika mashamba ya mkongwe wapewe moyo wa kufanya kazi

wakijua ya kwamba hawanyonywi zaidi. Sijui kama kuna unyonyaji ambao unastahilika, lakini tunakiwa tuondoe unyonyaji katika kilimo kwa kuwalipa wafanyakazi kwa taratibu ya mwezi,

badala ya taratibu ya kiporo.

Jambo lingine ni kwamba katika mashamba ya mkonge, wafanyakazi wanalipwa mishahara ya chini sana. Utakuta ya kwamba wanashindwa kununua chakula, nguo na kuwalipia watoto wao karo. Wakati wanafanya kazi katika karakana za mkonge, kule ambapo majani ya mkonge yanasagiwa, utakuta ya kwamba hawapewi viatu vya kulinda miguu yao wakati wanapoingia katika yale maji, wala hawapewi glovu za kulinda mikono isije ikadhuriwa na maji ya mkonge, ambayo yana sumu nyingi.

Kumekuweko na tabia ya wakulima wa mkonge kutolipa wafanyakazi wao mishahara. Ninajua ya kwamba katika eneo la Banita, wafanyakazi wa mkonge wamekaa zaidi ya miaka kumi bila kulipwa mishahara yao, ambayo imefika kiwango cha zaidi ya Kshs100 million. Ninawaza kuwa mkulima anaweza kukaa na mishahara ya watu kwa zaidi ya miaka kumi---

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Mr. Wamwere, you have five minutes remaining to continue next time.

Hon. Members, it is now time to interrupt the business of the House. This House, therefore, stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.