



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

VOL. II NO. 56

THE HANSARD

Wednesday, 5th July 2023

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: Hon. Members, there is no quorum. I direct that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

We may now stop the Quorum Bell. We have quorum.

PAPERS

Hon. Deputy Speaker: Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table:

1. Annual Report of the Commission on Administrative Justice for the Financial Year 2021/2022 from the Commission on Administrative Justice – Office of the Ombudsman.
2. Reports of the Auditor-General and Financial Statements in respect of the following constituencies for the year ended 30th June 2022 and the certificates therein:
 - (a) Suna East;
 - (b) Suna West;
 - (c) Kilifi South;
 - (d) Kilifi North;
 - (e) Kitutu Chache South;
 - (f) Baringo South;
 - (g) South Mugirango;
 - (h) Mwingi Central;
 - (i) Kinango;
 - (j) Kabondo Kasipul;
 - (k) Voi;
 - (l) Awendo;
 - (m) Wundanyi;
 - (n) Chagamwe;
 - (o) Taveta;
 - (p) Bobasi;
 - (q) Likoni;
 - (r) Bonchari;
 - (s) Karachuonyo;

- (t) Rabai;
 - (u) Malindi;
 - (v) Ganze;
 - (w) Lungalunga;
 - (x) Kaloleni;
 - (y) Uriri; and,
 - (z) Mwatate.
3. Reports of the Auditor-General and Financial Statements in respect of the following institutions for the year ended 30th June 2022 and the certificates therein:
- (a) Kisii University;
 - (b) Turkana University College;
 - (c) Kakrao Technical and Vocational College;
 - (d) Riragia Technical and Vocational College;
 - (e) Omuga Technical and Vocational College;
 - (f) Likoni Technical and Vocational College
 - (g) Siruti Technical and Vocational College Awendo;
 - (h) Mawego Technical Training Institute;
 - (i) Ahmed Shahame Mwidani Technical Training Institute;
 - (j) Godoma Technical Training Institute;
 - (k) Siala Technical Training Institute;
 - (l) Coast Institute of Technology;
 - (m) Information and Communication Technology Authority;
 - (n) Kenya Ports Authority; and,
 - (o) Human Resource Management Professionals Examination Board

Thank you, Hon. Deputy Speaker, and I beg to lay.

QUESTIONS AND STATEMENTS

Hon. Deputy Speaker: Member of Parliament for Laisamis.

ORDINARY QUESTIONS

Question 087/2023

REVIEW OF BOUNDARIES IN LAISAMIS CONSTITUENCY

Hon. Joseph Lekuton (Laisamis, UDM): Hon. Deputy Speaker, could the Independent Electoral and Boundaries Commission:

- (a) provide a report on the last review or exercise undertaken, if any, on constituency or county boundaries markings undertaken by the Commission in the country?
- (b) provide details of the size in square kilometres, of Laisamis Constituency, and clarify whether the size has ever been varied over time?
- (c) provide details of the actual Global Positioning System (GPS) coordinates of boundaries of the constituency in the north, south, east and west as well as those of each of constituency bordering Laisamis Constituency?

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Question is referred to the Departmental Committee on Justice and Legal Affairs.

I have received a request from Hon. David Gikaria, the Chairman of the Departmental Committee on Environment, Forestry and Mining that the Member for Kajiado North, Hon. Onesmus Ngogoyo, asks the next Question on his behalf.

Question 248/2023

CRITERIA OF BOUNDARY REVIEW PROCESS

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Hon. Deputy Speaker, on behalf of the Member for Nakuru Town East, Hon. David Gikaria, I rise to ask the Independent Electoral and Boundaries Commission the following Question:

Could the Commission:

- (a) state when it is intending to carry out the exercise of review of constituencies and wards boundaries as stipulated in the Constitution?
- (b) elaborate on criteria the Commission plans to employ so as to guarantee a fair boundary review process?
- (c) provide details of the ‘protected constituencies’ and how the Commission will ensure the boundary review process does not interfere with the same?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Question is referred to the Departmental Committee on Justice and Legal Affairs.

The Member of Parliament for Narok North, Hon. Agnes Pareyio.

Question 249/2023

GAZETTEMENT OF NAROK NORTH CONSTITUENCY AS A HARDSHIP AREA

Hon. Agnes Mantaine (Narok North, JP): Hon. Deputy Speaker, I rise to ask the Teachers Service Commission the following Question.

Could the Commission:

- (a) explain why Narok North Constituency has not been gazetted as a hardship area despite satisfying conditions to be designated as such?
- (b) enumerate efforts that have been instituted to ensure teachers deployed in the constituency benefit from hardship allowance?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: The Question is referred to the Departmental Committee on Education. Member of Parliament for Butula Constituency? I think he is not present. We can move to the next Order.

(Question 250/2023 deferred)

BILLS

First Readings

THE WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL
(National Assembly Bill No. 3 of 2023)

THE PARLIAMENTARY PENSIONS (AMENDMENT) BILL
(National Assembly Bill No.5 of 2023)

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THE PUBLIC SERVICE COMMISSION (AMENDMENT) BILL
(National Assembly Bill No.6 of 2023)

THE CROPS (AMENDMENT) BILL
(National Assembly Bill No.8 of 2023)

THE NATIONAL GOVERNMENT COORDINATION (AMENDMENT) BILL
(National Assembly Bill No.25 of 2023)

*(The Bills were read a First Time
and referred to relevant Committees)*

Next Order.

MOTION

DEVELOPMENT OF A POLICY AND FUNDING FOR JUNIOR SECONDARY SCHOOLS

THAT, aware that communities have continuously established learning institutions within their localities to address the inadequate physical facilities to support the attainment of universal access to education; noting that the Kenya Vision 2030 envisioned progressive establishment of more schools, expansion and rehabilitation of existing ones in order to improve access to education; further noting that huge sums of funds, particularly under the National Government Constituencies Development Fund (NG-CDF) have been invested in improving infrastructure in primary schools; acknowledging that in the recently introduced Competency Based Curriculum (CBC) education system, pupils will transition from Primary School at Class Six and not Class Eight as was the case under the 8-4-4 System; concerned that basing Junior Secondary Schools (JSS) in selected primary schools will render classroom facilities that previously housed classes Seven and Eight redundant and that the arrangement would compel students to travel for longer distances to access institutions where Junior Secondary Schools are based; further concerned that the guidelines recently issued by the Government directed that Junior Secondary Schools be domiciled in the existing primary schools, yet most primary schools lack the capacity to accommodate and effectively offer Junior Secondary School curriculum; deeply concerned that the guidelines were hurriedly developed and operationalised; this House urges the Ministry of Education to:

1. urgently develop a comprehensive Junior Secondary Schools Policy in order to regularize and anchor the guidelines under the Basic Education Act, 2012 to ensure that Junior Secondary Schools are established and operated in every primary school.
2. develop a clear implementation framework for the competency-based curriculum (CBC) at junior secondary school (JSS) level and provide for a funding plan for successful implementation of the curriculum.

(Moved by Hon. Ruku GK on 3.5.2023 – Morning Sitting)

(Resumption of debate interrupted on 3.5.2023 – Morning Sitting)

Hon. Deputy Speaker: Hon. Members, we had a balance of two hours and 50 minutes. We will, therefore, resume debate. I am informed that Hon. Shakeel had a balance of five minutes, but he is not here. We, can, therefore, proceed and give the chance to another Member. Members who want to contribute can press the intervention button.

Member of Parliament for Kathiani Constituency, Hon. Robert Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Deputy Speaker for this opportunity.

I stand to support the Motion by Hon. Ruku because it talks about an important issue. Education is critically important. When we gained Independence, one of the pillars that our forefathers were hell-bent with, was ensuring that they sought out the issue of fighting ignorance, which is basically providing the population of this country with education. Over the years, Kenyans have proven to be extremely good in academic matters because if you go all over the world, the best scholars are Kenyans. That means that we have the right people and breed for purpose of education. The Government of the Republic of Kenya has over the years, continuously and constantly, bungled matters of education. Over the years, systems of education have kept changing. Many at times, you cannot get a clear-cut reason why the changes occur.

When I was young, there were systems that existed. There were exams in Standard Three, the then called Intermediary and then there would be other exams going forward. I went through a system where we had seven years of primary school, four years of secondary school, two years of A-Level, and three years at the university. Afterwards, there is the one that they called the 8-4-4 System, which is now being scrapped for the new competency-based curriculum (CBC) to take effect. Every time we have these kinds of changes, there are investments made that sometimes go to waste. Most of the primary schools in the rural areas have classrooms that were previously workshops. They were used for pre-technical subjects like Art and Craft, and Music. Now, they are defunct and not in use. We now have a new system in place. We are now required to look for laboratories and extra classes. We need to be very careful and ensure that whatever system we come up with, we can live with it for a long time.

If you go to the developed world, they do not change their education systems every five or 10 years, or after every major election. We must come up with a policy in education that will last for time immemorial, so that if we are going to introduce any changes, they would be minor and not major, and would not leave some of our facilities unused.

The new system has re-introduced Art, Music, and other pre-technical subjects, which require new facilities. The previously existing facilities have already become void. Some of them have even been brought down. It is important that the Government does a good job.

I support the idea of a new education system. It is a brilliant idea. The CBC education system is very clear and emulates some of the developed countries. As we emulate the developed systems, we must ensure we do proper planning. In education, planning means that we deal with curriculum, staffing, and funding. That is why I feel that, as a country, we have failed.

The CBC started in 2015, with PP1. Eight years later, we have never put in place plans to ensure that we have enough classes and laboratories, and that teachers going to teach this system have been well trained. What we are churning out of our teacher training institutions is still based on the 8-4-4 System of Education. It is really unfortunate. What happened is that the Government, in its knee-jerk response, decided that it will train teachers who will be teaching under the CBC. The teachers who were taken for this training, which was just basically in-service for a week or two, were lower primary school teachers. Research shows that teachers who were teaching lower primary schools were mostly mature female teachers in our rural

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areas. After the training, they went back to their schools, refused to teach the JSS system and told the younger teachers to teach. They felt like the training suited them and that they would do it better. Unfortunately, that training went to waste because many of the teachers who were involved in the training have not yet understood the system up to now.

Junior Secondary School is a very good concept. There is, however, a major mess in the manner in which it has been introduced. First, we were told that JSS would be domiciled in secondary schools. Every secondary school in Kenya was, therefore, facilitated to put up a classroom. Up to now, we have many questions about the classrooms because the funding was totally inadequate. Some of them were the size of half of the normal classroom, but were built in secondary schools. Later on, another policy came where those schools were supposed to be domiciled in the primary section. There was then a decision in which primary schools were the ones to be allowed to host JSS.

It is a shame that in my constituency, the top performing primary school was not qualified to accommodate JSS. When the children who were in Grade Six transited to Grade Seven, they were given calling letters to some of the worst performing schools. This was really demoralising to parents.

I believe this Motion speaks to the heart of the problem we are facing. As a Government, we must ensure that good policies and facilities are put in place so that every child can continue with their learning from where they started in primary. They should finish Grade Six and proceed to Grades Seven and Eight within the primary schools so that they can proceed to secondary schools. It is possible because already every primary school has room up to Grade Eight. All they require is one extra level in another one-year-and-a-half. Thereafter, they would require a laboratory. I am certain that with the money that we get under the National Government Constituencies Development Fund (NG-CDF), and with a little support from the Ministry of Education, we can make this dream come true.

I support and say that the Hon. Member thought about it properly. It is something worth emulating. That is why the people of Mbeere North elected him. Indeed, they have the right leader.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Dorothy Kiara.

Hon. Dorothy Muthoni (Nominated, UDA): Hon. Deputy Speaker, I rise to support this very important Motion. I thank the Member for Mbeere North, Hon. Ruku, for bringing this very important item for discussion in this House.

The Constitution recognises education for all children as a basic right and the Government of Kenya is no exception and is mandated to provide free compulsory education to all students. Development of a policy and funding for JSS is a key component of this very important programme that the Government has embarked on. The competency-based curriculum is one that must succeed.

It is very disheartening for us to go around schools only to realise that they are poorly equipped. I am so glad because I know at this point in time, the constituencies have got money from the NG-CDF. I know key in the agenda is going back to the constituencies to continue building classrooms and various infrastructure in schools. However, I want to acknowledge the fact that some of the schools that we are going to build are in a very deplorable condition and if the students who are transiting from primary school to JSS are to have their esteem, we must ensure that the classrooms are up to the standard of a JSS. Also, the laboratories should be well equipped.

It is also important to note that the distance some children are covering as they go to and from school are quite long. I, therefore, want to implore upon the Ministry of Education to ensure that every school has a JSS class. Based on this, the classrooms cannot be without teachers. They are a key component and I want to disagree with the Member who said that the

teachers who are trained to take care of JSS are old teachers who were picked from primary school, Class One. I disagree because every trained teacher is deployed and the Teachers Service Commission (TSC) is very sure that the teacher who is deployed in a certain school will be able to handle that particular class. A teacher might be old, but their brain is not old. The teachers, whatever age, as long as they are posted to teach in those schools, should be competent and qualified enough to handle those classes. What we are calling for is equal distribution of teachers so that we do not have some schools where students sit in class without teachers of certain disciplines.

I also want to challenge the Ministry of Education. As we sit here today, every day when I look at the news items, the managers of schools, headteachers and principals, are crying because capitation is never availed on time. This is a serious setback on the education standards of our children because our school managers are torn in between the policy that the Ministry of Education has given and the stern warning that they keep giving teachers that they should not send away any student out of class. I want the Ministry of Education to stand up and be counted. Teachers cannot be given students without food and books and yet everyday they are warned not to send students out of school. We are in a time where even parents are going through a very difficult moment. We know this country is grappling with issues of money and we do not want to see situations where students are sent back to their parents.

I want to support this very important Motion because the only way we can make this Government accountable is by ensuring that we develop a policy and funding for JSS so that it succeeds. I support Hon. Ruku and I say kudos because this Motion is not only touching on Mbeere, but the entire Kenya. Thank you.

Hon. Deputy Speaker: Hon. Member for Baringo North, Hon. Joseph Makilap.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Deputy Speaker. I rise to support this Motion on development of a policy and funding framework for our JSS.

Having been a teacher for many years, I appreciate there is need and it is proper as per this Motion to ensure that JSS curriculum and operationalisation is anchored in law in the Basic Education Act, 2012. It ought to be amended to capture the spirit of JSS.

We have a curriculum for JSS that has not been properly developed. At the moment, in all our schools throughout the Republic of Kenya, there is one teacher against 13 or 14 subjects. What has been happening is a local arrangement between the primary school teachers who are in that school and that teacher who was employed to cover up the syllabus, by hook and by crook, to ensure that learners are engaged. Now that we passed a budget that included funds to employ more teachers for JSS classrooms, it is evident that there is need to congregate the JSS in all our primary schools throughout the Republic of Kenya.

You will realise that from next year, primary school will run all the way to Class Six. We shall have two extra classrooms in schools that had classes up to Standard Eight. It means there is need to increase an extra classroom in every primary school to ensure that once students get to Grade Nine, they have space in all the primary schools throughout the Republic of Kenya. Those spaces will cater for JSS. The highest level of JSS is at Grade Nine. So, we need to increase the funding. The NG-CDF is not enough to fund all the primary schools at once. There is need to rationalise and direct more resources to increase an extra class in our primary schools. There was an attempt to address the situation, but it was not properly done. I agree with Hon. Ruku that this is the earliest thing to do. There was a plan; they built one classroom in every secondary school, which never materialised. It hung in the air. There is need to plan ahead so that as students graduate this year to JSS Grade Eight, there is a space for them in Grade Nine. The country should pay attention because there is also need for a report to be finally released because the issue is not only about junior secondary schools. The Presidential Working Party

on Education Reform should finally unveil its official report, so that Kenyan children and teachers do not engage in guesswork.

The P1 Teachers are being asked to go for refresher courses in teachers' colleges to teach CBC. That is good, but there is also need to take secondary school teachers, who are supposed to handle junior secondary schools, for refresher courses to handle the CBC. Remember the teachers currently handling the students were only trained in two subjects as per the curriculum. Those with diplomas and degrees were only trained in two subjects and yet we have a curriculum that has about 14 subjects. I agree there should be proper guidelines and regulations on the development of the curriculum, so that Kenyan children do not operate on a trial and error learning process. These are our children. We want them to be competent as envisaged by this new curriculum.

The CBC is meant to ensure that after a student graduates from junior secondary school, he or she chooses what we call pathways. There are those who will go for STEM (Science, Technology, Engineering and Mathematics) disciplines, and those who will pursue careers in arts and sports. Therefore, students who graduate from Grade Nine must be knowledgeable enough to choose which path they will take in pursuit of their education. The earlier the better. That is why I support this Motion because by the time students are exiting Grade Nine, they should be knowledgeable enough to pursue various careers and education.

Something else is not very clear. What about established high schools? I am talking about the Alliances, Mang'us, and Kapsabets of this world. We need to equip those schools to become senior secondary schools, and not village high schools, so that students who exit junior secondary schools go to those schools. The consequence is that every high school in a specific community will only enrol its own children and that will not bring about nationalism and cohesion. We need a curriculum that brings Kenyan children together, so that they study and pursue their education in a manner that will bring unity and appreciation for the diversity of the people of Kenya.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

*[The Temporary Speaker
(Hon. David Ochieng') took the chair]*

Currently, we give junior secondary schools that are domiciled in our primary schools a budget for capitation. There should be proper management of junior secondary schools, separate from primary schools. If a primary school has a board of management, there should be a separate management entity for the junior secondary school. One puzzling thing is whether junior secondary schools will operate under a different head-teacher or whether they will be under the same head-teacher. Those are the issues that these guidelines must sort out, so that they have different management entities because they have different curriculums. The board of management and the head-teacher of the primary school should deal with primary school matters and curriculum, and then there should be a head-teacher who will be responsible for the junior secondary school. After all, junior secondary schools encompass grades 7, 8, and 9. That is good enough. That is a good number of students to be handled and run by a principal and a board of their own, so that they pursue their learning.

We also want to make junior secondary schools affordable to Kenyans. The junior secondary schools' curriculum must be affordable to Kenyan parents and must be accessible to the youths. I went to my local primary school and looked at Grade 7 students in junior secondary school and they are very young people who cannot travel long distances to attend classes. Therefore, if we have agreed as a nation that junior secondary schools must be

domiciled in primary schools, then every primary school in Kenya must host junior secondary school classrooms.

This Motion should progress to a Bill. Hon. Ruku, we must fast-track this Motion and turn it into a Bill, so that we can amend the Education Act, 2012 to bring order to our education system.

With those many remarks, I support the implementation of this Motion.

The Temporary Speaker (Hon. David Ochieng’): That is your chance to...

Hon. Julius Sunkuli (Kilgoris, JP): Sorry, I did not hear that, Hon. Temporary Speaker. I also rise to support this Motion by my friend, Hon. Ruku. It is very interesting because the Mover of the Motion is asking us to urgently develop a comprehensive policy on junior secondary schools and a clear implementation framework. I was having a chat with my good friend, Dr Nyikal, whose idea I quickly borrowed. While we support Hon. Ruku, it must be noticed that we are doing something which we ought to have done long ago. If I were to borrow his words: How do visitors come to your house, and then you start preparing for them? We should have prepared for junior secondary schools long ago. Now that we did not do it, it is very good that we start implementation of this policy.

When I look at this House, I see two categories of people. I see people like me, who went to seven years of primary school, four years of secondary school, two years of high school, and three years of university. That is the same education system that people in the United Kingdom, who educated us, go through, as well as in neighbouring Uganda. I always look at myself and say that I am very well-educated. If I add another master’s degree, I will be like everybody else who is currently going to school.

Somewhere along the line, the education system changed. I can see the second category of people here who went through the 8-4-4 education system. When the 8-4-4 education system was founded, it was based on the policy that students require practical skills that they can take home. So, workshops were built and many other adjustments were made. So, majority of Members of Parliament went through the 8-4-4 education system.

Currently, for no apparent reason at all, we have the CBC. I do not know whether this would be outrageous to suggest, but I think it is time we incorporated our education system in the Constitution, so that it does not change like the weather. Kenya is very good at something called benchmarking. One of you might go to Papua New Guinea, see something good there, and then come and tell the whole country that we must change to be like Papua New Guinea. There must be a stop to the overhaul of the education system. We can change some things in the education system, but we cannot just overhaul it every day or turn it upside down. One day, we have the 8-4-4, another day, the CBC, another day, something else. We should put a stop to that.

Hon. Temporary Speaker, this is the reality. The Kenya Kwanza Government said that the education system was started by the Jubilee Government. I do not see a difference. When you look at it clearly, the last Government was the Jubilee Government. Most of them sat in the Cabinet. Whatever the case, they have inherited a system which we must live with now. Primary school is ending in Grade Six now. The 8-4-4 education system is still on and it has Class Seven and Eight. We should come up with a policy that states what will happen in Grade Nine. We have to prepare and look ahead. We should not have children in Grade Nine who have come from JSS and then we do not know what will happen to them.

There is a question of teachers. The gracious lady said here that it does not matter whether there are old teachers or not. These people told us that this is a new system of education. Who are the experts for delivering it? The teachers’ training must be customer fit and good for the purpose. We should train teachers to teach CBC. We also need to adjust ourselves. This is the question that Hon. Makilap or another Member has asked. Are these children in secondary school or high school? Firstly, they are too young to be in secondary

school. However, we call them secondary school students. We make them think like secondary school children. We have to create a certain adjustment, so that we ship them to secondary school as soon as possible. This will stop them from being told they are in JSS when they are in senior primary school. There are many gaps in this education system that need to be addressed.

I have not gone to Textbook Centre lately, but which books will be used to teach these students? Have we prepared enough materials for training our children in JSS? We have a lot of issues that need to go into policy. I really want to congratulate my friend, Hon. Ruku, for thinking about it. Unless we go through all these things, we will not have a good education system.

Lastly, the position of the NG-CDF is acknowledged in this matter. I know the Ministry sends capitation to schools. It must develop a way of monitoring how capitation works. The teachers receive it. However, when you go to them, they tell you to help them buy desks and other things. What exactly is capitation being used for? The NG-CDF that has been sent to constituencies has done a lot in this one year. Does capitation also fund development projects? Can we have good explanation of how it works?

Hon. Temporary Speaker, I beg to support the Motion.

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, if you ask to speak, you should look at your microphones. They are there so that you can see them and speak. Hon. Mathenge.

Hon. Duncan Mathenge (Nyeri Town, UDA): Thank you, Hon. Temporary Speaker. I stand to support the Motion by Hon. Ruku on the development of a policy and funding for JSS. It is important that this country starts to take the education of our children much more seriously than it is happening today.

We know that CBC started literally seven years ago. When it was time for JSS students to join, we started running around helter-skelter. It is not like we did not know that this date was coming. Even with the patchwork that allowed us to commence JSS in the primary schools, we have gone back to sit on our laurels. We do not know what will happen by the time the next two years are over and yet it will be time for our kids to join senior secondary school. More importantly, nobody in this country, including the mandarins at the Ministry of Education, can give a clear and coherent roadmap on exactly what we are doing in JSS. It is important that we do not fail our children.

We have been speaking of a lost generation that has disappeared into alcohol and drug abuse. We are preparing, at this pace, another lost generation that is pursuing JSS, unless we put our act together. Despite the hardships that are there, a lot of JSS children do not attend school consistently. The JSS came with a new set of uniforms and new requirements for desks, chairs and books that parents had not been prepared for. Therefore, it is important that this Motion is taken very seriously by this House and the ministry in terms of restoring order in our education system.

The current grading system at the Kenya Certificate of Secondary Education (KCSE) is producing a wasted number of young people in this country. When we analyse the KCSE performance, we find that barely 20 per cent of our Form Four students attain the minimum university entrance grade. Another 28 per cent attain the diploma colleges admission grade. Therefore, we have about 50 per cent of our school leavers competing for certificate and craft courses. The tragedy of this country is that we find that even a voluntary service like the National Youth Service (NYS) requires our graduates to have attained a D plain in Form Four. What are we, as legislators and leaders, telling our young people in this country, in terms of the plans we have for their future? We have a crop of very many young girls and boys who are literally present in every shopping centre in this country. They say that they have nothing to do, except indulge in consuming cheap liquor or alcohol which we, as leaders in the country,

have failed to curtail its production and distribution. We are poisoning our young people as we watch. Traders have taken our country hostage because they want to make money at any cost. We need to formulate a coherent, clear and well-understood policy by not only students, but also parents. We should give a clear roadmap for the desires of our young people.

The sending home of children from school has to stop, as a matter of policy, in this country. The cost of uniforms varies from school to school. Why should there be a difference between the cost of uniforms in secondary schools? The cost of the feeding programme for lunch varies from school to school, even in schools that are in the same town. If you go to Nyeri Town Constituency, both DEB Muslim Primary School and the Temple Road Primary School are literally neighbours, but they have different costs for lunch. You find that the biggest burden that parents in our schools have today is the cost of school feeding programme. Therefore, this policy must also address the issues of the cost of feeding in our schools, uniforms, and construction of multipurpose halls. We shall become a darling for all schools today. There is also the issue of funding of school buses. Therefore, we need a clear Government policy on the cost of some of these burdens that are being borne by our parents thus largely jeopardising the education and the future of our children. Sustainable Development Goal (SDG) 4 requires us to ensure that our education is inclusive, equitable and of the same quality. Therefore, the question is whether the quality of education offered at Kagumo High School in Nyeri Town Constituency is the same as that at Kihuyo Secondary School in my village? It is clear in our minds that the answer is no. How then can we be signatories to the SDGs and then sit and allow those kinds of disparities to continue?

When we come to the management of teachers, Nyeri Town Constituency is largely a municipality. It was a municipality even before the Constitution of Kenya, 2010 was promulgated. I have teachers who are paid an enhanced house allowance as required for teachers who are working in municipalities. Other teachers in the neighbouring schools are not paid the enhanced house allowance. When you approach the management of teachers and Teachers Service Commission (TSC), they pretend not to be aware of the existence of such disparities.

It is time that some of the institutions managing important affairs of this country, like TSC, are invited to appear before the relevant committees of this House to answer questions from the legislators. The question of Cabinet Secretaries coming here to answer questions for constitutional commissions and other bodies that are playing crucial roles in terms of the management of the affairs of our country should come to an end. For how long can we keep on shielding those people? The problems keep on piling.

The Temporary Speaker (Hon. David Ochieng): Hon. Duncan Mathenge, you probably know that under the rules we changed, independent commissions answer questions at the committee level. All the commissions in this country are supposed to direct their answers to questions to the relevant committees.

Hon. Duncan Mathenge (Nyeri Town, UDA): I am well guided. All of us have an interest in education. Therefore, when the TSC appears before the 15 Members of the Education Committee, the Chair opens the meeting to friends of the committee. The TSC management will be overwhelmed by Members' questions. The problem at TSC is a systemic weakness that needs to be rectified.

Finally, what exams will Junior Secondary School students sit at the end of their three years? How is that exam going to impact their advancement to senior secondary school? I support this Motion. Hon. Ruku GK, this Motion could not have come at a better time.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Let us have Hon. John Koyi.

Hon. John Koyi (Sirisia, JP): Thank you, Hon. Temporary Speaker for giving me a chance to contribute to this Motion. Education is the key to everything all over the world. I want to thank the Member who has brought this very important Motion. I rise to support it. Talking of the Competency-Based Curriculum, I think our Constitution has a lapse. Our education sector has not been anchored very well in the Constitution. Every Cabinet Secretary who is appointed, especially in Ministry of Education, wants to make decisions as they feel. Right from the late President Daniel arap Moi's time, there have been many changes on the education curricular and this has affected our children and parents.

We say that primary education is free, but CBC has made it very expensive. You can say that there is no free primary education in Kenya. This is all happening just because the Principal Secretary visited another country, copied the CBC and he wants to make it work in Kenya. Well, it is working but not very well. That is why every Member has his own negative thoughts on CBC. In the rural constituencies where some of us come from, there are no teachers. Indeed, if they wanted good change, we could not have come up with JSS and have it domiciled in primary schools with only one teacher and 80 students. It means the Ministry and TSC were not ready to post teachers to teach the new class that was promoted from primary.

The Government must do something to remove school fees. Parents are paying a lot of money, especially for practical classes. Teachers send children home to take chicken to school to slaughter for practical classes. If a class has 100 children, it means 100 chicken for slaughter to make teachers feel good and enjoy eating chicken from parents. I want Members to dig in properly about this CBC and see if it is helping the education sector.

(Hon. Omboko Milemba interjected)

The Temporary Speaker (Hon. David Ochieng'): Hon. Omboko Milemba, Hon. John Koyi has just decided that your point of order was not necessary.

(Laughter)

Hon. Members, I wish to recognise the presence of pupils from Enoomasiani Primary School from Kajiado North, Kajiado County; and pupils from Vidhu Ramji Secondary School from Kiharu in Murang'a County. We welcome them to the National Assembly to follow our proceedings today. Hon. Majimbo Kalasinga. Is Hon. Kaguchia John in the House?

Hon. Kaguchia John (Mukurweini, UDA): Thank you, Hon. Temporary Speaker. I appreciate and promise to take the shortest time possible. I stand to support the Motion. I have glanced on how JSS is being conducted in Mukurweini. I have noted that out of the 66 public schools that exist in Mukurweini, 18 schools are not being funded for JSS. That makes me worried. I understand that schools that have JSS programme receive substantial amount of money in excess of the normal capitation. In essence, that means all primary schools that do not have JSS programme do not receive the extra capitation. Primary schools such as Wanjithi, Matuto, Mukui, Wacee, Kiirungi, Gaciro, Ningaini, Kiawaita, Matiraini, Mutwewathi, Wangera, Nguura, Mwati, Ititu, Gakira, Wahari, Wanguru and Gakima do not have JSS. I strongly support the Motion so that we can come up with a better arrangement on how to fund the existing primary schools that do not have JSS. This will ensure that students do not travel long distances to access basic education. For example, parents from schools like Wanjithi have come to my office complaining that their children walk long distances to access education.

I appreciate that the staffing levels are being enhanced. Today, I have seen a job advertisement in the newspapers for about 20,000 positions for JSS teachers. I encourage our people to apply for those job opportunities. However, we still have a challenge. The 20,000 teachers will be added to what we already have. I am not sure if that number will satisfy the

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staffing needs in all our schools. Most of the JSS schools have teachers teaching subjects they did not train in, in college. For example, you find a teacher teaching chemistry or biology and yet, they trained in literature or English. That lowers the quality of education in JSS. I strongly support that we should come up with a policy to systematically and strategically support JSS through proper funding of JSS.

Finally, this Parliament passed a Budget that increased the amount of funding for JSS from Ksh15 billion to Ksh25 billion. That is an increase of a whopping Ksh10 billion. It is a good thing that we must commend. However, we need a policy by the Ministry of Education and TSC to properly guide how that funding will be implemented in schools. This will help us to balance between staffing and infrastructure needs. We should also look at primary schools that do not host JSS. We are basically killing such primary schools that are now up to Grade 6.

I beg to support this useful Motion and congratulate Hon. Ruku for bringing it to this Assembly.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Member for Seme, proceed with your contribution.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. I rise to support this Motion.

(Loud consultations)

The Temporary Speaker (Hon. David Ochieng’): Order! I am seeing everyone looking at me. I have given an opportunity to seven Members on my right side and not a single Member on my left side since we started this debate. So, relax. We are a House that has a Majority Party and a Minority Party. It is my duty to ensure that Members on both sides speak.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. When you look after orphans well, you get blessed.

(Laughter)

I rise to support this Motion. I appreciate and congratulate Hon. Ruku. There are times when we put aside politics and look at the welfare of the nation. This is one such time. Hon. Ruku is asking us to develop policy guidelines and implementation framework for a project where pupils are already in class. How far can you go by putting the cart before the horse? It is even shameful that we are talking about this when children are already in class. If we are still talking about policy guidelines and implementation framework, do we even have an implementation timeline on how those children will move from one class to another? Members have been proposing how the children should move, but those are things that should have been done before the programme was started. This is about planning and making things work. It is not about impressing people. There is a difference. If you were looking for votes, yes it would work. However, if we want to educate our children, we must take the direction that Hon. Ruku is proposing. This should have happened earlier.

Do we know the infrastructure needs in schools? Classrooms were built in secondary schools and yet, JSS students are now in primary schools. I know there is transition, but that is an issue I will talk to later. What about the human resource? It is being said that some retired teachers were re-hired. It does not matter that they are trained, but do we know their needs? What about the financial needs? How were schools picked to house JSS? In my constituency, a large number of primary schools, nearly half, do not have JSS. How were the number of pupils in the identified schools used for planning financial needs? When I asked that I was told that the Ministry looked at the number of children who were in Standard Six; but when you

combine students from different primary schools, the number will not be the same. How can that happen? Does it mean no one sat down to do simple arithmetic? The arithmetic should have been done earlier. Money is also not being released regularly.

We understand that there was transition from one government to another. When there is a transition, the duty is on the incoming government to ensure smooth continuity. The country will not listen to you when you blame your predecessors because they are gone. If you find errors, your duty is to correct them. The transition should have been extremely meticulous. The plan was to take JSS students to secondary schools but, in one day, it was decided that they would remain in primary schools. Meticulous planning was needed at that point. It is clear to everyone that, that was not done. This is just one example in the Ministry of Education where policies are not properly formulated. We have had very major changes in this Ministry. We have had CBC with JSS and the 100 per cent transition programme. How do we link and coordinate the 100 per cent transition programme with JSS? What is the transition point now? Previously, it was Standard Eight to Form One. Now with JSS, where is the transition point? We have recently dealt with delocalisation and re-localisation. How do you harmonise that with JSS and the 100 per cent transition programme?

The main purpose of a competency-based curriculum is for a child to acquire practical skills. In infrastructure planning, classrooms can seem to be okay because the National Government Constituency Development Fund (NG-CDF) has put up many of them. In my constituency, all the JSS students are in classrooms that we built in primary schools. They are being used in a good way to host JSS. Hon. Ruku's idea on how we use NG-CDF is welcome.

In Kenya's CBC, there are two issues of infrastructure that I do not hear about. Are we going to have laboratories or are we going to have workshops? Are the chickens that the Hon. Member was talking about going to be slaughtered in workshops? The ones that will be eaten I know where they will be slaughtered. That is not a problem. Will the ones for teaching be slaughtered in a laboratory? Will they be dissected in a laboratory or in a workshop? If it is fish...

(Several Hon. Members spoke off the record)

Gentlemen, we can laugh but those are very serious issues. If we want the students to have skills in agriculture and create artefacts, they will need workshops. Some of us went to primary schools when there were workshops. I do not hear about workshops anymore. When do they transition from a laboratory to a workshop? This is because they do different things. When is the streaming going to happen? When you have streamed, you will know who will need workshops and who will need laboratories. Where are those issues being discussed?

We have put the cart before the horse. We must go back, as Hon. Ruku has indicated, and do the planning. If we meant well, this Government is in a position to slow down the process and say it is not satisfied with the planning. It can slow it down for one year and plan it properly. The country can accept that. We must reach a point where we are not driven by politics. I know 2027 is coming, but it is the good work that will take us there and not the impressions that we create. Impressions will fizzle out and the real work will stand out. So, let us go back and do the right thing even if we are doing it late. It is better late than never. Let us go and look at our kids.

I support this Motion. We need to remove the word "urges". We should amend the Motion and replace this word with the word "resolve". The word "urges" means they may or they may not heed the prayer contained in the Motion, but we want them to do so. If we have to upgrade the Motion to a Bill, Hon. Ruku should go ahead and do it. On this one, we will support him, unlike when I always oppose him in television discussions. That is politics, but now it is about our children. We will support it. He should bring a Bill.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you, Hon. Nyikal. The Member for Kabuchai.

Hon. Majimbo Kalasinga (Kabuchai, FORD-K): Thank you very much, Hon. Temporary Speaker. Hon. Ruku, the Member for Mbeere North, has done a very good job. This Motion will address many things. We want it to address several issues. We have to go back and address the confusion that occurred last year when CBC classrooms were built at secondary schools. The contractors who did the work have not been paid to-date. They are being auctioned. They did a job for the Government, but they were never paid. I do not know when they will be paid.

Public primary schools cannot afford the expense of JSS. Yesterday, I spoke to my daughter who told me that in their school they require Ksh8,000 for home science. For me, as a Member of Parliament, that is not a problem. I can afford it. But what about the child of a *boda boda* rider in Nakitumba Primary School? They cannot afford that amount.

As Hon. Nyikal has said, this programme was started before the policy. I wish Hon. Ruku was there before CBC was put in place. I thank him very much for thinking ahead. Although it is late, we can change things for the betterment of our nation. This is the time to bring our heads together.

Last week, I was at home and we were having secondary school games. There is confusion. Junior secondary school students could neither play in secondary school games nor compete in primary schools. They stand in between. If they play in primary school games, the primary school pupils mock them that they are supposed to be in secondary school. We must place the right things first. I was wondering but now that the matter has come here for redress, let us give it first priority.

As I support this Motion, let us look at some schools that cannot manage junior secondary schools. The junior secondary school is expensive and the Government had not planned for it. It could have waited. The Government should, first, have looked for money. We have very good private schools which have the best laboratories and good libraries. They are getting undue advantage over the public schools. What are we going to do?

If the junior secondary school students will be sitting for examination in Grade Nine, what are we putting in place so that those exams reflect a proper transition from junior secondary school to senior secondary school? If I were asked before, I would not have named it junior secondary school. I would have named it senior primary school. When it is senior primary school, teachers in primary schools would be comfortable to teach them. Teachers are given guidelines. The policy does not allow a primary school teacher to teach in a secondary school. As I speak, I am an alumnus of Sikusi Primary School. Teachers handling junior secondary schools are only two or one. They handle 18 subjects. What did we do? Hon. Ruku has brought this Motion so that we discuss this matter properly and iron out things that need attention. Should we move out this thing, let us move out together and do things properly.

When I was looking for votes in Kabuchai Constituency, we said that the moment we took over, we would remove CBC because it was expensive and parents were not managing. Now even with more expensive life, we need the Government to totally take over the expense aspect so that some children do not miss classes because of the costs involved. I pray that the people of Mbeere North who elected Hon. Ruku re-elect him next time.

With those remarks, I support the Motion for the good of this nation.

The Temporary Speaker (Hon. David Ochieng’): Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Temporary Speaker. Let me apologise first because some people

The Temporary Speaker (Hon. David Ochieng’): Hon. Rindikiri was way ahead. He just did not have a card.

Hon. Mugambi Rindikiri (Buuri, UDA): Somebody picked up my card and my phone. It is very unfortunate. As Members, we need to respect one another.

The Temporary Speaker (Hon. David Ochieng’): Hon. Rindikiri, go on with your debate.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, I want to dwell on what CBC means. It has seven core competencies. I think this is where the problem is. First, is communication and collaboration; second is critical thinking and problem solving; third is creativity and imagination; fifth is citizenship; six is digital literacy and learning to learn and seventh is self-efficacy.

Hon. Members, we have a system that has recognised the core competences, but its implementation so that it can be achieved by every kid is not in place. I want to support the Mover of this Motion, who is my very good friend and neighbour, Hon. Ruku. It high time we put the policy first and suspend the implementation of this programme.

We are talking about increasing competency in terms of creativity and innovation. As Members will realise, the environment our kids are in is not conducive for creativity. We have not put the element of digital literacy because there are no laboratories and computers. We have no facilities to encourage the learner to learn more because we lack basic infrastructure. For example, I see a demonstration of swimming in many schools, which is learning to learn. Surely, they demonstrate swimming on sand and concrete and yet, we are supposed to be impacting competences in our children.

(Laughter)

I think we are condemning our kids instead of making them good citizens. The CBC only promotes singing, dancing and the National Anthem! Nothing else! Public schools lack infrastructure and textbooks...

Hon. Julius Melly (Tinderet, UDA): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Melly, what is out of order?

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. Is it in order for Hon. Rindikiri to mislead the House by saying that singing is the only thing that kids do under CBC? He has just outlined very well the qualities and competencies of CBC, like critical thinking and others. He is out of order because he is misleading the House.

The Temporary Speaker (Hon. David Ochieng’): Order, Hon. Melly! He has said the only thing he sees, so you cannot claim to be seeing for him.

Hon. Julius Melly (Tinderet, UDA): He is misleading the House.

Hon. Mugambi Rindikiri (Buuri, UDA): Hon. Temporary Speaker, it is very unfortunate that the Chairperson of the Departmental Committee on Education and Research is not attentive while listening. He is supposed to be solving the problems indicated in the Motion that has been brought by Hon. Ruku. He should accept where he has failed.

There are no textbooks. How will we impact good knowledge through the learning to learn competency? This programme was rushed and the curriculum was not well thought-out. They only came up with core competences, but if there are no classrooms, workshops and playgrounds, how will this impact our children? The expenditure for the CBC is Ksh15,000 per kid. That money has not been distributed to the schools. In fact, the release is late, meaning the impact of knowledge will be delayed.

This system does not create opportunity for children with special needs. This is one of the failures of education in this country. There are so many people with special needs out there who were failed by the 8-4-4 system. The new system does not cater for people with special needs in terms of provision of facilities. Something is seriously wrong. The management of the CBC system is totally different from the regular management of primary and secondary

schools. So, we cannot mix the two administrations thinking that they will be helpful to our children. It is a mockery to move around schools listening to what parents are going through. We are condemning them to provide equipment, which the Government is supposed to provide and yet, many of them are very poor. In fact, at the end of the day, you will find parents providing more than the Government. The Ksh15,000 capitation is not enough. So, the burden will be borne by the poor parents.

I find this system not working well. It will benefit only a few students in private institutions. We are going to create disparities. For example, my constituency has 87 primary schools, out of which 17 have been condemned. They cannot host junior secondary because they have less than 35 students. Those children are forced to walk 10 kilometres to school. That means the Government, in its policy, has become discriminative. You can imagine a kid walking for 10 kilometres because a school has less than 35 students.

Hon. Temporary Speaker, I support the Motion brought by Hon. Ruku by saying education is the only thing that will bring everybody together, but I doubt if this system will do so.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Next is the Member for Kitui South.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to support this extremely important Motion that has been brought by Hon. Ruku. First, I would like to congratulate him because having sat in this House for the last 10 years, I have seen him come up with very important Motions and supporting very important Bills. I encourage him to continue doing so.

As I support this Motion, I would like to start with numbers. The issue of junior secondary schools is a matter of discussion in this House. I have a total of 275 primary schools in my constituency. That tells you that I have over 300 schools in my constituency. I know Members are shocked because some of them have 4 or 10 or 20 primary schools. We have Members who are seated in this House who take care of more than 300 schools, and I am one of them. Out of the 275 primary schools, 100 have been condemned and cannot host junior secondary schools. This discriminates the children of Kitui South because some of them walk through the valleys and hills looking for a junior secondary school.

I agree with the Chairperson of the Departmental Committee on Education and Research, Hon. Melly that, truly CBC is not bad. This world is led by people who can communicate and it is training children to be communicators, collaborators, critical thinkers, imaginative, creative, courageous, good citizens and rich in digital literacy. I would like them to have financial literacy because the world is led by people who have all those competencies. I advocate for the CBC. As you are aware, one of the lead communicators is Hon. William Samoei Ruto. That is why he is leading this country.

Going back to the matter raised by Hon. Ruku, the Ministry of Education must give us a proper linkage between the Kenyan Basic Education Act of 2013 and all the other amendments that have been done within the education laws. It must properly link them with the CBC. This will give our children an opportunity to know that every junior secondary school they are in is run like any other. A junior secondary school in a primary school in Kitui South Constituency, which has Mutomo and Ikutha sub-counties, will then be run like a junior secondary school in Nairobi City. That is why we have equality in education.

Hon. Temporary Speaker, if we give them clean books, the administrators in junior secondary schools will put down their own notes and we will have schools that are properly managed. As Members of Parliament, we have put a lot of money in managing our primary schools and junior secondary schools. It is important that when we provide money for junior secondary schools, that money is put into good use. I call upon the Ministry of Education and

our former colleague, Cabinet Secretary Machogu, to ensure that there are junior secondary schools in all primary schools to enable our children to be properly taught within the villages. That way, we will have 100 per cent transition to secondary schools. I look forward to that.

During the campaigns, I told my constituents of Kitui South in Ikutha and Mutomo sub-counties that there will be a secondary school in every primary school. I have a problem explaining to them why 100 primary schools in Kitui South do not have junior secondary schools.

As I support this Motion, I would like to thank Hon. Ruku. I want to call upon the Ministry to tell this House whether they need money so that funds can be appropriated and we can have junior secondary school in every primary school.

Hon. Temporary Speaker, teachers are being taken back to their counties. I have noted that Kitui South has lost many teachers. I call upon the Ministry to ensure that all the teachers who have requested to be transferred back to Kitui County are given that opportunity. The Government had noted that teachers had been punished by being sent to schools away from their home counties. The Kenya Kwanza Government has decided that all teachers should now go back to their home counties, especially those who have applied for transfers. I call upon the Teachers Service Commission (TSC) to allow teachers to go back to their constituencies so that junior secondary schools can have teachers who are willing to work at a place that has no electricity or water.

With those remarks, I beg to support this extremely important Motion.

The Temporary Speaker (Hon. David Ochieng’): The Member for Lari.

Hon. Kahangara Mburu (Lari, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to also add my voice to this very important Motion. I will start by congratulating my colleague, Hon. Ruku. This is a matter that is being talked about in every part of this country. The CBC system of education is a very good idea because children will go to school as early as ages five, six or seven. You can then start picking out the talents of each and every child and develop the same, making it easier for children as they grow and become adults to fit in areas where they qualify and are able to give quality work to this country.

The junior secondary schools were started in a hurry. The Government started by putting up classrooms in secondary schools, meaning that they wanted junior secondary schools to be domiciled in secondary schools. However, they were not able to do that in every secondary school, meaning that there was going to be a gap. The current administration is trying to domicile junior secondary schools in primary schools, where we have more facilities. There were classrooms which were previously being used by pupils in Standard Seven and Standard Eight, which were going to be empty and probably that made some sense. Unfortunately, not all schools in our constituencies have been given the rights to host junior secondary schools. In my area, we have Mbogoini, Ngechu and Kagwe Township primary schools, among several others, where children are forced to walk long distances to attend classes in schools where junior secondary schools are domiciled.

In my view, as Hon. Ruku has put it, we need to develop a policy on junior secondary schools. Most of the schools have only two teachers. As my colleagues have said, you will find teachers who are trained to teach particular subjects, unlike primary school teachers who are able to teach several subjects. This means children in junior secondary schools are missing out. As they learn in Class Seven and proceed to Class Eight, they may not cover the syllabus.

In my view, if Parliament and other education stakeholders in the Government were to come up with a proper policy, we should have a one-stop-shop kind of arrangement where primary schools, junior secondary schools and senior secondary schools are in one complex. This is because we still do not have all the facilities required in primary schools, where we have put up junior secondary schools. We do not have laboratories. If students have a practical lesson, they have to look for a secondary school with that facility in the neighbourhood. It

would be unfortunate if they do not have such a secondary school nearby. That means those children will not be properly taught. If we had one complex, then it would mean that the facilities used by the senior secondary school can still be used by the junior secondary school. The transition will be easy because students will be within one particular complex.

On funding, implementation of junior secondary school is also a problem to our parents. First, they changed the uniforms. In CBC, children are required to use so many learning aids. They are supposed to buy so many items and this is becoming a burden to the parents. As we come up with a policy and address the issue of funding, we need to look at capitation. The Government should ensure that there is money for every child to cater for all learning aids. Just like the Government has been providing money for buying textbooks and other items, it should provide money to buy any aid that is required for learning.

On the issue of staffing, it has been said each junior secondary school has only one or two teachers and, therefore, students are not being taught all the subjects. I hope this shortage is being addressed. We have recently seen adverts on recruitment of more teachers. I agree with Hon. Nyikal that we have put the cart before the horse. We have started something that we were not ready for.

Hon. Temporary Speaker, we lack facilities in our schools because parents cannot afford to buy various aids that are needed for learning. As Hon. Ruku is suggesting, we need to come up with a proper policy on provision of teachers, aids and other requirements. On funding of junior secondary schools, provision needs to be included in the Kenyan Basic Education Act so that we do not have issues of children being unable to learn properly.

With those remarks, I support.

The Temporary Speaker (Hon. David Ochieng’): Member for Tigania West Constituency, Hon. Mutunga.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you very much, Hon. Temporary Speaker.

This is a Motion that everyone has an interest in. I believe everyone would like to express themselves and be seen expressing themselves by their constituents. If you let everyone speak for 10 minutes, half of this House will get an opportunity to contribute. And since we regulate our timings, I propose that we regulate our timings to three minutes each and not five, so that people can give us their impact points.

The Temporary Speaker (Hon. David Ochieng’): Hon. Mutunga, I would wish so too. Two Members have already approached me about it here. Hon. Mutunga, who has been in Parliament for two terms should know the rules. I would also wish that way. However, we have done this before. Where there is a Motion with so much interest, and you did not move a Motion to reduce its time initially, it is hard to reduce the time for speaking in the middle. It is now upon you, Members, to speak for three or four minutes if you wish. Going forward, as I leave, I wish that the Members speaking would do so for three to four minutes to allow the other Members to speak. Otherwise, we failed to regulate the timings at the beginning. Therefore, we cannot stop the Member from speaking for 10 minutes. That is how it works. In future, the Mover of the Motion can advise that the said Motion might attract so much interest and that we can regulate time.

I have already taken so much of your time. Member for Nambale, go ahead.

[The Temporary Speaker (Hon. David Ochieng’) left the Chair]

[The Temporary Speaker (Hon. (Dr) Rachael Nyamai) took the Chair]

Hon. Geoffrey Mulanya (Nambale, Independent): Thank you, Hon. Temporary Speaker, for allowing me to support this Motion.

As a nation, there was a clamour for change of our education system from 8-4-4 to the CBC system. However, what baffles me is that the Ministry of Education did not implement policies for a smooth transition from the 8-4-4 to the CBC system because the JSS is under the CBC system. However, when we go to our constituencies, JSSs have so many challenges. One of the challenges is the issue of infrastructure and teachers. Article 53 of the Constitution provides that every child has a right to basic education, which must be free and compulsory.

When you go to the constituencies, JSS students are asked to pay some levies and school fees. I am sure many parents have knocked on the doors of many Members of Parliament here, seeking financial support to pay for their children in school. Is the JSS education free as envisaged under Article 53 of our Constitution? Are we transiting well when moving from the 8-4-4 system to CBC, whereby we have JSS? The Ministry did not prepare well because there were no laboratories or teachers. Mwenge Primary School and Igara Primary School in Nambale Constituency have two teachers, each handling the JSS. Has the Ministry put in place proper policies and mechanisms to ensure that our children achieve their rights as enshrined in Article 53 of the Constitution? I wish to thank Hon. Ruku for coming up with this particular Motion that is very important in support of the rights of our children.

Hon. Temporary Speaker, JSS in Nambale Constituency has so many challenges. We urge the Ministry of Education to come up with proper policies and finances to ensure that, as Members of Parliament construct those laboratories and classrooms for JSS, it should also top up the funds to ensure that we have enough laboratories, teaching materials and teachers so that our children can realize their dreams.

We have said that the basic education is free. Is JSS a basic education or a secondary education? Those are the evident gaps, and as Members of Parliament, we need to ensure that we fix them. And this will be done through the Motion that has been brought by Hon. Ruku. As proposed by a colleague earlier, we need to ensure that it is passed into a Bill to develop proper policies to support our children.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much.

Hon. Members, I would like to recognize students seated at the Speaker's Gallery this morning from Murao Secondary School, Kipkelion Constituency, Kericho County. You are welcome to the National Assembly to observe the proceedings of the House.

I would like to call upon the Member for Kipkelion West. You may proceed. Please give the Member the microphone.

Hon. Hilary Kosgei (Kipkelion West, UDA): Thank you, Hon. Temporary Speaker. Let me use this opportunity to welcome the students from my constituency who are visiting on a tour of Nairobi and Parliament, to learn about what happens in this House because they are the leaders of tomorrow.

The subject matter of today is CBC. I would like to support the Motion by the Member for Mbeere North, Hon. Ruku, that introducing JSS was a good idea. The intention of the people who formulated the CBC was to allow learners to train in their areas of expertise. We went to a school that was doing the 8-4-4 education system. Students were required to do Christian Religious Education (CRE) even if they were good in the sciences. They were forced to do every other subject, even those they did not pick. Therefore, CBC is a modern curriculum that prepares this country for Vision 2030 and enables us to progress into a modern and changing world. I want to support all that the Members have spoken before; that this thing was rushed. Many things that should have gone into the preparation did not happen. I urge the Government and the Ministry of Education to make the JSS entirely free. We do not want parents to be charged.

As a matter of policy, every primary school in the Republic of Kenya must have a JSS. Where the parents were not able to meet the demands to make their school one of the JSS, the

Ministry of Education should pick up and support such institutions financially so that, by the end of this financial year or by the time we open the schools next term, all primary schools in the Republic of Kenya have JSS.

The third point I wish to make is that the teachers must be prepared through continuous training to help those children identify their talents so that they are redirected to areas of their expertise as they move further. Those who want to do engineering should be sent to engineering schools; those who want to make music should be sent to music schools; and those who want to be architects, or have interests in other areas of specialization, must be aided to achieve their dreams.

Another thing is that when the Kenya Kwanza Government took office, it was a campaign promise that teachers who had been delocalized and who wished to go back to their home counties and constituencies after the administration was set up were to be allowed to go back to where they want to teach.

There are many pending requests to TSC from teachers who want to return to their home counties and constituencies. The Cabinet Secretary for the Ministry of Education must direct TSC to immediately finalize the transfer of everyone who has requested to return to their home constituencies and help the children in their home constituencies, even in this CBC.

The other issues are of facilities and teachers. Even after TSC advertised the 20,000 posts for teachers, it is still a drop in the ocean. We do not know what we will do with the current cohort already in JSS because they are unprepared to meet the demands of this changing world and the demands of choosing a career going forward.

I wish to thank Hon. Ruku for bringing this Motion. This one must be translated into action and acted upon immediately. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): Thank you very much, Member for Kipkelion West. Hon. Members, this Motion has a lot of interest. The screen is full. At 11.53 a.m., I will be calling upon the Mover to reply. You know that we cannot change the number of minutes that you can speak at this moment. It was not done at the beginning of the Motion. So, speak for fewer minutes so that more of you can talk within the remaining time. I will give an opportunity to my left. That will go to the Member for Lugari.

Hon. Nabii Nabwera (Lugari, ODM): Thank you, Hon. Temporary Speaker. I appreciate my colleague Hon. Ruku for being the first to do this. Whereas many of my colleagues have argued that the implementation of CBC was rushed, I will take a completely different view. Inertia and failure by Government machinery amount to less time for people to implement a policy. Up to where we are today, we have done well over eight years into CBC. By now, we should have learnt the ropes of what we need. What is ailing CBC and the implementation of JSS? Rightfully so, the lack of policy and clear framework on what needs to be done by whom and when. Every day, the Executive is taken by surprise. We have not put enough into the planning of this excellent, if well-implemented, system that will change the life of our nation.

It is true that even in my constituency, several schools were left out. When I looked at the tool that was being used, it was a very subjective tool. It depended on the people who visited the school. Eventually, almost all my schools were put back. It was shocking that a school that had classes even up to Class Eight could not be approved to have JSS simply because they thought the amount of land was insufficient. So, I asked: "What does a JSS class require if I have been having up to Class Eight and you cannot allow the same school to run a JSS class?"

Hon. Temporary Speaker, my proposal is basic: All primary schools must have JSS. For many years in this country, we have lived a lie. If we are not careful to correct the mistakes of the past, education is going to be only for the rich. I see an opportunity in JSS that will equalize all of us into having the same kind of education. Why do I say this? The decision to host JSS in primary school is one step towards equalization. We know that in this country,

some schools have been over-supplied with resources because of the categorization of schools. Some schools receive millions of shillings in support while others that require the same get nothing. Others have an over-supply of teachers, whereas others are under-staffed. Some do not even have TSC teachers and yet, they are registered schools.

(Applause)

Having every primary school have JSS is one way of creating equity by not having special, national, extra-county, sub-county and county schools. One of the major issues in this country about the planning of education is the people at the National Treasury developing a model of funding without talking to the stakeholders and educationists. As we go forward with Hon. Ruku's Motion, we must include a funding model that considers the views of the education stakeholders. Why am I saying this? You are aware that no primary school has a laboratory. You are aware that in this country we have decided that we will have a resource centre at that level. The only tested model in providing infrastructure for schools that works is the one that is done by the NG-CDF. The Ministry of Education, through this policy, must have a working model with NG-CDF and give it a conditional grant to develop resource centres.

The 35,000 JSS classrooms have one teacher each on average. I urge this House that we resolve to fund and provide a funding line for JSS as a project. Why am I saying this? We know that if we were to lump all the money under basic education when it comes to the division of funds, decisions would be made by the purse-holder. If we provide a budget line for junior secondary schools, the money will ensure they succeed.

Finally, as we look at this Motion, I propose that Members of this House start thinking about how to make education affordable. We must resolve as a House that it is time to return to day schools.

I support the Motion,

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Phylis Bartoo, Member for Moiben.

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker, for allowing me to contribute to this Motion on developing a policy framework for junior secondary schools.

A lot has been said and done concerning junior secondary schools. Educationists in this country intended to introduce a system of education that would bring meaningful reforms and development in Kenya. The CBC was supposed to help learners to practise what they have been taught in classrooms. A colleague has just said that students were told to take chickens to school to slaughter. You will agree with me that the children of this generation have lost some basics along the way. For example, slaughtering chicken is something that any child is supposed to know. Those are basics. Some do not know how to milk cows. For those who stays in rural areas like me, those are things we used to practise during the early stages of life. Many children do not have basic skills. That is why the CBC was introduced to make us re-learn basic skills which are supposed to help us to be productive members of society.

Essentially, what is lacking in the implementation of this curriculum is the dissemination of information. A lot has been written down, but that information is concentrated among specific people. There is a vacuum when you go down to the level of the teacher and the student. The process of transmission of information from the Ministry to the TSC, schools, parents and students should be streamlined.

A few days ago, in my Moiben Constituency, parents and the community were up in arms saying that only one teacher was posted to teach 14 subjects in a school. The teacher who was posted was supposed to be the coordinator. The head teacher was supposed to re-assign other teachers who are domiciled in the school to teach other subjects. The teacher who was

posted was not going to teach all 14 subjects, including chemistry, physical sciences, arts, language and others.

Kenya has the best trained teachers. Our system of education is one of the best in Africa and internationally. That is why the students we send to undertake undergraduate and postgraduate studies outside Kenya are usually rated the best, and they do not drop out of school. This is unlike other African countries where they send their students to universities abroad; they are subjected to other exams to determine whether they qualify to proceed with their studies. Fortunately, in Kenya, we have the best. As much as our colleague is talking about developing a policy for junior secondary schools, many issues need to be streamlined so that the curriculum implementation is very clear.

On funding, the education sector is getting the bulk of the money from the Budget we just passed. I hope that the money that is going to the education sector is correctly utilized. It should be equally distributed. In my constituency, the capitation for junior secondary schools has been disbursed. Still, you will find that some schools have not received funding. For example, G.K. Magereza Primary School has not received any money and yet, students are in school. How do we get equity in education if money is released piecemeal? Some schools receive funds first and others later. That is how equity is lost from the beginning, and certain areas become marginalized. We usually say that education is an equalizer. If that is the case, there should be equity from the beginning.

I wish that the money that the Ministry usually uses to develop infrastructure in schools can be reallocated to the National Government Constituencies Development Fund, where implementation will be fairly done. That is where equity will be felt. If the Ministry is left to allocate the money in terms of who makes the most noise or who is a friend of who, it will become problematic. I wish that we could reallocate that money to the NG-CDF. Proper development will then be felt like what the NG-CDF has done in our schools. If you go to every school, you will see a classroom, a building and a dormitory constructed with funds provided by the NG-CDF. That shows that it is a success story. Why can we not follow the same process and allocate more money to the NG-CDF so that school infrastructure can develop? That way, we will not have issues of inequality.

Another issue is the hierarchy of schools. We have extra-county, county and national schools. We should do away with that hierarchy and just have Kenyan schools, whether they are in Mandera or elsewhere. We should have uniformity so that whether we talk about Alliance High School or Kapkei School in Moiben, there is no difference, and our children will feel equal. When a child puts on the school uniform of Alliance or Moiben, it is the same. We can even have similar uniforms, just like the yellow buses. All our uniforms should be the same. The only difference among students should be their admission and index numbers. That is how we will achieve uniformity. We should support this education system by allocating more resources and identifying where things are not working. Otherwise, destroying it or saying it will not be a success is like throwing the baby out with the bathwater. We should streamline it and make it a success story. We cannot have time when we are ready to change the curriculum. It has to be done systematically.

Thank you, Hon. Temporary Speaker. My time is up.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Charles Ngusya, Member for Mwingi West.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker, for allowing me to add my voice to this Motion. In the interest of time, I will only take two minutes.

Firstly, I congratulate my colleague, Hon. Ruku, for bringing up this Motion. We all agree that the education sector is being run with many individual ideas without proper consultations with the stakeholders. In the last five years I have been in Parliament, we have

seen a 100 per cent transition to secondary schools, delocalization, Competency-Based Curriculum and JSS. All those programmes have taken place in the shortest time possible. We all agree that the right idea can be wrong if it is not done at the right time.

I am here to support this Motion. I wish the Member was elected 10 years ago to come up with a proper policy. I come from a constituency which is marginalized in everything. We have witnessed the implementation of JSS, which is being done in a manner that does not comfort our parents. Several schools were selected to have JSS. So many schools were left out without considering the distance our students travel from one school to another. The JSS needs to be revised and domiciled in all primary schools to shorten the distance our students travel.

Most of the schools in our country, not even in my constituency alone, lack the proper infrastructure to implement this programme. Some of them do not even have laboratories and adequate teachers. The teachers who were recruited recently were not trained to teach CBC. I call upon Hon. Members to go back to the drawing board - as suggested by the Hon. Member - and develop an adequately structured policy to implement CBC.

I could have taken more time to contribute, but in the interest of time, I support the Motion and urge the Member to move further and ensure that the education sector properly implements the JSS education. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. The last opportunity to contribute to this Motion goes to the Member for Emuhaya, Hon. Omboko Milemba.

Hon. Omboko Milemba (Emuhaya, ANC): Thank you, Hon. Temporary Speaker. I will also be brief.

Let me begin by congratulating the teachers of Kenya who are toiling with CBC and JSS without facilities. Nobody remembers them. They imagine that whatever happens in the school is because of them. The truth is that no money is sent to schools. Therefore, they cannot get the equipment they need for teaching the children in this country. The real matter lies with the fact that all we need in our schools is funding. The teachers have no problem. Many Members have spoken about the number of chickens that are taken to schools. However, they forget that, sometimes, teachers also request students to take cow dung to school.

The education system must change with time. The A-Level system of education that we had cannot work today. The 8-4-4 education system has outlived its time. It was like a factory that was manufacturing many students who could not get employment. It was theoretical. There is, indeed, a need for change, a reality we cannot escape. The House must embrace CBC because it is the modern way to go in the education system. Despite its many challenges, it is the correct way to go because it will build skills, information, technology and how a person can carry himself around society without depending on white-collar employment. However, it has challenges.

We envisage in the CBC that every school should have a complete school. Basic education must begin from Early Childhood Development (ECD) to primary, JSS and secondary school. That is a standard school that should be equal in the whole country. We envisage that this will enable the Government to fund schools equally. The funding of a rural primary school and that of Mang'u High School will be the same. The provision of education at those levels should be the same. That is how education will be an equalizer. I ask this Parliament to support CBC. It will bring money and development to your small schools and grow them to the level of Alliance High School.

There is a danger that I must point out. That is why Hon. Ruku is right. The Ministry of Education imagines that the two years that the students spend in the JSS are too long. Let me caution that one year is already gone. In the following year, the students in JSS must leave it to another pathway and yet, there is no policy and pathway of how they will operate. When we finish the following year, we shall be in a crisis of how they will join the next level. It is

very important for a policy to be made quickly for all the three pathways: STEM, which teaches science and technology, Arts and Performing Arts and Social Sciences. A policy must be made quickly so that by next year, we know that all schools have the three pathways to make them equal and help them move at the same level.

As I finish, we must start thinking extra-ordinarily. Remove this *kasumba* of boarding schools. They must quickly die. We should have standard schools that are equal for every area, student and region.

Thank you, Hon. Temporary Speaker, for allowing me to contribute.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Omboko. Hon. Members, this is a House of rules. One of them concerns time. I now call upon the Mover to reply. For the several Hon. Members who have expressed interest to contribute, we will rely on the magnanimity of the Mover, Hon. Ruku.

Hon. Ruku G.K. (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I request you to donate a few minutes. Each Member will get one minute. I donate one minute to Hon. Kazungu, Hon. Siroya, Hon. Emaase, Member for Teso South Constituency; Hon. Dekow, Hon. Victor, Hon. Charles Ngusya Nguna, Hon. John Makali, Hon. Daniel Wanyama, Member for Webuye West and Hon. Bensuda. I will remain with two minutes. We only have 10 minutes.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I would like to follow the order. I will start with Hon. Emaase. Let us try to trace them. If your name has been read out, press the intervention button so that we can see you on the screen. Is it Hon. Mary Emaase?

Hon. Mary Emaase (Teso south, UDA): Yes

The Temporary Speaker (Hon. Rachael Nyamai): Please proceed, Hon. Mary.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Temporary Speaker. At the outset, I thank Hon. Ruku for bringing the Motion. Whereas I support the prayer that there is need to establish facilities to allow the implementation of JSS in all schools, there is a need for a proper funding plan. There is a need for a proper implementation policy framework.

Hon. Temporary Speaker, allow me to draw the attention of Members to the aspect of quality. As we stand today, we are losing a generation of students, especially in the public schools where JSS is being implemented. Members have already adduced to the fact that only one teacher was posted. It was ill-advised to post-secondary trained teachers to teach JSS. Quoting the words sent by one of the teachers, they say: 'We are being subjected to a very difficult situation having being forced to teach subjects that we are not professionally trained for. It is frustrating. It is belittling. It is demoralizing to mention the least.' If one teacher teaches all subjects, what is the quality?

What I want to propose is that the Ministry must first assess the progress so far.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us have Hon. Kazungu for one minute.

Hon. Kenneth Tungule (Ganze, PAA): Thank you, Hon. Temporary Speaker. I wish to add my voice to this Motion. At the outset, I support this Motion. I take this opportunity to thank the Mover of this Motion, Hon. Ruku, for bringing a very timely Motion to this House.

Equally, I thank the JSS teachers in this country for working very hard under extraneous conditions. You can imagine one teacher teaching 14 subjects. It is very difficult, but they have tried their best.

Hon. Temporary Speaker, JSS is a very good programme, but it was hurriedly implemented. As a result, we have students who have wasted one year.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Bensuda.

(Hon. Atieno Bensuda spoke off the record)

Hon. Bensuda, we would like you to be on record. Please wait for the microphone.

Hon. Atieno Bensuda (Homa Bay County, ODM): Thank you, Hon. Temporary Speaker, for the good guidance. I want to talk about something which I am grounded in. I support the Motion which the Hon. Member has brought on the amendments that should be done.

The Competency Based Curriculum was an excellent concept, but it was not timely implemented for this country. There was too much rush without consideration of the basic needs and requirements and without doing a thorough needs analysis to know the status of this country in terms of education.

Even the 8-4-4 education system that we had was equally a system that was grounded in specialization. There was agriculture... I think I was among the first...

(Hon. Atieno Bensuda spoke off the record)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Sorry! Your time is over. The Hon. Double N from Embu County. The opportunity right now is for the Hon. Double N.

Hon. Pamela Njeru (Embu County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support the Motion by Hon. Ruku. The CBC curriculum is not bad, but the manner in which it was implemented was in a hurry, and people were not given an opportunity to ventilate on it.

I wish there had been enough public participation involving the parents and teachers so that it would have been a smooth ride during the implementation period.

Hon. Temporary Speaker, as I sit down, I want to say that junior secondary education and the students are half-baked. If you talk to them, they will tell you that they do not know anything. Equally, the teachers do not know anything.

The Temporary Speaker (Hon. (Dr.) Rachael Nyamai): The Hon. Dekow.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you, Hon. Temporary Speaker and Hon. Ruku, for giving me this opportunity. We have all agreed on the challenges that the CBC and Junior Secondary Schools are facing in terms of classrooms, laboratories, equipment, workshops, infrastructure development and teaching staff for this programme. We might speak a lot. We have been here since 9.30 a.m., talking about the same thing. All the Members who have contributed to this Motion have spoken about the same thing. Still, it all boils down to resource allocation. I want Hon. Ruku to follow it up such that we have affirmative funding for this programme. That is the only way we can solve all the challenges we have talked about.

My proposal to Hon. Ruku is to proceed...

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Hon. Mwalika, Member for Kitui Rural. Hon. Johana Ng'eno. The Hon. Lenguris.

Hon. Pauline Lenguris (Samburu County, UDA): Thank you, Hon. Temporary Speaker, for allowing me to support the Motion on the Floor of this House. As the majority of the Members have said, the CBC programme has been the best programme for this country's education. However, it has come with many challenges, such as the infrastructure, the distance from the schools, the lack of classrooms, the lack of laboratories and not enough teachers. The Ministry has much to do to ensure we give our children the best. I want the Ministry of Education to consider the infrastructure and funding of the schools offering CBC programmes for our children to benefit.

I also request the Ministry of Education that most teachers who have been teaching in Samburu County be transferred back to their counties. Those from Samburu who are still working...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us have Hon. John Makali.

Hon. John Makali (Kanduyi, FORD-K): Thank you, Hon. Temporary Speaker, for giving me the opportunity, and Hon. Ruku for giving me one minute. The CBC is here with us, and to ensure that the boat of CBC does not capsize, we need to do three things: Firstly, the Ministry of Education should come out with clear-cut regulations and guidelines on how the infrastructure funds are used so that we develop infrastructure in our schools to support JSS.

Secondly, on financing, capitation is not released in good time to enable teachers to run the schools. The Ministry of Education should develop clear-cut guidelines to ensure that capitation is released in good time so that head teachers and teachers are not forced to levy illegal levies on parents to ensure that the students remain in school.

Thirdly, human resource base. Now that we have unpacked the 2023/2024 Financial Year (FY) Budget, the Teachers Service Commission should immediately recruit teachers who can teach in JSS.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Let us have Hon. Daniel Wanyama. Is he not around? The Hon. Victor Koech, Member for Chepalungu.

Hon. Victor Koech (Chepalungu, CCM): Thank you, Hon. Temporary Speaker and Hon. Ruku for this particular Motion. As I stand to support your Motion and funding mechanism for the same we should, as a country, look into the criteria we use to select the schools that are offering this particular programme.

Hon. Temporary Speaker, we cannot continue offering this particular programme without proper infrastructure in our schools. They lack laboratories, staffroom and enough teachers. For proper facilitation of the same, we should have a clear funding policy from the Government.

Thank you so much. God bless you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Members, for keeping time to one minute. I want to call upon the Mover to reply. You only have two minutes.

Hon. Ruku G.K. (Mbeere North, DP): Thank you, Hon. Temporary Speaker. I rise to thank the Members who have supported this Motion. The Motion is of national importance as far as the education sector is concerned. They have agreed on the challenges the education sector is facing, especially in junior secondary education, such as inadequate infrastructure, inadequate teacher training, limited access to technology, lack of parental and community involvement, over-burdening the parent and curriculum overload. It is important to have a way forward on ensuring that the competency-based curriculum JSS is well implemented by implementing a comprehensive framework of curriculum development, ensuring there are enough teachers at junior secondary schools who are well-trained and competent, having enough learning resources in our schools and a proper monitoring and evaluation framework. We must ensure that there is involvement of parents and the community.

As Members of this House have said, we need to have a legal framework. In future - I will take this up - there will be a need to amend the Education Act, 2012 to ensure the assessment and evaluation of education is well done. Of importance is that the funding of the JSS has been considered well by the Government so that there is sustainability and good governance, and access to curriculum support materials and pedagogical approaches. We will also need to look at the public-private partnerships in implementing this framework and cushion equity in education, especially in arid and semi-arid areas and for the people living with disabilities.

I beg to reply.

Hon. Jared Okello (Nyando, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is your point of order, Hon. Okello?

Hon. Jared Okello (Nyando, ODM): Hon. Temporary Speaker, whereas I acknowledge the interest generated by this Motion brought by my friend, Hon. Ruku, I wish we could extend debating time, especially on Motions of this nature. I want to draw your attention to Standing Order 53 to defer putting of the Question to tomorrow so that we can be moved appropriately on this important Motion.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I direct that putting of the Question be deferred to another sitting as it will be scheduled by the House Business Committee.

(Putting of the Question deferred)

Next Order.

BILLS

Second Reading

THE PUBLIC SERVICE (VALUES AND PRINCIPLES) (AMENDMENT) BILL (National Assembly Bill No.46 of 2022)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, the Member who is supposed to move this Bill is absent. So, the Bill stands deferred.

(Bill deferred)

Next Order.

Second Reading

THE PENAL CODE (AMENDMENT) BILL (National Assembly Bill No.56 of 2022)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. David Gikaria.

Hon. David Gikaria (Nakuru Town East, UDA): Thank you, Hon. Temporary Speaker for giving me the opportunity to move the Second Reading of the Penal Code (Amendment) Bill. I come from a constituency that is urban. My constituency has a number of activities that help my constituents to put food on their tables. However, many times the police harass innocent Kenyans who engage in those activities – legal as they may be – to earn a living. My intention is to amend Section 182 of the Penal Code to remove colonial and offensive charges that were put in place during the colonial times.

Our Constitution has given freedoms and rights to persons who live in this country. Among the rights is the right to freedom of association and the right to freedom of movement. However, the Penal Code is used by the police to harass Kenyans. The principal object of the Bill is to amend the Penal Code Cap.63 by repealing Section 182 which prescribes the offence of idle and disorderly persons. The law enforcers have often used Section 182 to harass innocent members of the public with offences like loitering. When I checked in the Oxford Dictionary, loitering means moving around without a purpose. Every Kenyan under our Constitution has a right to freedom of movement as long as they do not have bad intentions. However, when the police want to arrest or mop up people in an urban area, the offences that they rush to are in Section 182 of the Penal Code.

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On the statement on the delegation of legislative powers and limitation of fundamental rights and freedoms, the Bill does not delegate legislative powers and neither does it limit fundamental rights and freedoms.

I had proposed this Penal Code (Amendment) Bill in the 12th Parliament, but it lapsed before the Bill had been concluded and assented to by the President. The Bill does not affect the functions of the county governments and it is not a money Bill within the meaning of Article 114 of the Constitution. If you look at the offences under Section 182, the maximum fine is a jail term of one month or a fine of Kshs100. However, if one is arrested by the police and they are charged for loitering and taken before a judge, you will be surprised that some judges will impose a fine of between Ksh5,000 and Ksh10,000 yet the law clearly stipulates the maximum penalty one is supposed to be charged.

In the Report, and I went to the Departmental Committee on Justice and Legal Affairs to present the Penal Code (Amendment) Bill, it attracted nine memorandums from the public and different stakeholders. Some of them were the Judiciary, the Kenya Human Rights Commission, the Independent Policing Oversight Authority (IPOA) the National Police Service, the Attorney-General, the Law Society of Kenya (LSK), Uraia Trust and so many others. To be honest, if you were to look at their submissions, other than the National Police Service, others supported the Bill. The National Police Service are opposing this Bill because they know what they do. For them, this section is just for harassing Kenyans.

I have so many *matatu* termini in my constituency. Touting is when you advertise for a particular transport Saving and Credit Cooperative Organisation (SACCO) or company within a bus terminus just like what other marketers do using big microphones and other modes of advertising. When my constituents do that, they are arrested and taken to court for touting yet they have done nothing apart from just saying that this vehicle is headed to Nairobi, please, board it instead of the other vehicle. This is one of the issues that I want this Bill to address. I want the Bill to particularly address the unconstitutionality of the offences in the Penal Code. I do not want to dwell so much on that, but the police are using this section of the Penal Code to harass the public and infringe on their fundamental freedoms and human rights.

I like what a few individuals in the Judiciary are doing, as one stakeholder put it. He said that instead of arresting petty offenders, we need to address the root cause of poverty and other forms of marginalisation rather than criminalising activities that are caused by poverty and marginalisation. Petty offences are usually committed by people trying to earn a living. I ask my colleagues to seriously consider this amendment. The offence is unconstitutional, but at the same time, it affects fundamental human rights and freedoms of Kenyans who are just trying to earn a living.

Without further ado, I ask my colleagues to support me on this small amendment. Petty offences do not only happen in urban places like my constituency, but they happen almost everywhere. I was once the mayor of one of the cities in this country and when we did not have money, we would say: “Go and bring as much as you can. It does not matter if I am going to arrest. *Utaenda kujitetea kwa judge*”. We used to collect money. That was bad manners that I regret. It is time for us to stop any person from using provisions of the law to harass innocent Kenyans who are just trying to earn a living. A young person trying to earn a living in a *matatu* may be arrested and charged for touting yet he has SACCO uniform and a badge. The police and the judge will not listen to him. It is unfortunate that we keep doing this. I once hired a lawyer to defend one such case and when the judge pronounced a Ksh5,000 fine, the lawyer stood up to proclaim that the offence...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gikaria, you seem to be making many confessions in moving your Bill.

Hon. David Gikaria (Nakuru Town East, UDA): Yes. Those are some of the things that used to happen when I was a bad boy, but I have since changed. These days I am always

in my three-piece suit. If you come home, you will never find me in shorts and slippers. Age has also caught up with me. I was a little worried yesterday when a nominee for appointment as a member of the SRC was disqualified because of age. Hon. Atandi, you are headed there, so do not castigate old people. I am almost 60 years old. If my name is presented to this House for a job, I will be told I cannot get it because of my age. Hon. Kaluma said the Constitution provides the maximum retirement age. It is true I was a bad person, but I have really changed. I thank God for giving me the time to see the light before I was caught up in those bad manners.

Thank you, Hon. Temporary Speaker. I ask my colleague Hon. Lotee, a young man from Kacheliba, to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Member for Kacheliba.

Hon. Titus Lotee (Kacheliba, KUP): Thank you, Hon. Temporary Speaker. I thank Hon. Gikaria for pushing for this Bill. The Constitution of Kenya is the supreme law in this country. It supersedes everything. If you have ever been arrested by the police, they know more of the Penal Code than anything in the Constitution. I would like to refer to Article 21 of the Constitution. This is the supreme law that we need to look at before looking at anything else. Section 182 of the Penal Code has been misused by the police several times. Many people were driven to poverty because of the enactment, or mis-enactment, of Section 182 of the Penal Code. I think about the person struggling in the society. The President has said he wants to elevate the livelihoods of *mama mboga* and boda boda riders and matatu operators. They are the people targeted most of the time by the police because of Section 182 of the Penal Code. I would like to read Article 21 of the Constitution so that it can enlighten us about the Bill of Rights as we seek to delete Section 182 of the Penal Code. Article 21 of the Constitution states that:

“1. It is a fundamental duty of the State and every State organ to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights.

2. The State shall take legislative, policy and other measures, including the setting of standards, to achieve the progressive realisation of the rights guaranteed under Article 43.

3. All State organs and all public officers have the duty to address the needs of vulnerable groups within society, including women, older members of society, persons with disabilities, children, youth, members of minority or marginalised communities, and members of particular ethnic, religious or cultural communities.

4. The State shall enact and implement legislation to fulfil its international obligations in respect of human rights and fundamental freedoms.”

The people mentioned in Article 21(3) above are the same people being targeted by the police through Section 182 of the Penal Code. If you want to improve the livelihoods of these people, as enshrined in the Constitution, we need to delete this part of the Penal Code that is being misused. In Kacheliba Constituency, many people who have reformed from banditry or those that never went to school have gone into boda boda business or livestock trading, but the police are driving them back to banditry by arresting them on very petty matters. They are told that their motorcycles are noisy or that they are disorderly because they do not have a parking space. They are told that the livestock they are taking to the market are suspected stolen property. These are people trying to make a living and contribute to taxes in this country. This section of the Penal Code that the police sing about is being misused. I ask this House to consider deleting it completely. When the police arrest these people, while the Penal Code suggests a penalty of Ksh100, the police also impose penalties of Ksh5,000 or Ksh20,000 on people that have nothing. They add salt to injury by taking this country to the dungeons. This

is the section being misused by the police. I support Hon. Gikaria that we need to delete the section completely. It is against the Constitution.

With those remarks, I second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Lotee.

(Question proposed)

Hon Members, I see the names of several Members on the screen, but they are not in the House. I, therefore, request that if you intend to speak on this Motion, please, click the intervention button.

Hon. Ibrahim Saney, Member for Wajir North.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker, for giving me the opportunity. The Penal Code is a very old product of the colonial regime. If you have a thorough discernment of what it entails, you will realise that it is still a colonial outfit. It pushes Kenyans to what we feel is behind us - colonial mentality. The words they use in the Penal Code like loitering, drunkenness, indecent acts, behaving in a manner to procure prostitution are ambiguous. They are in English, but have no relevance. They give judges the latitude to give wide discretionary judgements. I believe time has come for us to review the Penal Code. Our freedoms, rights and liberties are stipulated in our 2010 Constitution which is a very progressive and wonderful document.

This amendment Bill has been introduced at the right time. I congratulate my colleague, Hon. Gikaria, for being forthright in thinking about the welfare of Kenyans. Hustlers have borne the brunt of the National Police Service. Every Friday, police vehicles go around arresting people who are exercising their rights and freedom of association, the right of movement and the rights that appertain to eking a living. They curtail these rights because of the laws in the Penal Code. This contributes to hustlers not contributing to the economic well-being of this country.

Hustlers should move and work to make a living 24/7 without any interruption. Unless one is a thug or an armed robber, any Kenyan is free to move for 24 hours as we look forward to a 24-hour working economy without any restrictions. Nobody should impose restrictions on any Kenyan on their movement and the work they do as long as it is within the framework of our laws. These kinds of penalties in our penal code contribute to the backlog of cases the Judiciary faces. It contributes to congestion in our correctional services. People are put behind bars over the weekend, some with trumped up charges. This is uncalled for. It is draconian and unacceptable. It is a belated amendment and should have been introduced a long time ago. It is not only limited to this aspect as suggested by my colleague, Hon. Gikaria. We need to do much more to the Penal Code.

I do not know why they talk of prostitution. In law, prostitution is not illegal yet they say living on earnings from prostitution is an illegality. I do not know what that means in English. It is playing around with our minds. If prostitution is not illegal, how come earnings from prostitution are illegal in the Penal Code. We need to harmonise our laws so that they are in consonance with the spirits of our Constitution and in order for us to decipher what they really mean. Prostitution cannot be illegal on one hand and legal in some other aspects.

Without much ado, I support my colleague by saying that such laws breed corruption and paint our National Police Service in bad light. This Bill should be supported by all Members. I ask my colleague, Hon. Gikaria, that in as much as he has no legal background, and I know he is an accountant, it is wonderful to see him bring such an amendment Bill which has serious legal implications. He should go further and amend what is offensive, unfriendly and infringes on the rights and freedoms of Kenyans.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Samuel Atandi, Member for Alego Usonga.

Hon. Samuel Atandi (Ulego Usonga, ODM): Hon. Temporary Speaker, sorry I was not ready to speak, but let me make a comment on the proposed legislation.

I support the legislation. It is time we reviewed the Penal Code in its entirety because it has various offences such as unauthorised uniforms. You could dress in certain uniform, but you are told that that particular uniform is not authorised. Section 175 talks about nuisances and offences against health and inconvenience. Section 182 talks about idling and disorderly persons. How does a person become disorderly or idle? We have cases where you may be in town or at a particular stage waiting to meet somebody and the police come and tell you that you are under arrest because you are not supposed to be there. These are some of the offences that we do not need to have particularly at this time when we have a new Constitution that gives us freedom of association and movement.

This is a timely proposal that this House should support. I support it. We need to look at the Penal Code as a whole and see how we can tamper with certain aspects or offences that we do not need to have at this point in time.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Ferdinand Wanyonyi, the Member for Kwanza.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Thank you, Hon. Temporary Speaker. At the outset, I thank Hon. Gikaria for coming up with this amendment Bill because this is an issue that should actually be scrutinised thoroughly. What happens is that idle policemen look for bribes because they are poorly paid and we know that. Payment of salaries is also an issue. So, you may find yourself in problems or a leader may be arrested and is asked for assistance. I have had many of such cases. They cannot explain themselves. Therefore, Hon. David Gikaria should focus on areas where the Penal Code has been misused.

At the Committee of the whole House, we should make further amendments so that people are not punished for the sake of it. I know they sometimes misuse ambiguous words. Sometimes somebody out there is arrested, but a prosecutor is unable to justify the arrest. This is something serious. We want to live in a peaceful country. Of course, as leaders, we are to blame. We have not been able to empower our youths in this country, more so people who have no jobs, and so, they are found in the wrong places and they offend those who are entrusted with keeping the laws.

We need to streamline some of these things as mentioned by some of my colleagues. Some of these laws are colonial, but are still being used to date. Cases like these should be looked at. There is a time I was called by a relative of somebody who had been arrested. We went to see the person, but no mistake had been done. There was no offence at all. We should get rid of some of these colonial penal codes so that we can have clean penal codes. If somebody is accused and even if it is not a lawyer, they cannot misinterpret the codes. Penal codes should be understood by even people who do not know the law of this country.

In my view, as we move forward, Hon. Gikaria should have a meeting with stakeholders so as to look at specific penal codes that have been misused, particularly by police officers and administrators like chiefs and assistant chiefs. They are the ones who have information on those who have committed offences, and it is just a laughing matter when you get into the details.

Hon. Temporary Speaker, I want to take this opportunity to state that I support this Motion. We look forward to the Penal Code to be amended so that we can scrutinise areas that are ambiguous, and those that you cannot make head or tail of for the current situation.

I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Stephen Mogaka, Member for West Mugirango.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Temporary Speaker, for the opportunity to contribute to this amendment to the Penal Code. I thank the promoter, Hon. Gikaria, for taking a bold step to start cleaning up our Penal Code.

Our Penal Code is infested with a lot of archaic laws. Majority of them fly in the face of the express articles of the Constitution. Loitering and other useless laws that impede the freedom of movement of any Kenyan have no business being in our Penal Code under the 2010 Constitution.

I agree that we need to overhaul our Penal Code and include serious offences that are occurring today which are blue-collar crimes such as electronic theft, electronic corruption and electronic transfer of funds illegally from country to country. It is wrong to continue having such archaic laws and to allow our security agencies, particularly the police, to abuse the laws by restricting people's freedom of movement.

I want to commend Hon. Gikaria and encourage him that as soon as we pass this amendment, he should pick another offending provision of the Penal Code, so that we can gradually be known as the 13th Parliament that amended some of the colonial laws. I remember the Witchcraft Act which was abused because African herbal medicine and practices were being made illegal and Kenyans would just be picked and charged with witchcraft. As a proud African, I want to say that even black magic is magic. We cannot continue calling things in Africa by evil names and criminalising such acts.

Therefore, I support this Motion and encourage the House to quickly pass this law so that we can then look at other abusive provisions of the Penal Code. We need to clean them up so that Kenyans can freely walk and police officers do not just arrest and charge them without a reason.

Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Mugirango West. Let us have the Member for Lungalunga, Hon. Chiforomodo Mangale.

Hon. Chiforomodo Mangale (Lungalunga, UDM): Thank you, Hon. Temporary Speaker. I wish to thank Hon. Gikaria for his timely presentation of the amendment.

The Penal Code has been misused for long. This code is oppressive, outdated and draconian. The people of Kenya have been twisted round and round, and being told they are loitering. Going by this Penal Code, it is as if working in Kenya at your own time is a crime. It is disturbing to see Kenyans being terrorised by the so-called police and courts. They are arrested over very simple issues and their time wasted by being taken round the courts, and at the end of it all, they are fined for nothing. I do not think it is right for someone found in the streets to be considered a criminal without any reason.

I want to cite live examples from where I come from, Lungalunga Constituency. We have the Border Patrol Unit which harasses people when they are doing their daily work. When they meet Tanzanians going on with their businesses, they ask them to produce their identifications, and when they do, they are told they are selling charcoal illegally. When they prove otherwise, they are accused of something else. This amendment has come at the right time so that we can free our people out of these so-called law enforcers and courts. We yearn to see freedom and so, we are supporting the amendment. If we do not do away with it, we can improve on it so that Kenyans can live freely in their country and not work in fear. When they see the police, they should treat them as friends and not enemies. We want to be friends with them, but it all depends on the approval of this amendment, through this House.

I support this amendment.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Timothy Wanyonyi, Member for Westlands.

Hon. Tim Wanyonyi (Westlands, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity also to contribute on this.

I am a lawyer and, in our statutes, there are so many archaic laws that were passed by the colonialist just to suit their interests.

During the COVID-19 Pandemic, the law that was used by the President to declare curfews was a very old law that might have been passed in 1929 or something like that. The law was used to impose curfews in the country. There are many other things like vagabonds whereby if you are found roaming in town and you do not have money in your pocket, you can be arrested. There is something called, “loitering with intent.” I do not know how they used to know that a person who was walking around town had intention to do something that was not right. This amendment is quite timely and we need to clean them up in our Penal Code and some other statutes that are still in existence that have been overtaken by time. We should come up with laws that do not abuse the rights of our people.

Hon. Temporary Speaker, I represent an urban constituency and when you go to Industrial Area, you find that people are arrested for crimes that do not even exist. You find them there rotting away. They cannot even pay those small fines. This is great injustice. We just need to find out how we can decongest our prisons by removing some of these laws.

Some of these things can even be dealt with at the communal work level. People can be given communal work and left to go home instead of going to prison. So, this is a good amendment and we need to support it, and then find a way of looking more in our statutes to remove these archaic laws that are used to frustrate and molest people.

Hon. Temporary Speaker, I was in South Africa and I went to Soweto. In Soweto, when the apartheid regime was removing soil from the mines, they put a heap of soil to prevent people from looking at the city. Looking at the city was even criminal. You can imagine you are in your own country and you cannot go to Johannesburg from Soweto because they imagined that black people were criminals by nature. You were born a criminal. Everywhere you appear, you are a suspect. So, these are some of the things and the mindset of racists that colonialists had to use these laws to frustrate Africans.

If you look at the Chiefs Act, it is the one that they used to detain people and some of the sections were not found anywhere. There was a time Hon. Lotodo was arrested for something called war-like activities. If you search that law in our statutes, it does not exist, but he was arrested and detained for that. He was the only person who has ever been detained for that kind of crime. It is something that we can do. We must look at how to clean up our statutes.

Thank you, Hon. Temporary Speaker for giving me the chance and I thank Hon. Gikaria for bringing this amendment. We need to do even more so that we can clean up our statutes.

The Temporary Speaker (Hon. (Dr). Rachael Nyamai): Thank you very much Member for Westlands. Let us have Hon. Jessica Mbalu, Member for Kibwezi East.

Hon. Jessica Mbalu (Kibwezi East, WDM): Thank you, Hon. Temporary Speaker. I start by congratulating Hon. David Gikaria who is also the Chairman of my Committee on Environment, Forestry and Mining for coming up with this proposed amendment on the Penal Code, namely, the Penal Code (Amendment) Bill (National Assembly Bill No.56 of 2022) and also encourage others to come up with such amendments.

We have noted that the laws that were used in the colonial times like my other colleagues have said, are not aligned to some of the current situations and especially the well cited ones in the police sector. The intention of the Member is to ensure that we clean up such laws. We align them with the current situations and policies that have been put in place in the relevant departments.

As Members have said, in the police sector and I want to quote the case of the Makeni police where we have a lot of people in prisons, most of our constituents have stayed there for a long time. The police are even having a problem explaining what exact laws our people have broken. This is very frustrating.

So much has been happening and many laws have been made in this Parliament and previous parliaments that are not aligned to the current situation and policies. In fact, we also need to do a lot of sensitisation to our departments like the National Police Service on the current laws that we make in this House.

The amendment is straight forward. I support it and congratulate Hon. Gikaria for coming up with it.

The Temporary Speaker (Hon. (Dr) Rachel Nyamai): Thank you very much Hon. Jessica Mbalu. Hon. Bidu Tubi, Member for Isiolo South. He is out of the House. Hon. Edith Nyenze, Member for Kitui West.

Hon. Edith Nyenze (Kitui West, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. Let me congratulate our colleague for recommending this amendment to the Penal Code.

In the past, there has been a lot of harassment from police officers. We are yet to see the police being a service. We are yet to see them being friendly to the people and serving them. A statute like this in the Penal Code gives police officers strength and the mandate to keep on harassing the people of Kenya. We expect police officers to be friendly, lead our people and try to educate them on what they are supposed to do. Instead, we see a lot of harassment.

We know that the cost of living is very high and consequently, everyone is trying to fend for themselves. People try to ensure that their families get *unga* at the end of the day. The boda boda and the *mama mbogas* work hard, but get very little which is not enough for a meal for a day yet the police harass them on very flimsy excuses. They want to be bribed with money that is higher than what they earn in a particular day. That is very frustrating and that is why we need to get rid of these old laws which contribute to the harassment of our people. That is why I congratulate my colleague, Hon. Gikaria. This is the right time to look at other laws in the Penal Code and amend them to rhyme with the time.

We should also be careful not to let our security be compromised. We need security and we also need our people to be orderly. In safeguarding our people against harassment as they do their work freely and move in Kenya freely, we should also be careful to ensure that there is no compromise on security. Other people can also take advantage and go against the law.

Hon. Temporary Speaker, I support. There should always be proof if one is arrested by the police on why they have been arrested. Sometimes they are arrested and in the Occurrence Book something else is indicated, which is very different from the reason you have been arrested.

I support the Bill and congratulate my colleague.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): What is out of order, Hon. Ferdinand Wanyonyi?

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Temporary Speaker, I was just inquiring from the Mover of this Bill whether I was in order to ask him to sit with the Justice and Legal Affairs Committee so that they can look at these useless colonial Penal Code laws and see whether we can get rid of them in terms of cleaning up our Constitution. Was I in order to ask him to do that because I have already contributed and I can see everybody is talking about looking at the old Penal Code?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Wanyonyi, you have contributed to this Bill. You did not say that. There is nothing out of order, but you would have said it better when you were contributing. Also, this Bill was exposed to the relevant Committee and I believe those are some of the issues that were raised. I also listened to Hon. Gikaria when he was moving the Motion for the amendment of the Penal Code Bill. He also stated that there are many other sections of the Penal Code Act that require amendment.

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, it is now time to adjourn the House. The time being 1.02 p.m., this House stands adjourned until today Wednesday, 5th July 2023 at 2.30 p.m.

The House rose at 1.02 p.m.

Published by
Clerk of the National Assembly
Parliament Buildings
Nairobi