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Wednesday, 18th September 2024

The House met at 2.30 p.m.

[The Speaker (Hon. Moses Wetang'ula) in the Chair]

PRAYERS

QUORUM

Hon. Speaker: Serjeant-at-Arms, you may ring the Quorum Bell.

(The Quorum Bell was rung)

Clerks-at-the-Table, we now have the quorum to transact business.

(Several Members walked into the Chamber)

Hon. Members at the back, take the nearest seats.

PETITION

LEGAL RECOGNITION AND PROTECTION OF E-HAILING
MOTORCYCLE RIDERS AND DELIVERY PERSONNEL

Hon. Speaker: Hon. Members, I have a petition regarding the legal recognition and protection of e-hailing motorcycle riders and delivery personnel.

Hon. Members, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matters within its authority. Further, Standing Order 225(2) (b) requires the Speaker to report to the House any petition other than those presented by a member. In this regard, I wish to report to the House that my office has received a Petition from the Digital Boda Riders and Deliveries Association of Kenya, led by one, Calvin Okumu, their chairperson, seeking the recognition and protection of e-hailing motorcycle riders and delivery personnel.

The Association is seeking for the recognition of the cyclist transport subsector, popularly known as the boda boda industry, which has become a strategic part of the Kenyan transport system, providing last-mile connectivity and creating employment opportunities for thousands of Kenyans and significantly transforming the sector. The Digital Boda Riders and Deliveries Association of Kenya further contends that despite the Association representing a large community of digital riders who operate through various platforms in the digital industry, they face a myriad of challenges. These challenges include but are not limited to unfair classifications of drivers, lopsided contracts, oppressive pricing formulas, unfavourable working conditions, unfair compensation, arbitral administrative actions and lawful accounts, deactivation, data protection violations and lack of recognition of riders' welfare associations among other attendant issues.

The association claims that other digital platforms such as Bolt, Glovo, and Uber charge excessive commissions exceeding the 18 per cent recommended for the e-hailing subsector.

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This subjects riders to losses or no profits after accounting for operational costs. Moreover, riders lack designated parking areas, leading to unfair harassment from traffic police and county officials. Lastly, the digital boda boda drivers draw the attention of the House to insufficient Government oversight over the operations of transport network companies and the legal and regulatory gap in which the digital riding subsector is currently not recognised by labour laws. They note that this has led to unfair treatment and exploitation of the riders.

Hon. Members of the Digital Boda Drivers and Deliveries Association of Kenya concludes by praying that the National Assembly—

1. Enacts or amends relevant legislation to formally recognise digital riders as a core subsector of the transport industry and ensure their rights are protected.
2. Recommends necessary amendments to the National Transport and Safety Authority Transport Network Owners, Drivers and Passengers Regulations 2022 to include motorcycles as vehicles protected under the regulations.
3. Inquires into the urgently recommended appropriate legal and regulatory reforms on, among others, the operations of transport network companies, including pricing mechanisms and contract terms, establishing a minimum wage for e-hailing riders and minimum contractual terms, the empowerment of rider welfare organizations, fair hearing before adverse actions against riders, clear timelines for addressing their complaints, both internal and externally, review of the minimum costs of deliveries, designation of specific parking areas for riders, and training of riders on county regulations.

Hon. Members, the request of the Association is well within the authority of this House pursuant to Article 95 (2) of the Constitution, which provides that the National Assembly deliberates on and resolves issues of concern to the people. Given the nature of the prayers sought by the e-hailing motorcycle riders, I hereby commit this matter to the Departmental Committee on Transport and Infrastructure for consideration. The Committee is required to consider the matters contained in the prayers of the Association, conduct an inquiry and report its findings to the House and to the petitioners. Further, the Committee will also be expected to provide policy and legislative interventions to be actualised by this House to bring this matter which keeps recurring to closure.

I thank you.

Hon. Murugara.

Hon. George Murugara (Tharaka, UDA): Thank you very much Hon. Speaker. This Petition is timely. It is a plea by youngsters who earn their income from boda boda and they associate with some companies that are informally their employers. Most of the time, these companies have not been treating these riders and other online taxis well. As we seek to solve the issue of boda boda riders on the digital platforms, we should extend this to the taxi drivers who are suffering the same fate. The Committee should move with speed and resolve the plea.

Thank you.

Hon. Speaker: Member for Langata.

Hon. Phelix Odiwuor (Langata, ODM): Thank you, Hon. Speaker. This Petition affects many of our residents who use boda bodas, the boda boda riders and the digital taxi operators. It is high time that this industry was regulated. The petition failed to mention that the rates used by these companies worldwide are different in Kenya. After conducting some research, I found that Kenya is among the countries with the lowest rates. The taxi drivers and boda boda riders deserve a higher percentage of the fare charged.

If you take a digital taxi, you will see how frustrated the drivers are about the final destination prices. They always ask the customers to top up. “*Imeleta ngapi*” is a commonly asked phrase. After which they say “*niongezee kitu.*” If this sector is regulated, the riders and

the drivers will negotiate better with the owners of these companies. This Petition is timely. We have to discuss and resolve this once and for all.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Justice Kemei.

Hon. Justice Kemei (Sigowet/Soin, UDA): Thank you, Hon. Speaker for giving me this opportunity to add my voice to this important Petition. The transport sector reflects the functioning of the economy. Boda bodas have become pivotal in the nation's economy and we cannot ignore or fail to regulate them. As much as you have mentioned the policy and legislative aspects of this Petition, I would rather we look at it globally. If it pleases you, Hon. Speaker, you may direct that the Committee looks at the boda boda sector at its global nature so that we can regulate it, bring normalcy and safety to it.

With those few remarks, I support. I wish the Committee would act expeditiously on the same. Thank you, Hon. Speaker.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Speaker. I also stand to support this Petition.

It is well in order that we get legal recognition for e-hailing motorcycle. I just want to borrow an example from the style of how this is implemented in Malaysia and India, where they have been able to do this successfully. This legal recognition will not only help riders, but will also help the consumers of the service. Already many of us consume this service. As the Hon. Member has said, it has become inevitable that it is recognised as a mode of transport in this country

I encourage the team that has brought this Petition to also consider using a USSD code in the rural areas because not everyone has a smartphone. They will also benefit from this service.

With those few remarks, I support the Petition. I thank you.

Hon. Speaker: Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Speaker. Transport is one of the key sectors which can create many job opportunities that can employ our young people. As we support this Petition, it is high time we called upon the Cabinet Secretary for Roads and Transport to ensure this sector is well-regulated and has incentives so that we can have many investors in this sector.

Over 50 per cent of those at the bottom of the earning pyramid spend their income on transport. That is a huge percentage knowing that the other 50 per cent of the income is spent on rent and food. For that cost to come down, we require proper reorganisation of this sector so that we get more investors and ensure that the boda boda and the taxi drivers do not make losses. Everyone must be able to survive and provide for their family.

This Petition is timely. It also calls upon the Cabinet Secretary for Roads and Transport to put in more time in organising to ensure that we have more investors reorganising this sector. This will enable everyone in that sector to go home happy after making some money. At the same time, it will reduce the cost of those at the bottom of the income pyramid.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. KJ. As KJ prepares to speak, I acknowledge that three of the representatives of the petitioners are in the Speaker's Gallery. You can see them dressed in reflectors. Thank you.

Hon. KJ, take two minutes.

(Applause)

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I thank you.

There is no place where the boda boda business has rubber stamped its influence like in the cities. In Nairobi City, we realise how important the people who are represented by the three gentlemen in the Speaker's Gallery are.

This Petition gives us an opportunity to do three things. The first one aims at organising this sector into something that enables us to professionalise it. After professionalising it, we move towards what we promised when we were on top of cars in rallies saying that *hii serikali ni ya mtu wa boda boda*. Even as we organise, we realise that even our roads do not provide safety of the riders because we have constructed them for motor vehicles without recognizing other motorised traffic that are two-wheeled.

Finally, there is the issue of technology that must be approached carefully. When we talk about e-hailing applications, we have to ask ourselves how the share of the proceeds done among the proprietor of the technology, the person who has spent the money buying the boda boda, and the person who is riding it is done. We should consider the terms of the new technology we import to ensure we do not end up enslaving our people. We have companies that do not only mask us with the idea that they are bringing in capital, but also perpetuate an extractive economy so that everything that we saw during the time of the slave trade and colonisation, can be perpetuated using technology that we import but do not own. Let us develop our own technology to enable these people to have e-hailing technology that is home-grown, so that all the proceeds remain in Kenya.

Thank you very much, Hon. Speaker.

Hon. Speaker: Hon. Elachi.

Hon. Beatrice Elachi (Dagoretti North, ODM): Thank you, Hon. Speaker. I rise to support the Petition. Dagoretti North is one of the serious constituencies that has taken into a 24-hour job creation economy, and mostly the boda boda. We even now have electric boda bodas and Uber.

I know the challenges we face, especially with the Police Force. I hope that this Petition will come in not just to look at the digital boda boda riders, but also at the whole boda boda sector. I would like to see every boda boda have a QR code. We must ensure those operating them have an Identification Card (ID) because I have very many young people who dropped out of school to work as boda boda riders. I hope when the new police boss comes in this is one sector he is going to create jobs for our people. We have people who educate their children through income they earn from this sector. I thank the sponsors of the Petition. I know most of them are from Dagoretti North Constituency. I support them.

Thank you, Hon. Speaker.

Hon. Speaker: Lastly, let us have Hon. Cherorot.

Hon. Joseph Cherorot (Kipkelion East, UDA): Thank you, Hon. Speaker for giving me this opportunity to support the Petition on boda boda which is one of the means of transport that has really helped our country. Since they were introduced, our transportation has been very easy. It has also created some network in our poor roads. The less fortunate in the society have also benefited from them.

Last Saturday, I launched a boda boda sacco in Kipkelion East. This is going to help especially in our Bottom-up Economic Transformation Model. It is going to help those who are in this business.

Regulating this sector will also help us protect those who use boda boda as a source of income and as a means of transportation. The Committee should fast-track the process and make sure that this issue is sorted out to assist those who depend on this sector.

Thank you very much, Hon. Speaker. I support the Petition.

Hon. Speaker: Committee Chairman, Hon. George Kariuki.

Hon. George Kariuki (Ndia, UDA): Thank you, Hon. Speaker.

It is true that this Digital Boda Boda and Drivers Association of Kenya members face a myriad of challenges. The main issue here is that the platforms that hold this Association are quite extractive and parasitic. These guys work very hard to earn a living like all of us, and should be supported in all ways.

As the Chairman of the Departmental Committee on Transport and Infrastructure, we will engage all stakeholders and avail the necessary registration and support. We will also meet this Association, other concerned stakeholders and see how we can better this sector.

Hon. Speaker, I submit. Thank you.

Hon. Speaker: Thank you, Hon. George Kariuki. Hon. Mukunji, you have come late and you are standing up before I even call your name. I give you one minute. The House starts at 2.30 p.m.

Hon. Gitonga Mukunji (Manyatta, UDA): Thank you, Hon. Speaker. I am sorry. I was handling other businesses that involved my constituents.

I met these gentlemen outside Parliament and one of the things I recognised is how disciplined they were while they were bringing their Petition in this Assembly. Considering our experience with *maandamano*, I really commend the young people who are over 1,000 out here who have brought their Petition led by their Chairman.

They have raised very pertinent issues, among them, the issue of how we are treating our digital labour. This is something that the National Assembly must deal with critically to ensure that digital labour is entrenched in our labour laws, and they can go to court when they are suppressed.

The young gentlemen who I met here have suffered a lot even from our county governments. They are not recognised as boda boda riders in counties. There is need for county governments to ensure that these boda boda riders are able to transact their businesses, they are not harassed when they come to the city centre and are able to move freely.

Hon. Speaker: One minute must be over. Clerk-at-the-Table. I gave you one minute.

Hon. Gitonga Mukunji (Manyatta, UDA): Let me add a point, Hon. Speaker, and then I sit down.

Hon. Speaker: Go on.

Hon. Gitonga Mukunji (Manyatta, UDA): I would like to ask the Committee to check on the fairness of their pay and dispute resolution. Currently, dispute resolution is one sided. Also, the pricing mechanism of what they do is not well-defined. They are harassed when they bring issues.

Additionally, the issues of their pension and health insurance must be well look at when the Committee sits. I also call upon the holders of this digital...

Hon. Speaker: Your time is up. You are at liberty to appear before the Committee and present those notes that you are reading so that they can use them.

The Chairman of the Departmental Committee on Transport and Infrastructure, I deliberately sidestepped the Public Petitions Committee to give you this Petition so that you can take the opportunity to deal with the chaotic situation in our public transport sector. I expect you to bring a report within 60 days, and if earlier, the better.

PAPERS

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

1. End of Term Report for Financial Years 2018/2019, 2019/2020, 2020/2021, 2021/2022, 2022/2023, 2023/2024 from the Salaries and Remuneration Commission.

2. The Ethics and Anti-Corruption Commission Second Quarterly Report for the Year 2024 covering the period from 1st April 2024 to 30th June 2024 from the Office of the Attorney-General.
3. The Fifty-fourth (54th) Monetary Policy Statement from the National Treasury and Economic Planning.
4. Financial Statements for Pest Control Products Board (PCPB) for the year ended 30th June 2023 from the Ministry of Agriculture and Livestock Development.

I thank you, Hon. Speaker.

Hon. Speaker: Vice-Chairperson, Departmental Committee on Labour.

Hon. Fabian Muli (Kangundo, GDDP): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Labour on its Consideration of the Senate Amendments to the Public Service (Values and Principles) (Amendment) Bill (National Assembly Bill No.46 of 2022).

Thank you.

Hon. Speaker: Have you finished? Member of the Delegation to the Inter-Parliamentary Union. Is that what he has done?

Hon. KJ, are you supposed to table anything? You have forgotten.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I thank you for your indulgence and the prompting. I appreciate that.

I beg to lay the following Paper on the Table:

Report of the 148th Assembly of the Inter-Parliamentary Union (IPU) and related Meetings held in Geneva, Switzerland from 23rd to 27th March 2024.

Hon. Speaker, for information of Members, the IPU is a Parliament that brings together 186 Parliaments and is also known as the Parliament of Parliaments. A Kenyan delegation attended the said meeting and it is that Paper that I beg to lay this afternoon on the Floor of the House.

Thank you very much, Hon. Speaker.

Hon. Speaker: Hon. KJ, and those who lay Papers, it cannot be an excuse for making a speech. You just lay the Paper on the Table and you end there. If it will have an opportunity to be debated then you can say what you are saying.

Next Order.

NOTICE OF MOTION

NOTING OF REPORT OF THE KENYA DELEGATION TO THE 148TH
ASSEMBLY OF THE IPU AND RELATED MEETINGS IN GENEVA, SWITZERLAND

Hon. Speaker: Hon. Kiarie.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I wish to give notice of Motion...

Hon. Speaker: I beg to give notice. It is not a wish.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I beg to give notice of the following Motion...

Hon. Speaker: Very good.

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House notes the Report of the 148th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland

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from 23rd to 27th March 2024, laid on the Table of the House on Wednesday, 18th September 2024.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. KJ.

Next Order.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

STATUS OF PAYMENT OF LAST EXPENSE AND DEATH GRATUITY TO SURVIVORS OF BENEFICIARIES OF THE NHIF AND THE PUBLIC SERVICE SUPERANNUATION SCHEME

Hon. Ruku GK (Mbeere North, DP): Hon. Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request for a Statement from the Chairperson of the Departmental Committee on Health, regarding the status of payment of Last Expense and Death Gratuity to survivors of beneficiaries of the National Health Insurance Fund (NHIF) and the Public Service Superannuation Scheme (PSSS).

Hon. Speaker, Article 43 of the Constitution entitles every person the right to social security, which includes indemnity and compensation to beneficiaries under the scheme in the occurrence of misfortune. It is in furtherance to this constitutional principle that the NHIF and the PSSS offer Last Expense and Death Gratuity to survivors of beneficiaries of the respective schemes.

Regrettably, the family of the late Moses Muturi Ndwiga, P/F No.2009000918, who succumbed to COVID-19 while serving in Nyeri County as the Acting Director under the Ministry of Lands, Public Works, Housing, and Urban Development, is yet to receive the Last Expense and death benefits. This disturbing case is among an estimated 800 beneficiaries under the NHIF Last Expense scheme and 400 entitled to death gratuity under the PSSS, particularly those who died between 2019 and 2021, hence deserving urgent intervention.

Hon. Speaker, it is against this background that I request the Chairperson of the Departmental Committee on Health to apprise the House on the following:

1. A report on the number of beneficiaries enrolled for Last Expense under the NHIF and Death Gratuity under the PSSS; payouts made so far as compensation or pension and the pending claims;
2. Reasons why the NHIF and the PSSS have not compensated families of beneficiaries who died while covered by the two schemes;
3. Strategies and timelines that the Ministry intends to implement to ensure immediate remittance of Last Expense and death gratuity to the beneficiaries, particularly the family of the late Moses Muturi Ndwiga, P/F No.2009000918 who worked at the State Ministry of Housing, Nyeri County.

I thank you, Hon. Speaker.

Hon. Speaker: Chairperson, Departmental Committee on Health. Where is Hon. (Dr.) Pukose? Any Member of the Departmental Committee on Health? Hon. Mathenge, advise your Chairman to bring a response in two weeks.

Hon. Duncan Mathenge (Nyeri Town, UDA): Much obliged, Hon. Speaker.

Hon. Speaker: Thank you. Member for Kieni, you requested to say something about the Endarasha Tragedy? Remember yesterday I gave a Statement to the House and we had a moment of silence in honour of our departed children. So, I will give you two minutes as the area Member of Parliament to eulogise and empathise with the families.

Hon. Antony Wainaina (Kieni, UDA): Thank you very much, Hon. Speaker, for the opportunity. I am coming late after others and the whole Parliament gave a moment of silence, but I would want to say that it was a very tragic moment for us in Kieni where we lost 21 students — 19 in the fire inferno and two in hospital. Additionally, three students are still hospitalised in various hospitals in the country.

I want to appreciate His Excellency the Deputy President, Hon. Speaker, the Cabinet Secretaries and Principal Secretaries who came on time to give their condolences. I also appreciate the notable Government presence in this tragedy. We thank the many Kenyans and other countries of the world for their condolences. I cannot only talk about the 21 students who died in Kieni and forget the six who lost their lives in Kibwezi. This is a very sad moment for this country where we have lost more than 30 students to both fire and road accidents in various places.

Hon. Speaker, thank you for the opportunity. I want to condole with the community in Endarasha particularly, the Director of Hillside Endarasha Academy, who always gives us the best education. His school was home to 824 students and has always performed very well in our local and national examinations. We are calling upon the Government to give any possible assistance because a school that houses that population of students needs help to rise up. This is more so, because of students who will be sitting for the Kenya Primary School Education Assessment (KPSEA) examinations.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you, Member for Kieni. We gave our collective condolences yesterday.

Hon. Members, allow me to acknowledge the following institutions in the public gallery: Our Lady of Lourdes Girls High School from Kieni Constituency, Nyeri County; Ikatini Secondary School from Masinga Constituency, Machakos County; Kegongge Boys High School from Runyenjes Constituency, Embu County; Inoro Girls Secondary School from Laikipia East Constituency, Laikipia County and Chebwai Seventh Day Adventist (SDA) School from Malava Constituency, Kakamega County.

Hon. Mwalyo, the Member for Masinga has requested to acknowledge them. He can acknowledge his school and all the other schools on behalf of the House.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you, Hon. Speaker. I take this opportunity to welcome all the students and teachers who have visited Parliament to watch and learn the proceedings of this House. They are most welcome. In particular, I want to welcome my school, Ikatini Secondary School which is one of the best schools in my constituency. It has benefited a lot from NG-CDF projects. Watch and learn how business is conducted in this House because you are the future leaders, and you might find yourselves here. You are welcome to see how we debate and tackle issues in an orderly manner.

Thank you very much, Hon. Speaker. May God bless you.

Hon. Speaker: Thank you. On behalf of the House of Parliament and on my own behalf, I welcome all those schools to Parliament. Hon. John Kiarie.

STATEMENT

RECRUITMENT OF ICT INTERNS

Hon. John Kiarie (Dagoretti South, UDA): Hon. Speaker, this will be of interest to all the Hon. Members in the House today. Pursuant to the provisions of Standing Order 44(d), I wish to inform the House of the recruitment of interns under the Presidential Digital Talent Programme (PDTP), Cohort (IX).

Hon. Speaker, the ICT Authority is in the process of recruiting 400 ICT interns to Cohort (IX) of the Presidential Digital Talent Programme (PDTP) under the Ministry of Information, Communications and the Digital Economy. The Presidential Digital Talent Programme was launched in 2015 as a Public Private Partnership Programme to actualise the Government's commitment to leverage ICT to enhance citizen service delivery. The key components of the Programme are skill development, on the job coaching, mentorship, training, certification and ICT innovations. Interns recruited to the Programme undertake a 12-month internship programme whose objective is to develop ICT high-end skills in recent graduates, offer a platform for structured training, coaching, mentoring and promote ICT innovation and solutions development.

Hon. Speaker, the ICT Authority opened the online recruitment portal of Cohort (IX) ICT Interns on 27th...

(Loud consultations)

Hon. Speaker, I cannot even hear myself. There are very high pitch consultations. I am having difficulties.

Hon. Speaker: Order, Hon. Members, who are consulting.

Hon. John Kiarie (Dagoretti South, UDA): Thank you, Hon. Speaker for your protection.

The ICT Authority opened the online recruitment portal of Cohort (IX) ICT Interns on 27th August 2024 and set Monday, 16th September 2024 as the deadline for submission of applications. In appreciation of the need to net as many budding tech savvy youths as possible from across the constituencies, the Departmental Committee on Communication, Information and Innovation approached the Ministry to extend the deadline, from the initial deadline of Monday. I am delighted to inform the House that the Ministry, through the ICT Authority, acceded to our request and has extended the period for applications to the Cohort (IX) Presidential Digital Talent Programme to Monday 23rd September 2024. I, therefore, urge all Hon. Members to circulate the information to their respective constituents and encourage qualified candidates to take advantage of the extension period to apply to join this amazing programme of the Presidential Digital Talent Programme (PDTP).

I signed this on the 16th of September 2024.

I thank you, Hon. Speaker.

Hon. Speaker: Thank you, Hon. K.J. Next Order.

SPECIAL MOTION

APPROVAL OF MR DOUGLAS KANJA KIROCHO FOR APPOINTMENT AS INSPECTOR-GENERAL OF THE NATIONAL POLICE SERVICE

THAT, taking into consideration the findings of the Joint Committee of the National Assembly Departmental Committee on Administration and Internal Affairs and the Senate Standing Committee on National Security, Defence and Foreign Relations in its Report on the vetting of Mr Douglas Kanja Kirocho for approval as the Inspector-General of the National Police Service, laid on the Table of the House on Tuesday, 17th September 2024, and pursuant to the provisions of Article 245(2)(a) of the Constitution, Section 12(1) of the National Police Service Act, CAP 84 and Section 8 of the Public Appointments (Parliamentary Approval)

Act, CAP 7F, this House approves the appointment of Mr Douglas Kanja Kirocho as the Inspector-General of the National Police Service.

(Moved by Hon. Gabriel Tongoyo on 18.9.2024 – Morning Sitting)

(Resumption of debate interrupted on 18.9.2024-Morning Sitting)

Hon. Speaker: Hon. Members, I will give you direction on this Motion as follows. I watched and listened to the morning debate. There was not a single dissenting voice. I want to allocate it 30 minutes before we call in the Cabinet Secretary for Education. Those I will give an opportunity to speak will be allocated two minutes and after 25 minutes, I will call upon the Mover to reply. Thereafter, I will put the question. Is that okay with the House?

Hon. Members: Yes.

Hon. Speaker: Right. Hon. Kiunjuri.

Hon. Mwangi Kiunjuri (Laikipia East, TSP): Thank you, Hon. Speaker. I want to join other Hon. Members who spoke in the morning in support of the nomination of Mr Douglas Kanja as the Inspector-General. All of us have described him as a man of integrity. The members who spoke before me gave his history as one who has risen through the ranks. I want to give my own testimony because I have interacted with him on several occasions especially, when insecurity was at its rise in Laikipia County. I have known him for the last 15 years. I want to testify that he is a man who is gracious enough to allow a conversation and give advice as an elderly citizen of the Republic of Kenya. He will put aside being a professional officer and give advice on how we can secure this country without raising temperatures or dividing our people.

I come from a constituency and county which is cosmopolitan and the nominee we are discussing today is known not to be antagonistic. He is a calm and disciplined officer who even if you interact with other officers in all ranks, they will tell you that he has a listening ear which is one of the attributes of a leader and essential for a person who is going to take over as the next Inspector-General of Police. I would like to tell other Members that for the first time, we have seen all of us coming up unanimously the same way we came up, discuss the professionalism of the Attorney-General, where we agree that it is not where you come from, but being a Kenyan, and merit is supposed to be the first thing we consider.

I support.

Hon. Speaker: Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM): I thank you, Hon. Speaker. I also rise to support this Committee's Report. I note that this position requires a very sober individual, who is qualified, experienced and understands the rule of law and democracy. One of the things they need to understand is the independence and interdependence of the three arms of Government. The Legislature which makes the laws, the Judiciary which interprets the law and then the Executive which enforces the laws through the police.

As this new Inspector-General takes up office, I advise that he makes sure that he respects the rule of law. Respect the Judiciary. Make sure that if there are court summons, you respect them because if in that office you do not respect the courts, then Kenyans may also start disrespecting the courts. When that happens, that becomes anarchy.

The second issue is that the new Inspector-General must also respect the other arms of Government. For example, Parliament. We have seen in the past where Inspector-Generals arbitrarily withdraw the security of Members of Parliament. We have seen recently one who withdrew the security of a judicial officer, not understanding that the nature of the job requires us to have that security because it is also sensitive.

Finally, make sure that this thing of gangland abductions and killings of Kenyans stops once and for all. This has been a song we have sung for a long time. We have Inspector-Generals come and go, and we continue killing our Kenyans. As we are talking now, there are still Kenyans who are missing. It is important that when he takes up office, he gets to the bottom of what is happening to those Kenyans that are lost since that time when our youth came out to demonstrate and ask for better governance.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mpuru Aburi.

Hon. Mpuru Aburi (Tigania West, NOPEU): Ahsante Mhe. Spika kwa kunipa nafasi hii. Yangu ni kuunga mkono kamati ambayo ilitekeleza haya mambo kwa sababu Bw. Kanja ni mtu tunayemwelewa sisi Wakenya. Ukiangalia wakati alikuwa kwenye kitengo cha fanya fujo uone (GSU), alikuwa anazuia, haswa upande wa Meru, Tigania West, Igembe Central, Igembe North, wakati wa vita vya wizi wa ng'ombe. Yeye ni mtu ambaye ukimpigia simu wakati wowote hata kama hana nambari yako, ataichukua. Langu ni moja pekee, ni kusema kwamba katika kitengo cha polisi, watu wengi wanahaingaika. Ukiingia kwenye nyumba za polisi, wawili wanakaa kwenye nyumba moja yenye chumba kimoja, ilhali wana familia. Kanja akiingia pale kwa saa hizi, ataweza kuinua idara ya polisi.

Kule kwetu nyumbani ama kwa hawa Wabunge unaona hapa hivi, kuna busaa na pombe ya kutosha. Polisi walioko pale wakishika pombe, hawapeleki kortini. Inabaki pale kwenye stesheni ya polisi. Kanja akipata hii, atatimiza ule wajibu.

Kanja sio mtu wa Mt Kenya. Ni Mkenya. Ni Mjalu, Mluhya, Mkamba, Mmeru. Sio kusema kwamba tukimpa atakuwa akisema mambo ya mlima. Hakuna mambo ya mlima kwa Kanja. Atakuwa ni Mkenya mzalendo ambaye anapenda kila mtu.

Ahsante Mhe. Spika kwa kunipa nafasi hii.

Hon. Speaker: Hon. Mathenge.

Hon. Duncan Mathenge (Nyeri Town, UDA): Thank you, Hon. Speaker. I rise to add my voice to the support of Douglas Kanja's appointment as the Inspector-General of police. He comes as a very experienced Kenyan in this position. I want to add my voice to the expectations that Kenyans have on the nominee for the position of Inspector-General.

President William Ruto in his wisdom gave the Inspector-General of Police functional and financial autonomy. We expect that the welfare of our policemen will be at the forefront of Mr Kanja's initiatives in reforming the police into a police service. More importantly, this House has played its role in ensuring that it is the one that has the final say on the appointment of the Nominee. Therefore, the claim by certain quarters that they are the people pushing Douglas Kanja's appointment must be put to rest by the House.

I wish Mr Kanja well if and when he is cleared by this House, but he must know that we have a lot of expectations on him to meet the desires and wishes of Kenyans as far as the police service is concerned.

Thank you, I support.

Hon. Speaker: Member for Lagdera, Abdikadir.

Hon. Abdikadir Mohamed (Lagdera, ODM): Thank you, Hon. Speaker, for giving me this opportunity. I rise to support the nomination of Mr Kanja to be the Inspector-General of the National Police Service. I have contacted Mr Kanja several times on security issues in the constituency and he has been very responsive. This is a gentleman whom you would call at 10.00 p.m. and he will pick up your call, listen and help you in case of any problems. If you want to know him, look at his wealth declaration. He is a modest man. Somebody who has gone through the ranks from police constable to the Inspector-General and now what he is declaring is just modest. To any other Kenyan, that person would have been a billionaire now. He declared Ksh46 million as his wealth. That tells you Mr Kanja is a man of integrity. Therefore, his nomination is very important. For now, we will have somebody with integrity,

experienced, understands the challenges of each cadre of police service and has gone through the ranks of police to be at the top.

Thank you, Hon. Speaker. I support.

Hon. Speaker: Hon. Naisula.

Hon. Naisula Lesuada (Samburu West, KANU): Hon. Speaker, I also do rise to support the appointment of the Nominee, Mr Kanja, for the position of Inspector-General of Police. I speak as someone who has worked closely with him when he was in charge of the GSU. He is the one who introduced the National Police Reservists (NPRs) in the North Rift. I remember when we had issues in Samburu West Constituency, he got out of the office, we went around with him to the field, saw the challenges we were going through and recruited NPRs who were brought into place. We need an Inspector-General who will get out of those air-conditioned offices, go to the ground, and see what is going on. I can attest that Mr Kanja is one such gentleman who listens to issues raised by Members of Parliament from experience. I have no doubt in my mind that he is going to deliver. We need to ensure that we approve him very quickly so that the acting Inspector-General can be relieved of his services because we are not very happy with what he is doing in the country.

I support.

Hon. Speaker: Member for Tetu.

Hon. Geoffrey Wandeto (Tetu, UDA): Thank you, Hon. Speaker, for the opportunity. First of all, I thank the Joint Committee of the National Assembly and the Senate for a job well done. I also rise to support the appointment of Mr Douglas Kanja as the Inspector-General of Police. He is a seasoned professional who has grown through the ranks. We expect him to be accepted very well within the police force, unlike in the past where we may have appointed outsiders to that position. I know him very well as a man of good temperament. He will become a very good unifying factor within the police service.

The job of the Inspector-General is a tough one. I hope he will see out the implementation of the police reforms that we have been talking about for a very long time. There is a lot of work to be done in fighting corruption within the police force, improving the welfare of officers, ensuring a fair promotion policy, and stopping any extrajudicial actions by police officers. It is a tough job and we wish him well. He has our full support, if approved by this House.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Caroli Omondi, are you keyed in for this? If you spoke in the morning, get yourself off the radar. Hon. Saney.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Speaker, for giving me the opportunity to contribute to this Motion. I join my colleagues in complimenting and supporting the nominee for Inspector-General. He has risen through the ranks out of merit. He has the aptitude, skills and qualifications required for the duty he is supposed to take over. He is a very humble officer and a good listener. The few moments I have had with him were quite interesting. He listened to me and took me through what should be done. He has helped me on several occasions, having come from an insecurity prone area. The nominee for Inspector-General performed outstandingly in the last days of the Generation Z demonstrations.

In a nutshell, I accept the approval of the Inspector-General, Mr Douglas, for this job. I am sure he will be one of the best Inspector-Generals to hold that office.

Hon. Speaker, I support the Motion. Thank you.

Hon. Speaker: Hon. Hillary.

Hon. Hilary Kosgei (Kipkelion West, UDA): Thank you, Hon. Speaker. I join all the Members who have spoken before me to support the joint Report of the Senate and the National Assembly, under the able leadership of the Chairperson, Hon. Gabriel Tongoyo. A lot has been said about Mr Douglas Kanja. Everything that has been attested to by Members is true. But

while we praise and demand of Kanja to carry out reforms in the police service and take care of his juniors, the onus is on this House to make sure that we also avail resources to enable his office to achieve the reforms that he desires for the National Police Service. Out of a budget of over Ksh115 billion, 85 per cent goes to personnel and emoluments. This only leaves 15 per cent for operations. With such a budget, the police will not achieve anything meaningful. I call upon this House that when the new Inspector-General brings requests to improve performance in the National Police Service, let us generously give him additional resources. As we demand services, we should also facilitate them by allocating resources.

Hon. Speaker, I support the Motion.

Hon. Speaker: Hon. Martin Owino.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. I also rise to support the Committee led by Hon. Tongoyo. It appears that the gentleman is a man of integrity, according to the Report and the eyes of the Committee. We support that.

There are only two things that I would like the gentleman to look into when he takes office. First, is the idea of restoring the image of the Police Service, so that they gain the trust of the public and allow people to present information for early detection and management of crime. That is missing because of the current acrimony between the police and the people.

Second, is the issue of orders from above. Allow the police to do what they have been trained to do, not what they are told to do. We realised this when we were on the streets and somebody could order police officers to teargas Members of Parliament. That is very wrong.

Lastly, the issue of transforming the police from a force to a service is just a statement. We would like this gentleman to transform the police into a community policing service. If that is done, people will regain the lost confidence in the police force.

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Mutunga.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Thank you, Hon. Speaker, for the opportunity to also add my voice to this Motion. I commend the Committee for a job well done in the inquiry and proposals they have made. I urge this House to consider approving the appointment of Mr Kanja as the Inspector-General of the National Police Service.

He has what it takes. He has long-standing experience, the requisite education, and the professional capacity to do the work. He also has marked levels of maturity. We need a mature person in the police force. He is also a man of God. Hon. Speaker, I attended Mr Kanja's...

Hon. Raphael Wanjala (Budalangi, ODM): On a point of order, Hon. Speaker.

Hon. Speaker: What is your point of order, Hon. Wanjala? Hon. Mutunga, take your seat. Give him the microphone.

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Speaker, I would like to bring to the attention of the Chair that on page 21...

Hon. Speaker: Which Chair?

Hon. Raphael Wanjala (Budalangi, ODM): I am sorry. It is the Speaker. I would like to bring to the attention of the Speaker the information on page 21 No.45 about the nominee's background. I can see the nominee...

Hon. Speaker: Order, Hon. Wanjala. What is out of order? Are you debating or do you have a point of order?

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Speaker, I am not debating. I am bringing a matter to your attention to make a ruling on whether we are properly debating the right person to be appointed as the Inspector-General. The nominee was born on 22nd September 1963. We are now in September 2024, so he is already 61 years old. All Government officers retire at the age of 60. So, will we appoint somebody who is not even in the system and has already retired? Is it in order for the House to debate somebody who has already retired?

Hon. Speaker: Hon. Mutunga, go on.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Speaker, Mr Kanja is being appointed on contractual basis, so the Member is out of order.

(Loud consultations)

Hon. Speaker, that is my opinion and I am entitled to it. I am on the Floor and I am entitled to an opinion. I have not ruled. I have said, “in my opinion”.

(Hon. Raphael Wanjala stood up in his place)

Hon. Speaker: Order, Hon. Wanjala, take your seat. You have made your point.

Hon. (Dr) John K. Mutunga (Tigania West, UDA): Hon. Speaker, I would like to caution Mr Kanja. The Kenya Police Service is not one of the most respected. All of us in this House have travelled around the world. Whenever you go to an airport and you are not sure of what to do or where to go, the first people you expect to give you genuine guidance are the police. That is why we ask Mr Kanja to bring the Kenya Police Service to that level of respect.

I also ask that we refrain from maligning our police service. Our police service is made up of Kenyans who are workers in this country. We need to support them to do their job. I would also like Mr Kanja to train the police to be credible in whatever they do, so that they can be respectable people. I appeal to this House to consider Mr Kanja for the appointment.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Wanjala, intellectual honesty requires that when you quote something, you do it fully and not selectively. If you read that whole paragraph, you would have found that the answer you are looking for lies there, and it does not require the ruling of the Speaker. The Committee noted that at the time of the hearing, the nominee was 61 years old. Article 245 of the Constitution does not prescribe an age limit for the Inspector-General. Further, Section 76 of the National Police Service Act (Cap. 84) excludes the Inspector-General from the retirement age of 60 years.

Therefore, if you read that paragraph in full, you could have had the answer that you are looking for. That is called intellectual inexactitude.

(Laughter)

Let us have Hon. Makilap.

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Speaker. I think the problem with my good brother, Hon. Wanjala, is that he is not always available on time because this matter was debated in the morning and concluded.

Hon. Speaker: Do not debate Wanjala. Just debate the Motion!

(Laughter)

Hon. Joseph Makilap (Baringo North, UDA): Thank you, Hon. Speaker.

The Committee chaired by Hon. Tongoyo did a good job in a very systematic and summarised manner for everyone to debate on this matter. I, therefore, congratulate the Committee for doing a good job.

Secondly, I come from the North Rift region where banditry has been a problem. When I came to Parliament, I asked people who I can see in the Police Service to assist my people, and I was told to visit Mr Douglas Kanja.

Upon arriving at his office, I got a first-class treatment that I have never received from the Police Service; this gentleman walked out of his office to come and meet me and then ushered me into his office. That is a very humble police officer in the country. The Late President Mwai Kibaki saw a quality in him and awarded him Order of the Grand Warrior (OGW). Retired President Uhuru Kenyatta and His Excellency President William Ruto also gave him Presidential honours. That tells you that this is a man that the country can rely on security matters.

As I conclude, I want to state that what awaits Mr Douglas Kanja is the digitisation of police services in the country so as to reduce corruption. Secondly, he needs to protect the NPRs in the country just like the other police officers. Thirdly, he should go on record as the Inspector-General in Kenya that ...

Hon. Speaker: The time I allocated is over. Hon. Tongoyo, you can go ahead and reply.

Hon. Raphael Wanjala (Budalangi, ODM): On a point of order.

Hon. Speaker: What is it again, Hon. Wanjala? You look restless.

Hon. Raphael Wanjala (Budalangi, ODM): Hon. Speaker, recently, this country almost went into a revolution. The Generation Zoomers (Gen Zs) said that they do not want people above 60 years to hold Government or civil service offices.

Hon. Speaker: Order, Hon. Wanjala! This House operates on the basis of the Constitution. Order! You are out of order, Hon. Wanjala.

Hon. Tongoyo.

Hon. Gabriel Tongoyo (Narok West UDA): Thank you, Hon. Speaker.

Before I reply, I have one or two things to add. I take this opportunity to sincerely thank all Members from both sides of this House for debating this Motion with objectivity, and for the overwhelming support that they have given it. It is important to note that over 30 Members of this House who have contributed to this Motion have all given their personal testimonies regarding Mr Kanja. They have said that he is a person who is always ready to listen, a team player, one who is committed to the Service and without a doubt, a man that we can trust to bring the needed reforms in the Police Service.

Hon. Speaker, that should be a call to all of us as leaders, when given an opportunity to serve, we should always do it diligently and with a lot of zeal such that when a time for scrutiny comes there will be too many accolades regarding our time of serving the country.

There are two critical things that have come up. You have managed to address the issue of his age. It was raised earlier by our very senior Member over there, and Hon. Wanjala too. I do not want to repeat it since you have said it very well.

Hon. Otiende raised the issue of temporary absence of the Inspector-General. Section 16 (Cap. 80) is very clear that the President on recommendation of the Commission may appoint one of the Deputy Inspector-Generals to act as the Inspector-General for the period not exceeding three months. That confirms that the position of the Acting Inspector-General is in order.

With those remarks, I call upon this House to approve the appointment of Mr Douglas Kanja to this position.

I reply. Thank you.

Hon. Speaker: Order, Hon. Members.

(Hon. Kaguchia John stood on the gangways)

Order, Hon. Kaguchia! Take your seat.

(Question put and agreed to)

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Hon. Members, we will now go back to Order No.7.

QUESTIONS AND STATEMENTS

QUESTIONS ARISING FROM SPEAKER'S KAMUKUNJI

Today, we have the Cabinet Secretary for Education in the House, Mr. Julius Ogamba. Cabinet Secretary, it is now your opportunity to respond to issues that you must be fully familiar with. This House held a *Kamukunji* on Tuesday, 20th August 2024, and matters that arose from there required and necessitated the House to invite you to come and speak to the issues as listed out on the Order Paper which you are familiar with.

I will now give you an opportunity and thereafter, Members will have an opportunity to ask you questions, both on the statement you are going to give and any other matter within your jurisdiction in the Ministry of Education. You may take the Floor.

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you, Hon. Speaker and Hon. Members. Before I start, may I take this opportunity to introduce the team that I am accompanied with for purposes of record. I am with the Principal Secretary in the State Department for Technical and Vocational Education and Training (TVET), Dr Esther Moria; the Principal Secretary for Basic Education, Dr Belio Kipsang; the Principal Secretary for Higher Education, Dr Beatrice Inyangala; Prof. Daniel Mugendi, the Chairman of all vice-chancellors of public universities in Kenya; and the CEO of the University Fund, Mr Geoffrey Monari, together with my technical adviser, Mr Joshua Wabwire.

Hon. Speaker, may I take this opportunity to first and foremost thank you for giving me the opportunity to speak in this august House, specifically on the student-centred funding model, which is new in this country, and any other issues that relate to that model and in the education sector. I also thank you for the *Kamukunji* you hosted on 20th August 2024 together with other Members, which arose out of the concerns surrounding the new funding model. We benefited from you and from the Members' concerns and perspectives, and we have since taken action towards the proper rolling out of the model in a seamless manner sensitive to the stakeholders' concerns. I thank you for favouring us with a copy of *The Hansard*, which captured the issues that were of concern.

I wish to indicate that a day after the *Kamukunji*, we implemented your directive and requested all the vice-chancellors of public universities in the country to admit all the university students who had applied and had been admitted to those universities without paying their household contribution as we sorted out the issues that were surrounding the funding model. A total of 124,364 students out of the 138,538 that were placed have since reported to their respective universities. I am happy to note that the number of students who have since paid their household contribution out of the 124,364 students are 75,000, which is almost above 60 per cent.

The first question that we were requested to respond to relates to expounding on the application of the funding model for public universities and TVETs, including the criteria for ensuring that the analysis and categorisation of beneficiaries into the five bands does not disadvantage the very needy students that it is supposed to support. As Members are aware, the student-centred funding model was launched by His Excellency the President in May 2023. It was first applied in the 2023/2024 academic year, and it is now in its second year of implementation. The model was introduced on the recommendation of the Presidential Working Party on Education Reform that was set up, and concluded its report last year.

The model is designed to provide funding to students based on their level of need. This was targeted at achieving equity and inclusivity to enhance access to higher education

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regardless of one's socioeconomic background. Once a student is placed to a university by the Kenya University and College Central Placement Service (KUCCPS), they lodge an application for funding through the higher education portal. Students placed in public universities can apply for both scholarships and loans while those placed in private universities are eligible only for loans.

The student-centred model has five bands. These are set out based on the household income groups and the level of need. The household income groups represent broad household weighed income brackets that are as follows: Band 1 is the group whose household income is below Ksh5,995 per month and Band 2 falls on households whose income per month is between Ksh5,995 and Ksh23,670. Band 3 is from Ksh23,671 to Ksh70,000, Band 4 is from Ksh70,001 to Ksh119,999, and Band 5 are those whose household income is above Ksh120,000. There is also affirmative action that is considered during the banding.

Hon. Speaker, under Table 1 that I included in the letter I forwarded to you, the amount of scholarship for Band 1 is 70 per cent, the loan is 25 per cent and the household contribution is 5 per cent. To save on time, I will just read the household contribution for the bands. Band 1 contributes 5 per cent, Band 2 contributes 10 per cent, Band 3 contributes 20 per cent, Band 4 contributes 30 per cent, and Band 5 contributes 40 per cent. The rest is contributed by the Government. On scholarships, Band 1 gets 70 per cent, Band 2 gets 60 per cent for TVETs, Band 3 gets 50 per cent, Band 4 gets 40 per cent, and Band 5 gets 50 per cent.

[The Speaker (Hon. Moses Wetang'ula) left the Chair]

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

To determine the student's level of need in order to give the categorisation, there was use of a product called the Means Testing Instrument (MTI). The MTI was designed to utilise data provided by students to determine their level of need. The data was then validated through other Government agencies and systems. The application system is integrated in other Government databases that include KUCCPS, the Integrated Population Registration System, the National Education Management Information System (NEMIS), the Kenya National Bureau of Statistics, the Higher Education Loans Board (HELB), the Registrar of Births and Deaths, the National Social Protection Scheme, the National Council of Persons with Disabilities and the Kenya Revenue Authority. This integration helps to validate the information provided by various students in order to ensure that they are placed in the right band. This targeted approach ensures that students who face the most significant financial challenges receive the greatest support to complete their education.

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

[The Speaker (Hon. Moses Wetang'ula) resumed the Chair]

Hon. Speaker, since the rollout of the student-centred funding model, there have been improvements carried out to ensure that it accurately determines the student's level of need, and that no needy student is disadvantaged. The improvements have been formed by engagement with stakeholders, including Hon. Members of Parliament through a *Kamukunji*.

On account of these engagements, for example, the Means Testing Instrument has been enhanced to capture broader socio-economic factors, and therefore improve the accuracy of the categorisation. These extra additional socio-economic factors include the number of children in primary and secondary school in a household. They also include the parents' highest educational level. It also includes the agricultural priority programmes. I will explain that a

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little later. It includes areas where, for example, parents are known. So, the categorisation has been expanded in order to ensure that as we categorise the students into bands, the outcome places them as close as possible to their realities.

These improvements have seen a change in categorisation across the various bands. Students have also been sensitised to provide more accurate information that is detailed. A comparison of their categorisation between the Financial Years 2023/2024 and 2024/2025 has confirmed from the figures that band one, band two and band three have more students this year than they had last year. Bands four and five have lesser students than they had last year. So, it has tilted because of the improvement of the categorisation.

The other mechanism that has been placed to ensure that the very needy students are not disadvantaged is the appeals mechanism. It allows students to get into the appeals portal. If their circumstances have changed, they put in the new information and then they are re-categorised. This is because we acknowledge that financial circumstances of students and parents change. Therefore, once they change, the student banding also changes. For example, if a parent loses a job, the student goes into the portal and indicates that although his father or mother was working last year, they are not working this year, and he does not have the income he had last year. So, it has shifted. Therefore, their circumstances have changed.

We have also noted and acknowledged that internet access and connectivity has various disadvantages to various students. Students who come from poor backgrounds may not have access to the internet. To cure this, we have set up desks in each and every university from the university funding team, so that the students can be assisted to put in their data in the universities where they have been admitted to, so that they are not disadvantaged.

The second question requires us to set measures that were put in place to simplify the model and enlighten the general public about it. As you rightly noted during the *Kamukunji*, the public is not well informed about the student-centred funding model. We agreed with you that we need to put more energy in communication to the public. In this regard, we have taken a number of measures.

Firstly, we have noted the salient concern that has been raised by stakeholders, especially the students themselves, on their involvement in decision making around the funding model. In this regard, His Excellency the President has constituted the National Working Committee on Review of the New University Education Funding Model to refine the funding model in order to optimise its functioning. The Gazette Notice has been released and it is attached. This is part of the broader effort to ensure that stakeholders understand the model and they contribute to enhancing it.

The other measure we have taken includes public sensitisation. We have rolled out a number of public sensitisation campaigns across the country through the radio, print media and public forums. We have also gone into digital resource for easy access. As a Ministry, we have invested in digital resources to simplify access through the funding model that is in the portal. We have also done stakeholder engagements and collaboration. We have rolled out YouTube demonstrations and social media campaigns where demonstrations are given step by step on how to apply for scholarships and loans under the funding model. We have also done social media campaigns through Facebook, Twitter and Instagram, including short video clips showing answers to the frequently asked questions.

We have also included simplification application process through automation. We have stipulated the various steps on how applicants can check their eligibility and submit their documents online. We have also created helplines where we have continuous feedback, so that we can respond to students on a 24/7 basis. This will enable us to respond to the challenges, questions and concerns that they have. We have done regional outreach, both on-site and off-site, through Huduma Centres and other support systems. We have done timely updates and transparent disbursements of the amounts that are due to the students. We will continue to

engage the public, and discuss with them and inform them how this model works, so that they are informed.

Hon. Speaker, the third question requires us to provide the approximate cost of education of an individual from the basic education level to the tertiary level. This depends on a number of variables such as whether he has special needs, the type of schools attended—whether it is a day school or boarding school—gender, and the type of tertiary education received, that is whether it is through TVET or university. The current rates for capitation are as follows:

1. In primary school, we have Ksh1,420 per learner per year.
2. In Junior Secondary School, we have Ksh15,042 per learner per year.
3. In secondary school, we have Ksh22,244 per learner per year.

These rates were considered by the Presidential Working Party on Education Reform. They recommended that the rates be revised to reflect the actual cost of education. Therefore, the figures below are the ones that were recommended by the Presidential Working Party on Education Reform. For pre-primary, it was recommended that the figure be enhanced to Ksh5,384 per year for lunch and Ksh1,170 per year for tuition. This brings the cost per year to about Ksh18,828 for Pre-Primary 1 (PP1) and Pre-Primary 2 (PP2). If the learner has special needs, the figure increases to Ksh19,636. For primary school, the figure that is recommended is Ksh2,238 per year for tuition and Ksh5,384 for lunch. Therefore, the total cost per learner in a regular day primary school for six years is Ksh45,732. In boarding schools, the cost increases because of the cost of dinner which is Ksh5,594. That results to Ksh79,296 per year. The figure increases if a learner has special needs. The total becomes Ksh101,040 for the entire primary school period.

For junior school, the annual cost of tuition in a regular school is estimated at Ksh15,043 per learner. The cost of lunch is Ksh5,384. This totals to Ksh61,281 for the three years in a regular day junior school. You add Ksh10,000 if a learner has special needs and the cost goes up to Ksh91,281 per year.

I have a table for secondary schools. Just allow me to indicate that we have different figures for female students and male students. The female student costs slightly higher because of the kit they get. For female students in a national extra-county school, the figure is Ksh481,915 for four years. The figure is Ksh621,915 for students with special needs. The figure works out to Ksh472,232 for males. It becomes Ksh612,232 if you have special needs. The figure is Ksh429,839 for females in boarding schools and Ksh569,839 for special needs. The figure is Ksh420,156 for males in boarding schools. If you have special needs, it is Ksh560,156.

Let me note at this point that 70 per cent of our students are in day schools. Boarding secondary schools account for only 30 per cent of the student population. The capitation is enhanced by Ksh35,000 per learner per year for learners with special needs, with a total capitation of Ksh230,108 per learner over the four years. For learners in day secondary schools, the approximate cost per learner per year is Ksh22,527 for tuition and Ksh11,000 for lunch. This totals to Ksh234,108. However, the Ksh11,000 for lunch in these schools is a special arrangement between schools and parents. It is not capitation.

For tertiary education, the average cost of education and training in technical vocational education and training institutions is Ksh125,789 per annum. That comprises tuition fees of Ksh67,189, Ksh15,000 for assessment, Ksh18,600 for upkeep, and administration costs of Ksh25,000. In universities, the annual cost for programmes ranges from Ksh122,400 for arts programmes to Ksh612,000 per year for programmes in medicine. The average upkeep cost per year for students in the university is 60,000 per student.

The figures we have indicated for secondary school are between the fees for day secondary schools, that is, the lowest figure, and national extra secondary schools that have the

highest figures. The figures for universities and Technical Vocational Education and Training (TVET) institutions are inclusive of upkeep and subsistence costs. The most expensive programme is Bachelor of Medicine and Dental Surgery, which is Ksh612,000. The least expensive programme is Bachelor of Arts, at Ksh122,400.

The fourth Question requires us to state the amount that goes towards education bursaries and scholarships every year. I wish to clarify that the Government is required to provide capitation to public basic education institutions every year at the approved rate of Ksh1,420 per learner per year in primary schools, Ksh15,042 per learner per year in junior school, and Ksh22,244 per learner per year in secondary school. The total provision depends on enrolment. The requirement provided have a deficit over the last three financial years. I have a table to show.

For instance, the requirement was Ksh11,815,000,000 in the 2022/2023 Financial Year. However, what was budgeted was Ksh11,811,734,102. That gave a deficit of Ksh3,265,898. The requirement was Ksh9,481,883,008 for the 2022/2023 Financial Year. The budgeted amount was Ksh9,476,460. There was a deficit of Ksh5,882,548. The estimated requirement for the 2024/2025 Financial Year was Ksh9,272,514,516. The budgeted provision was Ksh9,120,509,159. The deficit was Ksh152,000,000.

There was a deficit of Ksh401,000,000 in the 2022/2023 Financial Year for students with special needs for primary school top-up. There was a deficit of 873,000,000 in 2023/2024 Financial Year and Ksh437,344,000 in the 2024/2025 Financial Year. Important to note is that there is a deficit throughout the years for free day junior school, senior junior top-up, free day secondary education, and senior secondary top-up. There is always a deficit. The target is never met. The figures are never met.

The only scholarships that the Ministry administers for basic education is the Elimu Scholarship. It supports selected students through secondary schools. The scholarship has been running since 2020. I now give a breakdown of the scholarships. There were 9,000 scholarships worth Ksh1,013,238,782 in the year 2020. There were 9,000 scholarships worth Ksh1,322,841,971 in 2021. In the year 2022, there were 9,000 scholarships worth Ksh2,967,055,422. In 2023, the scholarships were 10,572 valued at Ksh3,405,949,326. In 2024, there were 14,426 scholarships worth Ksh4,018,177,480. The grand total for those years since 2022 is 52,000 scholarships worth Ksh12,727,262,981.

In tertiary education, the Government provides scholarships and loans to TVET and university students under the student-centred funding model. Students under the old funding model receive capitation from Government. Other than the Ministry of Education, we are also aware that the National Government Constituencies Development Fund (NG-CDF) provides bursaries and scholarships to students. However, we do not have exact figures or the amount that this involves. The county governments also make a provision for scholarships and bursaries and from the information we have obtained for the year 2023/2024, for example, the county governments gave a provision of Ksh8,757,333,729 on bursaries and scholarships at all levels of education.

Hon. Speaker, the fifth question requires us to provide a list of scholarship schemes and amounts that are administered by the Ministry of Education through each State Department. The State Department for Basic Education, as I have indicated above, administers the Elimu Scholarship mentioned earlier. The State Department for Technical and Vocational Education and Training and the State Department for Higher Education and Research do not administer any other scholarships and funding programmes apart from capitation, scholarships and the loans that we have indicated.

The sixth Question is on the step that the Ministry has taken to amalgamate the multiple education bursary funds into a single fund under the Ministry of Education to cater for free education, especially in higher and tertiary levels. The challenge relating to the management

of bursaries and scholarship was identified by the Presidential Working Party on Education Reforms. The working party noted that there are various sources of funding available, but they were fragmented and uncoordinated, leading to some students benefiting from multiple awards while leaving many others without. The Government is spending heavily on education. The current expenditure on education against the Budget is 27 per cent. This is well beyond the United Nations Educational, Scientific and Cultural Organisation (UNESCO) recommended rate of between 15 per cent and 20 per cent of the annual public expenditure.

Although we are spending this amount, we are still experiencing lower outcomes, which can be attributed to inefficiencies in the allocation of resources in the sector. To address this challenge, one of the recommendations by the working party was to create a coordinated framework for scholarships and bursaries across all the levels of education. In this regard, we have developed Bills. One is the Basic Education Bursaries and Scholarships Bill, 2024, establishing a bursaries and scholarships fund to coordinate and administer scholarships and bursaries in public education. The council will also provide oversight on the governance of scholarships in the country and maintain a database on the administration and coordination of scholarships in the country.

We have also developed the Tertiary Education Placement and Funding Bill, 2024, which creates the Tertiary Education Placement and Funding Authority. The Authority will have the mandate of placing students in tertiary institutions and granting loans and scholarships. It will also maintain a database on tertiary education placement and funding. The Bills were subjected to stakeholder validation on 1st March 2024, and public participation from 28th February 2024 to 15th March 2024. They are awaiting cabinet approval after which we will submit them to this House for further processing. We will welcome the support of this honourable House towards debating and passing these bills as they are the necessary foundation towards ensuring that resources in the education sector are optimally utilised.

The next question requires me to state the amount of money in the form of capitation disbursed to public universities for the current academic year. Capitation is disbursed on a monthly basis. The capitation disbursed for this academic year for continuing students in our universities is Ksh3.8 billion, which is for the month of July and August 2024. A total of Ksh28 billion has been disbursed as scholarships for first-year students under the student-centred funding model, and a further Ksh5.8 billion has been disbursed by the Higher Education Loans Board for student loans.

The last question requires me to provide a comprehensive report on steps taken by the Ministry of Education to enhance security and safety standards in schools to ensure a safe learning environment for students. May I take this opportunity, once again, to express my sympathies and condolences to the families of the 21 young learners who lost their lives in the fire incident at the Hillside Endarasha Academy in Nyeri County. That was a most unfortunate and regrettable tragedy. We must ensure that such never happens again. The fire broke out in the boys' dormitory at around 11.30 p.m. on the night of 5th September 2024. There were 164 boys in the dormitory at the time. The school had a total enrolment of 843 learners that is made up of 421 boys and 422 girls. Three hundred and thirty students were boarders. At the moment, the 330 learners who were in the school at the time of the tragedy have all been accounted for. The Directorate of Criminal Investigations has cordoned off the scene and continues to undertake investigations into the cause of the fire. A multi-agency team was conducting DNA analysis to identify the deceased students. The Government is covering the bills of the students who were injured and were in hospital and will also be providing the learners and their families with psychosocial support.

In the meantime, the Ministry is undertaking an internal investigation to ascertain the school's compliance with the requisite safety standards. We have committed to take appropriate action if this internal assessment reveals failure on the part of our officers.

The Ministry of Education adopted the safety standards manual for schools in the year 2008, and over the years we have enriched the provisions of the manual with circulars from time to time to make it relevant to the changing times in the country. The manual prescribes the safety standards and procedures that schools must adhere to. It sets out the roles of the school administrators and the teachers in relation to the learner when the learner is within the custody of the school. The manual requires each school to have a school safety subcommittee which is coordinated by the head of the school.

In that manual, Paragraph 5.2 requires that the subcommittee monitors and evaluates the various aspects of the school safety with a view to ensuring that learners, parents, and stakeholders are informed about school safety policies and implementation activities, and constantly reviews issues of child safety in and around the school. The manual outlines the guidelines on safety on school grounds and safety in school infrastructure. The manual also provides guidance on a number of issues, such as skills-based education on prevention of endemic conditions and other health risks, promotion of environmental sanitation and hygiene practises, provision of safe water and sanitation, protection of children with special needs with regard to their health and hygiene, and on the taking of immediate steps when there is a threat of an epidemic outbreak.

Through our quality assurance and standards team, we continually and regularly monitor compliance with the requirements of the manual. To a large extent, most of our schools comply with the requisite safety standards. There are, however, cases where there is non-compliance. Due to this non-compliance, we have commissioned a national audit of all our boarding schools to assess their compliance with the safety standards manual. The audit will identify cases of non-compliance and the consequent action to be taken against the affected schools. The audit will also show us where our officers have failed so that appropriate action is taken. Going forward, we want to strengthen the school safety framework, and with your support, we will elevate the provisions of the safety standards manual to a binding legal status with criminal sanctions for those who fail to comply or ensure compliance.

There have also been several cases of deliberate fires related to unrest in schools. From January 2024 to 16th September 2024, there have been 106 fire incidents in our schools, with 35 of these occurring during this third term. The fires have mainly targeted dormitories and the total cases of unrest in schools since the beginning of 2024 now stand at 238.

Cases of unrest have been informed by a number of causes ranging from strained relationships or poor communication between school administrators and students. There is also peer pressure, interference by local communities, fear of examinations and anxiety, drug and alcohol abuse, and general indiscipline.

Each incident is investigated and dealt with according to the attendant circumstances. However, generally, we have adopted a multi-stakeholder approach involving the local leadership and the surrounding community to address these challenges. To deal with the criminal aspects of these incidents, we have committed to work with the criminal justice system to ensure that appropriate action is taken to punish those who destroy property and cause loss of life through acts of arson and intentional destruction of property.

Hon. Speaker, we trust that the foregoing information adequately addresses the issues at hand.

I submit. Thank you.

Hon. Speaker: Thank you, Cabinet Secretary. Before I open up to Members to ask you questions, in Paragraph (iv), you talk of a total of 124,364 students out of the 138,535 that were placed and have reported to their respective universities. Where are the remaining 14,171? If you can note, that is my small concern. We will start with the Member who caused us to get to where we are. Naisula, that was your Statement that spiralled into this.

Hon. Naisula Lesuuda (Samburu West, KANU): Thank you, Hon. Speaker. I thank the Cabinet Secretary for his detailed report. I must say that having listened to him and having looked at the report, it looks like he self-critiqued more. I thank you also, Hon. Speaker, for the *Kamukunji* because it enabled us to comb through these very important issues.

One of my first questions was about the 14,000 students who have not reported so that we can understand whether it is still related to this new funding model. As he prepares to answer that question, we might need a detailed report later because sometimes you might find that the students also moved from one institution to the other and all that. I think we can follow up later to know exactly why these 14,000 students did not report to school.

Secondly, Hon. Speaker, we will need to know, he might not have the answer right now, how many students have appealed so that we know whether the system is placing the students correctly. If we have too many appeals, it means it is not placing them in the correct bands. So, it would be important to know how many students have appealed. It is good that you now have the re-categorisation in case something happens to the students.

Lastly, I want to ask whether private universities are benefiting from this new higher education funding model and the whole issue of capitation. I sit in the Public Investments Committee (PIC) on Governance and Education, and one of the issues that arises from all our higher learning institutions is the issue of capitation. We budget it here and we pass it here, but the Ex-chequer is not released to these institutions. From what you have reported here, it seems the Government will carry the burden of paying most of the school fees for the children, meaning the burden of releasing the Ex-chequer and capitation again has come back to you, who does not release the Ex-chequer to these higher education institutions. You have seen that the lecturers now want to strike. You have seen the infrastructure in our institutions. How will you ensure, as the Cabinet Secretary, that these monies for students are released to institutions on time so that we do not cripple our institutions and that students do not drop out of school?

Lastly, Hon. Speaker, although it was not my question, I just want to put it to the Cabinet Secretary that I think on these matters of the fires, we are a reactionary country. I am aware that in my county and constituency, the whole last two weeks, there has been what you are saying — the running around by the education board, trying to assess the schools. Why can we not make this be a continuous process so that it is not just that when a tragedy like the one happens, you start running around? That is what those education officers should be doing in a continuous process.

Hon. Speaker: Members, I allowed her that latitude because she is the one who raised the issue. The rest of the Members, try and seek one clarification or ask one question. The Cabinet Secretary, apart from Naisula, let us take four more, then you respond and we will take another round thereafter.

Hon. Rindikiri.

Hon. Mugambi Rindikiri (Buuri, UDA): Thank you, Hon. Speaker. I remember when the Principal Secretary appeared, I asked that the Ministry supply us with or submit the data on the funding per band for each constituency. I did that because almost 90 per cent of the students from my constituency were in bands 3 and 4, and given the geography of my constituency, I felt it was not fair. I needed to know because there was the issue of marginalization and the social considerations that we felt were disadvantaging some sectors.

Secondly, Hon. Speaker, that is just a communication because we had agreed the other time that there was availability of information with the Ministry of Education officers at the sub-county offices. We noted that there is a total lapse. I thought the Cabinet Secretary would address that because some of the things that we are doing, as Members of Parliament, are what the county education officers should be doing at the constituency and the county level.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Clive.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Thank you, Hon. Speaker. I would like to take the Cabinet Secretary to my question on Page 15 of his presentation. It is the sixth question on the steps the Ministry has taken to amalgamate the multiple education bursary funds into a single fund under the Ministry of Education.

Hon. Speaker: On which page is that?

Hon. Clive Gisairo (Kitutu Masaba, ODM): That is Page 15.

Hon. Speaker: Yes.

Hon. Clive Gisairo (Kitutu Masaba, ODM): Education to cater for free education, especially higher education. In Paragraph 50, he says that they have developed a Basic Education Bursary and Scholarships Bill to coordinate and administer scholarships and bursaries in basic education. That will be to give bursaries and scholarships.

Also, the following one is to develop the Tertiary Education Placement and Funding Bill. So, if you look at the two, Paragraph 47 talks about free, but paragraphs 50 and 51 talk about bursaries and scholarships. How free is that? Are we talking about free or are we talking about bursaries and scholarships, which is a continuation of what we are doing currently?

Also, on the same, if we say we are going to provide free education, the Cabinet Secretary has said that in secondary school, 70 per cent of the students are in day schools. Does the Ministry realise that when it says 'free', every parent will see an avenue for having free food and free accommodation, and therefore, will have an influx into boarding schools? This action will be welcomed by head of institutions because it will attract more capitation. As such, the Ministry will have extra costs because every child will go to boarding school which may lead to a system collapse.

Hon. Speaker: Hon. Kaguchia.

Hon. Kaguchia John (Mukurweini, UDA): Thank you, Hon. Speaker. I want to enquire from the Cabinet Secretary if he will amalgamate all the bursaries into one kitty. So, education can be free. Is he sure whether bursaries are sufficient to make education in Kenya free? Does this money sufficiently provide for free education?

He should also explain how this will be done, without increasing the percentage of what we spend in education from 27 per cent to 30 per cent. As we speak, education in day schools is free and students only pay for their meals. Is the Cabinet Secretary going to provide free meals to students?

Primary Schools and JSS are now asking parents to provide meals for their students by paying for the same. This has made JSS fees the same as day secondary schools. Is the Cabinet Secretary telling us that the Ministry will have sufficient money to cater for all these needs, if they amalgamate bursaries?

I find it very suspect if they are planning to take money that is already devolved to the constituencies and bring it back to Nairobi; a place where we cannot reach the Cabinet Secretary. They want to remove it from the leaders on the ground and then we will be running up and down in Nairobi looking for the same bursaries again.

As I conclude, we also have an issue of the band system. We feel it was used to categorise students unfairly and targeted those who were well deserving. Quite a number of students who ought to have received better funds are not receiving. We saw students from very poor backgrounds being placed in Band 5. That spells doom to their education.

At some point there were rumours that the Principal Secretary has introduced a consultant who distorted the instrument used before by HELB to categorise students. This needs to be cleared because it has raised a lot of suspicion. Some people are saying that students from certain regions are being disfavoured by this system. This is bringing propaganda and misinformation alive. Therefore, it needs to be addressed.

The issue of insecurity in schools, also needs to be addressed more proactively now than before. I hope the Ministry will work with the new Inspector-General, Mr Kanja. I want

to congratulate him for having been nominated and approved by this House. I know he is capable and will do a good job. I believe the Ministry will work together with him because he is the leading light of security apparatus in this country.

Thank you. I appreciate.

Hon. Speaker: Let the Cabinet Secretary respond to those questions then we do another round. Hon. Members, I will be patient until we get to the bottom of this. Let us be patient with every situation. Cabinet Secretary, as you respond to those questions, you may wish to convince the House.

I am not quite persuaded. This is because from 20th August 2024 when this matter came to this House, you hurriedly prepared two Bills on very weighty issues without involving the committees of this House. So, as to get the correct data, information and formulate correct policy to deal with the issues of multiplicity of bursaries. Hon. Kaguchia has touched on that. Start with the question by Hon. Naisula then Hon. Rindikiri.

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you, Hon. Speaker. I will start with your question which also ties with Hon. Naisula's question on the 14,000 students, who so far have not reported though they were placed.

The trends established from previous years is that when students are placed in universities, only about 80 per cent report. It was expected that 122,634 students would report but 124,364 students reported. About 2,000 more students reported than the expected trends. A survey is being undertaken to confirm where the other students are. Sometimes, students do not take up their positions, have multiple admissions, or go out of the country. We are unable to confirm but we will undertake a survey to confirm where they are. Some students go to private universities abroad. I have been told others get married and do not continue schooling. We will check and find out what the position is.

Again, with respect to the question on appeals by Hon. Naisula, we have an average of 12,000 students who have appealed and they are being processed. We created a portal for appeals and agreed it should be left open for three months until December 2024. This is because we were informed that some second-year students had deferred their courses because they were unable to pay the fees of the previous year.

We agreed to create this portal so that even those who had not applied last year, can apply and get a chance to go back to school. We have about 12,000 students who have applied. Private universities students get loans but not scholarships so they are free to apply. The reason we have this funding model is that the capitation space was not working. When the capitation provisional programme, Differentiated Unit Cost (DUC), was in place, the Government was supposed to pay 80 per cent of the fund for the students. At no time did the Government pay 80 per cent. The highest they ever paid was 66 per cent. This year, they have paid 38 per cent of the capitation required.

This has created financial crisis in our universities. To date, we have about 23 universities in a financial crunch leading to the challenges we are seeing, like the strikes taking place. This is because we do not have resources in place and cannot sign a Collective Bargaining Agreement (CBA). You need to have money in order to sign a CBA. When funds were not released, this created a financial crunch. We are looking at what can be done to ensure this problem is solved.

This led to the funding model where the money follows students so that when you receive X number of students, you receive X amount of money depending on the band. The release of these funds on time has improved because under the new funding model, this year's funds were released before students reported. That problem of capitation has been solved partially by the funding model.

On the question of the challenges that we have with the fires and what we are doing is being reactionary, it is true that there has been a problem with compliance with some of the

regulations that have been in place. Sometimes we react to these situations when something happens. That is why I was saying that, perhaps, we need to move the policies from just being policies to either regulations, an Act of Parliament or a Statute, for there to be actual punishment instead of administrative action so that people can comply. It has been there and we are thinking that we need to move it. Since we have that opportunity now, we would be able to, maybe, move some of the regulations into the level of study so that they can attract penalties.

Hon. Speaker, maybe I can tie your question to the issue that you raised, that we hurriedly prepared the Bill. Let me clear the air. The Bills that we have prepared arose out of the recommendation of the working party prior to the meeting of 20th of August. Those Bills are not dealing with amalgamations of the bursaries or all the scholarships that we have. We have not reached that position and we have not had that conversation.

In fact, perhaps, what needs to happen is this: if that conversation is going to be heard, it will include whatever changes that were coming out of the recommendations of the working parties. We have not done any of those Bills. These are the ones that have been done before the conversation relating to amalgamation came to the fore. That is why we are saying that we had even done public participation in March, 2024, which was long before we met. Therefore, as a Ministry, we have not come up with a policy, an Act or Statute to deal with amalgamation of bursaries or anything. This is a deep conversation that we have got to have and then we will see how it develops.

Hon. Rindikiri, raised the issue of 90 per cent of his constituents being banded in bands three and four. The answer to your concern and why we have not furnished you with the details on how the students are being banded, is that when we opened the portal for appeals, it started changing. Students were now being moved from one band to the other. So, we are not able to give you reliable information until we close that portal when the appeals are done and then we have a clear analysis of who is in which band then we can use that as the actual figure that the students have.

At the moment, as a Ministry, we are not able to say this is the actual figure because it is ongoing. Even as we speak, it is open. It keeps changing and once we close in November, an analysis and a review is done by the committee that has been set up then we will be able to give a proper analysis of that. This model starts from the basis that it was supposed to benefit the most needy students to be in Band One. If we then find that they have moved to bands three and four, we must test and review it to find out if that movement is correct and if it is based on the system itself or the data has been given. Was the data that was given correct? If not, can it then be corrected so that students who need support most, get it? That is the whole basis of this model. If it does not do that, we need to examine it. Because there are issues that have been raised, let us have the committee in place. It has been set up by the President involving all stakeholders.

The model should be examined to ensure that its efficacy is above board and it actually does what it was meant to do. That is what we are doing, and we are hoping by the end of the eight weeks when the report is done, we will be able to give you data that is reliable and can be used to keep improving the model and report back. If we find that the errors are outside the margin of error, then we will fault the system. However, if we find that the errors are within the margin of error or the error was caused by our own data then we correct that. That is why we are trying to expand the variables so that when you say something that is not correct, the system can self-correct.

Hon. Gladys Boss (Uasin Gishu County, UDA): On a Point of Order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Deputy Speaker.

Hon. Gladys Boss (Uasin Gishu County, UDA): Thank you, Hon. Speaker. I am rising on a point of order. I think the question asked by Hon. Kaguchia is what has been in the public domain. That the MTI that has been used even before the current funding model was working.

If you look at the results of the old MTI and the current ones, there is a variation. It is also in the public domain that it is a pity because the Cabinet Secretary was not in office at that time. This was done by the Principal Secretary, Inyangala, who is present today. She introduced a group of consultants who came in and interfered with what HELB has been doing for years. That is where we now have the challenge. Therefore, what Hon. Kaguchia was asking is: confirm, were consultants hired to do the job of HELB, and did those consultants develop a new MTI? Give a yes or no answer. This is so that we can know where the problem lies and we can now work towards making sure that we correct it even as the taskforce produces its report.

(Applause)

These are the things that give the Government and our President a bad name; the failure of his own public officers.

Thank you.

Hon. Speaker: Go on Cabinet Secretary.

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you, Hon. Speaker.

Hon. Speaker: You are now on Hon. Clive's question on amalgamation and Hon. Kaguchia's question. They were almost the same. You can also pick up what Hon. Deputy Speaker, has asked.

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you.

Hon. Speaker: Be a little faster.

The Cabinet Secretary for Education (Mr Julius Ogamba): Hon. Clive, asked further on Question No.6 on Page 15, that is, whether it is free. I have answered that question in the following manner: That we have not reached the level where we have developed a pot of all the bursaries, scholarships, and capitations where we can say that we can now give free education from pre-primary all the way to tertiary.

That is a conversation that has arisen because of this challenge. However, what we can say as a Ministry is that we do not have sufficient data that needs to be collected even for that decision to be made and I think, Hon. Speaker, you were alluding to it: That for us to be able to reach that decision, we must first and foremost do an analysis of how many students we have, how much is required for free education from Standard one or pre-primary all the way to the university. How much are we allocating from the particular fund that the Government is giving? How much is the cost of scholarships that are out there, both private and public? This is so that an analysis can be done to determine whether that money is sufficient to give free education across the board, including the meals, the kits, and everything that the students get.

Therefore, it is important to acknowledge that, that is a conversation that is too detailed to be done in a month. It is something that needs to be discussed as we move forward. However, as we are having that discussion, we have students that are in school. That we have to use the current funding model to ensure that it is as close as possible to the realities of the students that we are supporting so that nobody is disadvantaged and misses school because they have been misbanded. That is the reason why we convinced the vice-chancellors to admit each and every student. We have also agreed that no student will be sent away for non-payment of their house hold portion, until this issue is resolved.

In a way we have a chance to examine that MTI and find out if it is the right one and if what Hon. Deputy Speaker, is asking on whether there was any sort of interference so that it is corrected. The information that I have is that the team that is being referred to as having interfered with the MTI was set up from the Ministry to evaluate the efficacy of that model; whether it is bringing out the result that is expected. It was an internal team led by Prof.

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Romanus Odhiambo, who was the Chairman of the taskforce. He is the Vice-Chancellor of Meru University of Science and Technology (MUST). He is not a consultant from outside. He is part and parcel of our universities. Most of the people that were on the taskforce are also part and parcel of our universities, including the Chief Executive Officer of the Higher Education Loans Board (HELB), FCPA Charles Ringera, Mr Monari, who is here and a host of others. Therefore, it is not true that this team went into the Means Testing Instrument (MTI) and interfered with it, because the credentials are with HELB. You can review it but you cannot attempt to tamper with it. We cannot verify that information. I believe that the committee that has now been set up by the President will get into the system, review it and find out whether there is any form of interference, if it is working, and whether the variables are enough to give out results that, as I have said, are as close as possible to your reality.

If, for example, I input my data and it says I am a boda boda rider, then there is a problem. But if it says I am a judge, that is as close as possible because I have been a lawyer. When we review the system, are we putting the people as close as possible to their professions? That is why when Hon. Rindikiri says his constituents are in bands three and four, yet he comes from a constituency that requires affirmative action, we need to check and find out whether that is true. We will give you that information once we have that analysis.

I am also informed that the report of the team that is being accused of having interfered with the MTI was actually submitted to the *Kamukunji*. It is straightforward. It does not show any changes. It just shows that we went there, put in information, and it is giving correct outputs.

In terms of amalgamation, as a Ministry, we are not yet there. We need to have that conversation and conduct public participation until we get there. I think that also answers Hon. Kaguchia's question on banding.

Hon. Speaker: Let us take another round of five questions. Dr Nyikal, restrict yourself to one question or one comment so that we can have as many Members as possible speaking.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Speaker. My question is technical. The key issue is the banding instrument. You said that you are using means testing. Which means testing are you using? Is it a proxy means testing or any other means testing? When you started using it, was there any public survey to validate the instrument? For example, if you used it and the public looked at the income of the families, did the instrument show the correct figures? Now that you have used it before, is there any public survey for verification? If you look at what the instrument has given you and you take a sample without going through the whole country, have you found that the income indicated in the bands is reflected in the students' homesteads?

In paragraph 4, out of the 138,000 students admitted to universities, 124,000 reported and 75,000 paid fees. When you analysed these figures, how did they relate to the banding? Which bands were able to pay and which ones were not? That gives you a reflection of the instrument you are using. Even with all these things you are saying, if that instrument is not working, you will not get anywhere.

Thank you.

Hon. Speaker: Hon. Owen Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Speaker. I also dovetail my question into what Prof. (Dr) Nyikal has said. The Means Testing Instrument has issues. How come it does not capture students' history in paying school fees? You may have a student who was unable to pay school fees and was supported by bursaries or a sponsor, then this student is put in band five, yet if you look at their history, they actually have a fees balance of almost Ksh70,000 in high school that they did not pay after Form Four. He has not cleared high school fees yet he is being admitted to university at Band 5. He cannot even pay the high school fees balance to get the certificate to join university. How come this Means Testing

Instrument did not capture the student's history? Is it that it does not care about high school yet that is where the students are coming from? That is one of its weaknesses.

The second thing is that this Means Testing Instrument knows that this student has fees issues, but because he or she missed a few marks to join public university to pursue medicine, he or she is placed in a private university where there is no scholarship programme. Students have been admitted to Uzima University, which is a private university, to study medicine and they are not given scholarships, yet the Means Testing Instrument shows that they are very poor students. That means that the Means Testing Instrument did not capture that information. That is a great weakness.

This Report states that 12,000 students have appealed. It also states that 14,000 students failed to report to university. There is a correlation. Probably, all these students who have appealed have not reported because they were not captured by the Means Testing Instrument. If you have such a huge number of students failing to report to university, that means that the Means Testing Instrument did not capture their data properly and that something is significantly wrong with it. That is why we are here and the President has to appoint a committee to review it. I would like to get answers on that.

Hon. Speaker: You have made your point. Hon. Shimbwa.

Hon. Omar Mwinyi (Changamwe, ODM): Thank you, Hon. Speaker, for this opportunity. I also sympathise with the new Cabinet Secretary because he is in a ministry which has many challenges...

Hon. Speaker: Do not sympathise with him. Ask him a question.

Hon. Omar Mwinyi (Changamwe, ODM): I will ask, but I sympathise with him as well. It is coming out very clearly that the elephant in the room is the system which is being used to define all these things we are talking about. As long as we keep appointing committees every now and again, we will not solve the problem. It becomes a merry-go-round. Let us make education free for all so that we eradicate stress from all our students and parents. The biggest burden falls on us as Members of Parliament.

First, I would like to thank the Ministry because they assisted me when principals were refusing with students' certificates, yet we had agreed in this House that no certificate should be withheld. The Principal Secretary assisted me and we got the certificates.

Secondly, I would like to challenge the Ministry on the funds they get apart from the bursaries. Why do we as Members of Parliament not get to know how that money is disbursed to various constituencies? We do not know which formula is used to distribute the money that the Ministry of Education has. Some Members of Parliament get these funds while others do not. We want equality in the distribution of these funds. Can the Cabinet Secretary tell us what arrangement he has put in place to ensure that there is fair distribution of the funds that they are holding, as a Ministry, to all Kenyans because we are all taxpayers?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Cynthia. Is it Hon. Cynthia or Hon. Toto? You look alike. This is Hon. Cynthia.

Hon. Cynthia Muge (Nandi County, UDA): Hon. Speaker, I am way older than Hon. Linet Toto, Member for Bomet County. I want to ask a simple question. There are two children who were admitted to the university. They have the same parents, live in same house, their parents have the same income, but each got a different banding. I want to understand how that happens.

Secondly, the Means Testing Instruments should be doing better this year as opposed to last year. It is surprising that it is doing worse than last year. Last week on 7th, I was in Kenyatta University during a welcoming party for first year students from my community. This is a thorny issue that you cannot even speak about it in the university because you will get an

uproar from the students. It looks like the Ministry is not paying attention to curing the disease and doing a serious surgery on it, because it is simply covering the wound.

I want to ask the Ministry to sort out this matter because this is an issue that is affecting the young people and those from needy families.

Hon. Speaker: Hon. Kajwang’.

Hon. TJ Kajwang’ (Ruaraka, ODM): Hon. Speaker, permit me to have bragging rights that the Honourable Competent Cabinet Secretary for Education (CS) was in college with me. He was a classmate of the Member for Tharaka Constituency and the only Member called *Wakili* in this House. And of course, the Deputy Speaker. These were illustrious people and I have no doubt that they are competent.

Hon. Speaker, I am rising to ask this because of his competence and knowledge of law. I am sure that if I raise this matter, he is going to consider and we will perhaps get somewhere. The CS is aware that Article 94(5) provides that: “No person or body other than...”

(Loud consultations)

Hon. Speaker: Order, Hon. Members in that corner. We are discussing an extremely serious issue that affects you and the people that you represent, but you are just whiling away the afternoon laughing and chatting. That is not fair.

Hon. TJ Kajwang’ (Ruaraka, ODM): Article 94(5) provides that: “No person or body, other than Parliament, has the power to make provision having the force of law in Kenya except under authority conferred by this Constitution or by legislation.” I understand that the Basic Education Act confers authority on the Cabinet Secretary. Looking at Paragraphs 20, 21 and 22, following the *Kamukunji* that yours faithfully convened, you helped the Ministry to understand that more energy was required to communicate to the general public. This is generally what is called public participation, or if you want, stakeholders’ engagement, and so on.

Under Paragraph 22, in this regard, I can see that they saw the light. They took a lot of measures. One of them is constituting the National Working Committee on review of the new university education funding model. There is a gazette notice to that effect. In my view, it seems that they understood that the content of what they are going to do is a law having force in Kenya. To that extent, they would require a regulation. They must contain all these things that they have given us in a regulation. It would then come before this House which will subject it to proper public participation. No wonder it would seem that there is a cry on public participation and stakeholder engagement because this committee would then synthesise what is a policy paper and bring it before us. We would process it either as a legislation or as a sessional policy, and it would then have a force of law.

I want to ask if the Honourable CS would consider to incorporate all these very good things which should come before the enforcement of the matters that are in question. The regulation would come before this House for processing in such a manner that would then become law under Article 94(5).

Thank you, Hon. Speaker.

Hon. Speaker: We have one more question. Hon. Wakili Muriu.

Hon. Wakili Edward Muriu (Gatanga, UDA): Thank you for the opportunity.

Hon. Speaker: Be ready to answer all those questions. For those that are identical, you can just deal with them together.

Hon. Wakili Edward Muriu (Gatanga, UDA): First and foremost, allow me to openly disclose my conflict. The CS was my classmate. I just want to confirm what Hon. Kajwang’ said.

Hon. Speaker: That cannot give rise to a conflict. Just ask your question.

Hon. Wakili Edward Muriu (Gatanga, UDA): I am coming there because this is ingrained on that issue.

Hon. Speaker: Being your classmate is not a conflict.

Hon. Wakili Edward Muriu (Gatanga, UDA): I appreciate that, but it is important for me to disclose. I am saying this because the current CS, myself and other Members of Parliament here went to university and there were no issues about funding of our schooling. I believe in the principle of: “If it is not broken, do not repair it.” In the existing university model, there was the loan and scholarship elements. The elephant in the room is the testing instrument, which clearly has failed to meet the expectations of our students.

Therefore, as you have seen, even after trying to do implementation, there is another committee which has already been set up to look at the same problem. However, since the CS is new, I believe that he is not tainted by the decisions made by the previous CSs. I want to make a recommendation. We need to look at the old model. I know the cost of learning has gone up. Why can you not increase the scholarship and the loan cost on what you call on pro rata basis in such a way that all these issues about the testing model and the household are no longer there?

Let us continue with the old model because even if we discuss the issue until the cows come home as long as there is a testing model which has been brought up to muddle the waters, we are not going to get a solution. My proposal is that we need to go back to the old model. We need to increase the amount of money because the cost of learning has gone up; increase the loan element, the cost of the scholarship amount and the loan for the student. So, trying to bundle students in different bands is wrong.

Finally, Article 27 talks about discrimination. You cannot discriminate Kenyans. In my view, it is unconstitutional to try and bundle Kenyans into different bands. Therefore, from the start, the CS is out of order.

Thank you, Hon. Speaker.

Hon. Speaker: CS, you can answer those six. Some are comments while others are very direct questions.

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you. I will attempt to answer them as quickly as I can. Thank you, Hon. Members.

Regarding Hon. (Dr.) James Nyikal’s question about public validation of the Means Testing Instrument before it was rolled out, I want to report that there were simulations that were done. Validation was done, including linking it with the other institutions that have data belonging to individuals. For instance, it was linked to the Social Support System where money is released to the members of our country who do not earn any money, the low-income earners, and the Ksh2,000 that we release. It was linked to Kenya Revenue Authority (KRA) to show what your returns are. It was linked to HELB to answer questions relating to the number of children you have, and therefore showing that in a particular university or institution, you have more than one child, *et cetera*. It was also linked to the Civil Registration Service for births and deaths. That is how the validation was done. However, what this new committee is supposed to do is to deal with the matter even deeper to find out whether these linkages were sufficient. This is to ensure that the outcome is going to place individuals as close as possible to where they are.

On the question of the 75,000 students who have paid, it is going to be part of the survey that will be done. We have not done it. We have not collected the information to determine which band the 75,000 students belong to. That is the survey and collation taking place. When the report is ready we will submit it here. I assure Members that we are doing everything possible to ensure that the system works. There will be no point for us to deal with a system that does not work. That is why we are saying let us look into it once again.

Hon. Speaker: Cabinet Secretary, the Ministry of Education is the depository of all matters education in this country. In this computer age and with the ability to collect information and store it, the idea of going to look into things does not add up. You have three Principal Secretaries, each with a PhD, and a myriad of professionals working for you, and you have this information from historical times to today. Do you still need to keep promises that you are going to look into the issue and set up a committee or do something? Or can you easily put this information together and assist the country?

(Applause)

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you, Hon. Speaker, for that.

(Hon. (Dr) James Nyikal spoke off the record)

Hon. Speaker: Give him the microphone.

Hon. (Dr) James Nyikal (Seme, ODM): When we want validation of the instrument, you have designed the instrument and you have got the people to fill it and give you information. You must then go to the village and see if the information given reflects the true life of those people. When it came to verification last year, if you had children for whom everything went well, would you not have that information and go back to find out if the data used for banding gave you the same information you see when you go to the villages? You cannot keep this information.

Hon. Speaker: You have made your point. Let him answer those first.

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you for that. When these issues arose, we decided to use chiefs and village elders in the country, who are the National Government Administration Officers (NGAO), to check whether the information relating to students is correct.

Hon. Speaker: Just hold your horses, Members. What is your point of order, Hon. Naisula?

Hon. Naisula Lesuuda (Samburu West, KANU): Hon. Speaker, on a different matter than verification. Having listened to the Cabinet Secretary, it is clear we are still on a free mode. The students have been allowed to school as the Ministry continues to sort out these issues. At what point can we get a definite answer as a House that this model is working? When they say that “because of the *Kamukunji* you called, we implemented the directive and instructed that all public universities admit students irrespective of their abilities,” we are on a free mode as we speak. By the time the schools close and we come again next semester, will we find ourselves in the same position?

Hon. Speaker: Go on *Waziri* and answer. We will still give everybody an opportunity, so just hold your horses.

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you. I was still on Dr Nyikal’s question about the verification. The variables that were used included family structures and the schools attended. This information ties with what Hon. Baya was talking about. Schools attended was part of the variable that was used to determine whether children are able to pay or not in order for them to be put in a certain band. Perhaps what was not clear was whether you were in a school under sponsorship or personal payment. This is the information that is being sought to find out if you were put in the wrong band. If you were sponsored and according to the MTI it looked like you have self-capacity, it will be corrected. This is what we are doing with the appeals, where students are giving more information to say that although one was in an academy, it was under sponsorship, so that it is corrected.

We are not saying that we do not acknowledge that there is a problem. We acknowledge that there is a problem and we are trying to solve that problem. While we are solving that problem, the children could not stay home. We decided they come and stay in school as we clear this issue. The definite answer that I can give to Hon. Lesuuda is that we need to be able to clear this within the next three months, so that when January comes, we do not have this problem again. That is the basis upon which the committee has eight weeks to resolve the issues that surround the funding model.

Hon. Speaker: Hon. Cynthia Muge's question was about two children, same mother, different bands.

The Cabinet Secretary for Education (Mr Julius Ogamba): This may be a problem of how the data was entered. We suggest that you give us the details of those children so that we find out if they entered the same data. If you put in information that is different from your sister or brother, it will place you in different bands. I cannot give you an actual reason why they were placed in different bands unless I have more information on that case.

The question on why students in private universities do not get scholarships is a legal and policy issue that has been discussed here many times. Perhaps all of us, as a country, need to discuss it further to make that decision. It is not a ministerial policy decision. It is a Government decision.

Hon. Owen Baya (Kilifi North, UDA): Hon. Speaker, I need to clarify what I said. This is a student who does not want to go to a private university. He applied to go to a public university in Kenya. KUCCPS places this student in a private university yet he has not requested so. When they get the form to go to the private university, they are told they cannot get a scholarship. The Principal Secretary really helped me with these students' case. I acknowledge and thank her. I requested they transfer those students back to public universities. But there are children who wanted to do medicine and have been placed in private universities because there were too many applicants to public universities. Such students are suffering. When the Cabinet Secretary said they should report, some of them chose to go. What will happen to these students? I have made specific requests to the Ministry of Education to transfer students from Kilifi North back to public universities, to courses that are equally as weighty as those courses. That is how you will save a whole generation of bright young people who have been put in private universities that they can never afford because they still have balances even in high school.

Hon. Speaker: Cabinet Secretary.

The Cabinet Secretary for Education (Mr Julius Ogamba): I am informed, but I do not have all the information. So, give me more time to go and find out how to deal with it. When students choose certain universities but they are not able to go there because of their marks, then the system places them in a different university, they may end up in a public university. This is something that we will do something about. As you correctly say, the Principal Secretary has been able to help. We are alive to that and we will be able to sort it out.

Hon. Speaker: Answer Hon. Kajwang's question.

The Cabinet Secretary for Education (Mr Julius Ogamba): The question that my friend Hon. Kajwang' raises is correct. Once this information is collated, it will be reduced into a document that would be brought here as a sessional paper or as draft regulations for gazette. This is a process that we have started to ensure that we have this matter grounded in law once it is completed, so that it has the force of the law.

Hon. Speaker: Hon. Muriu's Question.

The Cabinet Secretary for Education (Mr Julius Ogamba): Hon. Muriu's issue was that we should not change what is good. When we were in school, we were quite few. As students increased, the Government was unable to give the capitation. Although the Government was supposed to give 80 per cent of the capitation, the highest they ever gave was

66 per cent. It has given 38 per cent this year. This means there is a big shortfall that requires to be filled. This is the reason it became necessary for this model to be thought of, so that money can follow the students. However, we have to improve it. That is what we are doing by working with all these teams to ensure that we have a model that passes the test of time.

Hon. Speaker: Let us take the next round. Hon. Mugabe.

Hon. Innocent Mugabe (Likuyani, ODM): Thank you, Hon. Speaker. I have been following the debate. There is one component that has been ignored or you are not focusing on. Is the Cabinet Secretary comfortable with the new fee structures for universities? The fees of universities were raised to very enormous amounts from what people used to pay about Ksh16,000 in a year to Ksh600,000 for some courses. Are they comfortable with it? Who were the people in the taskforce that looked into the issue of fees? You may find that most of them are professors and vice-chancellors of universities who want to get more money. We must start to address the issue of school fees. Are we comfortable with it?

On the same issue of school fees, if students get good grades and they are called to do medicine, then the percentage they are supposed to contribute is high. We are basically punishing those students who have done well. Some students may opt to do other courses which are not marketable and require lower grades because of the fees of the courses that they qualify for. This is a component you need to look at.

Hon. Speaker: There are too many interests, Hon. Mugabe. That is enough.

Hon. Abdisirat, please try and ask one clarification or a question. Give him the microphone. Use the one in front of you or next to you.

Hon. Abdisirat Khalif (Nominated, UDA): Thank you, Hon. Speaker. The Ministry is telling us that they have taken data which is not accurate. We have students who practise different faiths in this country. How can a Muslim apply for funding using the conventional loan? Why have you not discussed with other stakeholders to get Sharia compliance for such students to get this loan?

Hon. Speaker: Hon. Bensuda.

Hon. Atieno Bensuda (Homa Bay County, ODM): I would like the Cabinet Secretary to confirm whether a feasibility study for the Means Testing Instrument and its pre-testing was done. Who was the target population for this? The Cabinet Secretary said that chiefs were asked to give responses. That is not adequate target population under cost-benefit analysis. On the same component, the Cabinet Secretary mentioned that he would ensure that the TVETs and other higher education institutions get the funding.

I was at home two days ago. There are students who are in the villages who are supposed to go to the Teacher Training Institutes, but cannot access them. When the Vice-Chancellors are called, they say students are not allowed to report to school. We are talking about theories in Parliament while students are at home. There is also an issue of cost-benefit analysis. This is in regard to what we saw yesterday. The students from Multimedia University of Kenya were demonstrating. There is no electricity, water and many other things.

We will talk about amalgamating all the bursaries which the Cabinet Secretary has pronounced requires about three months. Why do we waste Kenyans' money in forming committees to check on what we propose that fails this country? CBC has not gained even up to 50 per cent. I am a primary school teacher. The bursaries we want to amalgamate will not work. Education should be free for all, according to the Vision 2030. All Kenyans at the primary level must access education. That is the opposite of what is taking place in Kenya. What is our transition or retention level?

Hon. Speaker: Thank you.

Hon. Atieno Bensuda (Homa Bay County, ODM): Hon. Speaker, kindly give me a minute.

Hon. Speaker: You are giving a speech.

(Hon. Atieno Bensuda spoke off the record)

Yes, Hon. Ruku.

Hon. Ruku GK (Mbeere North, DP): Thank you, Hon. Speaker. Why is it that the Ministry cannot go to the old financing model as we get it right in the new financing model? The Cabinet Secretary has said that we have 14,000 students who have not reported. Is it possible to get this list and where they come from, so that Members of Parliament can follow up with them? This is a very huge number. All of them are likely to come from marginalised constituencies like Mbeere North.

Hon. Speaker: There is no evidence to that effect.

(Laughter)

Hon. Ruku GK (Mbeere North, DP): Hon. Speaker, we have many marginalised constituencies. We face a problem at the University of Nairobi where the former Vice-Chancellor, Prof Kiama, was thrown out of the office through a coup. We are witnessing a downfall in the management of the university. What is the Cabinet Secretary doing on the issues at the University of Nairobi?

Hon. Speaker: Enough. The Woman Representative for Busia County.

Hon. Catherine Omany (Busia County, ODM): Thank you, Hon. Speaker. I want to ask the Cabinet Secretary if Article 27 (4) of the Constitution was observed. This model is very discriminative. You can never tell if students who are applying for fees know the whereabouts of their parents. A student might know that they are only two in their home because the father and mother are married, and are legitimately together. He might not know that the father has another wife whom they do not know and she has another child. That child also knows that he is alone in their home. If you put these children together, they belong to one man and might be six. The one who said he is the only one at home is denied fees because the father has a good salary. It leads to these children not going to school because the father will be overwhelmed, suffocated and eventually give up because of this model. It is very discriminative. Let us give all these children equal opportunities to go to school.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Mathenge.

Hon. Duncan Mathenge (Nyeri Town, UDA): Hon. Speaker, this MTI assumes that these young people only began to exist in this country upon the release of the Kenya Certificate of Secondary Education (KCSE) results yet the Ministry has a system referred to as the NEMIS. You would not need to apply if the Ministry used that system, expanded the scope of the system, and captured more data about students' performance history right from when they are in the system. You would not need the MTI by the time they sit for the exams. Therefore, I am advising an expansion of the scope of capturing data using NEMIS.

The second thing is the anxiety that you are causing in institutions today—waiting for three months after appeal without knowing what this appeal is going to be like and whether there is any recourse. Should my appeal fail, where do I go? Do I stop? Does my education end or what do I do?

Last is on safety in our schools because of the fires. We were affected in Nyeri. The Ministry has totally failed in implementing its own regulations of safety and occupational health of our students. The Departmental Committee on Education should demand that the Ministry files with Parliament reports of the quality assessments in our schools in every quarter. That should also go to parents so that our children are not exposed to certain dangers in our institutions.

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Hon. Speaker: Last on that, Hon. Caroli Omondi. We will do another round after that until you get satisfied.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much. Hon. Speaker, I will try to be very brief.

We have looked at this matter several times. I think the issue is just about accessibility and affordability of education. Having said that, let me make a proposal. For this university funding model to work, as I said last time, the applications should be made while the students are still in high school, even before they sit for exams. That is where all information about their financial records and how they have been paying fees is. They have teachers and counsellors to guide them. I think the application for loans should be made before the students leave school.

Secondly, determining what somebody should get as a scholarship, a loan or aid is a financial question. If you look at the MTI to determine the household income, the parameters are sociocultural. How do you answer financial questions using sociocultural parameters? As I said last time, let us use financial tools to determine financial income or needs of every student. The range of information is available out there. You have mentioned tax records. There are also M-PESA records of the guardians, employment records, and other Government systems like social protection. There is a range of financial tools that we can use to make that determination. I would like to suggest that we also include, in this funding model, medical insurance for students. It is not covered in any of the tools.

Finally, this may be a little radical but I think it is time that, as Members of Parliament, we looked for ways and means of dedicating more resources to improve university facilities. One of them is to cut political party funding and dedicate those resources to university education.

Thank you very much.

Hon. Speaker: Yes, Cabinet Secretary. That is his opinion. Pardon? Yes, Shimbwa?

Hon. Omar Mwinyi (Changamwe, ODM): I had actually requested the ministry to inform this House what it is doing to ensure that there is equitable distribution of the finances that they hold. We know you have finances. However, how are you distributing those funds? What is the mechanism?

Hon. Speaker: Point made. You had walked out.

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you, Hon. Speaker. On the question on distribution of finances, the capitation is based on enrolment of students. If X number of students come from your area, it is that X number times the amount. That is how it is done. Otherwise, it is not possible.

Hon. Speaker: Just hold on, Cabinet Secretary.

Hon. Omar Mwinyi (Changamwe, ODM): I am referring to the money that you hold and subsequently distribute to MPs. What method do you use to ensure that every constituency gets a fair share of that money?

Hon. Speaker: Understood.

The Cabinet Secretary for Education (Mr Julius Ogamba): Can I proceed?

On the Question by Hon. Mugabe as to whether we are comfortable with the fee structure and that fees was raised, part of what the committee is going to look at is the cost of the programmes in various schools. It is part of the Terms of Reference (TORs) that we are putting there. What was happening before? Programmes were rated the same. For example, if you are doing arts and somebody else is doing a programme that requires equipment, you will agree with us that the costs for practical and theory are not the same. That is going to be looked at and rationalised so that the fee is properly proportionate to the cost, not extraneous or that high. That is part of what the committee is going to do.

Hon. Abdi Sirat, your comments are well taken. It is true that faiths are different. On the MTI programme being developed *vis-a-vis* the loans, we are working towards coming up

with a particular model that deals with *Sharia* Law to be compliant. That is so that we do not force people to go to a different level. It is being done. That suggestion is very welcome. Thank you for it.

Hon. Bensuda is on whether feasibility and the cost-benefit analysis was done. Yes, it was done. That is why universities have slightly been able to meet their requirements for the last two years when this model has worked. What happened at Multimedia University is unfortunate. This morning I was informed that it was a particular pipe that burst. There was no water going to the hostels. That malfunction has since been rectified. There is a meeting with students tomorrow. We will have a report at the end of the day. That is being done.

The cost-benefit analysis was done. To be clear, I have not said we are going to amalgamate. Please, do not get me wrong. The Ministry has not said it will amalgamate any bursaries because we are not yet there. It is a conversation that is going on and you are having it. Other people are having it. We will apply it as necessary once it becomes law.

On the old funding model, Hon. Ruku said that perhaps we need details for the 14,000 students. That is a good suggestion. We are going to get details from the Kenya Universities and Colleges Central Placement Service (KUCCPS) and share with you. If somebody from your constituency comes, you will be able to determine and find out why they have not gone to school. That is a very good suggestion, and thank you very much for it.

The issue of Prof. Kiama is active with the council and the university. We are dealing with it. We will be able to give you a report once it is concluded. It is not yet concluded. It is a governance issue and it is being dealt with.

The Woman Representative of Busia raised issues of discrimination. That is why we are saying information can be collated when data is placed into the MTI. We are trying to find out whether students give correct data. Can something be done? The intention of the funding model is not to discriminate against anybody but to ensure that students who need support of Government in doing their courses are able to study.

Thank you, Hon. Mathenge, for your suggestions. It is true that the scope needs to be expanded to ensure that the gap is not too wide. You reduce the error when you expand variables and you are able to bring the results closer to the margin of error.

Hon. Speaker, on the issue of three months, the students have been advised on what we are doing – that once we do the banding or re-banding, depending on where they are, we will then deal with that issue at that point and give room for them to continue paying or not paying until the issue is resolved. We are not going to disenfranchise the students by, for example, saying that a student in a certain band has to be moved to this or that band and if he has been moved and he did not pay, he should go back home or something like that. That is what we are working on because the Fund is giving much more money to the universities than before. For example, this year, the Differentiated Unit Cost (DUC) has given 38 per cent. If you take the 75,000 students who have paid and compare with the portion that the Government has paid, you will find that the funding model has paid much higher than 38 per cent. So, there are more resources in the universities and that is how universities keep students in school. We will work this out to ensure that whatever problem there is in this mechanism is sorted out without affecting students because they were not the cause of the problem. So, we are alive to it and we are resolving it.

The suggestion that we should give quarterly reports to this House on safety measures is an excellent suggestion so that we become accountable. Everybody should be aware of what happens in our schools. Since you represent various constituencies, if you find a school in your constituency that does not meet the standards, you can help us through your system to ensure that the school has what is required to ensure that students are safe. That is an excellent suggestion. We will pick it and run with it.

Similar to what my friend, Caroli Omondi has said, the funding model requires those variables to not only deal with the socioeconomic issues but financial issues as well. So, that mix will give us an indication of where the student or the parents are. It is an excellent suggestion and we take it with gratitude.

On the issue of the political funds going to schools or universities, that is something that is under the law; it is a legal issue. If you review the law, well and good. We will be happy to take that money. The suggestion to include a medical insurance component is something that we will look at. That is an important suggestion.

Thank you very much for those brilliant suggestions.

Hon. Speaker: Give Dorothy the microphone. You are giving the wrong location.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Speaker. I will start by saying that the success of any progressive nation lies in its education systems. I want to challenge the Minister and his team seated here. If there is a Ministry that is well-structured, where a Minister can sit down and at the click of a button access all the information that he likes, it is the Ministry of Education. The data that the Cabinet Secretary is purporting not to have is there. I have been a primary school teacher. The data on school enrolment is put in a system right from day one. As a teacher, I can tell the number of students in a school, even in class one. That is the case in every part of this country. The excuse of the data not being available is not acceptable. If they want to get the best testing tool for this funding model, they can get that information from our schools. Teachers know a child who sleeps hungry. They can tell you a child who has no father, a child who is a total orphan and a child who has well to do parents. So, the data can be accessed in schools. There is no need for exploring scientific ways of mining data for this funding model. This data can be accessed in schools.

My Question is on the TVET institutions. I want to thank the Principal Secretary, State Department for Technical, Vocational Education and Training in the Ministry of Education because she is always available to answer questions when required to do so. We are now in the fourth quarter but to-date, the TVET institutions have not got a single cent. The number of students in those institutions is very low. If possible, there should be a mechanism for allowing principals to charge some little money for operations so that at the end of the day we do not have a replica of what happened yesterday at the Multimedia University, where there was no water and electricity. What is the Ministry doing to ensure that the capitation is released in our schools at the earliest opportunity so that teachers do not suffer?

Hon. Speaker: Thank you, Dorothy. Hon. Sunkuli.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Speaker, with regards to the loans that are given to students, what is the interest rate that they are supposed to pay back?

My second comment is on capitation. It is given per student. I asked your predecessor this question before, Mr. Cabinet Secretary. It is a concern in my constituency. The fact that you give capitation per student has encouraged some very finance-orientated headteachers to overstaff their schools so that they can get more money. Is there a policy in the Ministry to curb the number of students per class? If it is there, is it being implemented as of now? Some of our schools are underpopulated while others are overpopulated just because the headteachers know how to get around it and get more money. But I had one...

Hon. Speaker: Thank you.

Hon. Ferdinand, we are coming to an end. So, ask one Question each.

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): Hon. Speaker, I want to take this opportunity to thank the Cabinet Secretary for trying to answer some of the questions. However, the most important thing is – I am a slightly older student of the University of Nairobi – why can they not go back to the old system? From what I have seen from your presentation, *Bwana* Cabinet Secretary, this system is not going to work. Let us go back to the old system because we have enough universities in this country. Of course, we also have the TVET

institutions. The TVET institutions in my constituency of Kwanza have not been completed. We have enough institutions. Why can you not go back to the old system? From the look of my colleagues, and from your presentation, the new funding model is not working. Go back to the old system now.

Hon. Speaker: Thank you. Hon. Ochanda.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Speaker. The Ministry and the Cabinet Secretary are really struggling to sort out a problem in this country. That is why we have these banding issues. However, as we look at that, they are trying to target the more than 130,000 students. Besides that, there are over 300,000 students in year 2-6 and some extreme situations of years eight and year nine. What is it that the Ministry is doing for this group of students, knowing that there is a big problem? What is it that the Ministry is doing to sort out the mess that is there? Or, are we supposed to wait for the transition in the next four years to sort out their problems?

Hon. Speaker: Thank you. Is that the Member for Kinango? No! At the back. Yes. Is that Gachagua? There is a lot of reflection. I cannot quite tell you.

Hon. George Gachagua (Ndaragwa, UDA): Thank you, Hon. Speaker.

(An Hon. Member Spoke off the record.)

No! No! I am not Riggy G.

Hon. Speaker, I rise to ask the Cabinet Secretary why we cannot revert to the old model because the variables considered in this banding are quite misleading. Asking about a parent's salary and categorising a student based on that salary is being superfluous. Someone may be earning Kshs100,000 monthly salary but he may be having fewer responsibilities than someone earning a different amount. Why should we place a student based on his parent's salary or income without considering the responsibilities borne by that parent?

Hon. Speaker: Thank you. *Mzee* Oyula.

Hon. Maero Oyula (Butula ODM): Thank you for the opportunity. I have an issue regarding the assurance by the Ministry on the system. Can the Ministry assure this House that the system will not be tampered with? I am asking this because I have a case of a disabled student who was placed in Band 1 last year. Come this year, he was moved to Band 2. What happened? Why was the student moved from Band 1 to band 2 yet this is a disabled student?

Secondly, the linkage with Kenya Revenue Authority is not a correct idea because many of our parents have no Personal Identification Numbers. There is a case where a student was put on Band 5 yet the parent is just a shoemaker in the village.

Hon. Speaker: Cobbler or a shoe maker?

Hon. Maero Oyula (Butula ODM): What criteria is being used? A shoe repairer? What criteria is the Ministry or the system using to place such students in Band 5 yet they are from very poor families residing in the villages? Thank you.

Hon. Speaker: Murugara. Minister, you will note that some are repeat questions. When one is a repeat questions, you just refer to earlier answers, but let us give everybody an opportunity.

Hon. George Murugara (Tharaka, UDA): Thank you. My question is whether university fees are standardized. Are they the same? If so, the collections made by each university form part of the revenue of the university or it becomes a part of the Ex-chequer, in which case there has to be further funding, especially now that we have a big number of students joining universities.

The infrastructure is strained, and students possibly have even to go for lectures not in lecture halls but follow lectures from outside through windows and what have you. How

exactly does the Ministry plan to ameliorate some of the infrastructural problems we have in our universities through the funding?

Hon. Speaker: Member for Kajiado South.

Hon. Parashina Sakimba (Kajiado South, ODM): Thank you. I want to just start by saying that the country is tired of demonstration. There were demonstrations by teachers. Now students are almost giving ultimatums, and the issue is under Article 95. This House has been given the mandate by the Kenyan people to see what is right concerning their issues. If you look at it, the piloting is wrong and the application procedure is also wrong. The parameter is static. For example, if today I am employed and by next year I am not employed, what happens? It does not clearly state. I think the whole thing is wrong. That is my observation, and I need you to give directives. We request that the ministry takes Kenyans seriously.

My final question is that the Ministry needs to cost the actual cost in all levels of education.

Hon. Speaker: How do you cost the actual cost?

Hon. Parashina Sakimba (Kajiado South, ODM): For example, in secondary schools, parents are forced to pay Board of Management teachers. When the Ministry does capitation, it does not consider Board of Management teachers, whose salaries are paid by parents. When the Government talks about free education, it needs to understand that we need to understand the actual cost of education, and not pegging the cost on services alone.

The final one is equity.

Hon. Speaker: Lelmengit

Hon. Josses Lelmengit (Emgwen, UDA): Thank you, Hon. Speaker. First, I would like to disagree with the Cabinet Secretary for Education. He just mentioned that it will take months to come up with data on the exact cost of education if we were to make education free in this country. I think we are addressing a problem with different solutions. The taskforce that has been formed should incorporate 50 per cent of data scientists. This is simple maths, and we only need to analyse. We do not need professors. We just need a Gen-Z to do a data analysis and come up with possible options or possible ways of funding these programmes. Since the new programme is not working, I think we should revert to the old programme so that we can save this country and enable students to have ample time to study in school.

Secondly, on TVET colleges, recently, adverts were placed and a certain number of teachers for particular institutions, like the TVET institutions were interviewed. However, only a few got letters of appointments on different professions to join various institutions. One example is for Engwen Technical and Vocational College. Adverts were done for five professions but only two have received letters of appointments.

Lastly, today the Universities Academic Staff Union (UASU) commenced their strike. How are you planning to resolve this issue?

Thank you, Hon. Speaker.

Hon. Speaker: Yes, Robert Mbui.

Hon. Robert Mbui (Kathiani, WDM): Thank you, Hon. Speaker. First, I wanted to just advise the Cabinet Secretary. You know, we are on *The Hansard*. There is a casual comment he made while answering the question on what has happened to the 14,171 students. He said that some of them are probably married. That remark is on *The Hansard*. That might annoy not just the young students but it may also evoke gender sentiments because that is very chauvinistic.

Hon. Speaker, there is an issue that was raised by Hon. TJ Kajwang' on Article 94 of the Constitution. I want to just report that the Ministry of Education has, in the past, persistently gone astray as regards this Article. He has just mentioned the Safety Standards Manual that they came up with. In the strict reading of the Statutory Instruments Act on what a statutory instrument is, you realise that that is defined as one of the subsidiary legislations. So, if you are

coming up with a Safety Standards Manual for schools, then it has to be brought to this House for approval. It was never brought here. I have seen in his report that he wants to give it some legality. What it means is that even if a school owner breaches the safety manual, there is nothing the Ministry can do because there is no law they have broken. So, they have to be very careful.

Hon. Speaker, I have only one question regarding the preparedness for Grade 9 next year. In January 2025, which is barely three-and-a-half months away about 1.5 million students in Grade 8 will be transitioning to Grade 9 in over 30,000 schools in Kenya. That means we need to have over 30,000 classrooms, over 30,000 laboratories and enough teachers. Is the Ministry prepared for this transition that is expected to happen in the next three-and-a-half months?

Thank you.

Hon. Speaker: Cabinet Secretary, just hold. We have very few more Members who are interested in asking follow up questions. Some questions have been repeated.

Hon. Taitumu.

Hon. Julius M'anaiba (Igembe South, UDA): Thank you, Hon. Speaker. While the Cabinet Secretary and his team are trying very hard to streamline the prevailing issues within the Ministry – particularly the new university education funding model – I would like to ask about the costing of the programmes. It is evident that while the Ministry is pumping a lot of money to public universities through grants and other forms of support, many courses, particularly the premier ones, cost more in public universities than in private universities. For example, to train a doctor at Nairobi University...

Hon. Speaker: It is the University of Nairobi.

Hon. Julius M'anaiba (Igembe North, UDA): Yes. Training a doctor at the University of Nairobi (UoN) is more expensive than training a doctor at Mount Kenya University (MKU), which is a private university. Why do we have this difference yet we know that public universities are being supported as opposed to private universities?

Thank you, Hon. Speaker.

Hon. Speaker: Thank you. Hon. Dekow.

Hon. Dekow Mohamed (Garissa Township, UDA): Thank you, Hon. Speaker. I want to raise an issue concerning the KUCCPS. We have challenges where students from far-flung areas like Mandera and Garissa are being placed to pursue Bachelor of Education courses in universities in Kisumu and Eldoret.

Hon. Speaker: That is how to build a nation.

Hon. Dekow Mohamed (Garissa Township, UDA): Hon. Speaker, there is a cost implication involved in that arrangement. You cannot have all students from far-flung areas going all the way to Kisumu yet their parents cannot afford university fees and accommodation in those areas. We have universities within that general area, like Garissa University, where these students can be placed to pursue the same programme. For sure, a student from Kisumu will not report at Garissa University. My suggestion is that they should consider placing those students to study courses offered in universities within their local areas or regions. Otherwise, they will not report to those universities.

Thank you.

Hon. Speaker: Thank you. Lastly, we will have Hon. Martin Owino. Hon. Kiamba, you came in late. Okay, you will be the last.

Hon. Martin Owino (Ndhiwa, ODM): Thank you, Hon. Speaker. I represent a very rural constituency called Ndhiwa. The solution I got for lack of access to internet cannot be tolerated. Can the Cabinet Secretary give us an elaborate strategy for making internet accessible to students, especially those in rural settings? Can he work with the Ministry of Information, Communications and the Digital Economy and ensure that this happens? Additionally, how

has the selection done for the Ksh12 billion Elimu Scholarships from 2020 to 2024? Can that be broken down to constituencies?

Hon. Speaker: Thank you. Hon. Kiamba will ask the very last question.

Hon. Suzanne Kiamba (Makueni, WDM): Hon. Speaker, I have two short questions. Firstly, we appreciate your innovativeness because things have to change. Things cannot remain the same. What informed your decision to have the lowest band at 5 per cent? As we address the bursary issue, we know that we are dealing with students who cannot pay anything. We even pay their bus fare to school. Why do you not have a category for the invisible poor we have been taking care of?

Secondly, we know that this country has had a paradigm shift from centralisation to decentralisation, which was the major drive towards devolution. All this was aimed at enhancing service delivery. We have seen that it takes years, and not months, for schools to get capitation. Were it not for the NG-CDF, most of the lower cost day secondary schools would be closed due to late capitation. What is the rationale, or what are we looking for in trying to centralise everything when we know the bottlenecks we have experienced in centralised service delivery?

Thank you.

Hon. Speaker: Cabinet Secretary, you can now answer those questions very quickly.

The Cabinet Secretary for Education (Hon. Julius Ogamba): Thank you, Hon. Speaker. I will start with Hon. Dorothy's question on the issue of NEMIS. It is true that we have the system in place. The MTI is not just about identification of the child but rather the means of the parents. We are establishing linkages amongst the various areas, so that we give them the right band.

On the issue of TVET institutions not having received any money, they have already received their capitation. They received Ksh4,470,000,000 just a day or two ago. The disbursement has already been done. We are working closely with the National Treasury to ensure that resources reach the schools so that they are able to run. Even with the difficult financial situation we are in, and more so because of the Finance Bill that was rejected, the National Treasury has tried very hard to ensure that schools get resources so that they do not close down. So, thank you very much for caring for the TVET institutions.

On the matter raised by Hon. Sunkuli, I would like to confirm that the interest rate that is charged on the loan is 4 per cent but that is part of the issue that is going to be considered by the committee to find out whether it can be reduced.

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

Hon. Speaker: Hon. Ferdinand, who do you want to inform?

Hon. Ferdinand Wanyonyi (Kwanza, FORD-K): I mentioned in passing that it is true that my TVET college has not been funded despite the fact that I contributed. That is what I said. I contributed to that institution but the Ministry has not done its part. So, we are at a loss. I just wanted you to explain why we have made contributions as Members of Parliament but you have not put in your contribution to complete the infrastructure of this TVET college.

Hon. Speaker: Waziri.

The Cabinet Secretary for Education (Mr Julius Ogamba): Hon. Speaker, I am coming to the Hon. Member's question. In fact, I was just answering Hon. Dorothy's question with respect to capitation that has not gone to TVET institutions for the students. I am coming to the infrastructure aspect of your school. It is 4 per cent and one of the concerns is at what point should students start paying loans once they complete their university studies. It is at the point where they get employment. That is the structure we want to come up with so that at the end, you pay what you have.

On Hon. Ferdinand's question, I can confirm that for your case, the funding has been done for the Kwanza TVET college. All the paperwork has been done and the funding is being awaited. The challenge we have is with the Finance Bill and the resources but all the paperwork has been done. We are aware that you contributed to it, and it is not the only one. There are many others that we are struggling to ensure that we complete them so that they can become functional and utilisable. We are on it. The paperwork is complete. We have not forgotten.

My brother, Hon. Ochanda, who trained me some time back in 2000s, if I remember, the 300,000 or so students in year two all the way to six, are under the capitation programme. That is where the 38 per cent has already been released for them. They are not being left out. The new funding model is only dealing with year one and year two students. They are being taken care of. They have not been left out.

Hon. Gachagua talked about us going back to the old model because the variables are misleading. Again, the answer is the same. The old model was not working effectively because of the lower disbursements by the Government reducing from 80 per cent to 38 per cent this year. That is why we are on the new model, which we hope to improve.

Hon. Oyula, the assurance that we can give you is that the system is not being tampered with. It cannot be tampered with. What we will find out is what the cause of that error is. It could be one incident. Any particular IT system sometimes gets into hitches and can cause such move. All that we need to do is get in there as HELB and find out the cause of the movement. If it has been tampered with, it will leave some footprints and we will find out. If it has been tempered with, we will get a solution for it. As far as we are concerned, the system is incapable of being tampered with. There are linkages with the KRA in cases where parents do not have PIN numbers. A cobbler is also listed as being in band five. Again, this could be an error related to the data that was put in. So, until we look at the case individually and find out whether the data that was put in was correct *vis-a-vis* the student, we cannot determine the reason for that outcome. The appeal system is also available for this student to go ahead and amend.

My brother, Murugara, talked about standardisation of university fees. These fees are determined using something we call...

Hon. Robert Mbui (Kathiani, WDM): On a point of order, Hon. Speaker.

Hon. Speaker: Yes, Hon. Mbui.

Hon. Robert Mbui (Kathiani, WDM): Because we are on *The Hansard*, I request the Cabinet Secretary to stop referring to Members using other terms. For example, he just referred to the Member as 'my brother, Murugara'. He should refer to him appropriately.

Hon. Speaker: Cabinet Secretary, every Member is an honourable Member. Whether he was your classmate or not, he is Hon. Murugara. For purposes of these proceedings, he is not your friend.

The Cabinet Secretary for Education (Mr Julius Ogamba): Hon. Speaker, I am well guided. I can hide behind the fact that I am very new. This is my first time here. I will be very careful.

Hon. Speaker: Go ahead.

The Cabinet Secretary for Education (Mr Julius Ogamba): Hon. Murugara, university fees are not standard because of other additional costs in various universities. In fact, I can answer this question together with the one that was raised on why some public universities' fees are slightly higher than those of private universities. Other costs, for example, those related to the number of staff that some universities have, are fed in and they become part and parcel of the cost of the particular programme. The short answer is that fees are not standardised.

The Member for Kajiado South said that he is tired of demonstrations and that the piloting was wrong. The question of whether primary school education is truly free is one that we have grappled with many times. There are other cost factors. I remember the last time we

were here I was told that sometimes uniforms cost more than what we pay. Therefore, primary school education is not truly free. We should have that conversation. If we say that primary school education is free, is it truly and legally free or are there other costs that come in and make it impossible to say it is free? So, it is something that the Ministry is grappling with to find the best way to deal with that aspect of the Board of Management, which usually comes about because perhaps we do not have enough teachers in those institutions and parents have to employ BOM teachers to support the schools. So, it is something that we are dealing with, but it is also tied to the funding and the capacity of the Government to ensure that we have enough teachers in each and every institution.

Hon. Lelmengit raised concerns that we are addressing a problem with different solutions. It is true that in the committees that we have constituted, we put in a number of analysts and data statisticians to look at this model to ensure that it is as effective as possible, so that it can work and we get results that will be as close as possible to the reality of each individual.

There is also the issue of the ongoing strikes. The UASU strike is currently ongoing. We tried to avert it, but we did not manage to do so. They have not signed the CBA for 2021 to 2025. We are at the tail end of that cycle. They also have issues relating to the CBA of 2017 to 2021. There are one or two issues pending with the implementation of that CBA. This is again tied down to the questions relating to availability of resources because of budgetary constraints. You again tie it down to our Finance Bill. We were trying to negotiate for more time with them, to ensure that we come up with an answer or an amicable solution to handle the issues that they have. We are going to have another meeting with them tomorrow to see whether we can reduce the gap, and maybe they will go back to work. Therefore, we are doing something about it in the difficult situation that we are in because we have to accept that we cannot run the Ministry on the basis of strikes. It takes a lot of time, resources and energy.

Bwana Mbui, my apologies for using unparliamentary language.

Hon. Speaker: He is not *Bwana Mbui*, but Hon. Mbui.

(Laughter)

The Cabinet Secretary for Education (Mr Julius Ogamba): Yes, Hon. Mbui. I am sorry. I need to go back and study this a little bit more. We are going to bring the safety standards manual here in order to anchor it in law and therefore have the force of law, so that those who are making mistakes or not complying are penalised.

With respect to Grade 9 preparedness, we have started the construction of 16,000 classrooms for Grade 9 that have been assessed as required for both the laboratories and classrooms. We are already at various stages of completion. We have classrooms that are at 3 per cent and others at 95 per cent. We are calculating that we will finish 11,000 classrooms probably by mid-November, and thereafter deal with the remainder 3,000 or 4,000.

Hon. Speaker, there is an amount that was supposed to come through the NG-CDF. We were supposed to work with you to do some classrooms. We are trying to work with the National Treasury to ensure that money is released to you so that we can construct the 3,400 classrooms that were supposed to be done by the NG-CDF. We are, therefore, working towards achieving and ensuring that by the time we are landing in January, we have all the 16,000 classrooms ready for Grade 9 students who are coming in.

I think I have answered the Question by Hon. Taitumu regarding the public schools' courses costing more than private schools. Sometimes private schools are running a tight ship and have staff that are a little bit more reduced as opposed to public universities. That is why sometimes the cost differs.

Hon. Dekow...

Hon. Speaker: Why do you take students from Garissa to Kisumu?

The Cabinet Secretary for Education (Mr Julius Ogamba): Yes. The reason we take students from Garissa to Kisumu is because they apply for certain courses and they are placed. However, when a student feels that they have been placed in the wrong place or are not able to go to Kisumu, in that portal, there is a link to apply for university inter transfer. This ensures that a student transfers back to a school that is perhaps closer to where he or she is.

Regarding the question on accessibility by Hon. Owino...

Hon. Speaker: Cabinet Secretary, if you take that route, you are going to kill the spirit of nationalism in this country. Universities are not day schools where one wants to be close home. I want to see children from Mandera in universities in Kisumu, children from Kisumu in universities in Lodwar, and children from Kitui in universities in... That is how to build a nation.

(Applause)

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you, Hon. Speaker. I was trying to avoid an issue that I think we need to consider. It is not just the students, but even the university leadership. In building the institutions, we should not have a problem where a university manager or a Vice-Chancellor (VC) is not from the area of the university. We should support that. If Members of Parliament can give us that support, I think we will go very far. Therefore, I agree.

Hon. Speaker: Look for competence and not issues that are cropping up.

The Cabinet Secretary for Education (Mr Julius Ogamba): We will look for competence and ensure that our universities are run competently. But as a Ministry, we will require your support. Some of the problems these universities face arise out of those policies and pressures. The vice-chancellors tell us they are under a lot of pressure to even retain staff that are not doing any job in the universities, leading to bloated payrolls. Universities are almost going under due to such.

Hon. Owino, on the internet, as a Ministry, we are partnering with the Kenya Power since they are laying internet cables. We will do last-mile connectivity for each school to have internet. We are thinking of what we can do to ensure far-flung schools where students need the internet get it. We would be giving them iPads, laptops, bundles and solar. We are thinking about all that to ensure that there is no child that is disadvantaged. It is something that is on our radar and we are working on it to ensure that internet is accessible. On the Elimu Scholarship Programme in the last five years, for the Ksh12 billion, we will prepare a list and share it with the House on how distribution has been done and where the money has gone, so that you can have sight of it.

Hon. Kiamba talked about why we came up with 5 per cent for the lower cadre in Band 1 and not zero per cent. The analysis that was done came up with the most vulnerable that would pay a maximum of 5 per cent. For example, in the Bachelor of Education programme, the 5 per cent adds to Ksh6,000 or Ksh7,000 and it is paid in two terms - Ksh3,000 in one term and Ksh2,000 in the other term. The student is paid an upkeep of Ksh60,000. Based on that analysis, it was felt that even if somebody may not have anything, they can manage to pay the Ksh3,000 for that course.

Hon. Speaker: Cabinet Secretary, as we come to the end, I have two issues I want to bring to your attention. On the fire incident in Nyeri, one would have expected that by now there is some criminal culpability somewhere for fire that burnt down a school, consuming and killing many children. It was either an arson or negligence on somebody who locked in the students so that they could not escape from the fire. Whichever way you look at it, there must be somebody somewhere to carry some level of criminal responsibility. That is part of the

deterrence that you can have to avoid similar incidents in future. I do not know what you are doing as a Ministry.

In the past, we used to have very quick and irrational decisions of closing down the school, cancelling its licence and so on and so forth. That has not been done in this case. But investigations to show some degree of criminal responsibility and culpability is important.

Two, what brought us here, among other things, is this funding model that you have tried to explain. But you need to go and look at the issue of management of public bursaries, whether it is amalgamation or whatever you call it. From where many Members and I sit, since we started this conversation, even governors have been calling, saying that it is a point worth following. This money comes from the same source. Everybody is administering a bursary using public resources. There are administration costs, corruption and theft of this money. If you come up with a proper policy to consolidate or amalgamate, or whatever you call this money, it will go a long way in improving our education system in the country. As it is, these Members have cases they bring to me where a parent is given a cheque of Ksh15,000 and the managers of their NG-CDF take Ksh5,000 back. There is corruption all along the way. We should protect this money. This House is ready to give you a lot to protect it anytime you wish. Do not do it alone. We have a committee of this House that will work with you to ensure that these knee-jerk reactions in the management of public resources come to an end. This will enable us to give this country an education system that is affordable and accessible to all. You can look at that. I will ask the Leader of the Majority Party to look at *The Hansard*, his team and all the Members, and much sooner than later, we will call you again.

From where I sit, most of the issues that come to this Floor of the House are on education, health and security all the time. If we get them right, some of the rumbles that we see around will substantially die down.

We have come to the end of this discussion. Yes, Hon. Lelmengit.

Hon. Josses Lelmengit (Emgwen, UDA): Thank you, Hon. Speaker. The Cabinet Secretary has not answered my Question. Five disciplines were advertised in Deputy Vice-Chancellor positions. I need him to give me an assurance that we will get those five appointments in that institution.

Hon. Speaker: Cabinet Secretary, can you give the assurance? Hold on, Hon. Dekow, I see you are raising your hand. What is the issue?

Hon. Dekow Mohamed (Garissa Township, UDA): I am okay, Hon. Speaker. I was not raising my hand to contribute.

Hon. Speaker: Were you stretching your hand?

Hon. Dekow Mohamed (Garissa Township, UDA): I was...

Hon. Speaker: That is okay.

Hon. Dekow Mohamed (Garissa Township, UDA): I wanted the attention of the Principal Secretary for Higher Education and Research.

(Laughter)

Hon. Speaker: Okay. Go on, Cabinet Secretary, and give Hon. Lelmengit the assurance.

The Cabinet Secretary for Education (Mr Julius Ogamba): Yes, it is true, Hon. Lelmengit, that the five disciplines and two were posted. They are doing rationalisation now. If we find that there is a discipline that is missing a trainer, we will repost a trainer there. We are working on it. They are aware of that issue.

Hon. Speaker: Address the two last issues.

The Cabinet Secretary for Education (Mr Julius Ogamba): The last two issues are as follows. The reason we have not taken action on criminal culpability of the issue of Hillside

Endarasha Academy is because the investigation by the DCI is not complete. We are waiting for that report. The assurance I can give this House is that if there are people, including our officers, who did not do their work, we will take action against them - criminal and administrative - based on the report. That is an assurance I can give this House. It will be done. Once the report is done, we can even share it with the House.

On the second issue of the amalgamation of all the bursaries, education funds, 27 per cent of our budget and all the HarambeeM we go to, this is a lot of money in the education sector.

Hon. Speaker: It is billions.

The Cabinet Secretary for Education (Mr Julius Ogamba): It is billions. We get scholarships from various places. Together with this House, the Ministry can come up with a policy. As we agreed, we have statisticians who will get the right figures, do the maths, and then ensure that we have the proper legal regime that can protect and ring-fence those funds, so that students can wake up, go to school and payments will be done. With your support, it is something that we, as a Ministry, are willing to lead. It is something we can do as soon as possible through the normal process of public participation. It is an assurance I can give the House. I have picked it up and I am going to start working on it. I will share the policy or the guidelines so that we move together. I think the goodwill is there. It is time to have that discussion. We can achieve it.

Hon. Speaker: A Kenyan is in court in Nakuru forcing you to do that.

The Cabinet Secretary for Education (Mr Julius Ogamba): I do not need an order, Hon. Speaker. I do not need a court order to do the right thing. It is the right thing to do. We just need the goodwill from the public. We will manage the backlash then go ahead and have this because education touches everybody. I contribute daily. You contribute. If we did that math against everything else, the funds are probably sufficient to run a completely free education in this country.

Hon. Speaker: Thank you, Cabinet Secretary. We release you and your team to go back to your office as we go to the next Order. We are done with the Cabinet Secretary. I have released him.

The Cabinet Secretary for Education (Mr Julius Ogamba): Thank you, Hon. Speaker. Thank you, Hon. Members.

MOTIONS

ADOPTION OF REPORT ON ENHANCING REPORTING OF PARLIAMENTARY BUSINESS ON ONLINE PLATFORMS

THAT, this House adopts the Report of the Select Committee on Parliamentary Broadcasting and Library on Enhancing Reporting of Parliamentary Business on Online Platforms, laid on the Table of the House on Wednesday, 4th October 2023.

(Moved by Hon. Daniel Nanok on 8.8.2024)

(Resumption of debate adjourned on 8.8.2024)

Hon. Speaker: Who was on the Floor? There is nobody on the Floor. Hon. Mark Mwenje, are you keying in for this? There is no interest in the Order.

(Motion deferred)

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ADOPTION OF REPORT ON THE CONSOLIDATED FUND
SERVICES EXPENDITURES FOR THE FIRST SUPPLEMENTARY
ESTIMATES FOR 2024/2025

THAT, this House adopts the Report of the Public Debt and Privatisation Committee on its consideration of the Consolidated Fund Services for the Supplementary Estimates I for FY 2024/2025, laid on the Table of the House on Wednesday, 24th July 2024.

(Moved by Hon. (Dr) Makali Mulu on 8.8.2024)

(Resumption of debate adjourned on 8.8.2024)

Hon. Speaker: Is the Chairman of the Committee on Public Debt here? Was anybody on the Floor on this?

(Motion deferred)

ADOPTION OF REPORT ON FUNDS SPENT CONTRARY TO
PROVISIONS OF ARTICLE 223 OF THE CONSTITUTION

THAT, this House adopts the Report of the Public Petitions Committee on its consideration of Public Petition No. 4 of 2022 regarding Funds Spent by the National Government Contrary to the Provisions of Article 223 of the Constitution, laid on the Table of the House on Tuesday, 12th March 2024.

(Moved by Hon. Nimrod Mbai on 20.6.2024 – Afternoon Sitting)

(Resumption of debate adjourned on 8.8.2024)

Hon. Speaker: Was there anybody on the Floor?

(Motion deferred)

ADOPTION OF REPORT ON IMPLEMENTATION STATUS OF
REPORTS AND PETITIONS AND RESOLUTIONS PASSED BY THE HOUSE

THAT, this House adopts the Report of the Select Committee on Implementation on its consideration of the First Report on Implementation Status of Reports on Petitions and Resolutions passed by the House, laid on the Table of the House on Thursday, 26th October 2023.

Hon. Speaker: The Chairperson of the Committee on Implementation. Did I see Hon. Wanjala here?

(Motion deferred)

ADOPTION OF REPORT ON INQUIRY INTO ALLEGED
UNFAIR TRADE PRACTICES BY FOREIGN INVESTORS IN KENYA

THAT, this House adopts the Report of the Departmental Committee on Trade, Industry and Cooperatives on the Inquiry into Alleged Unfair Trade Practices by Foreign Investors in Kenya, laid on the Table of the House on Thursday, 7th March 2024.

Hon. Speaker: The Chairperson of the Departmental Committee on Trade, Industry and Cooperatives.

(Motion deferred)

ADOPTION OF SECOND REPORT ON EMPLOYMENT
DIVERSITY AUDIT IN PUBLIC INSTITUTIONS

THAT, this House adopts the Second Report of the Select Committee on National Cohesion and Equal Opportunity on the Employment Diversity Audit in Public Institutions, laid on the Table of the House on Thursday, 21st March 2024.

Hon. Speaker: The Committee on National Cohesion and Equal Opportunity.

(Motion deferred)

NOTING OF REPORT OF THE KENYA DELEGATION TO THE EXTRAORDINARY
SESSION OF THE 6TH PAN-AFRICAN PARLIAMENT IN MIDRAND, SOUTH AFRICA

THAT, this House notes the Report of the Kenya Delegation to the Extraordinary Session of the Sixth Parliament of the Pan-African Parliament, held in Midrand, South Africa, from 20th to 27th March 2024, laid on the Table of the House on Thursday, 2nd May 2024.

Hon. Speaker: Any Member of the Pan African Parliament? None.

(Motion deferred)

BILL

Second Reading

THE EQUALISATION FUND (ADMINISTRATION) BILL
(Senate Bill No.14 of 2023)

Hon. Speaker: Any comment from the Departmental Committee on Finance and National Planning. Hon. Kimani is not here.

(Bill deferred)

MOTION

ADOPTION OF REPORT ON FINANCIAL STATEMENTS OF STATE CORPORATIONS
(NYANZA REGION) FOR 2018/2019, 2019/2020 AND 2020/2021

THAT, this House adopts the Report of the Public Investments Committee on Governance and Education on its Examination of the Reports of the Auditor-General on the Financial Statements of State Corporations (Nyanza Region) for the financial years 2018/2019, 2019/2020 and 2020/2021, laid on the Table of the House on Thursday, 25th July 2024.

Hon. Speaker: Hon. Jack Wanami, are you ready to move?

Hon. Wanami Wamboka (Bumula, DAP-K): Give me five minutes, then we proceed.

Hon. Speaker: What shall we do in those five minutes? That is the only business that we have now. If you are ready, we will give you an opportunity to move. I encourage all Members who have businesses in the House to come ready as if your business is the one appearing on top of the Order Paper. You see when they all collapse, we even reach the business at the very bottom of the Order Paper.

Hon. Members, it is clear that the Members are not here. That being the case, we will adjourn the House.

Read the last Order of the day.

BILL

Second Reading

THE KENYA NATIONAL LIBRARY SERVICE BILL (National Assembly Bill No.20 of 2023)

Hon. Speaker: Any Member from the Departmental Committee on Sports and Culture? Hon. Mwenje, you are the only Member of the House leadership present. Can you communicate to your colleagues that all Members who have business in the House regardless of where they are, and the Clerks-at-the-Table you must desist from informing Members that business on the Order Paper will not be reached because business in the Order Paper is presumed that it will be reached so that if one collapses, we have another one to come on board. Hon. Mwenje, talk to your colleagues on both sides of the House that chairpersons of committees who have business in the House must strive to be in the House at all times regardless...

(Bill deferred)

Order, Hon. Members. Will you be upstanding?

ADJOURNMENT

Hon. Speaker: Hon. Members, the time being 6.47 p.m., the House stands adjourned until Thursday, 19th September 2024, at 2.30 p.m.

The House rose at 6.47 p.m.

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