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Wednesday, 11th March 2026

The House met at 9.30 a.m.

*[The Temporary Speaker
(Hon. David Ochieng') in the Chair]*

PRAYERS

QUORUM

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, there is no quorum in the House to proceed. I, therefore, order that the Quorum Bell be rung for 10 minutes. The Whips and their Deputies are directed to ensure that Members are present in the House.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. David Ochieng'): Serjeant-at-Arms, please ring the Quorum Bell for another five minutes.

(The Quorum Bell was rung)

(Hon. Charles Onchoke crossed the Floor)

Hon. Onchoke, you can actually cross the Floor when the Bell is ringing. I have seen you struggle. You can cross the Floor as long as we have not started.
Serjeant-at-Arms, you may stop the Bell. Let us proceed.

PAPERS

The Temporary Speaker (Hon. David Ochieng'): Deputy Leader of the Majority Party.

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

1. National Government Budget Implementation Review Report for the First Three Months of Financial Year 2025/26 from the Office of the Controller of Budget.
2. Fifth Annual Report for the Financial Year 2024/2025 from the Office of the Data Protection Commissioner.
3. Reports of the Auditor-General and Financial Statements of Bondo Teachers Training College for the years ended 30th June 2021, 30th June 2022, 30th June 2023, 30th June 2024 and the certificates therein.
4. Integrated Annual Report of the Kenya Power and Lighting Company PLC for the year ended 30th June 2025.
5. Reports of the Auditor-General and Financial Statements for the year ended 30th June 2025 and the certificates therein in respect of the following:
 - (a) Kenya Health Human Resource Advisory Council.

- (b) Laikipia North Technical and Vocational College.
- (c) National Youth Council.
- (d) Ngong Technical and Vocational College.
- (e) Njoro Technical Training Institute.
- (f) Nursing Council of Kenya.
- (g) Party of Independent Candidates of Kenya (PICK).
- (h) Pest Control Product Board.
- (i) Public Benefit Organisations Regulatory Authority (PBORA).
- (j) Public Private Partnership Project Facilitation Fund.
- (k) Ramogi Institute of Advanced Technology.
- (l) Rangwe Technical and Vocational College.
- (m) Regional Centre on Ground Water Resources Education, Training and Research in East Africa (RCGWRET and REA).
- (n) Sabatia Technical and Vocational College.
- (o) Seme Technical and Vocational College.
- (p) Siaya Institute of Advanced Technology.
- (q) Siruti Technical and Vocational College.
- (r) South Eastern Kenya University.
- (s) St. Joseph's Technical Training Institute for the Deaf, Nyang'oma.
- (t) St. Paul's Kibabii Diploma Teachers' Training College.
- (u) State Department for Broadcasting and Telecommunications.
- (v) State Department for Devolution.
- (w) State Department for East African Community Affairs.
- (x) State Department for Gender and Affirmative Action.
- (y) State Department for Immigration and Citizen Services.
- (z) State Department for Internal Security and National Administration.
- (aa) State Department for Labour and Skills Development.
- (bb) State Department for Petroleum.
- (cc) State Department for Public Health and Professional Standards.
- (dd) State Department for the Blue Economy and Fisheries.
- (ee) State Department for Transport.
- (ff) State Department for Youth Affairs and Creative Economy.
- (gg) State Law Office and Department of Justice.
- (hh) Tana Water Works Development Agency.
- (ii) Veterinary Services Development Fund.
- (jj) Webuye West Technical and Vocational College.
- (kk) Western Kenya Rice Mills Limited.
- (ll) Women Enterprise Fund.
- (mm) Yatta Technical and Vocational College.
- (nn) Youth Enterprise Development Fund.

The Temporary Speaker (Hon. David Ochieng'): Do we have Communication from the Chairperson, Departmental Committee on Lands? Leader of the Majority Party, would you follow up on this?

Hon. Owen Baya (Kilifi North, UDA): Much obliged.

The Temporary Speaker (Hon. David Ochieng'): Just follow up so that we can know the status by the end of the day. Go ahead.

Next Order.

QUESTIONS AND STATEMENTS

The Temporary Speaker (Hon. David Ochieng’): Do we have Hon. Machele, the Hon. Member for Mvita in the House? He seems not in. Can we then have the Member for Kapenguria, Hon. Moroto? He also seems not in. This is not right. I used to think that whenever you had your Question on the Order Paper, you would wake up early and go to the House because that was your day? Two Hon. Members with Questions and none of them is in the House?

Next Order.

Hon. Kangogo Bowen (Marakwet East, UDA): On a point of order, Hon. Temporary Speaker.

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

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, in yesterday afternoon sitting, our substantive Speaker directed me to bring a Response to a Question asked by Hon. Kasiwai on behalf of Hon. Moroto. Should I read the Response? Hon. Moroto is not in but Hon. Kasiwai is.

The Temporary Speaker (Hon. David Ochieng’): Hon. Kasiwai, go ahead.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, on behalf of Hon. Moroto, yesterday, Hon. Kasiwai asked the Chairman, Departmental Committee on Blue Economy and Irrigation three questions regarding the Turkwel-Lokichar Water and Irrigation Project under the South Lokichar Field Development Plan. Hon. Temporary Speaker, this is the Response from the Ministry.

STATEMENT

IMPLEMENTATION OF THE TURKWEL-LOKICHAR
WATER AND IRRIGATION PROJECT

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I am pleased to submit before this House a Response on the implementation of Turkwel-Lokichar Water and Irrigation Projects under the South Lokichar Field Development Plan. Among the issues, is to provide information on the cost estimate for the Turkwel-Lokichar transmission pipelines, including the criteria used to identify the designated beneficiary communities. As you are aware, the Ministry of Energy and Petroleum submitted a field development plan together with the associated production sharing contracts for blocks T6 and T7 in the South Lokichar Basin in Turkana County to both the Houses of the National Assembly and the Senate in accordance with the applicable legal and parliamentary requirements. The field development plan and the production sharing contracts outlined the proposed commercial development of six oil discoveries and set out a structured approach for their phased development, including appraisal and further exploration activities intended to maximise resource recovery. I wish to submit to the House the information on matters that fall within the mandate of the Ministry of Water as follows.

The Ministry has undertaken a series of preparatory and design-related activities in close collaboration with the North Rift Valley Water Works Development Agency, State Department of Petroleum, Gulf Energy Limited, KenGen, Kerio Valley Development Authority, Water Resource Authority, National Land Commission together with the National Environmental Management Authority (NEMA) and the representatives of the beneficiary communities within the project area. In line with the approved scope of the assignment, the

Ministry has completed preliminary designs and planning for the following key water and irrigation infrastructure components along the Turkwel-Lokichar Corridor:

1. Raw water intake and pumping facilities at Turkwel Dam designed to support abstraction of up to approximately 407,470 m³ /day.
2. A raw water transmission pipeline to the Lokichar Oil fields which is 105 km away from the dam with a design supply capacity of approximately 16,534 m³ /day.
3. Water treatment facilities designed to achieve a treatment capacity of approximately 62,616 m³/day at Riting.
4. Combined treated water transmission pipelines of 62,616 m³/day comprising 35,810 m³/day to serve Lodwar Municipality and 26,806 m³/day to serve designated 15 communities along the corridor.
5. The community water off-take points to be determined at the detailed design stage.
6. Irrigation water abstraction from Turkwel Dam to support large-scale irrigation development in West Pokot and adjacent Turkana regions.
7. The cost of the project is estimated at Ksh40308415619.75 which has been broken down into three components as follows. Component one is integrated in the works which is about Ksh2.2 billion and this one is a siphon system of two diameters and a tunnel of 1.1 kilometre with a pipeline of 3.6 km. The second component is a raw water pipeline to Lokichar. There are also some associated works which cost about Ksh7.1 billion. The third component is the water treatment plan and associated works which costs about Ksh22.1 billion and the figures are provided.

I have given a copy to Hon. Kasiwai and the other Members. On the irrigation component phase one, about Ksh1 billion allocated for 2026/2027 budget to irrigate about 1,000 thousand acres downstream of Turkwel Dam. Number two is a Ksh1 billion to expand Weiwei from the current 600 to 1500 acres and Muruny Irrigation Scheme in West Pokot from 700 to 1500.

Component 1: Water Abstraction Component

S/NO	DESCRIPTION	COMPONENT SPECIFICATIONS	AMOUNT(KSHS)
PRELIMINARIES AND GENERAL			935,825,000.00
COMPONENT 1:	Integrated Intake Works	Siphon System (Dia. 2m) Tunnel – 1.1Km Pipeline – 3.6Km	2,200,000,000.00

Component 2: Water Transmission Component

S/NO	DESCRIPTION	COMPONENT SPECIFICATIONS	AMOUNT(KSHS)
COMPONENT 2:	Raw water pipeline to Lokichar oil fields		7,155,088,798.00
	Balancing Tank/Receiving Well	12,000m³	

Pressure Reducing/ Management Valve	DN600
2No. Water Storage Tanks	@4,200m ³
Raw Water Gravity Main to Amosing 1 (Total Length 103,880m)	PN10- DN600mm- 9,260m PN10- DN700mm- 6,340m PN16- DN600mm- 38,620m PN25- DN600mm- 49,160m PN16- DN300mm- 500m
T-Connection to Ngamia 3	PN16-DN300mm-500m

Component 3: Water Transmission Component

S/NO	DESCRIPTION	COMPONENT SPECIFICATIONS	AMOUNT(KSHS)
COMPONENT 3:	Water Treatment Plant(WTP)	62,616,m ³ /day	22,033,397,044.00
	2No. Water Storage Tanks	MahonTTC-5,500m ³ Amosing - 500m ³	
	Treated Water Gravity Main to Storage Tank at Bishop Mahon TTC – Lodwar (Total Length 191,280m)	PN10-DN1000mm-12,320m PN10-DN1200mm-3,220m PN16-DN1000mm-48,520m PN25-DN1000mm-94,720m	
	Treated Water from Lokichar Junction to Amosing(T. East)	PN10-DN400mm-2,640m PN16-DN400mm-29,860m	
SUB-TOTAL			32,324,310,842.00
ADD 10% For Contingencies			2,424,323,313.15
ADD 16% VAT			5,559,781,464.82
GRAND TOTAL FOR TURKWEL – LOKICHAR-LODWAR WATER TRANSMISSION PIPELINE			40,308,415,619.97

The Temporary Speaker (Hon. David Ochieng’): Order, Hon. Kangogo. Did you just say that there is Kshs1 billion allocated in the next Financial Year?

Hon. Kangogo Bowen (Marakwet East, UDA): 2026/2027.

The Temporary Speaker (Hon. David Ochieng’): How is that allocated?

Hon. Kangogo Bowen (Marakwet East, UDA): In the Budget Policy Statement of the Ministry. There is also another Ksh1 billion for rehabilitation of existing 52 schemes along the Turkwel River, covering 19,000 acres in Turkana County.

Hon. Temporary Speaker, Phase II is Ksh7.8 billion to develop irrigation covering 10,000 acres commercial investment and the Ksh2.6 billion to develop Sigor Dam and irrigation area of 2,000 acres. The development of sustainable irrigation system in Turkwel and West Pokot will require a collaborative approach to address the mentioned challenges as follows:

1. The conflict of grazing will be addressed by introduction of specific fodder production zones targeting a high yielding of fodder crops to be used during the dry season.
2. The development of comprehensive environmental management plan by the project component.

The second Question is a report detailing the specific communities in West Pokot County that will benefit from the treated water transmission system, including the number of offtake points and the volumetric allocation guaranteed to the residents of West Pokot to support domestic water.

The project has been structured around three integrated components with integrated bulk water supply system with an overall design capacity of approximately 407 cubic metres per day. The first component relates to the abstraction and transmission of raw water from Turkwel Dam to Lokichar oil fields through the intake works, pumping facilities, rising main and the balancing tank. The component is designed to supply approximately 16,000 cubic a day to support oil production; to produce a reliance on sustainable groundwater abstractions.

The second component entails the treatment of abstracted water and the transmission of treated water to Lodwar Municipality and the designated community offtake points along the corridor. It comprises water treatment facilities, transmission mains, storage reservoirs and brake pressure tanks.

The third component entails irrigation, water abstractions from the Turkwel Dam to support large-scale irrigation component, as indicated. The specific areas in West Pokot includes the downstream irrigation development of 1,000 acres to utilise the water discharge after electricity generation. This will cover:

1. Riting Primary School, Turkwel Centre and the neighbouring villages.
 2. Sigor Dam in West Pokot to irrigate additional 1,500 acres in Sigor Wei Wei and supply of water to Tot Township.
 3. Siyoi Muruny Dam in West Pokot to irrigate 1,500 acres and supply domestic water to adjacent communities which include Karas, Kapenguria and Siyoi.
- Further mapping of beneficiaries will be undertaken at the signed stage.

The last Question by Hon. Moroto is on the measures put in place by the Ministry of Water Sanitation and Irrigation to ensure West Pokot, as a primary source of water, receives its proportional share from the project in terms of irrigation, acreage, water abstractions and associated infrastructure development.

The Ministry has put in place a range of safeguards to ensure that increased abstractions under the field development plan does not compromise water security to host communities or neighbouring counties. These safeguards include application of adaptive abstraction rules linked to dam water levels, integrated dam operational planning in coordination with the power sector, provision of adequate balancing and storage infrastructure to manage demand variability, and protect the domestic and community water supplies.

Since the commissioning of the dam in 1980, it has remained underutilised, causing heavy flooding in neighbouring communities, displacing and destroying schools and homes. For this reason, the project seeks to address these problems through sustainable utilisation of the excess water.

The Ministry is currently undertaking studies and designs for additional water and irrigation projects within the project host communities to ensure adequate provision of water.

Among the key projects the Ministry has prioritised include Sigor Dam in West Pokot, Siyoi Muruny in West Pokot and Lowaat Dam in Turkana.

Further to this, the Ministry is working hand in hand with KenGen to also establish a rich capacity of the dam to ensure sustainable abstraction of water.

Hon. Temporary Speaker, I submit.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Kasiwai

Hon. Rael Kasiwai (West Pokot County, KUP): Hon. Temporary Speaker, I want to thank the Chairperson for the Response. However, question three, which is the main concern for the Member for Kapenguria is on the benefits from the Turkwel Dam. The Member wanted to know how his community, Kapenguria Constituency, will benefit from the water from Turkwel Dam. The Chairperson has mentioned other dams outside the concern of the Turkwel. He has mentioned Muruny Dam, which is not even complete as we speak. It is only 85 per cent complete. The Member wanted to know the benefits his community will get from Turkwel Dam and the Question has not been answered well.

I suggest that the Chairperson go back to do more research on this because the community, Kapenguria constituents, still want to know how Turkwell Dam will benefit them directly. They need water for domestic use, for their animals and irrigation of their land.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Hon. Lochakapong, do you have a follow up question too?

Hon. Peter Lochakapong (Sigor, UDA): Thank you, Hon. Temporary Speaker.

The response given by the Ministry through the Chairperson is unsatisfactory. I say this because when we look at the way this Question has been answered, especially on Page 2 of 6 where they state that the water treatment facilities are designed to achieve treatment capacity of 62,612 cubic metres all of which is being taken to Turkana... Part D talks about combined treated water transmission pipelines comprising over 38,000 to Lodwar and Lokichar. There is no water that is being taken to communities in West Pokot according to this Report. That is the Question Hon. Moroto asked. From this Report, water is treated in Riting in West Pokot. Again, it is transmitted to Lokichar and Lodwar in Turkana County. So, the Pokot community living around Turkwel area, Pampelion, Panasolot, Sarmat and West Pokot has no provision for supply of water.

The Ministry goes ahead to talk about areas that are not served by water from Turkwel like Wei Wei and Muruny. These are areas that are far away from what we are talking about. We are talking about water from Lake Turkwel that goes to Lokichar. How is that water benefiting the community of West Pokot? That should have been the Question that ought to be answered.

Secondly, when they talk about specific areas targeted in West Pokot, much of the areas that have been mentioned here, are outside the area we are talking about; and most of it is in Turkana. So, there is nothing clearly for the Pokot in the whole arrangement. That is why we are raising this. We would like the Chairperson to further take up this and if possible, involve the leadership and the representatives of the people of West Pokot so that we can bring this out. People sitting in some ministries think that by bringing this kind of Statement, they have captured everybody. It is not true. We are raising these issues on behalf of the community that has been given a raw deal in the whole of this arrangement.

Thank you very much.

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

Hon. Haika Mizighi (Taita Taveta County, UDA): Thank you, Hon. Temporary Speaker. I want to comment on this issue and support my colleagues on the many dams the Government is undertaking in the country. Water is really a challenge in many places. That is why the Government saw it fit to build the dams. In most cases, dams are built but water is not being

directed to communities. What my colleagues are talking about is very important. I really urge the Chairperson of the Committee to bring us a good report on how the dams will benefit the community directly because we do not see water from the dams being channelled to people that really need it.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Order, Hon. Ngogoyo. Hon. Kangogo, I hope you are noting this down. Two more are coming. You will take them together. Proceed, Hon. Ngogoyo.

Hon. Onesmus Ngogoyo (Kajiado North, UDA): Thank you. I request you to implore the Chairperson because this Question is coming from Pokot but the residents of Gatanga Dam and Kiserian Dam and other places with mega-dams continually do not benefit from them. Probably, it is a policy issue. The Chairperson needs to take on from a different dimension. The residents around Kiserian Dam built in the last administration do not benefit from the water yet water is drunk in Ongata Rongai and other areas. The same applies to Gatanga Dam whose issue was raised here even as a petition.

Would I be in order to request the Chairperson to check whether they have a policy on how to benefit residents of areas where dams are built? It comes up in every question. Continuously, the Chairperson does not either bring in a policy or address the gaps going forward. Chairperson Kangogo, your answer always lacks a solution for immediate area residents.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Jayne Kihara.

Hon. Jayne Kihara (Naivasha, UDA): We are discussing a very serious issue, about dams. I do not come from Nyandarua but Sasumua Dam does not benefit the people of Nyandarua. Naivasha had been promised water from Nyandarua. Three dams were mentioned but they have not been built. Our water in Naivasha has a lot of fluoride. Our children never get recruited into the disciplined forces because of their brown teeth caused by the water we have. We are waiting for water from Nyandarua. Three dams—Kinja, Kwesi and Malewa—were promised. We are still waiting. Since he is in Government that went promising the dams, I ask the Chairman to at least fast track them and give us a record.

The Temporary Speaker (Hon. David Ochieng’): Finally, let us have Hon. Hillary.

Hon. Hilary Kosgey (Kipkelion West, UDA): I join other Members in raising some pertinent issues on dams. If the promise made by the President that we have to build dams for irrigation is true, then the Ministry of Water and Irrigation must show seriousness through the Committee chaired by Hon. Kangogo. This is especially with recent dams. We want dams that will supply water. The Karimeno Dam and dams in Murang’a are examples. The latest dams were done halfway without benefiting the people. My interest is the Koru Soin Dam, Itare Dam and Bosto Dam that are all stuck and people are waiting to accelerate development and bring water closer to them.

What is the Chairperson doing through the Ministry to make sure that all these projects are fast-tracked to benefit the people around dams immediately, increase volumes of water for irrigation and enhance food productivity in the country?

Thank you.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Yes, Hon. Temporary Speaker. I do not sit in the Committee.

The Temporary Speaker (Hon. David Ochieng’): Do you want to ask a follow up question?

Hon. Njuguna Kwanjiku (Kiambaa, UDA): No. I just wanted to contribute a little on the issue.

The Temporary Speaker (Hon. David Ochieng’): No. We are asking follow up questions, not contributions. Hon. Kangogo, go ahead. As you do so, note what I told you

earlier. Anything in the upcoming Budget is a proposal. Parliament has not passed any Budget for the 2026/2027 Financial Year. It is a proposal to be in the Budget if it is in the Budget Policy Statement (BPS). It is not the Budget.

Hon. Kangogo Bowen (Marakwet East, UDA): I said it clearly that it is a proposal, even when they appeared before us on the Budget Policy Statement. The State Department for Irrigation proposed Ksh1billion for irrigation to West Pokot in the next financial year. Let me answer the two similar questions from the two Members of West Pokot, Hon. Lochakapong and Hon. Kasiwai.

I need to be clear that water extraction from Turkwel Dam is specifically going to oil fields in Lokichar. We want this water in Lokichar because of the oil extraction happening there. Again, we are saying that the water is treated for consumption.

The Temporary Speaker (Hon. David Ochieng’): Is the water treated for consumption?

Hon. Kangogo Bowen (Marakwet East, UDA): There is also some component for consumption around Turkwel and Lodwar.

The Temporary Speaker (Hon. David Ochieng’): That is the issue. Members are saying that you cannot take water from Turkwel to oil fields and consumption in Lokichar and leave out where the water is being treated. That is the issue.

Hon. Kangogo Bowen (Marakwet East, UDA): If you check my answers, I said there is a water treatment facility designed just for consumption. It has a capacity of 62,000 litres but it is on the Turkana side. I am asking the Members from the West Pokot side something. It applies to all counties. Water is a natural shared commodity. It cuts across counties. The water we are using in Nairobi is from Murang’a and other counties. There is what we are doing as a Committee. We have discussed with the Ministry on where water is extracted. We have to do something there.

Part (e) on my Question said community water off-take points on lines that include a number of areas in West Pokot will be determined at a detailed design stage. As it is, this is a project between the Ministry of Water and Irrigation and the Ministry of Energy and Petroleum. The Ministry of Water and Irrigation will now handle the water component at a detailed design stage to make sure that communities along the pipeline benefit. We will create water points for animals and communities in West Pokot.

I assure Members that there will be some point where communities will get water. Riting is in West Pokot. That is where we are doing water treatment. We cannot do a treatment plant there then take water to Turkana without the community around there benefiting. My submission on West Pokot is that the Ministry is at the design stage. I promise Members that we will do a public participation on the ground together with the Ministry even as we continue with designs. That is so that we hear from the community on where they want water points for both domestic and livestock use.

The general questions by Hon. Members such as Haika and Jayne Kihara ask the same thing. They are asking for benefits of communities where dams or sources of water are built. The programme was initially neglected and communities where water is extracted do not benefit. We have now asked the Ministry to provide water to upstream communities. The tender of the Kiserian Dam was awarded. The contractor was given a contract but there is a court case with the Athi Water Works Development Agency (AWWDA).

With those many remarks, I thank you.

The Temporary Speaker (Hon. David Ochieng’): I think he is a bit comprehensive now. Hon. Kangogo, take your seat. Can we wind this up?

Hon. Peter Lochakapong (Sigor, UDA): Thank you, Hon. Temporary Speaker. I think Hon. Kangogo wants to clarify something. However, from the statement, I am asking Hon. Kangogo, or even the Ministry, why it was very difficult to mention any specific place, even

in Pokot. Apart from the treatment plant in Riting, it goes straight from Riting to Lodwar Municipality.

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

Hon. Peter Lochakapong (Sigor, UDA): So, why was it not possible even to...

The Temporary Speaker (Hon. David Ochieng’): That is okay. I think that is well said. Hon. Kasiwai, what is it?

Hon. Rael Kasiwai (West Pokot County, KUP): Yes, Hon. Temporary Speaker. The Chairman has just told us that the treatment plant is going to be located in Riting. That is near the dam, still in Pokotland, but he has not mentioned how many households are going to benefit from the water. We want him to quantify and specify the areas and the number of households that will benefit from the water so that we can be satisfied. As it stands, he is just talking without providing facts.

The Temporary Speaker (Hon. David Ochieng’): Okay. Hon. Kangogo, as you respond to that, please also address the question raised by Hon. Hilary Kiplagat. I was happy to hear from you that this project is still at the design stage. As you respond, please note the issue raised by Hon. Ngogoyo. This issue is very important, and it appears you are brushing it away. Why is it difficult to put it either in law or in policy so that you do not have to keep asking the Ministry? Whenever a water plant or power plant is being designed, ensure that before anybody eats from that pot, owners of the source are able to have a bite of this. Please go ahead.

Hon. Kangogo Bowen (Marakwet East, UDA): Hon. Temporary Speaker, I want to agree with you. There is a Water (Amendment) Bill which is still at the preliminary stage where we are also looking at the water regulators like the WRA and the charges they collect. Out of the 6 per cent they collect, we are proposing that 3 per cent should go to the WRA and the other 3 per cent should go towards environmental conservation, including supplying water to the surrounding communities. As we wait for the Water (Amendment) Act, we will make sure that we put in place a law where the communities upstream also benefit.

This is a response that I will table before you. If you check on page 5, I would like Hon. Lochakapong and Hon. Kasiwai to note that I have indicated this project is still at the design stage. I also stated that further mapping of beneficiaries and communities will be undertaken at the design stage in order to determine the exact number of beneficiaries and the specific villages. That is my response. Therefore, I want Members to hold their horses. During public participation, I will personally be on the ground together with my Committee and the Ministry to ensure that we identify those communities and that the water project will benefit both West Pokot and Turkana counties.

Regarding the Siyoi-Muruny Dam Project, it stalled some time ago together with Itare. However, this House passed the National Infrastructure Fund Bill a few days ago, which has since been assented to by His Excellency the President. The Ministry is now mapping out projects that had already started but could not be supported through the normal Exchequer due to their large costs, some amounting to about KSh40 billion and KSh30 billion. These projects will now be moved to the National Infrastructure Fund.

The Temporary Speaker (Hon. David Ochieng’): I think we dispense with that and ask Hon. Kasiwai and Hon. Lochakapong to keep an eye on the ball in that regard.

I will indulge Hon. Machele, if he is in the House, to raise his Question 326. Go ahead.

Question 326/2026

STATUS OF COMPENSATION TO
MR JIMMY OTIENO-ABONGO

Hon. Mohamed Machele (Mvita, ODM): Hon. Temporary Speaker, I rise to ask the National Land Commission the following Question:

- (a) Could the Commission provide the status of compensation to Mr Jimmy Otieno-Abongo, the owner of Plot No. MN/62519, which was partly demolished in 2017 to pave the way for the dualling of Magongo and Oil Refinery Road by the Kenya National Highways Authority (KeNHA)?
- (b) Explain why Mr Jimmy Otieno has not been compensated to date, despite other residents of the area whose land was compulsorily acquired having received their compensation.
- (c) Indicate the assessed value of the property as determined by the Government valuer and the amount he is entitled to as compensation, including the timeline within which he shall receive the payment.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Chairman of the Departmental Committee on Lands. Hon. Member, are you a member of the Committee?

Hon. Dekow Mohamed (Garissa Township, UDA): Yes, I am a member of the Committee, and I will undertake on that issue. Once we are back from recess, you will have the reply.

The Temporary Speaker (Hon. David Ochieng’): How far from recess?

Hon. Dekow Mohamed (Garissa Township, UDA): The first week after the recess.

The Temporary Speaker (Hon. David Ochieng’): Okay. Hon. Machele, the first week when we come back from recess, please ensure that you follow up on the same.

Hon. Mohamed Machele (Mvita, ODM): Okay. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. I think that ends that section.

Next Order. Hon. Members, before we go to the next Order, seated in the Speaker’s Gallery are students from Precious Blood Primary and Junior Secondary School, Juja, Kiambu County. They are here to follow our proceedings, and they are welcome to follow the same. Could you welcome them to Parliament this morning? Hon. Kawanjiku, is this your county?

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker. Let me take this opportunity to welcome all the students, especially those from Kiambu County, where I come from, to the National Assembly. This is where laws are made and we want to encourage them to continue doing their best as far as their academics are concerned.

We also encourage them to aspire to become leaders because after all is said and done, they are the ones who will occupy these spaces after we have left and retired. Therefore, we welcome them and encourage them to observe, understand and learn from whatever happens within the House.

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, also seated in the Public Gallery are students from Briar Rose Junior School, Lang’ata Constituency in Nairobi County, and students from Turasha Secondary School, Kipipiri, Nyandarua County. They are all welcome to our proceedings this morning.

Next Order.

BILLS*First Reading*

THE SPORTS (AMENDMENT) BILL
(National Assembly Bill No. 5 of 2026)

*(The Bill was read a First Time and
referred to the relevant Committee)*

Second Reading

THE TEACHERS SERVICE COMMISSION (AMENDMENT) BILL
(National Assembly Bill No. 27 of 2024)

*(Moved by Hon. Abdul Haro on
18.2.2026 – Morning Sitting)*

*(Resumption of debate interrupted
On 25.2.2026 – Morning Sitting)*

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, on this particular Bill, we have a balance of 36 minutes. The Member who was on the Floor when the House rose was Hon. Daniel Karitho who has a balance of three minutes, if he is in the House. If he is not present, could I, by pressing the intervention button, know who wishes to contribute to this Bill, the Teachers Service Commission (Amendment) Bill? Is Hon. Abdul Haro in the House? Hon. Kawanjiku, do you want to contribute to this?

(Hon. Njuguna Kawanjiku spoke off the record)

Please go ahead.

Hon. Njuguna Kawanjiku (Kiambaa, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Teachers Service Commission (Amendment) Bill brought by Hon. Abdul Haro. We must appreciate that the amendment is timely because one of the issues it seeks to address is ensuring that teachers are promoted on time. It also seeks to ensure that the issue of teachers acting in positions for very long periods is brought into order. He was trying to propose that there should be clear timelines within which teachers are allowed to act in a position for a certain period before confirmation or promotion. We must also appreciate the various developments that are taking place within the Teachers Service Commission, even as we consider amendments aimed at ensuring that teachers are promoted on time.

We also appreciate what the Government has been doing in employing as many teachers as possible. At the moment, we are talking about more than 100,000 teachers who have been employed. When we consider the challenges teachers face, particularly in relation to hardship allowances and the areas classified as hardship regions, we must ensure that teachers are well remunerated. Even as we acknowledge the progress made by the Government in promoting and employing teachers, there is still more to be done. In some schools, including those in my constituency, we have experienced low performance partly because of shortage of teachers. You may find that one teacher in a primary school is responsible for about 100 or more pupils.

We must, therefore, reduce the pupil–teacher ratio so that we can improve capacity and enhance the performance of students in our public primary schools.

There is also much to be done in terms of infrastructure as we discuss the promotion and welfare of teachers. You will realise that when a teacher obtains a TSC number, it sometimes takes an extremely long time before employment. Some teachers are only employed when they are about 48 or even 50 years old. That is when they finally receive employment letters from the Teachers Service Commission. For that reason, these amendments are timely. We need to continue working on them so that we can improve the performance of our public primary and secondary schools by ensuring that teachers are well motivated. This includes considering the conditions under which they work and the salaries they receive.

We also appreciate that the Kenya Kwanza Government has so far employed about 100,000 teachers. That has never happened in the history of this country. We must, therefore, continue making these amendments and improvements.

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

*[The Temporary Speaker
(Hon. Farah Maalim) in the Chair]*

There is also the issue of free primary and secondary education. I appreciate that Members have already started a conversation on this matter. There is a discussion around the fact that we currently have bursaries from Members of the County Assemblies (MCAs), Members of Parliament, the President and county governments. We should consider consolidating these bursaries and developing a formula that can help us make secondary education truly free, particularly in day schools. A child should be able to leave home, attend school during the day, and return home in the evening while the Government provides capitation. There is already funding for laboratories and infrastructure through the National Government Constituencies Development Fund (NG-CDF), and we are doing what we can to improve infrastructure in our public secondary schools. We work to ensure that we have enough infrastructure and adequate laboratories.

However, when it comes to bursaries, we should consider doing away with them and instead ensure that education, especially in public day secondary schools, becomes completely free. In some constituencies, including mine, we have tried to manage this issue because there must be a way to regulate the system. The only cost that often remains in secondary schools is school feeding. Therefore, there must be a formula that ensures a student can wake up in the morning, go to school, spend the day there, have lunch at school, and return home in the evening without the parent being required to contribute any additional money. This will help us retain as many students as possible in public day secondary schools.

We must be intentional about making the cost of education affordable. That is why we appreciate the Government for employing more teachers. The issue of Board of Management (BoM) teachers has significantly reduced, meaning that no additional cost is passed on to parents on account of BoM teachers. We must also be intentional in ensuring that all teachers currently on internship are absorbed by the Teachers Service Commission next year. These are some of the reforms we must undertake in the education sector.

If you look at the national budget, the cost of education in Kenya is the highest among all government departments and ministries. We spend about Ksh750 billion annually. We must, therefore, ensure that this investment produces results. We must ask ourselves whether we are able to sustain students in school and whether we are making education a real right for every child. Even though the Constitution provides for this right, we must ensure that every child in

Kenya can attend school without difficulty. No parent should be forced to sell property, cows, or goats to keep a child in primary or secondary school. We must be deliberate because the only way to equalise children from poor backgrounds with those from wealthy backgrounds is to ensure that education is accessible to all. Whether a child is in Turkana or Nairobi, the cost of education should be the responsibility of the Government.

The Temporary Speaker (Hon. Farah Maalim): Just for the interest of the Chair, you said we consolidate all these bursaries and make secondary education free in the country. That is all the money set aside for bursaries, and you are talking about the NG-CDF, Ward Fund, and governors' bursaries.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Yes, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What about tertiary and university education? If bursaries are done away with and all those resources go into secondary education, then what happens to poor students who cannot afford to go through tertiary and university education? By then, all the NG-CDF and all these bursaries should be consolidated into one kitty and the national Government should take over.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): If you look at it, Hon. Temporary Speaker, this is a discussion we are having as a country. The idea of consolidating bursaries is merely a suggestion that requires national discussion. Additionally, the bursaries currently offered through the NG-CDF are often not more than Ksh10,000. If you consider the cost of tertiary education or the Technical and Vocational Education Training institutions (TVETs), that amount is relatively small compared to the total cost parents must meet.

If parents can save some money during the four years when their children are in secondary school without paying fees, they may be better prepared to support their children when they proceed to tertiary institutions or universities. However, this is a conversation the country needs to have honestly. If the Government is already committing substantial resources to university funding models, we must examine whether those models are effective. We must ask whether Model A or Model B is working and whether the resources being invested are sufficient.

There was a suggestion by the former Chairman here that we may only need about Ksh30 billion to ensure that every child in junior secondary and senior secondary schools can attend school without paying fees. At the same time, we must also consider other costs associated with schooling, such as uniforms. The cost of school uniforms has become extremely high. A uniform that previously cost about Ksh3,000 to Ksh5,000 now costs Ksh15,000 or even Ksh20,000 in some schools. We must, therefore, find ways of modernising the system and be deliberate about making the cost of education manageable, particularly for Junior Secondary and Senior Secondary schools.

At the university level, the situation is different because universities have many additional activities and operational costs. The Government will have to consider those factors carefully. For example, if the Ksh10,000 bursary I normally allocate to students from Kiambaa Constituency...

The Temporary Speaker (Hon. Farah Maalim): How many high schools do you have in your constituency?

Hon. Njuguna Kwanjiku (Kiambaa, UDA): In my constituency, Hon. Temporary Speaker...

The Temporary Speaker (Hon. Farah Maalim): How many high schools do you have in your constituency? I have eight high schools in my constituency.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): How many do you have?

The Temporary Speaker (Hon. Farah Maalim): Eight. Nobody pays any fees. I have sponsored all of them through the NG-CDF.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): You have eight high schools, while I have 24. But in other constituencies...

The Temporary Speaker (Hon. Farah Maalim): I am also sponsoring 350 students in tertiary institutions and universities. The least each student receives is Ksh40,000. So, where are you taking the money?

Hon. Njuguna Kwanjiku (Kiambaa, UDA): I issue bursaries to about 24 day and boarding secondary schools.

Hon. Charles Nguna (Mwingi West, WDM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): What is your point of order, Hon. Ngusya CNN?

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Speaker, the NG-CDF is one of the most unfair funds in our country. You have about 3,000 students in your constituency while other constituencies...

The Temporary Speaker (Hon. Farah Maalim): Order, Hon. Ngusya! That is not a point of order. It is a point of information, but proceed.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Hon. Temporary Speaker, I am well informed by Hon. CNN. There are 6,000 students in day secondary schools alone in my constituency. When you announce that you are issuing bursaries to students in boarding schools...

The Temporary Speaker (Hon. Farah Maalim): I have more than 3,000 students in my constituency.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): There are more than 6,000 students in my constituency. Therefore, there must be a deliberate effort to ensure that money follows people. We must ensure that funds are allocated to existing populations.

Hon. Temporary Speaker, it is easier for you to sponsor full scholarships for 350 students without paying a cent. I cannot do that in my constituency because it has a large number of students. I have set a maximum limit of Ksh70 million or about Ksh75 million for bursaries, which is about 40 per cent of the total funds allocated. However, I cannot give any student more than Ksh8,000 or Ksh10,000. We must be deliberate in this discussion, so that we have a meaningful conversation on whether the NG-CDF...

The Temporary Speaker (Hon. Farah Maalim): How many minutes does he have? Why is it taking too long?

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Hon. Temporary Speaker, we must be intentional in discussing the issue of bursaries and the funds allocated to each student. Another suggestion was that we leave it to the NG-CDF Board.

The Temporary Speaker (Hon. Farah Maalim): I also have a foundation. You can also establish a foundation and set aside money for education. You can also use your own resources.

Hon. Njuguna Kwanjiku (Kiambaa, UDA): Hon. Temporary Speaker, you are consuming my time. You are my senior in many respects. Therefore, I am following your footsteps. I am still a junior Member, so I am trying to ensure that things are done properly.

We must be intentional so that students from Kiambaa and those from Turkana receive bursaries fairly and equally. This is a timely Amendment Bill, which we will continue to support so that we establish a fair system.

The Temporary Speaker (Hon. Farah Maalim): Hon. David Ochieng'. Is he in? Member for Kangundo, followed by Hon. David Ochieng'. After that, I will call on the Mover to reply.

Hon. Fabian Muli (Kangundo, GDDP): Thank you very much, Hon. Temporary Speaker, for giving me an opportunity to add my voice to the Bill. Teachers play an essential role in our communities by raising our children from nursery, primary and secondary schools,

for about 18 years. Since our children spend that entire period with teachers, they shape our society. Everyone in this House has been taught by teachers. Their influence extends beyond secondary school all the way to college. Therefore, matters that affect teachers affect our society. We have imams, pastors, and teachers. Who contributes most to societal development? Teachers contribute most to societal development because our children spend most of their time with them from Monday to Friday.

I support the Bill, particularly the provision that allows teachers who are serving in acting positions to be promoted appropriately. I want to inform the sponsor of the Bill that this issue is not limited to teachers. In many ministries, people serve in acting capacities for long periods, yet we do not know whether someone else is benefiting from the arrangement or trying to test something. If someone has been appointed to serve in an acting capacity as a deputy principal or a principal of a school, they should receive the appropriate allowance for their work because they are performing additional duties beyond those for which they are paid by the TSC. The House should ensure that teachers are compensated for the extra work that they do for society.

The Bill also seeks to prevent people from serving in an acting capacity for more than six months. The Bill addresses that issue very well by providing that a teacher should not serve in an acting capacity for more than six months. They should be properly compensated for their work within those six months. We will then promote societal development.

With the current economic conditions, economic activity is no longer limited to towns. With devolution, economic activity has spread to other parts of the country. If more people are properly remunerated, including those who contribute Pay-As-You-Earn (PAYE) and the Value Added Tax (VAT), the better the economy will be. Teachers are part of that system. Most of the people who support the local economy in villages are teachers. Therefore, supporting teachers and ensuring that they are properly compensated helps the economy across the country and encourages social development.

With those few remarks, I support the Bill.

The Temporary Speaker (Hon. Farah Maalim): Hon. David Ochieng’.

Hon. David Ochieng’ (Ugenya, MDG): Thank you very much, Hon. Temporary Speaker. I support the Bill by Hon. Haro. It is sometimes disheartening to see teachers being asked to serve as acting principals or head teachers of secondary or primary schools for long periods, sometimes one year, eight months, or six months. Once promotions are due, a teacher serving in an acting capacity is asked to return to their former position as a deputy principal or a senior teacher, without regard to the time they spent serving as acting principal or head of an institution. That is wasteful and discourages industry.

On Monday this week, I was issuing bursary cheques to my constituents. Two teachers came to see me, and fortunately, both of them had been with me at the university. One of them has been acting as the head of a school for the last eight months. Last week, a principal was posted to that school and the teacher had to return to the classroom as a senior teacher in another school, not even the same school where he had been serving in an acting capacity. That does not encourage industry. Some of those teachers qualify to be principals.

The TSC method of handling promotions is arbitrary. We cannot have a situation where teachers who have served for many years and have gained experience must now seek the assistance of Members of Parliament for promotion. Members of Parliament have effectively become agents of teacher promotions, with teachers visiting our offices to request support. Why should that happen? If a teacher has served for 10 years in the same job group, why should Members of Parliament be involved in his promotion? The TSC has chosen not to promote teachers strictly on merit, but on other parameters that are not necessarily meritorious. TSC must do its job.

Members of Parliament must take an interest in this issue. Why should the TSC employ teachers who graduated last year simply because they have connections, while those who finished college in 2009, 2011, or 2012 are still queuing for jobs? Because a teacher who graduated in 2025 knows someone, they already have a job, while those who graduated in 2011 are still waiting. That kind of arbitrariness should not be allowed. We have allowed the TSC to get away with too much. It is not fair and it should not be happening in our country.

My parents were both teachers. I saw how they struggled to ensure that the children they taught became what they wanted to become in life. Teachers today have been reduced to beggars. Their remuneration is appalling. Yesterday, someone was showing me a comparison between the highest-paid teacher and the highest-paid police officer. Since we employ many teachers, we need a holistic look at their welfare. As a country, we are tired of having teachers' strikes almost every year because of the arbitrariness in how we are running the Teachers Service Commission (TSC). In fact, sometimes I believe that the work we gave the TSC should be taken back to the Ministry; they have become so lawless that you do not know what happens there.

I support this Bill. I hope that once it is passed, the law will be followed. But above all, the TSC must follow its code of promotions. As Members of Parliament, we are tired of being agents for the promotion of teachers who have served their time well. They need to be promoted without having to talk to anybody else.

Hon. Temporary Speaker, I support.

The Temporary Speaker (Hon. Farah Maalim): I do not see any more interest in this. Is that Hon. Bedzimba?

Hon. Rashid Bedzimba (Kisauni, ODM): Asante sana, Mhe. Spika wa Muda, kwa kunipa fursa niweze kuchangia Mswada huu. Naunga mkono Mswada huu kwa sababu una mambo ya busara sana. Walimu ni watu muhimu sana katika taifa na wanapaswa kuangaliwa vilivyo. Kuna walimu wakuu ambao wameshikilia nafasi ya kaimu mwalimu mkuu ama naibu wake kwa zaidi ya mwaka mzima ama kwa kipindi zaidi ya mwaka mmoja lakini hawalipwi marupurupu. Jambo lolote likafanyika pale, wao ndio watakuwa *responsible*. Wataulizwa maswali yale mwalimu mkuu ama naibu wake angeulizwa. Cha kusikitisha ni kwamba hicho kipindi chote atakuwa hapo hakuna atakayeshughulikia maslahi yake ama kutaka kujua anavyoendelea. Wanamweka tu hapo wakisema eti wanatafuta mtu mwingine aingie kwenye hiyo nafasi ambayo ameshikilia. Inasikitisha sana kwani baada ya ile kazi kuwa *advertised* yeye hapewi nafasi ya kukwea. Haangaliwi kama aliyehitimu kabla ya mtu mwingine yeyote. Nafasi hiyo watampa mwalimu mwingine naye ataachwa. Kumbuka pale shuleni alikuwa ameshapata heshima fulani. Kuna wale waliomfurahia na wale ambao hawakumfurahia, lakini anarudi darasani kama mwalimu wa kawaida. Hayo ni masikitiko makubwa. Lazima Tume ya Walimu ishughulikie jambo hili. Wakati ambapo wanaweka mtu awe kaimu mwalimu mkuu wawe tayari kumchukuwa wakati kazi ile inapokuwa tayari.

Nimesimama kuunga mkono na kupendekeza kwamba hata wale walimu ambao washa *act* kwa kipindi kirefu, wakati tunapo *consider* walipwe, hao wataokuja, nao pia tuangalie kama wanaweza kulipwa.

Kwa hayo mengi, Mhe. Spika wa Muda, asante sana.

The Temporary Speaker (Hon. Farah Maalim): Hon. Members, this Bill has a time limit. I am going to give a chance to only a few Members, Hon. Kiamba, Member of Parliament for Makueni, the gracious lady from Narok, Hon. Ngusya, Hon. Karemba, and the lady from Samburu. I hope I am right. Please, take two minutes each.

Hon. Suzanne Kiamba (Makueni, WDM): Thank you, Hon. Temporary Speaker, for giving me this opportunity to make my contribution to this important Bill. It is important that it is on the Floor of the House. The TSC has messed up the teachers. The noble profession that most people admired is being messed up.

First, you will find someone who is 48 years old and who was trained a long time ago, but is yet to be employed. They actually meet all the required qualifications. The TSC has become a den of corruption. You find that someone who is less qualified is employed, while someone who has been attending those interviews for years is not employed.

Second, there is the issue of promotion. Teachers are crying all over. Somebody is about to retire and holds similar qualifications to those of someone who has been promoted thrice to a senior level. This is demotivating our teachers. They start running after Members of Parliament to talk on their behalf, yet we are not professional teachers; it becomes a political game where the teachers who get employed and promoted may not be the most competent. The Ministry and the Commission concerned should look at this seriously. In my area, I know of three teachers who are 48 years old. I tried to push so that they would get employed, but they never got employed. I just wonder if they will ever get employed, and if they do get employed, they will have very limited time left to work.

As decision makers, we should look at these issues seriously. We need to streamline the Commission. If they do not follow the rule of law, there is a need to have clear disciplinary actions.

I support this Bill and I hope it comes to fruition. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Pareyio, followed by Hon. Ngusya.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to....

(Technical hitch)

The Temporary Speaker (Hon. Farah Maalim): Use the other microphone.

Hon. Agnes Mantaine (Narok North, JP): I want to add my voice to this Bill. It is a very important Bill, especially to us who come from remote areas where teachers work under very hard conditions— they are very few, have no houses, and roads are inaccessible hence they cannot get to school on time. When they are appointed to act, they hold the position for almost 10 years and finally when an opportunity comes somebody else who has never even acted, is appointed to lead the school.

The other day, I got an opportunity to interact with the County Director of Education on a case of a teacher who had acted for six years, and when the opportunity came, somebody else was selected to lead the school. When I spoke to the Director, she told me it was not her fault. As it is now, a teacher can hold an acting position and is not promoted to take up the position. Parliament should pass a law that will save teachers from such problems and ensure TSC is fair to all teachers. They play a very crucial role in educating our children. I believe that education is the only equaliser. Even...

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Speaker. This is a very important Bill. At the outset, let me congratulate and thank my friend, Abdul Haro, for bringing such an important Bill on the Floor of the House; his constituents will automatically elect him because of this important piece of legislation. This Bill seeks to address the challenges teachers have been facing by ensuring there is fairness, especially for teachers who have been in acting positions for a long time.

This Bill will address many challenges that teachers have been facing, among them, the stagnation and poor career progression. If enacted, the Bill will boost teachers' morale. Teachers have been experiencing financial distress as they are never promoted. Most teachers in acting positions have not been getting their salaries. There is low morale in terms of teaching, and this Bill is going to enhance the quality of teaching in our institutions. There are many

issues we could discuss, but due to limited time, I fully support this Bill. Let us enact it so that teachers can experience fairness in matters transfers and promotions.

With those few remarks, I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Farah Maalim): Hon. Karemba.

Hon. Muchangi Karemba (Runyenjes, UDA): Thank you, Hon. Temporary Speaker. From the outset, I support this Teachers Service Commission (Amendment) Bill.

The TSC has a duty and responsibility to ensure that teachers are motivated. This Bill seeks to introduce rules that will properly define the roles of teachers serving in acting positions. It is very demotivating for a teacher to serve in an acting capacity for several months and then be told to vacate the position when another teacher is brought into the school.

I have a case in my constituency where a teacher has acted for a very long time, and every time a new teacher is brought into the school, that teacher is sent back to their substantive position. This is very demoralising. The TSC must, therefore, introduce clear rules stipulating that a teacher may only act for a defined period, after which they are confirmed, so that they remain motivated as they continue teaching.

Thank you, and I support.

The Temporary Speaker (Hon. Farah Maalim): The Member for Samburu County.

Hon. Pauline Lenguris (Samburu County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to add my voice in support of the Bill.

This is a very important Bill for teachers across this country. Some of them have been working under very difficult conditions in remote areas. In the interest of justice, I believe this Bill will address some of the challenges that teachers have faced for a long time. Some teachers have served in acting positions for even seven to eight years and have, unfortunately, been passed over when someone else is brought in to take over. In my view, serving in an acting position should mean that confirmation is forthcoming. This Bill is going to give such teachers the justice they deserve. Our teachers should be treated equally and given opportunities on merit when the time arises.

Hon. Temporary Speaker, our teachers need to be promoted on time, and not because they know someone at the TSC or in the office of the Director, but purely on merit. It has been a challenge that some teachers work for many years without promotions or receiving their dues, and this demoralises many of them.

Another challenge that the TSC needs to address is the need to train only as many teachers as they can absorb. Many teachers are trained and reach retirement age without ever being employed. This is even as significant gaps remain in the teacher-to-student ratio in this country.

The other issue is that retired teachers encounter difficulties in receiving their dues. We want the TSC to be proactive, because some retired teachers have died without the Commission having reimbursed their dues. It is deeply unfair that one should serve this country and then, at retirement, be subjected to great difficulty simply because the system does not automatically ensure that dues are paid at the right time.

Teachers working in hardship areas should also be considered for hardship allowances.

The Temporary Speaker (Hon. Farah Maalim): Not only that, some schools have three or four teachers for eight classrooms, while in other parts of the country, some teachers take only two lessons a week. That needs to be addressed so that every child receives an equal opportunity. We do not have that right now.

Under the circumstances, and there being no further interest in this debate, I now call upon the Mover to reply. Hon. Haro

Hon. Abdul Haro (Mandera South, UDM): Thank you, Hon. Temporary Speaker. As I rise to reply, let me take this opportunity to thank all the Hon. Members who have supported this Bill so overwhelmingly. I am pleased to note that a many Members of this House have

contributed to the debate and have given the Bill their overwhelming support. I am certain that the more than 461,000 teachers across the country, who have been following this Bill with keen interest, are reassured today that the Members of this House are fully behind the Amendment Bill.

This Bill seeks to cure one of the biggest problems affecting our teaching fraternity, that is, acting administrators in our schools. Statistics show that there are close to 4,000 headteachers and deputy headteachers serving in an acting capacity, and approximately 99,000 other teachers who are acting in various other roles. Through its various policies, the TSC has treated these acting positions haphazardly. Some of these teachers have been made to act for more than five, six, or seven years, and when these positions are advertised for substantive recruitment, someone else is brought in, bypassing the teacher who has been acting for five, six, or seven years. This is deeply unfair.

Some of these teachers hold two acting appointments simultaneously. For example, a teacher may be appointed to act as deputy headteacher at one school for several years and then transferred to another school to act as principal for several more years. This is entirely unfair. Simply because, throughout all of this, these teachers are not paid any acting allowance or special duty allowance whatsoever. This Bill seeks to cure this problem. These bad policies mean that some of these teachers will retire before ever being confirmed to their substantive positions. This kills their morale and extinguishes their legitimate expectation of being confirmed to the positions in which they have been serving.

Therefore, this Bill proposes that fairness be entrenched in the management of acting administrative positions in our schools. It proposes limits on the period for which a teacher may be required to act — specifically, that a teacher should be permitted to act for a minimum of one month and a maximum of six months. During that period, the teacher should be paid either an acting allowance or a special duty allowance.

This Bill also proposes that no teacher should be allowed to hold two acting positions simultaneously. Furthermore, when these positions are filled substantively, teachers who have been acting in those positions should be given priority. A prolonged period of service in an acting capacity without substantive appointment amounts to discrimination and unfair labour practices on the part of the employer, contrary to the provisions of Article 41 of the Constitution of Kenya, as read together with Section 5 of the Employment Act.

Having said that, I wish to highlight two or three points raised by Hon. Members. I May not address every contribution, but I will draw attention to a few that stood out.

Hon. (Dr) Oundo raised an important question regarding the drafting of the Bill and its reference to acting teachers. I believe that when the Bill reaches the Committee of the whole House, we will need to clarify this. So that when we refer to acting teachers, we are referring specifically to teachers serving in acting administrative positions in schools.

*[The Temporary Speaker
(Hon. Farah Maalim) left the Chair]*

*[The Temporary Speaker
(Hon. David Ochieng') in the Chair]*

In support of the Bill, Hon. (Dr) Nyikal raised the matter of the Fourth Schedule and the question of allowances for teachers. He proposed that these allowances should be entrenched in law, citing a similar arrangement in the health sector, where allowances were placed in the regulations but subsequently disappeared one by one until they were no longer recognisable in that sector.

Hon. Owen Baya shared his own experience as a teacher. When he was appointed as a deputy headteacher, the TSC did not issue him a formal acting appointment. His headteacher gave him a letter setting out his different roles. He was never paid an acting allowance. When he later went for an interview for the same position, the period during which he had been acting was not considered, as it was deemed to have been a local arrangement between him and the headteacher. TSC had not given him an appointment letter to act. Therefore, it did not contribute anything to his interview.

With those few remarks, I beg to reply.

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, the decision on this matter will be made the next time it appears on the Order Paper. Therefore, the putting of the Question is deferred to the next time it appears on the Order Paper. For the convenience of the House, I request that we go back to Order No. 5.

(Putting the question deferred)

PAPER

The Temporary Speaker (Hon. David Ochieng’): Hon. Nyamoko, go ahead.

Hon. Joash Nyamoko (North Mugirango, UDA): Hon. Temporary Speaker, I beg to lay the following Paper on the Table:

The Report of the Departmental Committee on Lands on the Approval Hearing of Nominees for Appointment as Chairperson and Members of the National Land Commission.

Thank you.

The Temporary Speaker (Hon. David Ochieng’): Next Order.

NOTICE OF MOTION

APPROVAL OF NOMINEES FOR APPOINTMENT TO THE NATIONAL LAND COMMISSION

Hon. Joash Nyamoko (North Mugirango, UDA): Hon. Temporary Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Lands in its Report on the Approval Hearing of Nominees for Appointment as Chairperson and Members of the National Land Commission, laid on the Table of the House on Wednesday, 11th March 2026, and pursuant to the provisions of Article 250(2)(b) of the Constitution, Section 12 of the National Land Commission Act, Cap. 281 and Sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, Cap. 7F, this House approves the appointment of the following persons as Chairperson and Members of the National Land Commission—

- | | | |
|-----------------------------------|---|--------------|
| 1. Dr Abdillahi Saggaf Alawy | - | Chairperson. |
| 2. Ms Susan Khakasa Oyatsi | - | Member. |
| 3. Mr Daniel Muriithi Muriungi | - | Member. |
| 4. Mr Kigen Vincent Cheruiyot | - | Member. |
| 5. Hon. (Dr) Julie Ouma Oseko | - | Member. |
| 6. Hon. Mohamed Abdi Haji Mohamed | - | Member. |
| 7. Hon. Mary Yiane Seneta | - | Member. |

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Let us proceed to Order No. 10.

BILL

Second Reading

THE UNIVERSITIES (AMENDMENT) (NO. 5) BILL (National Assembly Bill No. 79 of 2023)

The Temporary Speaker (Hon. David Ochieng’): Hon. Mejjadonk Gathiru.

Hon. Mejjadonk Gathiru (Embakasi Central, UDA): Hon. Speaker, I beg to move that the Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023) be now read a Second Time.

Before addressing the specific provisions of the Bill, it is important to appreciate the mischief that the legislation seeks to cure. The Universities Act, 2012 established universities as institutions of higher learning and academic research. However, they continue to offer basic certificates and diplomas. This creates duplication with Technical and Vocational Education and Training (TVET) institutions which are regulated by the Technical and Vocational Education and Training Authority (TVETA), which oversees institutions offering certificate and diploma courses.

As clearly stated in the memorandum of objects and reasons of the Bill, this dual certification framework has resulted in inconsistencies in curriculum content and duration, overlapping mandates between regulatory bodies, dilution of the character of universities as institutions of higher learning and academic research, as well as low enrolment in TVET institutions, despite substantial public investment.

Universities are statutorily established as centres of higher learning, scholarship and research, focusing on degrees and postgraduate programmes. The continued offering of certificate and diploma courses by universities blurs institutional mandates and weakens specialisation within the education sector. Therefore, the Bill seeks to restore clarity, strengthen quality assurance, and align institutional mandates within Kenya’s education framework.

The core policy question before the House is whether universities should maintain their distinct higher education mandate or continue overlapping with TVET institutions. The Bill answers that question decisively.

Clause 2 of the Bill proposes to amend Section 5 of the Universities Act by deleting the words “diplomas and certificates” and substituting them with “postgraduate diplomas and postgraduate certificates.” This ensures that the Commission for University Education will only recognise and equate postgraduate qualifications awarded by universities. This will restore their proper higher education mandate.

Clause 3 of the Bill amends Section 5A of the principal Act to reinforce that matters relating to approval, accreditation and recognition of university academic programmes shall be confined strictly to postgraduate diplomas and postgraduate certificates. This removes ambiguity and ensures exclusivity of regulatory authority within its refined scope.

Clause 4 of the Bill amends Section 20 of the principal Act by limiting universities to awarding degrees, postgraduate diplomas, and postgraduate certificates. Importantly, the Bill introduces a saving provision which allows students already enrolled in diploma and certificate courses, prior to the commencement of this Act, to complete their studies. This protects legitimate expectations and prevents retroactive prejudice.

Clause 5 of the Bill amends Section 38 of the principal Act to align the powers of the Chancellor to confer authority limited to degrees, postgraduate diplomas, and postgraduate certificates. This aligns ceremonial authority with the revised academic mandate.

Clause 6 of the Bill amends Section 56 of the principal Act by prohibiting the Kenya Universities and Colleges Central Placement Service (KUCCPS) from placing students in universities to undertake diploma or certificate courses. This is a key enforcement provision which ensures operational alignment between placement policy and institutional mandates.

Clause 7 of the Bill amends Section 70 of the principal Act to limit regulatory provisions to recognition and equating of postgraduate qualifications only. This ensures that delegated legislation aligns strictly with the new framework. The Bill expressly provides that it does not limit fundamental rights and freedoms, concern county governments and occasion additional public expenditure.

Article 10 of the Constitution enshrines the principles of good governance, accountability, and the rule of law. Clarifying institutional mandates within education sector strengthens this constitutional value. Article 43 guarantees the right to education. This right must be implemented through structured and quality assurance framework. By differentiating university education from technical and vocational education, this Bill strengthens both sectors rather than weakening either. The Government has invested heavily in Technical, Vocational Education and Training (TVET) institutions, yet many record very low enrolment. Limiting diploma and certificate programmes to TVET institutions will increase enrolment and promote skill-based training aligned with national development priorities.

The Bill enhances quality assurance by eliminating duplication between Commission for University Education (CUE) and Technical and Vocational Education and Training Authority (TVETA) in regulating similar qualifications. It also promotes fiscal prudence by ensuring university-focused resources on higher academic and research functions. It also safeguards currently enrolled students through transitional saving clause.

Hon. Temporary Speaker, in light of the foregoing, the Bill seeks to achieve the following:

- (a) Restore universities to their core mandate as institutions of higher learning.
- (b) Strengthen TVET enrolment and specialisation.
- (c) Enhance regulatory clarity and eliminate duplication.
- (d) Improve quality assurance within education sector.
- (e) Promote structured academic progression pathways.

Hon. Temporary Speaker, I therefore urge Hon. Members to support the Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023).

I beg to move and request Hon. Amos Mwago, Member for Starehe, to second.

The Temporary Speaker (Hon. David Ochieng’): Very well. Hon. Mwago.

Hon. Amos Maina (Starehe, JP): Thank you, Hon. Temporary Speaker. I rise to second this important Bill because it addresses a fundamental structure issue within our education system: the question of institutional differentiation and mandate clarity for efficiency and growth of institutions and better service delivery in our institutions. This Bill is not an attack on universities, it is not a reduction of opportunity, it is not a limitation of access, rather it is a restoration of order within our higher education architecture which was designed to achieve so much for this country in matters addressing development and the economic, political and socio-economic gaps and challenges we have in this country.

Hon. Temporary Speaker, universities are established under the Universities Act, 2012 as institutions of higher learning and academic research. However, over time they have expanded into offering certificate and diploma programmes, functions that are equally and properly undertaken by TVETs. This has created duplication in regulation, curriculum inconsistency and blurred institutional mandates and it has also reduced focus on co-mandates of these institutions of producing solutions to our problems as a country through innovation and inventions.

Two separate regulatory bodies currently oversee similar certificate and diploma qualifications, namely the CUE and the TVETA. This overlapping jurisdiction weakens regulatory efficiency and undermines specialisation since these two institutions give different standards to these institutions which are not collaborative and may create confusion because judging the standards of a college and a university from different commissions brings some confusion.

The Bill resolves that by restricting universities to degree and postgraduate programmes. The Bill restores their co-mandates whilst strengthening the role of TVET institutions in delivering certificate and diploma training through specialisation and that we get to achieve high quality and better cost education and professionalism in our country.

We must also consider the national development agenda. The government has invested heavily in TVET institutions across the country, yet many of these institutions continue to record low enrolment. If universities continue competing for diploma students, we weaken the very institutions meant to drive technical skills, industrialisation and job creation. This Bill supports structured academic progression; that is, certificate to diploma in TVET institutions, and degree to postgraduate training in universities.

Let it not be lost to us that some of these universities were established primarily to address some specific areas of our economy. For example, the Jomo Kenyatta University of Agriculture and Technology (JKUAT) and Egerton University, which was launched as a farm school in Egerton in 1939. However, as things stand now, most of these universities have focused on diploma and certificate courses that tend to be more lucrative to them, rather than addressing their co-mandates and the reasons why they were established, maybe to bridge the economic gap in our country. Thus, it is a high time that these universities focused on their core mandate.

In the world that we are living in, the technological advancements and the way issues have developed, most countries have invested heavily in universities as research institutions, so that they bring solutions to the current problems. The technological advancements in other countries have reduced our country to a consumer of these advancements. Our country is not a producer because we lack institutions that are in tandem with the way things are going. We lack very robust institutions that can address the issues of artificial intelligence development, technological advancements in our country, production and manufacturing and the issue of robotics and technology. We do not have such institutions because our institutions would rather concentrate on lower-level diploma and certificates education. That is an issue that we need to look into if we want to move forward as a country, so that we can be in the same line with other countries that have invested heavily and turned their universities into institutions that address their issues.

Hon. Temporary Speaker, I wish to emphasise that this Bill contains a saving provision protecting students already enrolled in diploma certificate programmes. No student will be disadvantaged. No legitimate expectation will be defeated. The transition is orderly and lawful.

Further, the Bill does not limit fundamental rights and freedoms, it does not concern county governments, and most importantly, it does not occasion additional public expenditure. It is therefore constitutionally sound and physically responsible. Differentiation does not weaken institutions; it strengthens them. Clarity does not reduce opportunity; it enhances quality.

For these reasons, I support the policy direction of this Bill and urge honourable Members to debate it favourably. I second the Bill. Thank you.

The Temporary Speaker (Hon. David Ochieng'): Thank you, both of you, for such eloquent proposition of the Bill on the Floor.

(Question proposed)

Before I give the first person to contribute on this, we have students from Greensvale School, Kajiado West Constituency in Kajiado County, and Milimani High School, Naivasha Constituency, in Nakuru County seated in the Speaker's Gallery. They are all welcome for our proceedings this morning and afternoon. I ask the Hon. Member for Naivasha to welcome them to the House.

Hon. Jayne Kihara (Naivasha, UDA): Thank you, Hon. Temporary Speaker for giving me this chance to welcome the students of Milimani High School as well as students from Kajiado. I am sorry I did not get the name.

The Temporary Speaker (Hon. David Ochieng'): It is called Greenville School.

Hon. Jayne Kihara (Naivasha, UDA): Okay. I wish to welcome them for availing themselves to observe what we do in this House. I was with the students of Milimani High School yesterday while delivering your bursary cheque of KSh1.5 million. We agreed that you must work hard so that you become better citizens. We had a good discussion and since your school is located in town, it is clear that you have maintained a high degree of discipline both within the school and outside. I wish to emphasise to you that your parents work very hard to keep you in school. On the other hand, I have done a lot to support the school. Therefore, what remains is for you to focus on your studies. I wish you all the best during this visit and thank you for sparing time to come here and see what we do in this House. Congratulations and welcome once again.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Now, on the Bill, the first bite on my table will be Hon. Rahim Dawood of Imenti North if not North Imenti. What is the order of the wording? Go ahead.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. It is North Imenti Constituency, Imenti North is the Sub-County. First, I congratulate Hon. Mejjadonk for bringing this Bill although I previously complained that he passed my Bill. That aside, it is important to clearly define the roles of universities and Technical and Vocational Education Training (TVETs) institutions. Universities have increasingly moved into areas that were not originally within their mandate. Initially, universities focused mainly on degree programmes, postgraduate diplomas and higher qualifications such as Bachelor's, Master's and Doctoral degrees. However, in recent years, they have started offering programmes that were traditionally the responsibility of TVET institutions. In doing so, they have encroached on the mandate of TVETs.

Some universities especially private ones have even established their own TVET institutions. For example, Mount Kenya University has Mount Kenya TVET and Kenya Methodist University (KeMU) also has a TVET institution. We need to separate these two because TVET institutions have an important role in this country and universities should not be allowed to offer certificate courses unless there is need for a course that TVET institutions cannot offer. For instance, the London School of Economics is one of the universities where the late President Emilio Mwai Kibaki studied. Even though I already had a Master's degree, I later took a certificate course in real estate at the London School of Economics but that was a specialised course that I could not find at Kenyan universities or colleges.

Therefore, we need to separate the administration of certificates and diplomas. These programmes should fall under a single system because when universities offer them, they fall under university and not under those of the TVET Authority. This means that the grading and certification processes differ from those used by TVET institutions creating inconsistencies between qualifications issued by universities and those issued by TVETs. For that reason, whatever the Hon. Member has proposed, during the transition period, institutions currently offering such programmes should be allowed to complete them. However, once this Bill

becomes an Act of Parliament, universities should cease advertising or offering certificate and diploma courses.

Universities should focus on churning out graduates at the Bachelor's, Master's and PhD levels. We do not need them to go down to the certificates and diplomas because that is already being done. At the same time, the Government, through the Ministry of Education, needs to strengthen TVET institutions. Some of them lack adequate infrastructure and funding. We must increase funding for TVET institutions because they serve a critical role in our education system. They provide opportunities for students who do not meet the C+ and above requirement, which is our university entry requirement.

Hon. Temporary Speaker, nearly 50 per cent of our students do not qualify for university admission. Where do they go? They pursue diploma and certificate programmes and the best institutions to offer these programmes are TVET institutions. Therefore, the Government should develop policies that strengthen TVET institutions and ensure that students are trained in marketable skills, and not stick to thinking of white-collar jobs. We should encourage training in artisan field such as electrical work, plumbing, painting and other technical areas. Today, we have many degree holders who are unemployed and forced to take any available job. Last year, I even saw a degree holder doing manual job despite having a university degree. We should encourage more students even those who perform well academically to consider TVET institutions. In my constituency, some students who scored B, B+ and A- chose to attend a TVET or National Polytechnic instead of university because they know they are more likely to secure employment after graduation. With those few remarks, I join Hon. Mejjadonk in supporting this Bill and I say that this should be passed.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng'): Member for Bondo, Hon. Ochanda.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Speaker. I believe the amendment is spot on. Those of us who have been here for a while will remember that up to 1987, there was a bit of order in terms of training progression in this country. This was particularly evident under the A-level education system. When students were in secondary school, they were guided using what we called career books. In Form 3 or Form 4, students were advised about the possible career paths depending on their performance. They progressed to A-level - Form 6 - which was for the purpose of the university.

The only thing that was lacking at that time was, if you cleared Form 6 and you were going for a diploma course, like those who went to what we called a National Polytechnic, there was no other level other than that. That was like the end. That was the little gap in that system. If that gap is addressed – I think that is exactly what this Bill intends to do – then we will significantly improve career progression and specialisation in our education system.

There is also the issue of human resource placement. Why should a professor be teaching a person with Class 8 qualification in a university set up for the purpose of just issuing a certificate for 3 weeks? This is where we have a big problem. This developed as a result of universities raising money from all manner of things. They got a soft spot in the name of taking certificate and diploma courses for the purpose of raising money and I think this is where we went wrong.

There is no need for somebody who has been a professor training master and undergraduate courses coming down to start training somebody with class eight qualification on governance. There was the fallacy that Members of the County Assemblies had to go to university for them to get certificates. So, universities started racing towards that direction, and that was not right. Parallel degree programmes were introduced. That made sense, but when they came up with all manner of private engagements like private entries for certificates and diplomas, it no longer made sense. That was an indication that universities were not doing the right thing. What universities churn out ought to be respected. I do not think a university can

be proud of churning out class eights who are doing certificate in a number of small courses. That is something the Bill addresses, and that is important.

Another area is that of specialisation. Before 1987, if you wanted to be a teacher and you joined Advanced Level but you did not make it to university, it was clear that you would join Kenya Science Teachers College for a science course in education. If you terminated your studies at Form Four, you would be very sure of joining the Animal Health and Industry Training Institute (AHITI) at Kabete or Embu. In 1997, we started converting all these institutes and national polytechnics to universities. We now have many universities and the specialised arrangements are all dead. We are on TVET colleges. This is something important to look at. I am happy with how TVETs handle their courses. Those who leave school at Class Eight and join TVETs are trained in courses like plumbing over a period of time then they are awarded a certificate or a diploma. That makes a lot of sense. Universities need to get out of awarding certificates and diplomas so that the right institutions that are supposed to give certificates and diplomas are given their space to do so.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Member for Kinangop, Hon. Thuku Kwenya.

Hon. Kwenya Thuku (Kinangop, JP): Thank you Hon, Temporary Speaker for giving me this opportunity to make my contribution to this Bill sponsored by the Hon. Member for Embakasi Central Constituency. In a special way, I recognise his efforts. However, I disagree and oppose the Bill. The reason I take this position at the outset is because we must look at the practise the world over so that we do not reinvent the wheel.

Universities have specialised curricula. We must also be cognisant of the fact that we are moving from 8-4-4 system to the Curriculum-Based Education (CBE). We have infrastructure for that in universities both public and private. We must interrogate the reason as to why certificate and diploma courses were introduced in universities. With that kind of thinking, we must be cognisant of the fact that there are some courses that are offered in universities that cannot be offered in TVETs.

Indeed, if we are going to do away with certificate and diploma courses in our universities, we must do a cost-effect analysis of what will happen to learning institutions that have heavily invested their monies in such courses. The University of Nairobi, for example, has infrastructure for engineering courses. For that reason, we must encourage that a number of diploma courses be done in universities because of the capacity they have. Students may not have requisite grades to join universities to do bachelor degrees in engineering, but they can start from a certificate then upgrade to diploma and eventually to degrees so that they learn from the laid down infrastructure from bottom up to the highest level.

Unless we do not want to collapse the education system in this country and deal a blow to private universities, which heavily train in certificates and diplomas level, then we must answer difficult questions. There are also specialised certifications that are done in universities. These are professional trainings that offer certificates in higher national diplomas. We must interrogate that deeper. This Bill, from what I have heard from the Hon. Member and the reading of the same, is hollow, and shallow research has been done on it.

As much as I agree that university education should basically be based on research because they have the infrastructure, there are those that have the capacity to research and to...

The Temporary Speaker (Hon. David Ochieng’): Do they offer the courses because they have infrastructure to offer them or they have huge infrastructure and therefore they are looking for a chance of getting money? That is the question.

Hon. Kwenya Thuku (Kinangop, JP): It is not just about monetary issues, Hon. Temporary Speaker. They have capacity that...

Hon. Rahim Dawood (North Imenti, Independent): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Peter Kaluma): What is out of order, Hon. Dawood?

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker, the Hon. Member has said that there are certificate and diploma courses universities offer which TVETs do not offer. Let him list the courses.

The Temporary Speaker (Hon. Davud Ochieng’): That is not a point of order. Hon. Thuku, you have heard his request for information.

Hon. Thuku Kwenya (Kinangop, JP): Hon. Temporary Speaker, I have heard. In fact, in terms of capacity, I am not talking about infrastructure so that they can act as if they are just rent-seeking. I am talking of infrastructure in the sense that it may be underutilised because basically university education is more on research. However, they have infrastructure that can be used to train low-key engineers. All we should be asking for is to have a body that examines students in the universities and those in TVETs in the same standards. That way, we will not have students who are examined in the regular university examinations and TVETs having their own examining body as it is today.

As Members of Parliament, we cannot sit here to destroy an existing infrastructure that has been laid, especially, by private universities. If we do that, we should proceed with what was happening in the past where private universities admitted students funded by the Government. If that does not happen, we will have many private universities closing shop, which is, of course, not good for this country.

I oppose this Bill.

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

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to the Bill by Hon. Mejjadonk, the Member for Embakasi Central.

Looking at the proposed amendment, I am wondering who is complaining. Where is the problem? A university is different from a TVET. These are totally different entities even though their ultimate goal is to train. The practice all over the world – in the United States of America, Australia and in African countries like the Republic of South Africa – universities are autonomous. Whatever they decide to offer is based on background research before they come up with a program they feel is worth a university offering. The same applies to TVET institutions. Sometimes certificate courses act as preparatory grounds for some programs that are offered in the university. Who is complaining?

One of the amendments that is supposed to be done on this Bill is on governance in universities. The proposed Bill is going to prohibit university chancellors from presiding over the award of certificates in universities. Universities are run in a very specific way. Certificate courses are offered at the level of faculties and not by a chancellor. So, totally different operations go on at faculties. There are universities which do linkages in different programmes. They sign MOUs with other international universities. Sometimes the requests are based on certificate programs which are done in their mother universities. What will happen if they come to Kenya and realise, for example, that the University of Nairobi does not have a provision for a given programme? Do you want to tell me that their relationship is going to be severed? If no one is complaining and these universities are doing what is supposed to be done, and they are producing quality graduates, why should we sit here, as Members of Parliament, and decide to curtail them from offering these programs?

We have universities in far-flung areas where there are no other institutions. What will happen to the equipment that those universities have invested in? Will they just stay idle because they cannot offer certificate courses after we amend the Universities Act to stop them from doing so? I worked in the university for 20 years and I can confidently say that I have

taught PhD and Master's students. I have graduated undergraduates and I have also participated in the mentorship of students taking certificate courses. There has never been a problem. I do not see any...

The Temporary Speaker (Hon. David Ochieng'): I have a simple question on this matter. You are an expert on this issue. What happens, for example, if tomorrow the Moi University School of Medicine (SOM) started offering diploma in all the courses offered by the Kenya Medical Training College (KMTC)? What happens if tomorrow, the Nairobi University School of Medicine decided that they are going to offer diplomas in all the courses being offered by KMTCs? What happens tomorrow if all the universities decided that they are going to offer all the courses being offered by teacher training colleges in the country? Nothing stops them from doing that. What will happen in such situations?

Hon. Phylis Bartoo (Moiben, UDA): Hon. Temporary Speaker, universities should have autonomy, just the way they enjoy it now. It is not that they are going to offer all the courses and lock out everyone. Every institution should have its share. Students should have the freedom to choose whether to pursue a diploma course at KMTC or at Moi University if the university is offering a similar course. At the end of the day, the end game should be that we are training somebody to be a nurse or to be a doctor. The same student can still progress and pursue a degree course or a postgraduate diploma course or a Master's Degree course. What we are looking at here is autonomy. We should not curtail our students by saying that because they want to do a certificate course, they can only do it at a given TVET or at a particular college, and not at a university. If a university is offering a certificate course and a student is interested, why should they not enrol for it? Why should we curtail ourselves? The students of today are impatient. They want options. When we box them to start thinking in one dimension where they start to say that for them to do a certificate course they must go to a college which offers certificate courses, it poses a danger. Sometimes it is better to do courses progressively. For example, a student can go to a university and start with a certificate program and progress knowing that he will get an extension of the same because he probably did it at the diploma level. So, I strongly oppose the Bill.

Universities are supposed to be autonomous. They have a way they design their programs and curriculums. They design their curriculums for students to study progressively. What is offered at certificate, diploma, degree and postgraduate levels is not the same. We do not need to strangle them at this level. We have invested so much in our universities. We have just begun expanding the TVETs. Let us give them time to evolve before we decide that universities, TVETs and KMTCs should do their core business and go their different directions. Let us look at education from the perspective of not denying others an opportunity to be what they want. For instance, Egerton University is the oldest institution of higher learning in Kenya. It was founded as a Farm School. The school was upgraded to an Agricultural College offering diploma programmes all the way to be a public university. We cannot deny them an opportunity to offer certificate courses in agriculture because they have the equipment and expertise. We should not be worried about a professor teaching a diploma or a certificate course. Students should benefit from their expertise. Professors do not just teach, they mentor. The lecturers who teach certificate courses are mentored by Professors. The curriculum is overseen by Professors. We should not just require universities to stop offering certificate and diploma courses. We must not say that we migrate certificate courses to middle-level colleges and leave universities to deal with degree, master's and postgraduate programmes.

I oppose the bill.

The Temporary Speaker (Hon David Ochieng'): Before we have, Hon. Nyikal we have students from Kuikui Secondary School in Baringo North, Baringo County. They are welcome to follow our proceedings this afternoon.

Hon. Nyikal, as you contribute, also do the honours of welcoming students in the Public Gallery to us.

Hon (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker for giving me this opportunity. First, I welcome the students who have come to visit this House. They have come at the right moment. We are discussing a very important matter on education at the certificate and diploma level in our universities. That will give them an opportunity to understand how we operate. It will also sharpen their ambition. They should realise that one day they will be sitting here to make such decisions. This is an important experience for them. So, I welcome them all and wish them a good stay in the city and a safe trip back to school.

Having said that, I want to discuss basic issues regarding the Bill. In principle, I support the Bill. However, it raises a more fundamental issue than what we are discussing here. What has surprised me is that a majority of us do not understand or believe in the mandate of a university. The mandate of a university, to my mind, is not teaching. That is not mandate number one. The mandate of a university is not even training. The mandate of a university is to search new knowledge. The professors who have taught at the universities will tell you that you will never progress in a university if you do not do research. Publish or perish. What universities are supposed to do is to instil new knowledge. Universities should carry out research and find out how the world works.

The western countries are not powerful because of their politics and the way they do things but because of their knowledge of how the world works, particularly in the world of science. In those countries, it is not possible to pick the president by political power or by force. You need extreme knowledge of how things happen. So, universities are supposed to produce knowledge through research.

The second one, in my view, is dissemination of knowledge. It is through dissemination of knowledge where training comes in, as a third mandate. It is important to train people at a level where they will participate in research, which is key to survival in this world. We are not doing well in these parts of the world because we do not put emphasis on research and financing. If universities see themselves as training institutions and start training at any level – degree, diploma and certificate – then they have lost the biggest mandate that they have – research and leading us to how the world works. The world needs new knowledge. To that extent, I support this Bill. Let universities disseminate knowledge at the levels of degrees and postgraduate diplomas. In my view, I would not have accepted the postgraduate diploma and postgraduate certificate. I would have left it at degree level. This is because at that level, you may apply but ask ‘why’ not ‘how’. At technical level, when dealing with vocational level training, you ask ‘how’.

There is a situation in this country where people sometimes cannot distinguish the difference between an engineer and a diploma technologist. Sometimes people say that our universities are producing engineers who do not perform in the job market. The problem is that the industry is looking for technologists – diploma holders – to do the things that an engineer is supposed to do.

Let us start with the science itself. The PhD holders and above are supposed to do research and get new ideas. For example, engineers can have an idea that if you pass light through a glass, it bends the light. How can we use that to create products? This is the point at which you will need a technologist. If the engineer has made a discovery, the technologists can use it to produce a product. Once that product has been produced, it will be put at the level of the factory where it is produced en masse. That is why some organisations say that engineers from the University of Nairobi are not good and they have had to retrain them. They are not retraining them but reducing them from engineers to technicians. It is because organisations advertise for technical people but pick up engineers for the job. That is the distinction we must clear.

There should also be a ratio. I will use engineering, but it can be the same across the board. There should be a ratio between the number of engineers to the number of technologists and technicians in the country. In this case, the scientists come up with the ideas. The engineers use that idea to design a product. The technologists produce the product. The technicians then fix and repair those products. That is the order in which things work. When you start producing in large numbers where engineers and technicians are all mixed up, then we have a problem.

In my opinion, it is high time universities played roles. Mandate number one for universities is research. They should get us new knowledge and tell us why things are happening the way they do. They should tell us why people die from floods in Nairobi. That is something which was noted in 1906 when a medical officer said that the way Nairobi is designed, it will have floods, epidemics and people will die, but nobody listened. Actually, that guy wanted Nairobi to be expanded up to Kikuyu. In such a case, with that information, the people with degrees can redesign the city and the technologists fix the design. We must have such ideas so that things work. Therefore, I support the Bill in that context. Universities should do their job.

Again, in training technologists, there must be a link. As I said earlier, there must be a ratio so that what is done at the university level, finds application at the TVET level. These are the people who apply that knowledge for its everyday use. That is why TVETs should be everywhere across the country. They are required for everyday use. We do installations and repairs, which are the works of engineers. So, we must have that distinction.

The other thing is that universities are now looking to raise funds. This is because we do not fund our institutions. Universities start admitting students not because of their mandate but because they want to raise funds. We have a problem in this country. For example, universities have now designed a course for clinical officers – Bachelor of Science in Medicine and Surgery. Then there is Bachelor of Medicine, and Bachelor of Surgery, both of which produce doctors. I have never understood how in the world we will distinguish those two people. All this is because the universities do not stick to their roles. Universities now introduce courses which lead to other issues. Appropriate amendments to Clauses 5 and 5A will help to distinguish which is which within the country, and which is which when they come from outside the country.

The third issue is that of regulation. Section 5 of the Universities Act provides that universities can design their programmes and train people without reference to regulatory authorities. In such cases, the Engineers Board of Kenya, for example, asks universities whether they trained the engineers because they did not see the training curriculum. The Engineers Board has to ask the universities whether to register the engineers from their institutions...

The Temporary Speaker (Hon. David Ochieng’): I add you one minute to conclude.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker. As I was saying, the Engineers Board of Kenya asks the universities whether to register the engineers as technologists or certificate people. This is because we did not link university education with the regulatory authorities.

I support this Bill but we need to introduce a lot of amendments. Last week, there was an issue here on the conflict between the universities and KMTC training. Remember that the Hon. Speaker said that we should find a solution to that issue. This is part of such problems. I support that we should have a clear distinction but we should also introduce a lot of amendments to the Bill. This may give us an opportunity to address many other issues of training and regulation, particularly in technical areas.

With those remarks, I support.

The Temporary Speaker (Hon. David Ochieng’): I see the Member for Siaya is ready to contribute but I have a different order here. The next person to speak is the Member for

Bureti, who will be followed by the Member for Malava, the Member for Gichugu, the Member for Siaya, the Member for Turkana East, the Member for Nyeri and the Member for Kesses. The Members will contribute in that order.

Go ahead, Hon. Komingoi.

Hon. Kibet Komingoi (Bureti, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Bill that raises several critical issues affecting our country's education sector. Today, I stand at a crossroads: whether to support Hon. Mejjadonk's proposal for total separation or to propose improvements to this Bill to address some generic and pertinent issues. They have arisen in the form of discussion and the conceptual framework that established our universities and TVET institutions.

Hon. Nyikal placed it so well that the core mandate of our universities is to advance knowledge through training, teaching, research and innovation. The focus of our TVET institutions is to promote industry-relevant training to implement practical solutions.

Hon. Mejjadonk raised a valid concern. That, in exercising their mandate, our universities went overboard in commercialisation and trying to do everything. That is where I have an issue and a problem. The question is whether universities are the right place to do all these things. Probably, yes. However, is the university the only place that can do these things? No. Our TVET institutions and other colleges can do so by ensuring that industries thrive.

You may be aware of conflicts that have arisen within our education sector. Some sectors of the education system have been classified as outside the system as it stands today. For instance, students of Kenya Medical Training Colleges (KMTCs) do not receive Higher Education Loans Board (HELB) loans because the Ministry of Education does not consider them part of it. Similarly, the Ministry of Education does not consider students at the Kenya Institute of Highways and Building Technology (KIHBT), a college within the Ministry of Roads, Transport and Public Works. Therefore, HELB does not give loans to students in those institutions. Kenya Medical Training Colleges are considered health education facilities rather than pure educational institutions. To run these institutions, we must decide whether to link them to the Ministry of Education or keep them separate.

As you are aware, there is clear separation between institutions that provide training and professional regulatory bodies that register graduates in this country. This gap creates a significant challenge to our education system. I intend to consult Hon. Mejjadonk to clarify these points and determine how we can better align academic training with professional certification requirements. I agree that universities should lead in training and advancing education. We need a comprehensive education, training and application outlook of this knowledge in the industry. Other interlinkages could be established to connect our universities with TVETs, build relationships between the two institutions, and create Memoranda of Understanding.

I have a question on where to put industry-specific colleges like the Bandari Maritime Academy and the National Defence College of Kenya. The institutions are unique because they offer certificate, diploma and degree courses. We must determine how they fit in the Ministry of Education. They are not classified as universities because they are not covered by the Universities Act of 2012. They are also not operating under the Technical and Vocational Education and Training Authority (TVETA). Therefore, they are not part of TVETA. They are, in themselves, autonomous and provide sector-specific training and the application of that knowledge.

I am calling for new thinking within our education system. Following the recommendations by the Presidential Working Party on Education Reform (PWPER), we have an opportunity to review certificate, diploma, and degree programmes. By integrating these levels, we can better identify our nation's market needs. We must ensure our investment in education provides real benefits. University research must drive future innovation and ensure

this knowledge is applicable and relevant to the market. Finally, we must address infrastructure development within our TVET institutions. The Kenya Kwanza regime has done much to promote these middle-level colleges. We hear from the ground that only minimal support is provided to these institutions.

The Bureti National Polytechnic in my constituency is telling us that capitation for students in TVET institutions is not coming on time. We end up crippling the very institutions we want to promote to bridge the gap between the industry and academia. I call upon the Government, particularly the Ministry of Education, to evaluate each institution independently. This will allow us to promote both local and universal knowledge for general application in the country. Some universities were created to fill gaps in certain sectors of our economy.

Egerton University was originally an agricultural institution. By its commercialisation, it has mutated into something else. The University of Eldoret and the Jomo Kenyatta University of Agriculture and Technology (JKUAT) were established for technology and agriculture. Now that we have not capped these things, we have seen universities enter areas where they lack expertise or core competencies to train. Therefore, the country suffers because we have followed the philosophy of where the money is and where to get students. The current capitation system seems unable to recognise the amount we need to invest in these institutions.

With this broad thinking, I support the Bill before us for now. I will propose amendments with a particular focus on ensuring coherence across our education sector and streamlining it to provide solutions not only to Kenyan problems but also to regional problems. Our universities must remain training and research institutions to provide us with future knowledge we may require in new enterprises that may arise, or to advance our knowledge through the work they do. Thank you.

The Temporary Speaker (Hon. David Ochieng’): Well said. Hon. Ndakwa of Malava.

Hon. David Ndakwa (Malava, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Universities (Amendment) (No.5) Bill brought by Hon. Mejjadonk of Embakasi Central. Looking at the Bill, this law is meant to change and bring equality to our education system. In the current situation, the Bill will enhance governance and the funding structure and improve the quality of higher education in this country.

I believe the reforms will stop the growth of poorly regulated institutions. The separation of university and TVET roles should be streamlined with what is offered in accredited institutions. TVETs and universities award diplomas and certificates, and the same teachers, professors, and professionals provide instruction. This provides equality in education, as it is the only equaliser one can get in life.

I support the idea that certificates and diplomas issued by TVETs and universities should be accredited differently. If it is for higher learning, further training, or advanced professional skills, it should be done by the Commission for University Education (CUE). However, certificates and diplomas issued by TVETs should be accredited by the TVETA, which is specifically mandated for technical subjects. A university body can discriminate in accrediting certificates and diplomas issued by technical institutions compared to those issued by universities, because standards are measured during the learning processes.

I support the idea that there is always duplication of learning across institutions because the curricula offered in all institutions are standardised. It is like studying at Alliance High School, where the examination is accredited by another body, unlike a disadvantaged student learning in a rural area in Malava, such as at Bulupi Secondary School, which is accredited by a different body. There will be discrimination in the offering of career opportunities throughout the employment lifecycle.

A common body, like TVETA, accrediting technical subjects, will provide some measure of understanding and equity for students from universities and technical colleges. It will also give students from higher institutions an advantage, as they will have the leverage of

having attained the skills in a higher-standardised institution like a university. Those who have trained at technical institutions will also need to improve their skills, as competition in the job market is fierce.

It will also strengthen the technical jobs being offered across the employment sector. This can also reduce the degree of congestion, where one accredited by a higher institution feels superior to those accredited by technical institutions. Universities should obtain accreditation from CUE for higher education, research, and innovation.

Technical institutions offering certificates, diplomas, and artisan courses should have their accreditation body, TVETA, unlike CUE, which will be a disadvantage for those from technical institutions. Therefore, we need to distinguish between the two. A single body, TVETA, should accredit those offering certificates or diplomas. CUE should accredit those conducting higher research and innovation in universities because they have their own curricula and learning standards.

I support. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Githinji.

Hon. Gichimu Githinji (Gichugu, UDA): Thank you, Hon. Temporary Speaker. I rise to support this Bill by Hon. Mejjadonk. I have perused the Universities Act and found that there is also a deficiency in the definition of a ‘university’. It only describes how to establish a university, but it does not describe a ‘university’.

I have gone further to look for a definition of a ‘university’. The Cambridge Dictionary states that a university is: “An institution of higher education and research which grants academic degrees (bachelor's, master's, and doctorates). It is usually larger than a college, often comprising several specialised schools and focuses on both undergraduate studies and advanced specialised studies.” That is the definition of a ‘university’, which is lacking in our Act. It is probably time we also amend the Act to define what a university is.

I support this Bill because there has been a mix-up in the courses currently offered at universities. The fact that universities also have financial challenges cannot be an excuse to allow them to offer diplomas and certificates under the CUE. There is no harm in universities also seeking to have a separate department which offers certificates and diplomas, which should be under TVETA. However, the problem is when you now mix them under the CUE. That is why this Bill is very important, so that we do not turn universities into commercial entities. They are institutions of learning where people can earn undergraduate, master’s, and even doctoral degrees, as defined in the dictionary.

In the years I was at the University of Nairobi, to be very frank, there were no diplomas offered. Only bachelor's, master’s and doctoral degrees were offered. Now, with the financial challenges that universities have faced, probably because of mismanagement and other issues, they have been forced to seek accreditation by the CUE to offer diplomas and certificates. That is where the problem is. I applaud the President of this country, who has been very keen on establishing TVET institutions across all the constituencies in this Republic.

I dare say that TVETs in this country are the brainchild of our beloved President, who was instrumental in establishing them. We should equip these institutions for those who want to pursue diplomas rather than diverting these resources to universities. Actually, they are even closer to the people. Most students probably cannot attend universities because they are far away. Most universities are located in cities because they have sufficient resources. Most people set up businesses in cities because they can reach a large market. TVET institutions are now more accessible, so students who cannot travel far can obtain diplomas and certificates locally. We need to build capacity within our TVETs to absorb all those people.

Those who want to engage in business are free to do so, but they must be trained in TVETs to operate their businesses effectively. We should not turn universities into profit-making institutions that offer only certificates and diplomas. They should maintain the purpose

for which they were initially created, not for business purposes. I will discuss the matter further with Hon. Benjamin Gathiru. We may need to panel-beat a few areas of the Bill during the Committee of the whole House to improve it. Thank you.

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

Hon. (Dr) Christine Ombaka (Siaya County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. This is a very interesting Bill, but it is also a very hard nut to crack. Universities should traditionally offer undergraduate, master's, and doctoral degree courses. That is the standard practice worldwide. Things have changed over time, and universities have faced many economic challenges.

I taught at the university and noticed that many universities were offering courses that would serve the nation. Still, at the same time, they were trying to get resources to run their activities. They engaged in income-generating activities. Diploma and certificate courses would be offered on weekends, during holidays, or sometimes in the evenings. The intention was to address the nation's shortcomings. They catered to those who did not get an opportunity to pursue diploma or certificate courses. At the same time, they were also trying to make money. Universities faced the dilemma of how to survive with no funds. They were unable to pay lecturers, purchase books, or run libraries. They needed resources. Therefore, they came up with a plan to offer diploma and certificate courses over the weekends and during holidays.

Another dilemma is that we have many TVETs in every sub-county in this country. How many students can fill up the slots in the TVETs in the sub-counties? How many students are left over for universities to admit for diploma courses? We need to know how many students want to pursue diploma and certificate courses, and where they want to do so.

The relationship between a TVET and a university is such that, if you pursue a diploma course in a TVET, you can still pursue further education at the university. You can pursue a degree course at the university, with the study period reduced by one year, so you start in the second year of studies. That relationship is distinct and commendable. I do not know why a war arises, but I recall Prof. Bartoo saying that every university is autonomous. You can pick which one to attend. Where is the war? What are we fighting over? When we have space at the TVET level, we can take students there. If there is space at the university, why not? If you start cutting down and pigeonholing issues, then we will have trouble.

We have many TVETs, but they are overcrowded so let universities offer some of these diploma courses. Some of them are also supported by other universities. For example, in Maseno University, where I was, there were several diploma courses that were being offered in collaboration with another university in the United States of America (USA) or United Kingdom (UK). A course is offered in Maseno University, but that degree will be awarded by a university outside Maseno in collaboration with a college or university. These are some of the challenges that this Bill will face.

We have many students, but you want them to be pigeonholed in TVET only. If we have excess students, where will they go? You should allow universities to train them so that we have everybody on board. Everybody will have a certificate or diploma. Allow universities to continue offering diploma and certificate courses because they collaborate with other universities. This Bill will prohibit them from progressing and offering various courses.

There is a famous course that was known back in the 1990s when Human Immunodeficiency Virus (HIV) and acquired immunodeficiency syndrome (AIDS) were very rampant in this country. There was a certificate course on HIV and AIDS guidance and counselling. I cannot remember the name of that particular course, but it was on HIV and AIDS, project management and sometimes guidance and counselling. It was a certificate or diploma sometimes. It was offered at the university level, especially in the medical areas. There were issues of guidance and counselling and trauma management. All these were certificate courses

offered at the university level. I do not know whether our TVETs have some of these courses. If they do, these courses are relevant today. It will be wonderful to offer them.

My biggest worry in this Bill is that you want to segment what TVET institutions and universities should teach. We will leave out many students. Let that be a free area where a student can go wherever they want. If you want to do your diploma or certificate at a university and it offers it, let it be. If a TVET offers it, let it be. People also have their choices. There are those who want to go to the University of Nairobi for a certificate course rather than to go to a TVET in their area to get the same certificate. So, preferences are also here.

The challenge is that we have a huge population that would like to take on at the certificate level and diploma level. Let them be free to go wherever they want, whether it is at TVET or college. That is my take for now. This is a very challenging Bill which we must tread carefully because we have many issues on why universities offer diplomas and certificates. They collaborate with others from other countries which must be factored into this Bill.

Otherwise, I support the Bill, but with caution. Thank you for giving me this opportunity to contribute.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Hon. Rahab Mukami. Is it Hon. Rahab Mukami?

(Laughter)

Hon. Rahab Mukami (Nyeri County, UDA): Thank you, Hon. Temporary Speaker. I rise to support the Bill. It addresses fundamental structural issues within our education sector: the Commission for University Education and the Technical and Vocational Education and Training Authority. Universities are established under the University Act, 2012, as institutions of higher learning, but they have now expanded into offering certificates and diplomas, which is okay. We have no dispute with that. We have TVETs.

In exams, universities are overseen by the CUE, while TVETs are authorised by the TVETA. The TVETs do exams from Kenya National Examination Council (KNEC), while university exams are set by the Commission. You can see there is discrimination. For example, if a child applies for a job in any company, if the child goes with a certificate from maybe University of Nairobi; whether a certificate or diploma, and another one brings a certificate from Nyeri Technical Training Institute, the one from University of Nairobi will be given priority. We need to harmonise this. Because both of them are pursuing certificates and doing diplomas, why are they doing different exams? They should do the same exam. There is also discrimination in the universities being overseen by CUE and TVETs by TVETA and, therefore, I support the amendments. We should harmonise. We should make sure that the children attending University of Nairobi, St. Paul University, or Nyeri Technical Training Institute all do the same exam and get the same certificate.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Hon. Members, before I give a chance to the Member for Kesses, in the Public Gallery, we have students from, Mwangaza Secondary School, Maragwa Constituency in Murang'a County, Mama Ngina University, Gatundu North in Kiambu County, and Kamiti Secondary School, Roysambu, Nairobi County. They are welcome for the proceedings this afternoon.

(Applause)

I will first stand down the Member for Kesses. I ask Hon. Sabina Chege to welcome them, then take three minutes to make her contribution.

Hon. Sabina Chege (Nominated, JP): Thank you, Hon. Temporary Speaker for the opportunity to welcome the students in this House. With special recognition of the students

from both Maragwa and Roysambu Constituencies, and all the other students who are here. I hope they learnt something.

I am torn into two on this Bill. As I stand to support, we might need to rethink the amendment proposed. Initially, before the Kibaki Government, we used to have institutions that could offer specific training at the diploma and certificate level. We used to have the Cooperative College which is now the Cooperative University. These were serious institutions that could offer a diploma and a certificate course with thorough and proper training. We had institutions like Utalii College, Kenya Institute of Management (KIM), where a student who starts with a certificate or a diploma would later join the university. But what happened? We collapsed all these institutions, including the one that was the National Polytechnic; we made it the Technical University of Kenya (TUK). The one that was training on cooperatives, we made it the Cooperative University, going all the way to Pwani University which was also a polytechnic and a technical institution.

Therefore, as we propose this amendment, it is important that we have proper training where the universities focus on the degrees, masters or postgraduate degrees, all the way to the research level, because universities basically are supposed to be research institutions. But sometimes I find that when universities offer certificates, they do not give it the weight that is required or the attention as a technical institution would. The big question we should be asking ourselves today – I hope Hon. Mejjadonk who is the Mover of this Amendment Bill could listen – is that do we have enough institutions that can give the various technical certificates and diplomas within this country?

As a former Chairperson of the Departmental Committee on Education, we were there at the formulation of the CUE for the sole purpose of harmonisation. This was because we had difficulties especially in law and in teaching. For example, our students could go to Uganda if they had less than a C or a D, and get trained as teachers, but when they came back, the Teachers' Service Commission (TSC) could only accept a person with a C+ (plus) and above especially the high school teachers. That was the same case for law students. But it is now harmonised.

We need to relook at this amendment, Hon. Mejjadonk. We need to ask ourselves whether it would be doing good to our students who want to pursue certificates or diplomas or doing them more harm. I have heard my colleagues say that sometimes there is discrimination. If I go with a diploma or a certificate from the University of Nairobi and another one from a technical institution, the one from a university tends to be given weight. I was just explaining to my colleague here, Hon. Wa Muthende, and he is learning very well and fast, that it is important that we have a clear pathway. This is such that whether one got a D or a C, they can start from the lowest level of that, like a certificate, then do a diploma, then they can get a chance to join university. We have seen people who did not do very well at Form Four, but have gone all the way to do a doctorate. Sometimes they will ask, "why are you doing a doctorate and you got a D or a C in your Form Four exams?" But that is not the end. It is not supposed to be the determinant on your career path.

Hon. Mejjadonk, as we support this amendment and go to the Committee of the whole House, we might need to see how we make sure that we do not discriminate. That we can have a clear pathway from certificate to diploma then to university.

Thank you. I support.

The Temporary Speaker (Hon. David Ochieng'): Member for Kesses.

Hon. Julius Ruto (Kesses, UDA): Thank you very much, Hon. Temporary Speaker, for this opportunity to also weigh my observation on this particular amendment Bill, that is sponsored by Hon. Mejjadonk. I appreciate him for demonstrating proper leadership and sensitivity to the issues pertaining to our higher education.

There are two ways of approaching this Bill, majorly guided by Article 43 of our Constitution which is a supreme law of the land. It has given a chapter on human rights; the rights for all Kenyans starting from access to affordable health care to housing. Article 43(1)(f) speaks about access to education and it stops there. That every Kenyan from whichever corner or geographical location, has a right to access to education. What is the definition of education? Of course, education is acquiring knowledge by all standards, whether certificate, diploma or degree. It is acquiring knowledge, understanding livelihood and how to manage our lives. For that purpose, why did universities end up establishing part of training far beyond the degree? Most of these are informed by the needs, because universities are established to address the needs of the society. The main function and goal of university through research and training, is to provide solutions to the population.

We have universities that specialise in technology and agriculture, like Egerton University, JKUAT and Moi University. Most of those universities were established for the purpose of focussing on the main or critical economic backbone of the country; agriculture. Since that time, they have established over time, experience and equipment that are put in place. This knowledge is not only meant for the high level of education, and it is not only meant for the degree level. Who is going down there to look at that farmer? We need an Extension Officer. We need a person who can supervise at the ground.

We need a specialised person to address the issue of livestock down there. Most of these levels of training focus on the administrative level, but who is there practically on the ground? Universities are run by independent charters. Every university was established by an independent charter. The fact that we have a professor there, who can inculcate and transfer knowledge to a student, either in Bachelor's or in Master's, nothing stops this professor from going down to the level where a farmer is or going down to where the population is.

For this purpose, we need to be guided by the Statute Law (Miscellaneous Amendments) Act of 2012, which gave rise to this one, for the reason that needs are different. An area like Nairobi, an advanced area, of course, might have the advantage and privilege of having a university and having access to training colleges, both for diploma and for certificate. What of areas like Turkana, that we have just known now of the University of Turkana? Are we aware that far in the large County of Turkana, whether we have these other colleges?

If the University of Turkana can see the need for those people and offer courses, like lifesaving or fish management, which is an economic need to support those people, why should we deny an opportunity to that facility that has resources to bring equipment and education, and even to connect that population to the outside world? For instance, Namibia specialises in issues related to fish. What is the problem with that? What we are saying is that, yes, we know some universities are...

The Temporary Speaker (Hon. David Ochieng'): I am just curious. On the same argument, why should they do it and deny TVET institutions from offering degrees?

Hon. Julius Ruto (Kesses, UDA): Well, the other technical colleges are limited by the aspect of university legislation. They are guided by the Universities Act, which has given them the sole mandate to offer degrees. What you are saying beyond degrees is, are degrees enough? Can they provide solutions? That is what I am saying. The spirit behind this amendment law, or the Statute Law (Miscellaneous Amendments) Act of 2012, looked at those gaps.

Yes, we know the Government of Kenya has been promoting the establishment of TVET institutions in every constituency, but we have constituencies that are bigger than even some counties. I have said, let us go back to Article 43 which says that every Kenyan has a right to education. I want to say that let us be careful with the kind of laws that we are amending so that we do not lock out other Kenyans from accessing these basic needs. These are public institutions that are established with taxpayers' money. Let us not lock out other Kenyans, those who could have obtained the privilege or advantage of that sole institution.

Last week, when we were burying our colleague, Hon. Johana Ng'eno – may his soul rest in peace – the people of Emurua Dikirr were asking the President for a university. If you look at the kind of livelihood those people are going through, the acute poverty those people are going through, that institution, even if it is put there, may not support that local population. It will support other populations who are well capacitated and have, in terms of basic education, attained university level. What about those populations within that narrow county, in that suburban area, where there is not any other college within?

What I am trying to say is that let us be cognisant and be sensitive to the fact that we are putting this to support our population. I want to oppose this amendment in that context and say that unless we are able to look at it in a better approach, where we need to cap the aspect of universities that have gone free to run business as opposed to giving out education. Some universities have gone fully commercial, looking at every Tom and Jerry around, picking everything, to ensure that they are able to get a population, run a business for profiteering, and even at times, we do not know where they are putting this money.

We just need to be sensitive enough to look at that charter. Let every university stick to its own charter. In every faculty, in every institution, be guided by the Senate and the charter so that whatever they want to offer, far beyond it, should be justified in the context of the focus of the university. For that, I want to oppose this amendment.

Thank you.

The Temporary Speaker (Hon. David Ochieng'): Thank you. Minority Whip. Those who are raising their hands now, we have five minutes to go. I have just given Hon. Millie a chance to speak. This Bill still has an hour next time it is in the Order Paper.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, maybe you are not understanding. Maybe they are raising their hands up to indicate that they are the Minority Whips.

The Temporary Speaker (Hon. David Ochieng'): No, they are not, for the reason that I know who the Minority Whip is. This Bill still has an hour. Those who do not get a chance this afternoon will get a chance next time.

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I am fairly reluctant to support this Bill because I do not feel sufficiently convinced by its contents and the Committee report. Whenever one seeks to amend an existing law, there must be a mischief that one is trying to address or redress. There must be a gap or a lacuna. Looking at the arguments being proffered, they appear to be more like administrative gaps and hiccups. We are talking about two entities that allow for registration, namely, universities and institutions offering certificate courses. We are saying that this creates confusion, which should ideally be dealt with administratively. I do not think we should amend a law every time we face a hurdle. Hurdles may indicate that the people in those institutions are not working. Just remove them and put people who can work in those institutions. I am not convinced that we need this Amendment Bill. I do not like challenging a Member who has gone out of their way to bring an Amendment Bill, so I will not outrightly oppose the Bill. However, I wish that there were more convincing grounds to support it.

One of the things that I was hoping to see in the Report is the international best practice. We are in a digital era. I have looked up some prominent universities such as Oxford University, the New York University, and the University of Nairobi. Even leaving out the Kenyan ones, I have looked at international universities such as Harvard University. Even though Harvard University refers to them differently, they offer certificate courses. They may not offer diploma courses as we know them in Kenya, but they offer certificate courses. Oxford University also offers diploma courses. What have we learnt from the experiences of other successful international universities? I do not see that reflected in the Committee's Report. There must be very good grounds to change a practice that has existed for a long time.

We recently established a Technical Training Institute (TTI) in Waondo, Suba North Constituency. We are already overwhelmed by the number of students registering. I am hoping that we can establish another one in Rusinga Island because of the numbers that have shown up. We also have a lower-level institution in Mfangano Island, which we are seeking to upgrade because of the demand. The TTIs and the TVET institutions can run effectively, but that does not mean that universities should stop offering specialised courses that align with the areas in which they have expertise. The TVETs may not have expertise...

The Temporary Speaker (Hon. David Ochieng’): An issue arose earlier that you must have a degree if you want to be a Member of the County Assembly (MCA). Some universities have set up a dubious course called Diploma in Leadership. How specialised is that?

Hon. Millie Odhiambo-Mabona (Suba North, ODM): Hon. Temporary Speaker, one needs a diploma in leadership. I am currently pursuing a Doctor of Philosophy in Leadership and Governance. We need such training because we have a dearth of good leadership in this country. Perhaps we need to be re-trained on it.

This speaks to the issue of accreditation. It goes back to what I was saying that if the accrediting authority approves courses that we may not understand, or that may not make sense to us, then we should ask them what those courses are about. That does not mean that we eliminate university courses. It may simply mean that someone may have slept on the job during the accreditation of universities.

Some universities offer diploma courses in Information and Communication Technology (ICT) and other specialised areas that some lower-level colleges may not be able to offer because they do not have the same equipment and facilities. I am not really convinced by this Bill. I will not oppose it, but I request the Mover and the Committee to think about it. I wish they can give us international best practices in relation to this Bill. I wish we can talk more on how to ensure that more women are enrolled in colleges and TVETs to pursue courses in technology because that is the way the world is going. That is what I want us to talk about.

How can we incorporate things that deal with the specific areas that I would like to see? I am very glad because our TVETs are already partnering in fisheries because that is our main stake. It will enable people to have expertise in fishing instead of having spacecraft which we will never do anything with. We have things that relate to our day-to-day living. I am very impressed because when I passed near our TVET the other day, a beautiful wall had been built around the institution. It was built by the students because they have learnt life skills. However, this does not stop the universities from offering diploma courses which are stepping stones to courses that are offered there. A university has its style and skills. You hope that a person who has pursued a diploma course will move on to the same university with the same style and skills.

I will not oppose the Bill, but I am not convinced. Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Hon. Members, there is still a balance of one hour and five minutes in this Bill. So, you will get a chance to contribute next time it is slotted in the Order Paper.

ADJOURNMENT

The Temporary Speaker (Hon. David Ochieng’): The time being 1.03 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

(The House rose at 1.03 p.m.)

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