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THIRTEENTH PARLIAMENT

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THE HANSARD

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THE HANSARD

Wednesday, 29th April 2026

(The House met at 9.30 a.m.)

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

PRAYERS

QUORUM

Hon. Temporary Speaker (Hon. David Ochieng'): Sergeant-at-Arms, please, ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

The Temporary Speaker (Hon. David Ochieng'): I order that the Bell be rung for a further five minutes.

(The Quorum Bell was rung)

Hon Members, when the Quorum Bell is ringing, you cannot leave the House. Sergeants-at-Arms are advised to enforce that rule strictly.

Order, Hon. Members. Take your seats. Sergeant-at-Arms, stop the Quorum Bell. Let us proceed.

PAPERS

The Temporary Speaker (Hon. David Ochieng'): Chairperson of the Committee on Delegated Legislation, you have a Paper to lay. Who is the Chairperson? Hon. Chepkonga is not in the House. Chairperson of the Committee on National Cohesion and Equal Opportunity. Who is the Chairperson of this Committee?

Next Order.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

The Temporary Speaker (Hon. David Ochieng'): The Member for Malindi, Hon. Amina Mnyazi is in the House. Go ahead.

OPERATIONALISATION OF MALINDI CIVIL REGISTRATION CENTRE

Hon. Amina Mnyazi (Malindi, ODM): Hon. Temporary Speaker, I rise to request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security regarding the operationalisation of the Malindi Civil Registration Centre.

On 21st October 2025, the State Department for Internal Security and National Administration announced the establishment of a passport issuance office in Malindi, which was expected to be operational in 2026. This initiative was intended to be a step towards decentralising immigration and civil registration services so as to enhance access to essential

Government services for residents of Malindi and the wider north Coast region. However, despite this undertaking, the Civil Registration Centre in Malindi remains non-operational. This has continued to impose financial and logistical burdens on residents of the north Coast sub-region, who are forced to travel to Nairobi or Mombasa to access the services. Further, the delay continues to impede residents, particularly the youth, from accessing employment, education and travel opportunities abroad.

It is against this background that I request for a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. Reasons for the delay in operationalisation of the Malindi Civil Registration Centre.
2. Measures that the Ministry of Interior and National Administration has put in place to ensure full operationalisation of the Malindi Civil Registration Centre to enable residents to access passport services conveniently.
3. Specific timelines for full operationalising of the Centre.

The Temporary Speaker (Hon. David Ochieng’): Thank you. Chairperson of the Departmental Committee on Administration and Internal Security. Is there any Member from that Committee?

(Hon. Protus Akujah stood up in his place)

Is that Hon. Akujah? Did you hear the question?

Hon. Protus Akujah (Loima, UDA): Yes.

The Temporary Speaker (Hon. David Ochieng’): Please, proceed to tell us how long you will require to deal with this Request. Give Hon. Akujah the microphone.

Hon. Protus Akujah (Loima, UDA): Thank you, Hon. Temporary Speaker. I have heard the question regarding the operationalisation of the administration unit. Since we are going on recess tomorrow, the Statement will be responded to in the first week after we resume.

The Temporary Speaker (Hon. David Ochieng’): Hon. Mnyazi, take it up with him and his Committee and ensure that you raise it again in the first week after we come back from recess.

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

Hon. Kassim Tandaza (Matuga, ANC): Hon. Temporary Speaker, maybe there is a problem with my card because I have not made any intervention.

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

PROCEDURAL MOTION

EXEMPTION OF CERTAIN BUSINESS FROM STANDING ORDER 40(3)

The Temporary Speaker (Hon. David Ochieng’): Whip of the Majority Party.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Speaker, I beg to move the following Procedural Motion:

THAT, this House resolves to exempt the business appearing as Order No. 12(i) in today’s Order Paper from the provisions of Standing Order 40(3), being a Wednesday morning, a day allocated for business not sponsored by the Majority or Minority party or business sponsored by a committee.

We are doing this to give Members ample time to interact and debate this matter. This is a matter of national concern and if we do that, it will be of benefit to many Members. I

request the very able Woman Representative for Vihiga County, Hon. Beatrice Adagala, who is the incoming Governor of Vihiga, to second.

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

Hon. Beatrice Adagala (Vihiga County, ANC): Thank you, Hon. Temporary Speaker. I second the Motion, keeping in mind that this Bill will assist in meeting Kenya’s forestation goals. The initiative is being spearheaded by the Head of State. If we implement this Bill well, we will preserve our indigenous trees like the bamboo and other indigenous trees and Kenya will be covered. It is also our way of going to Singapore. Singapore has a lot of trees and Kenya needs this conservation.

I second.

(Loud consultations)

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

(Question proposed)

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, is it the mood to put the Question?

Hon. Members: Yes.

(Question put and agreed to)

BILLS

Second Readings

THE LOCAL CONTENT BILL
(National Assembly Bill No. 45 of 2025)

*(Moved by Hon. Jane Kagiri on
15.4.2026 – Afternoon Sitting)*

*(Debate concluded on
22.4.2026 – Morning Sitting)*

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, debate on this Bill was finalised.

(Question put and agreed to)

*(The Bill was read a Second Time and
committed to Committee of the whole House)*

THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL
(Senate Bill No. 12 of 2023)

*(Moved by Hon. Rahim Dawood
on 15.4.2026 – Morning Sitting)*

*(Debate concluded on
22.4.2026 – Morning Sitting)*

The Temporary Speaker (Hon. David Ochieng’): Debate on this Bill had been finalised.

(Question put and agreed to)

(The Bill was read a Second Time and Committed to Committee of the whole House)

Next Order.

First Reading

THE MEDICAL PRACTITIONERS AND DENTISTS (AMENDMENT) BILL
(National Assembly Bill No. 10 of 2026)

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

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

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

IN THE COMMITTEE

*[The Temporary Chairlady
(Hon. (Dr) Rachael Nyamai) in the Chair]*

THE FOREST CONSERVATION AND MANAGEMENT (AMENDMENT) BILL
(National Assembly Bill No. 38 of 2025)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Order, Hon. Members. We are in the Committee of the whole House. Those who are willing to participate in this Bill, hit the intervention button. Give us a few minutes—we are addressing a technical issue at the desk. We will proceed shortly.

(Clauses 3 and 4 agreed to)

Clause 5

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairperson of the Departmental Committee on Environment, Forestry and Mining, Hon. Vincent, proceed.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 5 of the Bill be amended by deleting the proposed new paragraph (nc) and substituting therefore the following new paragraph—

(nc) provide technical assistance to the county governments in the development of agroforestry and commercial forestry in community land.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Please, give us the justification for those who have not interacted with it. Please, make it quick.

Hon. Vincent Musau (Mwala, UDA): This amendment seeks to ensure that we do not encroach on county functions by requiring the Kenya Forest Service (KFS) to provide technical assistance to county governments, enabling them to, in turn, support communities and private forests.

(Hon. (Dr) John Mutunga Kanyuithia and other Members consulted loudly)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Order, team led by the Chair of the Departmental Committee on Agriculture and Livestock. Is that Dr Mutunga?

Hon. Member: Yes.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Dr Mutunga, your consultations are so loud. I know this is a Mt. Kenya issue, and Mt. Kenya is big, but the voices can be lower. You may continue consulting, but do so in lower tones.

(Question of the amendment proposed)

Any interest in this? There being no interest, I will put the Question.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 5 as amended agreed to)

Clause 6

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, I beg to move: THAT, Clause 6 of the Bill be amended—

- (a) in paragraph (a) by inserting the words “responsible for matters related to internal security” immediately after the words “The Cabinet Secretary” appearing in the proposed new subsection (1);
- (b) by inserting the following new subsection immediately after the proposed new subsection (5)—
 - (6) Without prejudice to the foregoing, the provisions of Part III and Part IV of the Independent Policing and Oversight Authority Act, Cap 86 shall apply, with the necessary modifications, to uniformed and disciplined officers under this Act.

This amendment seeks to achieve two objectives. The first one is to ensure that uniformed and disciplined officers are designated by the Cabinet Secretary for the Ministry of Interior and National Administration rather than the Cabinet Secretary for the Ministry of Environment, Climate Change and Forestry. The second one is to ensure that those officers are subject to Parts II, III and IV of the Independent Policing Oversight Authority Act.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Chairman.

(Question of the amendment proposed)

Hon. Kassim Tandaza, Member for Matuga, are you interested in this amendment?

Hon. Kassim Tandaza (Matuga, ANC): Hon. Temporary Chairlady, can the technical team assist with my card? This is the second time I have been told that I am on intervention yet I have not pressed it.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): No problem. That is noted. Hon. (Dr) Mutunga, Member for Tigania, are you on this or is it a different matter?

*(Hon. (Dr) John Mutunga Kanyuithia
responded in the negative)*

Thank you. I believe it is not on this one.

*(Question, that the words to be inserted
be inserted, put and agreed to)*

(Clause 6 as amended agreed to)

Clause 7

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, I beg to move:
THAT, the Bill be amended by deleting Clause 7.

The amendment seeks to ensure that uniformed and disciplined officers are trained at the existing Kenya Forestry College (KFC), rather than the proposed Kenya Forest Academy. It aims to remove this provision to avoid duplication.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you.

(Question of the amendment proposed)

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 7 deleted)

Clause 8

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman, which is a deletion.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, I beg to move:
THAT, the Bill be amended by deleting Clause 8.

What this amendment seeks to achieve is already catered for in Section 21(1)(a) of the current Act.

(Question of the amendment proposed)

*(Question, that the words to be left
out be left out, put and agreed to)*

(Clause 8 deleted)

(Clause 9 agreed to)

Clause 10

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, I beg to move:
THAT, Clause 10 of the Bill be amended—

- (a) in the proposed New Part IIIA of the Bill by deleting the word “Director” and substituting therefor the word “Secretary”;
- (b) by deleting the proposed new section 29A and substituting therefor the following new section—
- Directorate. 29A. (1) There is established the Directorate of Forest Regulation which shall be an office in the public service.
(2) The Directorate shall be headed by the Secretary of Forest Regulation.”
- (c) by inserting the following new section immediately after the proposed new section 29A—
- Appointment of Secretary 29AA. (1) The Secretary of Forest Regulation shall be competitively recruited and appointed by the Public Service Commission.
(2) A person shall be qualified to be appointed as a Secretary of Forest Regulation, if that person—
(a) is a citizen of Kenya;
(b) holds an undergraduate degree from a university recognized in Kenya;
(c) has a postgraduate degree in any of the following fields—
(i) forestry;
(ii) botany;
(iii) environment;
(iv) natural resources; or
(v) plant ecology.
(d) has had at least fifteen years proven experience in the relevant field; and,
(e) meets the requirements of Chapter Six of the Constitution.
- (d) by deleting the proposed new section 29B and substituting therefor the following new section—
- Functions of the Secretary 29B. (1) The Secretary of Forest Regulation shall—
(a) advise the Cabinet Secretary on the development of national standards, codes, procedures and guidelines for participatory forest management, forest utilisation and forestry, forest products and services, and traceability systems for forest produce;
(b) issue regulatory guidelines to persons and entities within the forestry sector, and make recommendations to county governments and other public bodies on forestry matters;
(c) monitor, inspect and audit compliance with this Act and the applicable standards in forest management and protection;

- (d) advise and make recommendations to the Cabinet Secretary, the Service, county governments and other agencies on enforcement actions, suspension, variation or revocation of licences;
- (e) establish and coordinate a national forest compliance and enforcement framework in consultation with relevant agencies;
- (f) register, license and regulate forest certification experts, timber graders, and such other professionals as may be prescribed by any written law;
- (g) develop professional standards and codes of conduct for licensed professionals under this Act;
- (h) ensure linkage of the national forestry registry with national systems, including carbon registry mechanisms under the Climate Change Act;
- (i) develop reporting requirements for actors in the forestry sector;
- (j) receive, review and analyse reports relating to forest-related activities;
- (k) advise the Cabinet Secretary on regulatory risks, compliance status and corrective measures within the forestry sector;
- (l) develop and monitor strategies for achieving and maintaining at least ten per cent tree and forest cover;
- (m) monitor and provide regulatory oversight on ecosystem service payments, benefit-sharing mechanisms and other climate-related forestry initiatives;
- (n) establish and maintain the National Safeguards Information System;
- (o) receive and investigate complaints made to it by any individual or entity with respect to any matter concerning forestry management and make recommendations to relevant authorities;
- (p) prepare and publish annual reports on the state of regulation in the forestry sector and submit to the Cabinet Secretary for tabling before Parliament; and

- (q) perform such other functions as may be assigned by the Cabinet Secretary or provided under this Act or any other written law.
- (2) The Secretary of Forest Regulation or a duly authorized officer may—
 - (a) issue compliance notices requiring remedial action for purposes of compliance with this Act;
 - (b) require any person or entity to produce records, data or information necessary for regulatory oversight;
 - (c) at all reasonable times enter and inspect any forestry activities in any premises or installations;
 - (d) conduct audits and investigations to confirm compliance with this Act and applicable standards;
 - (e) impose administrative sanctions to forest certification experts, timber graders, and such other professionals licensed by the Secretary;
 - (f) recommend to the relevant authority the suspension, variation or revocation of licenses, permits or approvals;
 - (g) refer any matter for prosecution to the relevant authority with respect to any offences committed under this Act; and,
 - (h) perform such other acts as may be necessary for the effective discharge of the functions of the Directorate.
- (e) in the proposed new section 29C by—
 - (i) deleting the word “Director” appearing in subsection (1) and substituting therefor the word “Secretary”; and
 - (ii) deleting the words “office of the Director” appearing in subsection (2) and substituting therefor the word “Directorate”;
- (f) in the proposed new section 29D by deleting the word “Director” appearing in subsection (1) and substituting therefor the word “Secretary”;
- (g) in the proposed new section 29E by deleting the word “Director” appearing in subsection (1) and substituting therefor the word “Secretary”; and

- (h) in the proposed new section 29I by deleting paragraph (g) and substituting therefor the following new paragraph—
 - (g) three other persons appointed by the Cabinet Secretary, out of whom—
 - (i) one shall be nominated by the Forestry Society of Kenya;
 - (ii) one shall be a member of a registered community forest association; and
 - (iii) one shall represent the forest industry;
- (i) in the proposed new section 29N by deleting paragraph (f);
- (j) in the proposed new section 29S(2) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) possesses a Doctorate degree in any of the following fields—
 - (i) forestry;
 - (ii) botany;
 - (iii) environmental studies;
 - (iv) natural resources;
 - (v) public administration;
 - (vi) economics;
 - (vii) strategic management; or
 - (viii) plant ecology.
- (k) by deleting the proposed new section 29T; and
- (l) in the proposed new section 29W by deleting the word “Parliament” appearing in paragraph (a) and substituting therefor the words “the National Assembly”

Hon. Temporary Chairlady, this is a fairly comprehensive amendment. It seeks to do the following: One, to establish the Directorate of Forest Regulation. Two, to provide for the position of the Secretary of Forest Regulation to head the said directorate. Three, to provide for the functions of the said Secretary. Four, to replace the Director of Forest Regulation with the Secretary of Forest Regulation. Five, to ensure that the Cabinet Secretary appoints independent members of the board or institute from the forestry sector. Six, to specify the relevant fields in the qualifications of the Director General of the Kenya Forestry Research Institute (KeFRI), and seven, to delete the provisions of the Corporation Secretary, as the same can be provided under the human resource policy of the institute.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Those interested can press the intervention button. I do not see any interest. I will now put the question.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 10 as amended agreed to)

Clause 11

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairperson.

Hon. Vincent Musau (Mwala, UDA): I beg to move:

THAT, the Bill be amended by deleting Clause 11 and substituting therefor the following new clause—

Amendment
of
section 42 of
Cap.385

11. The principal Act is amended by inserting the following new subsection immediately after subsection (3)—

(4) A person responsible for a public forest or community forest shall designate specific areas of the forest as buffer zones to reduce negative edge effects and enhance ecosystem services.

Hon. Temporary Chairlady, this particular amendment seeks to ensure that whoever is responsible for community forests designates specific areas or forests as buffer zones, excluding private owners of forest lands.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Proceed, Hon. Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Chairlady. I have a problem with this amendment because, as we speak, they have already gazetted forests. Adjacent to these forests is private land, owned by individuals who hold title deeds. Now we are creating a buffer zone of 100 metres from those forests by amending this Bill. What will happen? How are you going to acquire the extra 100 metres that is being proposed once this Bill comes into effect?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairperson, would you like to respond?

Hon. Vincent Musau (Mwala, UDA): Yes, please. First, the initial proposal did not specify whether these buffer zones were to be for public forests, community forests, or private forests. It was the observation of the Committee, as well as members of the public through public participation, that we needed to exclude private forests.

The second issue is how the buffer zones will be established. They will not be created from community or private land. It is the existing public forests that are supposed to have some space designated as buffer zones. Therefore, the space allowing buffer zones and activities around the forest will originate from Government land. We have also emphasised that we have excluded any private land, so there is no confusion.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairman, for that explanation. Yes, Hon. Charles Nguna.

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Chairlady, I would like to seek clarification from the Chair. I need clarity on whether people who have already constructed their homes near the forest will not be affected in the future by this law.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Give Hon. Musau the mic.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, the only people allowed around a public forest are community forest associations, which have already signed agreements with the Kenya Forest Service. Therefore, if there are communities living in Government forests, it is actually an illegality by itself. I cannot guarantee that individuals who have encroached on public lands will be exempt from this particular piece of legislation.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 11 as amended agreed to)

Clause 12

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairperson.

Hon. Vincent Musau (Mwala, UDA): I beg to move:

THAT, Clause 12 of the Bill be amended in the proposed new section 43A by inserting the words “relevant lead agencies” immediately after the words “collaboration with” appearing in subsection (2).

Hon. Temporary Chairlady, this amendment seeks to clarify that the initial proposal in this Bill stated that KFS would collaborate with county governments. We are simply saying that it should collaborate not only with county governments, but also with other lead agencies.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I do not see interest in this so I will go ahead and put the question.

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 12 as amended agreed to)

(Clause 13 agreed to)

Clause 14

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairperson.

Hon. Vincent Musau (Mwala, UDA): I beg to move:

THAT, the Bill be amended by deleting Clause 14 and substituting therefor the following new clause—

Amendment of section 55 of Cap.385

14. The principal Act is amended by deleting Section 55 and substituting thereof the following new section—

Tree growing initiatives

55. The Cabinet Secretary shall plan and execute programmes necessary for observing tree growing initiatives and other international forest events.

Hon. Temporary Chairlady, this particular amendment seeks to ensure that the Cabinet Secretary plans and executes programmes and initiatives necessary for not only tree planting, but also tree growing.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Charles Ngusya Nguna.

Hon. Charles Nguna (Mwingi West, WDM): Hon. Temporary Chairlady, it is necessary to support this clause because we have seen many cabinet secretaries who merely go

out to plant trees, but do not take on the other responsibilities of conserving the forests. I think it is necessary to expand their roles, and it is very important that we include this.

I support.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Next is Hon. Rahim Dawood.

Hon. Rahim Dawood (North Imenti, Independent): I support this. However, we need to go further than that because we planted many trees last year, and this year, the Cabinet Secretary is using helicopters just to plant a few trees. The Chairperson of the Committee should ensure that these efforts are viable and cost-effective. We cannot continue to plant trees without ensuring they are taken care of properly, and they should be cost-effective.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Kassim Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): This is a very important amendment, and I believe it should go even further. We, as Members of Parliament, are also involved in tree planting. This may not be good music for some of us. If we are asked to account for the number of trees that we planted every financial year, we might not find more than 100 that have grown to maturity.

My proposal is that, through the Committee, it should recommend that if one plants trees and does not take care of them and they do not grow, there should be a punishment for that. Otherwise, it will be business as usual. What happens to those who spend money, whether through the National Government Constituencies Development Fund (NG-CDF) or through the Ministry, but the trees are then left to dry? Can there be some form of punishment for such an act? That is sabotage.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): You are not proposing further, but just engaging. You are debating it.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 14 as amended agreed to)

Clause 15

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman.

Hon. Vincent Musau (Mwala, WDM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 15 of the Bill be amended by inserting the following new paragraph immediately after paragraph (b) —

(c) the provisions of subsection (2) (da) and (db) shall not apply to private forests.

Hon. Temporary Chairlady, the Bill gives powers to the Kenya Forest Service to designate parts of forests for public activities, wayleaves and public installations. Unfortunately, the Bill does not specify the particular forests that are affected. The Bill speaks to community land forests, public land and private land forests. Therefore, the amendment seeks to restrict such powers only to public forests and community forests.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you for that justification.

(Question of the amendment proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. CNN, Mwingi West.

Hon. Charles Nguna (Mwingi West, WDM): Thank you, Hon. Temporary Chairlady. I would like to thank the Chairperson and the Committee for coming up with the Clause. At Karura Forest, there are many wayleaves. It is good to see Kenyans, including athletes and families, walking around. The wayleaves are good for those who want to enjoy the atmosphere in forests. They ensure the public exercise and promote health by providing a cleaner environment than where they live.

Hon. Temporary Chairlady, I support the clause.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Rahim Dawood, Member for Imenti North.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Chairlady. As much as I agree with the Chairperson, he should be more specific. I do not know of any private forest in this country. Could he name a few or even one so that I can understand where we are coming from? I know of private farms, but not private forests. I challenge the Chairman to name one private forest so that we can say we are on a right track.

Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I think he is trying to protect private forests. Chairperson, would you like to name? Member for Endebess, Dr Pukose.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Chairlady. Let me inform Hon. Dawood what a private forest means. For example, farmers, like myself, own private forests where we plant trees within our farms. Those are examples of private forests. No one can come and do their things on a private farm. On my farm, I have a big private forest on the lower side.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, the Bill has a very clear justification. The Chairperson has explained that the amendment does not affect private forests. Hon. (Dr) Pukose has also tried to help. The clause is meant to protect private citizens from wayleaves.

Hon. Kassim, would you like to add something? Make it one minute please.

Hon. Kassim Tandaza (Matuga, ANC): I would like to add that in my constituency Matuga, we have the Mwaluganje Elephant Sanctuary. This is a forest area within private land owned by individuals. There are about 300 owners who came together. That is a good example of a private forest.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): That is a good justification. Thank you, Hon. Members, for helping. Chairman, do you want to comment?

Hon. Vincent Musau (Mwala, WDM): Thank you, Hon. Temporary Chairlady. Let me respond because he directed the question to me. I thank the Members who have contributed on the same.

*(Hon. (Dr) John Mutunga
Kanyuithia consulted loudly)*

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): The Chairman of the Departmental Committee on Agriculture Hon. (Dr) Mutunga, you move amendments. Normally you just sit at your place. A few minutes ago, you had a meeting there on Mt. Kenya matters. I let you do your meeting. You have now decided to sit behind the Chairman and you are still loud. Please, consult in lower tones.

Hon. Vincent Musau (Mwala, WDM): Thank you, Hon. Temporary Chairlady. I just wish to refer Members to the definition of a forest. A forest is land dominated by trees. The Member is likely to have one. A good example of a private forest is the Member's rural home. We are trying to protect the Member so that the Government does not encroach on private land without permission.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Members. Bearing in mind that we are in the Committee of the whole House and not in the Second Reading, let us focus.

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 15 as amended agreed to)

(Clauses 16 and 17 agreed to)

Clause 18

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. Vincent Musau (Mwala, WDM): Hon. Temporary Chairlady, I beg to move:

THAT, Clause 18 of the Bill be amended by deleting paragraph (a).

The amendment seeks to delete the proposed inclusion of transport as an element of an offence for prohibited activities in forest land. The reason is that this particular offence has already been provided for under the chain of custody system. The chain of custody system requires that whenever you are transporting forest materials, you must state the source and also have a movement permit.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Chairman.

(Question of the amendment proposed)

Hon. (Dr) Pukose, Member for Endebess.

Hon. (Dr) Robert Pukose (Endebess, UDA): Thank you, Hon. Temporary Chairlady.

This is a very important amendment that has been brought by the Hon. Chairman. I link the amendment to Clause 6. We are not going to have forest rangers be under the Independent Policing Oversight Authority (IPOA). Forest rangers have been misbehaving and have been an authority unto themselves. They even end up killing people. They arrest people and are very brutal. Now that they will be under IPOA, we should ensure that IPOA is well funded and able to act immediately to make sure that we hold forest rangers accountable.

I stand to support the amendment.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. Member of Buuri, do you want to add something? Am I pronouncing it properly? It is not Buuri. It is *Bûûrî*?

Hon. Mugambi Rindikiri (Buuri, UDA): *Bûûrî*, Hon. Temporary Chairlady. I have a concern. Forests are one of the most invaded areas. There is always conflict, particularly in areas with Government-afforestation programmes. We need to be very careful with this clause. We will expose forest rangers to IPOA, yet we know the reports people intentionally make. I control almost the entire of Mt. Kenya in Meru County and I know exactly what those people are capable of doing. We must have countermeasures if one is found encroaching on forests.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have a point of order by Hon. Tandaza. What exactly is out of order?

Hon. Kassim Tandaza (Matuga, ANC): What does the Member of Buuri mean when he says he controls? Who is he in Meru?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): You are basing this on the responsibility for statement of fact, right? Would you like to respond to that?

Hon. Mugambi Rindikiri (Buuri, UDA): I represent Buuri Constituency as the Member of Parliament, authoritatively. Buuri has the largest part of Mt. Kenya in Meru County. That is exactly what I was referring to. Therefore, we also need to know whether there are encroachers when enacting a law to bring in IPOA. That is one of the issues this Bill is trying

to prevent. The law provides for certain measures to be taken whenever you are found in the forest illegally. Exposing rangers to IPOA might cause some discomfort between the community and the rangers.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Do not worry. That will be put to a vote. Before I proceed, I would like to inform the House that the Member for Buuri controls most of the forest. Having been in this House for as long as well as interacting with the Honourable Member of Buuri and having visited his constituency, I would like to tell Hon. Tandaza that the Member seated on your right really has a lot of control over that area. That is on the side of canter and banter in the House.

I want to give the Member of Endeless a chance. Would you like to comment on the fact that he feels uncomfortable about rangers being under IPOA? That is exactly where we are.

Hon. (Dr) Robert Pukose (Endeless, UDA): Yes. That is exactly what I want to state. Endeless Constituency also controls the larger part of Mt. Elgon East—from Suam, the border of Uganda, all the way to Sabaot and Mua Land on the slopes of Mt. Elgon. I want to state to the Member that we have no problem with IPOA. We want to hold rangers accountable. The IPOA does not oversee them in the current arrangement. Therefore, nobody holds them accountable.

One of my constituents, named Boaz, was killed just for having firewood about a month ago. There was no other criminal activity. They even beat women when they find them in the forest collecting dead wood. We want them to be a disciplined force, ensuring they are accountable and within the law. No law allows shooting to kill somebody just for carrying firewood. You can only arrest that person and charge them in a court of law. I disagree with the Member who says they should not be under IPOA. We want them under IPOA. They are uniformed officers, armed with Government weapons, and paid through the exchequer. They must be held accountable.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Members, I think we have put in enough time in this. Hon. (Dr) Mutunga, do you still want to comment?

Hon. (Dr) John Mutunga (Tigania West, UDA): Mine is slightly different.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Please, leave it if it is different. Let us put this to a vote. Please, give him the microphone.

Hon. (Dr) John Mutunga (Tigania West, UDA): I have looked through this legislation, and I am wondering how we can ensure close collaboration between rangers and the Kenya Wildlife Service personnel.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I believe that will be handled administratively or, if not, later in the regulations.

Hon. (Dr) John Mutunga (Tigania West, UDA): Can we not cross-reference?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chairman, would you like to respond to that? Make it one minute, please. I want to put this to a vote.

Hon. Vincent Musau (Mwala, UDA): Currently, the KWS is not under our purview. It is under a different ministry. However, what Hon. (Dr) Mutunga is saying is very important. We look forward to having KWS and KFS under one ministry. This is because you can never talk about one without talking about the other. That cannot be implemented by amending this legislation. We need to involve the public and consult with the other ministry.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Based on what Hon. (Dr) Mutunga is saying, you can see there is a lot of work ahead. I will put this to a vote.

(Question, that the words to be left out be left out, put and agreed to)

(Clause 18 as amended agreed to)

(Clause 19 agreed to)

Clause 20

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, I beg to move:

THAT, the Bill be amended by deleting Clause 20 and substituting therefor the following new clause —

- Amendment of
section 71 of
Cap. 385
20. Section 71 of the principal Act is amended —
- (a) by deleting subsection (1) and substituting therefor the following new subsection—
- (1) The Cabinet Secretary shall make regulations necessary for the carrying out or giving effect to this Act.
- (b) in subsection (2) by inserting the following new paragraphs immediately after paragraph (t)—
- (u) management of forest carbon including the Reduced Emissions from Deforestation and Forest Degradation nesting;
- (v) nursery certification, seed and seedling standards;
- (w) forest data, research, and information management systems;
- (x) the framework for awarding an inventor or innovator by the Institute; (y) agroforestry and farm forestry systems; and
- (z) buffer zones and boundary tree planting.

This is a fairly straightforward one. It gives the Cabinet Secretary powers to make regulations on the said clauses.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 20 as amended agreed to)

(Clauses 21, 22, 23, 24 and 25 agreed to)

New Clause 5A

THAT, the Bill be amended by inserting the following new clauses immediately after Clause 5—

- Amendment of
section 9 of
Cap. 385
- 5A. Section 9 of the principal Act is amended in subsection (1) by deleting the words “nominated by a national body representing” appearing in paragraph (g)(ii) and substituting therefor the words “a representative of a registered community forest association.

(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I call upon the Mover to move Second Reading for the new clause.

Hon. Vincent Musau (Mwala, UDA): I beg to move that New Clause 5A be now read a Second Time. Currently, the KFS Board has a nominee from the national body representing community associations. This has been misused to nominate anyone. We want to make it more specific, focusing on community forest associations that are major stakeholders and registered locally. It will ensure greater participation by the said community forest associations and prevent our local communities from being locked out of these boards.

With those few remarks, I beg to move.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, I beg to move that the new Clause 5A be now read a Second Time. Thank you.

*(Question, that the new clause
be read a Second Time, proposed)*

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Any interest in this? Hon. Rahim. I will come to you, Hon. (Dr) Makali.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Chairlady, I think this muddies the representation, as previously it was nominated by a national body. Now it says a representative of a registered Community Forest Association (CFA). There are so many CFAs in this country. In my constituency, I have one or two. So, how are we going to know from where they will pick a representative? Previously, it was a national body of community forests, but now they say it should be a representative of a registered community forest association. That means it makes it even harder to find one person from the more than 400 or 500 who may have been in the national body itself. I think the Chairman needs to elaborate more on this.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Well, before I go to the Chairman, I will go to Hon. (Dr) Makali.

Hon. (Dr) Makali Mulu (Kitui Central, WDM): Thank you, Hon. Temporary Chairlady. I think this amendment is very important. What the Chairman is trying to say is that the representative on that important board must be from a registered community. Irrespective of where they come from, they will be representing registered community forests. So, I do not really see any problem. I support it.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Mutunga.

Hon. (Dr) John Mutunga (Tigania West, UDA): Hon. Temporary Chairlady, once this legislation is assented to, the forest associations will naturally come together to form a national body. That normally happens because they want to take that slot, and nobody is more qualified than the others. They will form a national community forest association, which will now appoint one person to the board, rather than having the Cabinet Secretary look for anyone who might qualify. I think the provision is very important.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. (Dr) Pukose, you are the last one on this.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I support that amendment because having a CFA representative who is responsible to them makes a lot of sense, as these are part and parcel of the Kenya Forest Act. Therefore, we must ensure that not just anyone is chosen to represent them, but someone who is registered with a CFA.

Hon. Rahim Dawood (North Imenti, Independent): Sorry, Hon. Temporary Chairlady. The Chairman has mentioned that the national body was the CFAs. Can he clarify? That is what I was asking.

Hon. Vincent Musau (Mwala, UDA): Thank you, Hon. Temporary Chairlady. I understand his concerns. There is no recognised national body in this Act, and therefore, it has

only made things very difficult. The CFAs end up choosing anyone. Basically, as Hon. Makali Mulu rightly put it, the person serving here must be from a registered CFA. That saves the whole situation. As long as they are from a registered CFA, how they get there is not the issue.

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The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Chairman and the Members who have contributed. I will now put the question.

(Question, that the new clause be read a Second Time, put and agreed to)

(Question, that the new clause be added to the Bill, put and agreed to)

New Clause 5B

THAT the Bill be amended by inserting the following new clause immediately after clause 5—

Amendment
of section
14 of Cap
385.

5B. Section 14 of the principal Act is amended in subsection (2) by deleting paragraph (c) and substituting therefor the following new paragraph—

(c) has a master's degree in any of the following fields—

- (i) forestry;
- (ii) natural resource management;
- (iii) environmental studies;
- (iv) strategic management;
- (v) law;
- (vi) economics; or
- (vii) public administration.”

(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, move the Second Reading.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, I beg to move that the new Clause 5B be now read a Second Time. This particular amendment seeks to enhance the qualifications of the CCF. The current qualification is a first degree. We want to enhance this to a master's degree.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Chairlady. When it comes to the qualifications of most of the appointees in this Bill, they seem to be very specific in terms of which degree applies. I know that since my graduation as a civil engineer, there have been many other degrees related to civil engineering that are equally competent and good. Could we add 'and any other relevant degree'? I have gone through those qualifications, and they tend to be very specific. We know degrees keep evolving, and specialisation comes with time. Why should we lock out other competent and relevant degrees as we proceed, considering we are making laws for the future?

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Would you like to engage? You may want to come closer to the Hon. Chairman to see whether you can make a further

amendment, as we give you time to see whether you will succeed. Hon. (Dr) Makali Mulu, proceed.

Hon. (Dr) Makali Mulu (Kitui Central): Thank you, Hon. Temporary Chairlady. This qualification issue is normally very tricky, and I want the Chairman to listen. It is important to have a master's degree, but if you make it mandatory... Most of the other positions only require a bachelor's degree, with a master's being an added advantage. I do not know whether you really want to lock out people with a bachelor's degree, but long experience. How I wish you had retained the bachelor's degree and opened it up, as Hon. Tandaza is saying, without locking it. This is because many new relevant degrees are coming up. A relevant bachelor's degree with a master's degree as an added advantage is okay.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Well, as we talk about this, Hon. Members, the master's degrees listed include forestry, natural resources management, environmental studies, strategic management, law, economics or public administration. It is quite open. There is a lot of interest in this, and so you may want to take a minute each. Hon. (Dr) Pukose is the first on the list.

Hon. (Dr) Robert Pukose (Endebess, UDA): Hon. Temporary Chairlady, I was getting interested in this. I support the position where we talk of other related degrees, because what is the relevance of a master's degree in law in this matter? You will always see law included in many of these drafts. I do not know whether it is because they draft the Bills. How come somebody with a master's degree in medicine or civil engineering cannot qualify? Even agriculture and related fields should be considered. I think it would be better for the Chairman to include an amendment for other related degrees.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, think about that. We will come to you last. Member for North Imenti, Hon. Rahim.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Chairlady. I agree with the Chairman, Hon. Kawayu. I do not agree with 'any relevant degree' because we risk diluting everything. If we say any relevant degree, then someone can pick a degree from anywhere in any discipline. We should remove the bit on law, as Hon. Pukose has suggested, but we should not put 'any relevant degree'.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Yes, do you have a point?

Hon. (Dr) Robert Pukose (Endebess, UDA): I want to clarify to Hon. Rahim that I did not say 'any other degree'. I said 'or other related degrees.'

Hon. Rahim Dawood (North Imenti, Independent): I am not replying to you.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Do not engage him directly. Let us give him time to put his point across.

Hon. (Dr) Robert Pukose (Endebess, UDA): He quoted me as having said, "any other degree". I said, "or other related degrees".

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): I was very keen.

Hon. Rahim Dawood (North Imenti, Independent): I did not mention...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Member for North Imenti, I listened keenly to Dr Pukose.

Hon. Rahim Dawood (North Imenti, Independent): I never mentioned Dr Pukose. It was Hon. Tandaza who said, "any other relevant degree". I never mentioned Hon. Pukose on that matter. You can check in *The Hansard*.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): So, do you want Hon. Tandaza to respond?

Hon. Rahim Dawood (North Imenti, Independent): No, I do not want a response. I am just saying that the Chairperson's assertion is fine, but the only problem is that the requirement for a master's degree in law does not make sense. That requirement should be removed, but it

should not be extended to any other relevant degree. I was responding to Hon. Tandaza, not Hon. Pukose.

The Temporary Chairlady (Hon (Dr) Rachael Nyamai): You have made your point. It concerns both of them. Hon. Jackson Lekumontare, Member for Samburu East.

Hon. Jackson Lekumontare (Samburu East, KANU): Thank you, Hon. Temporary Chairlady. Regarding qualifications, I do not think a master's degree is necessary. Someone with a bachelor's degree is capable of leading that organisation. Let us maintain a master's degree as an added advantage. It will help.

The Temporary Chairlady (Hon (Dr) Rachael Nyamai): Hon. Kassim Tandaza and Hon (Dr) Mutunga had already spoken on this.

(Hon. Kassim Tandaza spoke off the record)

You had not spoken on this one. Okay, let us start with Hon. Tandaza. You have one minute.

Hon. Kassim Tandaza (Matuga, ANC): Hon. Temporary Chairlady, the clause should stipulate that it be a relevant degree, not just any other degree, because different universities use different names for the same course. In my field of engineering, some students study mechanical engineering, metallurgy, or fabrication, which are known by different names at other universities outside the country. Specifying that one must have a degree in law or forestry would disadvantage a student who studied similar units in a foreign country, but was awarded a different degree. That should also be considered.

The Temporary Chairlady (Hon (Dr) Rachael Nyamai): Dr Mutunga, Member for Tigania West and Chairperson of the Departmental Committee on Agriculture and Livestock.

Hon (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you very much, Hon. Temporary Chairlady. I support the proposal by the Chairperson of the Committee because the Committee had sufficiently researched this matter. It would not be right for us to delve too deeply into the CEO's qualifications. A CEO must have specific qualifications. The minimum academic qualification should be a master's degree. Kenyans are very educated. The CEO will be unable to manage juniors with PhDs. Let us go by the Chairperson's proposal.

The Temporary Chairlady (Hon (Dr) Rachael Nyamai): Kenyans are highly educated, as the man who has just contributed holds a PhD. Lastly, let us have the Chairperson of the Committee.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, I request that Members approve this Clause as is. Remember, we are talking about the CEO, not the board members. Amending this clause will be equivalent to removing the qualifications. We will be giving the Cabinet Secretary the discretion to choose whomever he wants. Including that provision will be equivalent to scrapping the qualifications.

For the benefit of Members, the education requirement for the Director of the Kenya Forest Research Institute (KEFRI) is a PhD. Those who have previously served in that position had master's degrees. Due to the intensive research required, it is only fair that the CEO has an in-depth understanding of his field. I agree that some qualifications could be overkill, but let us specify the areas of competence for our CEOs.

*(Question, that the new clause be read
a Second Time, put and agreed to)*

*(Question, that the new clause be
added to the Bill, put and agreed to)*

New Clause 16A

THAT, the Bill be amended by inserting the following new clause immediately after Clause 16—

Amendment of
section 59 of Cap
385.

16A. Section 59 of the principal Act is amended by deleting subsection (2) and substituting therefor the following new subsection—

(2) Any person authorised by the Cabinet Secretary to operate as a timber grader or valuer immediately before the commencement of this Act shall continue operating as a timber grader or valuer and shall be deemed to have been authorised by the Secretary of Forest Regulation upon commencement of this Act.”

(The new clause was read a First Time)

The Temporary Chairlady (Hon (Dr) Rachael Nyamai): Chairperson, move the Second Reading of New Clause 16A.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chair, I beg to move that the New Clause 16A be now read a Second Time. This amendment seeks to provide for a transitional provision for persons authorised by the Cabinet Secretary to operate as timber graders. The Act allows the newly created office of the Secretary of Forest Regulation to licence timber graders and other professionals. We want to ensure that, when this law is operationalised, the existing, licensed timber graders and other professionals are recognised.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairlady (Hon (Dr) Rachael Nyamai): Hon. Rahim, are you interested in contributing to this?

Hon. Rahim Dawood (North Imenti, Independent): Yes, Hon. Temporary Chairlady. Will there be new timber graders and valuers? Our country faces challenges with timber graders. They have decimated all our forests. We spoke to the Principal Secretary yesterday and noted that Imenti Forest and other forests within my locality and in Buuri have been decimated because of timber graders. Is there a fallback position? Should they be allowed to continue ravaging our forests? They should be checked because they have decimated our forests without planting new trees. This Clause should not just be a blanket transition. They should be vetted afresh before they are licensed. The Clause implies that we will transition to a new system without any changes. I do not know if the Committee considered it, but the status quo should not remain. Timber graders should be vetted afresh.

The Temporary Chairlady (Hon (Dr) Rachael Nyamai): Before I put the Question, Hon. Chairman, would you like to comment?

Hon. Vincent Musau (Mwala, UDA): Yes, Hon. Temporary Chairlady. I want to clarify. Timber graders are not responsible for the mess in our forests. A timber grader is a skilled timber professional who advises Kenyans on timber quality. That has not been happening on the desired scale. Kenyans should know the timber's quality before buying. Often, people pay for high-quality timber but receive poor-quality timber instead.

The law currently states that before a timber grader sells timber from Government, public, community or private forests, they must state its quality. Therefore, timber graders should be licensed. The KFS is responsible for cutting down trees in public forests. It generates Appropriation-in-Aid (A-in-A) by cutting down trees for sale. How do we stop them? Their activities are usually halted from time to time through a moratorium imposed by this House or

the Cabinet. We are already in discussions with them because, if we are serious about planting 15 billion trees, we cannot cut down existing trees recklessly.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Thank you very much. The Chair of the Committee has clarified very well.

(Question, that the new clause be read a Second Time, put and agreed to)

Question, that the new clause be added to the Bill, put and agreed to)

New clause 20A

THAT, the Bill be amended by inserting the following New Clause immediately after Clause 20—

Amendment
of section

72 of Cap. 385.

20A. Section 72 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)—

(3) The Chief Conservator of Forests shall, on a quarterly on the basis, submit to the Secretary of Forest Regulation copies of the registers of forest management and conservation activities specified in subsection (1).

(The new clause was read a First Time)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Chair, move Second Reading of New Clause 20A.

Hon. Vincent Musau (Mwala, UDA): Hon. Temporary Chairlady, I beg to move that the New Clause 20A be now read a Second Time. This amendment seeks to ensure that the Chief Conservator of Forests submits, every quarter, to the Secretary of Forest Regulation copies of the registers of forest management and conservation activities, including licenses issued under this Bill.

The office of the Secretary of Forest Regulation that we propose to create in this Bill will regulate the KFS and the Kenya Forestry Research Institute (KEFRI). Therefore, they can only regulate if they are custodians of the records.

(Question, that the new clause be read a Second Time, proposed)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Rahim.

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Chairlady, I agree with the Chair that a quarterly report should be prepared. Clause 20 of the Bill we passed addresses the management of forest carbon. As a country, we implore the Chair to follow up on this. Our carbon credits do not receive the recognition they deserve. If possible, we could even be given a quarterly report on how much we receive from carbon credits and what we are doing about it.

I understand that we do not get enough funds from carbon credits. I propose that the quarterly report should show the carbon credits we have in the country and how we are being compensated for that.

Thank you.

*(Question, that the new clause be read
a Second Time, put and agreed to)*

*Question, that the new clause be
added to the Bill, put and agreed to)*

Clause 2

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman.

Hon. Vincent Musau: Hon. Temporary Chairlady, I beg to move:

THAT, Clause 2 of the Bill be amended—

(a) in paragraph (a) by deleting the definition of the term “indigenous forest”;

(b) in paragraph (c) by—

(i) deleting the definition of the term “biodiversity hotspot”;

(ii) deleting the definition of the term “forest reference level”;

(iii) deleting the definition of the term “forest technology”;

(iv) deleting the definition of the term “natural capital accounting”;

(v) deleting the definition of the term “tree canopy cover”;

(vi) deleting the definition of the term “watershed”;

(vii) deleting the definition of the term “water tower”;

(viii) deleting the definition of the term “ecosystem services” and substituting therefor the following new definition—

“ecosystem services” means the benefits humans obtain from natural ecosystems, arising from interactions between living organisms and their environment and include the habitat for biodiversity, provision of essential resources like food and water, the regulation of environmental conditions such as climate and water quality, the support of life-sustaining processes like nutrient cycling and soil formation, tourism services such as recreation, hiking and aesthetic enjoyment and cultural benefits including rites of passage, prayers and other cultural activities; and

(ix) inserting the following new definitions in their proper alphabetical sequence—

“buffer zone” means a designated transition area of vegetation not exceeding one hundred metres wide separating a forest from other land use types intended to reduce external pressures and protect forest areas;

“National Safeguards Information System” means a mechanism used to collect, monitor, and report how environmental and social standards are implemented in forest-related activities ensuring the protection of biodiversity, ecosystems, and the rights and livelihoods of local and indigenous communities;

“Secretary” means the Secretary of Forest Regulation provided in Section 29B; and “timber grading” means the process of classifying wood based on its quality, strength and appearance according to established regulations made under this Act;”

This amendment seeks to do four things: One, to delete the erroneous definition of indigenous trees. It says that they include mangrove and bamboo trees, which is incorrect. Two, to delete definitions of terms that have not been used anywhere in the Bill. Three, to define terms that have been used in the Bill but are not defined. Four, to expunge the definition of ecosystem services.

Thank you, Hon. Temporary Chairlady.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 2 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we have now come to the end of that Bill. I want to call upon the Mover, Hon. Naomi Waqo.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Temporary Chairlady, I beg to move that the House do report its consideration of the Forest Conservation and Management (Amendment Bill) (National Assembly Bill No. 38 of 2025) and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

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

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, we will move to the Crops (Amendment Bill) (National Assembly Bill No. 8 of 2023) by Hon. Tandaza Sawa. It is a very short Bill. Kindly stay with us.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Chairlady.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): We have not started. We will call you shortly.

Hon. Kassim Tandaza (Matuga, ANC): I have the microphone.

Clause 2

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Tandaza.

Hon. Kassim Tandaza (Matuga, ANC): Hon. Temporary Chairlady, I have consulted with the Chairman of the Departmental Committee on Agriculture and Livestock, Dr Mutunga, who is here, and we have agreed to set the Bill aside for further consultations.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Chairman, do you want to talk about that? What is your comment on what has been raised by Hon. Tandaza?

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairlady, as a Committee, we have reconsidered our amendments. We withdraw them and allow the Bill to pass as it was.

*(Proposed amendments by
Hon. (Dr) John Mutunga Kanyuithia withdrawn)*

*(The Temporary Chairlady consulted
with the Clerk-at-the-Table)*

I can explain what this is all about. This amendment is intended to ensure that this crop is scheduled through a gazette notice by the Cabinet Secretary. The Member believes that the Cabinet Secretary can still issue a gazette notice to de-gazette it. If we have a legislative provision, then it means that the crop is gazetted for posterity. The Committee believes that we can go in that direction. So, we withdraw our amendments.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): In that case, we will go step by step, dropping all the amendments. We can start. The Clerk-at-the-Table had already called out Clause 2 of the Bill.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairlady, the Committee wishes to withdraw the amendment.

*(Proposed amendment by
the Committee withdrawn)*

(Clause 2 agreed to)

(Title agreed to)

Clause 1

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): The Chairman.

Hon. (Dr) Dr John Mutunga Kanyuithia (Tigania West, UDA): Hon. Temporary Chairlady, the Committee still withdraw the amendment to Clause 1, so that the original version of the Bill is retained.

*(Proposed amendment by
the Committee withdrawn)*

(Clause 1 agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, the effect of that withdrawal is as the Chairman of the Departmental Committee on Agriculture and Livestock has said. Mover.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Chairlady. I beg to move that the House do agree with the Committee on the said report. I request Hon. Kawayya. He seems to be consulting...

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): No, what I want you to do is just to read the first paragraph exactly as it is on that document. Start from the part that reads: "I beg to move" Please, approach the Clerk's Table.

*(Hon. Tandaza consulted with
the Temporary Chairlady)*

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Chairlady. I beg to move that the Committee do report to the House its consideration of the Crops (Amendment) Bill (National Assembly Bill No. 8 of 2023) and its approval thereof without amendments.

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

(Question proposed)

(Question put and agreed to)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members we are moving to the next Bill. Thank you for your patience.

THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL
(Senate Bill No. 12 of 2022)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, our next Bill is the Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022). I can see the Chairman of the Departmental Committee on Agriculture and Livestock, Dr Mutunga, want to say something.

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you very much, Hon. Temporary Chairlady. I am the co-sponsor of this Bill that originated from the Senate. We had agreed as a Committee that another Member will move the amendments of the Committee. As the Chairman and a co-sponsor, it will not be right for me to move the amendments. The responsible Member is out of the country. I pray that we step down this Bill to the next time when the Member will be available to move the amendments so that we do the right thing.

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Very well. Hon. Members the Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022) is hereby deferred to the next time when it will be scheduled by the House Business Committee.

(Bill deferred)

THE KENYAN SIGN LANGUAGE BILL (SENATE BILL NO. 9 OF 2023)

The Temporary Chairlady (Hon. (Dr) Rachael Nyamai): Hon. Members, our next Bill is the Kenyan Sign Language Bill (Senate Bill No. 9 of 2023). Hon. Millie and Hon. Umulkher are not in the House. Therefore, the Bill is deferred to the next time when it will be scheduled by the House Business Committee.

(Bill deferred)

(The House resumed)

IN THE HOUSE

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

Hon. Deputy Speaker: Hon. Temporary Chairperson, report.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the Forest Conservation and Management (Amendment) Bill (National Assembly Bill No. 38 of 2025) and approved the same with amendments.

Hon. Deputy Speaker: Mover of the Bill.

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Koimburi to second the Motion for agreement with the Report of the Committee of the whole House.

Hon. George Koimburi (Juja, UDA): Hon. Deputy Speaker, I second.

(Question proposed)

Hon. Deputy Speaker: We will put the Question at a later time.

(Putting the Question deferred)

Next. Hon. Chairperson?

CONSIDERATION OF REPORT ON THE
CROPS (AMENDMENT) BILL

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Hon. Deputy Speaker, I beg to report that the Committee of the whole House has considered the Crops (Amendment) Bill (National Assembly Bill No. 8 of 2023) and approved the same without amendments.

Hon. Deputy Speaker: Mover?

Hon. Kassim Tandaza (Matuga, ANC): Hon. Deputy Speaker, I beg to move that the House do agree with the Committee in the said Report. I also request Hon. Lelmengit to second the Motion for agreement with the Report of the Committee of the Whole House.

Hon. Josses Lelmengit (Emgwen, UDA): Hon. Deputy Speaker, I second. Thank you.

(Question proposed)

Hon. Deputy Speaker: We shall defer putting the question.
Next Order.

(Putting the question deferred)

BILL*Second Reading*

THE PENAL CODE (AMENDMENT) BILL
(National Assembly Bill No. 53 of 2024)

Hon. Deputy Speaker: Hon. Oluoch? He is not present, so we jump to the next one.

(Bill deferred)

MOTION

SUSTAINABLE MANAGEMENT AND VALORISATION OF
ORGANIC WASTE FROM AVOCADO PROCESSING

THAT, aware that avocado farming and processing activities have expanded rapidly in Kenya; noting that the Kenya National Bureau of Statistics (KNBS) Economic Survey, 2024 approximated the national avocado production at 848,100 tonnes in 2024, up from 633,000 tonnes in 2023, valued at Kenya Shillings 29.5 billion; appreciating that according to the survey, Murang'a County contributed about 200,991 tonnes of the total production, making it the leading avocado-producing county in the country; concerned that avocado processing generates large volumes of organic waste, including peels, seeds, pulp, and pomace, which, when improperly managed, cause environmental degradation, water contamination, and increased greenhouse gas emissions; further concerned that residents of Murang'a County and other major avocado-growing regions have raised serious concerns over the improper disposal of avocado waste which undermines the right to a clean and healthy environment as envisaged under Article 42 of the Constitution, thus posing significant public health and environmental risks; appreciating that studies by the Food and Agriculture Organisation (FAO, 2023) and global best practices from Mexico and Chile demonstrate that avocado waste can be converted into biofertilizer, biogas, animal feed, and other value-added products; recognising that by embracing valorisation of avocado waste, Kenya stands a chance to reduce environmental pollution and public health risks, create employment opportunities, and support a circular economy in the avocado sector; appreciating the role of the national Government in the formulation of policies and frameworks to guide and support effective waste management by county governments; now therefore, this House resolves that the national Government formulates an avocado waste management and valorisation policy to provide for—

- (a) sustainable avocado waste management and valorisation, including research, training, and technology transfer to farmers and provision of processors on modern waste management and valorisation practices, with the aim of reducing pollution, improving public health, and creating jobs in the avocado-producing regions;
- (b) promotion of investment and innovation by providing subsidies, incentives, and technical support for waste-to-value initiatives

- such as biodigesters, biorefineries, and other circular economy solutions; and,
- (c) collaboration mechanisms for the national Government, county governments and private sector partners in sustainable avocado waste management and valorisation.

Hon. Deputy Speaker: Hon. Mary Wamaua? She is not present. This has been in the Order Paper for very many occasions. Maybe it is better to drop it because she has not been here many times.

(Motion dropped)

Next Order.

BILLS

Second Readings

THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (AMENDMENT) BILL
(National Assembly Bill No. 36 of 2023)

Hon. Deputy Speaker: Hon. Didmus Barasa is not here either.
Next Order.

(Bill deferred)

THE EMPLOYMENT (AMENDMENT) BILL
(National Assembly Bill No. 62 of 2023)

(Bill deferred)

Hon. Deputy Speaker: Next Order.

MOTION

MANDATORY GUIDANCE AND COUNSELLING PROGRAMME IN SCHOOLS

THAT, aware that learners in primary and secondary schools across the country are increasingly exposed to social, psychological and behavioural challenges, including drug and substance abuse, indiscipline, school unrest and academic underperformance; noting that there has been a disturbing rise in cases of sexual violence against children, including incidents where minors are abused or killed by individuals known to them, including relatives and caregivers, thereby exposing learners to trauma and long-term psychological harm; further noting that many learners come from homes affected by domestic violence, family instability, economic hardship and other social pressures that adversely affect their emotional wellbeing, safety and concentration in school; concerned that guidance and services in most primary and secondary schools remain informal, inadequately structured and under-resourced, with no standardized national framework to ensure professionalism, accountability and effective delivery; appreciating that structured psychosocial support, life skills training, child protection awareness and early intervention during formative years are critical in safeguarding learners, strengthening resilience, promoting discipline

and improving academic outcomes; this House therefore resolves that the Government, through the Ministry of Education:

- (a) introduces a mandatory, structured and time-tabled Guidance and Counselling Programme in all public and private primary and secondary schools in Kenya;
- (b) develops and implements a national policy framework providing for the recruitment, accreditation and deployment of professionally trained school counsellors;
- (c) integrates mental health education, child protection awareness, personal safety training and life skills development into the school curriculum;
- (d) allocates adequate resources to support counselling services in schools; and,
- (e) establishes clear coordination and referral mechanisms between schools, child protection institutions and relevant government agencies to ensure effective safeguarding of learners.

Hon. Deputy Speaker: Hon. Rahab Mukami, Member for Nyeri? She is not present.

(Motion deferred)

Next Order.

PROVISION OF SUPPLEMENTARY SECURITY
SERVICES BY NATIONAL YOUTH SERVICE GRADUATES

THAT, aware that approximately 18,000 youth graduate from the National Youth Service (NYS) annually; further aware that Article 55 of the Constitution requires the State to take measures, including affirmative action programmes to ensure that the youth access training, employment and opportunities to participate fully in the social, economic and political life of the nation; appreciating that, the Government has in the recent years rolled out deliberate programmes aimed at equipping NYS graduates with skills for employment into the disciplined services and key sectors which include agriculture, construction and security; noting that Government institutions continue to engage private security firms to supplement uniformed officers in providing security services, thereby incurring significant recurrent expenditure; further noting that the NYS graduates possess foundational training in discipline, security awareness, public service ethics and emergency response, making them suitable for deployment within government institutions; recognising that there is need to have a balanced approach that promotes youth employment through structured engagement of the NYS graduates, while preserving opportunities for private security firms to continue to operate and partner with Government institutions; this House therefore resolves that the national Government develops and implements a policy framework and guidelines to steer Government ministries, departments and agencies on—

- (a) prioritisation of engagement of the National Youth Service graduates to provide supplementary security services to public entities;
- (b) the criteria for determination of a formula for allotment of a quota of provision of security services in public entities to the NYS graduates, and private security services firms; and,

- (c) modalities for structured recruitment, deployment and terms of service, including remuneration, training and career progression for NYS graduates engaged to provide supplementary security to government entities.

Hon. Deputy Speaker: Hon. Gertrude Mbeyu? Also, not present. Yes, Hon. Naomi Waqo?

Hon. Naomi Waqo (Marsabit County, UDA): Hon. Deputy Speaker, we all know very well that Wednesday morning is set aside for Private Members' Bills and Motions. It is unfortunate that we have over five Motions or Bills in the Order Paper, yet Members are not here. So, as we go on recess, I think the House Business Committee should decide what to do on this because it has become a tradition for us to miss Members, especially on Wednesday mornings.

Hon. Deputy Speaker: That is well noted. Yes, Hon. Nyamai.

Hon. (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much, Hon. Deputy Speaker. I would like to agree with the leader, Hon. Naomi Waqo, because in the past, we used to have concerns that the HBC was not including Private Members' Bills in the schedule. However, a lot of effort has since been made, and we have seen many Private Members' Bills being listed for Wednesday mornings. I think politics has become very hot and most Members seem to be elsewhere, or engaged in committee work. So, it is important for Members who have Private Members' Bills to take advantage of the goodwill of the HBC.

Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you.

(Motion deferred)

Next Order.

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

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

BILLS

Second Readings

THE MICRO AND SMALL ENTERPRISES (AMENDMENT) BILL (National Assembly Bill No. 25 of 2025)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I would like to note that Hon. Mukunji Gitonga is not in the House at the moment. So, Order No. 19 is hereby deferred.

(Bill deferred)

THE PENSIONS (AMENDMENT) BILL (National Assembly Bill No. 25 of 2024)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kassim Tandaza

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Speaker. I rise to support the Pensions (Amendment) Bill 2024, which is both timely and necessary in addressing the welfare of our retired public servants.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Kassim Tandaza, are you moving this Bill? Move that it be now read a Second Time.

Hon. Kassim Tandaza (Matuga, ANC): Okay. Thank you, Hon. Temporary Speaker. I rise to beg that the Bill be read a Second Time.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Are you able to read it as it is in the Order Paper? Say, "I beg to move that the Pensions (Amendment Bill) (National Assembly Bill No. 25 of 2024) be now read a Second Time," then you proceed.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Speaker. I beg to move that the Pensions (Amendment) Bill (National Assembly Bill No. 25 of 2024) be now read a Second Time.

I rise to support the Pensions (Amendment) Bill 2024, which is both timely and necessary in addressing the welfare of our retired public servants. This Bill seeks to respond to the long-standing concerns regarding the erosion of pension value due to inflation and the inequities that arise from outdated methods of pension computation.

The primary objective of this Bill is to introduce an automatic cost-of-living adjustment to pensions to ensure that retirees are protected from the adverse effects of inflation. By linking pension adjustment to the consumer price index, as determined by the Kenya National Bureau of Statistics (KNBS), the Bill guarantees that pensions will retain their purchasing power over time. Additionally, the Bill proposes to reform the pension calculation formula by pegging pension benefits on the most current salary applicable to a given job group. This Bill addresses disparities affecting those who retired many years ago under lower salary scales. The Bill further amends Section 3 of the Pensions Act, Cap.189, to provide for the automatic adjustment of pensions based on inflation. Such adjustments should be published in the Gazette by the Cabinet Secretary. This is a critical step towards ensuring transparency and predictability in management of pensions.

The justification for this Bill cannot be overstated. The rising cost of living continues to disproportionately affect retirees. Many of whom rely solely on their pensions to meet basic needs such as health care, food and housing. The current system has unfortunately disadvantaged earlier retirees, whose pensions are based on outdated salary structures, thereby undermining the principle of equity and fairness. The Bill, therefore, seeks to restore dignity to our retired public servants who have dedicated their lives to serving this nation.

The benefits of this Bill are clear. It will enhance financial security and predictability for retirees. It will also reduce their dependence on family support or social assistance programmes. Additionally, it will improve morale within the public service by assuring serving officers that their retirement benefits will be protected. This Bill aligns Kenya's pension framework with global best practices, where pensions are often indexed to inflation.

I strongly support the Bill. It is important for this House to also consider issues of fiscal sustainability. The Government must ensure that adequate budgetary provisions are made to meet the pension obligation that will arise from these reforms. There is also need to reflect on whether the benefits of this Bill should extend to existing retirees and not only those retiring after its commencement. Further, a clear and transparent implementation framework will be necessary. Particularly with regard to the frequency of adjustments and the publication of the applicable indexes.

In conclusion, the Bill represents a progressive and necessary reform that strengthens our pension system and safeguards the welfare of retirees. It ensures retirement does not become a period of financial hardships, but one of dignity and security. I therefore urge this

honourable House to support the Pensions (Amendment) Bill 2024. I ask Hon. (Dr) Mutunga to second.

Thank you, Hon. Temporary Speaker.

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

Hon. (Dr) John Mutunga Kanyuithia (Tigania West, UDA): Thank you, Hon. Temporary Speaker, for the opportunity to support the amendment brought by the Member for Matuga, Hon. Tandaza, on the Pensions Act (Cap. 189). The Act as it is right now, and as the computation formula is, retirees get their pensions based on the day they left service. Rarely will you find these benefits being paid one, two, or up to five years down the line. Retirees live in this country where circumstances are changing. Even the Government and private sector are improving the terms of service for their employees. When we base our calculation of the pension on the date that the employee left service, we disadvantage the employees. So many things in this country are changing. The cost of living, the circumstances around and the cost of doing business are changing. Everything is changing. Rarely do you find the cost reducing; it is always increasing. Fixing this repayment to the time that retirees left, disadvantages them a lot. This is because they are still alive and they have obligations.

When people retire, in most cases they are not prepared or they have not fully invested to be able to take care of their circumstances. If we pay them based on the day they left, we disadvantage them more. We put them into more difficult situations. This is because we do not even release their pension early enough for them to invest and be in a position to benefit from those investments.

Since we need to treat these Kenyans fairly and give them their money which should be commensurate to the circumstances that they are living in today, I see this amendment as very practical, realistic and logical. In the sense that the consumer index has changed, we will have made a mistake if we do not link their money available to the consumer index. The cost of living has increased. If we do not take that into account, then we disadvantage them. We need to address the disparities brought by the many changing circumstances in the environment. For instance, at this point in time, there is war in the Middle East. This war is affecting the economic situations of different parts of the country. If we pay our pensioners based on what happened in years 2000, 2013, 2020, 2023 or 2024 when there was no war, then we disadvantage them. That is why I find this amendment very useful. I, therefore, support that the Pensions Act, Cap.189 be amended as proposed by the Member for Matuga, Hon. Tandaza.

I second.

(Question proposed)

(Debate on the Bill adjourned)

The Temporary Speaker (Hon. Rachael Nyamai): Before we go to debate, I take this opportunity to welcome our guests seated in the Public Gallery this morning: Kenyatta University Students Association 21st Congress Members, from Roysambu Constituency, Nairobi County. You are welcome to the National Assembly to observe the proceedings of the House.

(Applause)

Before we start debate, I give a chance to Hon. Mathenge to lay a Paper.

PAPER

Hon. Duncan Mathenge (Nyeri Town, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Committee on National Cohesion and Equal Opportunity on the approval hearing on nominees for appointment as Chairperson and Members of the National Cohesion and Integration Commission.

The Temporary Speaker (Hon. Rachael Nyamai): Please, continue to give a notice of Motion.

NOTICE OF MOTION

APPROVAL OF NOMINEES FOR APPOINTMENT TO THE
NATIONAL COHESION AND INTEGRATION COMMISSION

Hon. Duncan Mathenge (Nyeri Town, UDA): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on National Cohesion and Equal Opportunity in its report on the approval hearing of Nominees for Appointment as Chairperson and Members of the National Cohesion and Integration Commission, laid on the Table of the House on Wednesday, 29th April 2026, and pursuant to the provisions of Article 250(2)(b) of the Constitution 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 Cohesion and Integration Commission—

- | | | |
|----------------------------------|---|--------------|
| 1. Dr Kepha Nyamweya Omae | - | Chairperson; |
| 2. Ms Josephine Kirion Eragae | - | Member; |
| 3. Mr Joseph K. Nguyo | - | Member; |
| 4. Mr Jackson Swadi Kedogo | - | Member; |
| 5. Dr Samuel Mwachiro Mwawasi | - | Member; |
| 6. Ms Irene Chepoisho Tulel, HSC | - | Member; |
| 7. Mr Hassan Billow Ahmed | - | Member; and, |
| 8. Ms Jerusa Mwaathime Michael | - | Member. |

Thank you.

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

THE PENSIONS (AMENDMENT) BILL
(National Assembly Bill No. 25 of 2024)

(Debate on the Bill resumed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, we are back to the debate on the Pensions (Amendment) Bill. I do not see any interest. Hon. Koimburi, do you have your card? I am not able to view you here. I can see you raising your hand. Do you have an interest in this Pensions (Amendment) Bill?

Hon. George Koimburi (Juja, UDA): No. It is about this one by Hon. Mathenge.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): That one will come later. Once he has given the notice of Motion, the Motion will come later. Ensure that you are in the House in the afternoon if you want to debate the Report of the committee. Member for Gem, you may proceed.

Hon. Elisha Odhiambo (Gem, ODM): Hon. Temporary Speaker, I seek a brief interlude to welcome the students from Kenyatta University (KU). I was there in 1990, graduated then and as you can see, I am now in Parliament. This should inspire you, the students of KU, that you can achieve the same as Elisha Odhiambo has done. I am certain that in future, a Kenyatta University alumnus will become the President of the Republic of Kenya and most likely, that will be me. Thank you.

(Laughter)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Tandaza, there being no interest, I would like to give you a chance to reply as the Mover. You can go to your position and do that.

Hon. Kassim Tandaza (Matuga, ANC): Thank you, Hon. Temporary Speaker. I take this opportunity to reply and thank the House, noting that none has opposed the Bill. As I indicated earlier, this Bill will address many gaps that currently exist. There are instances where a person contributed to a pension scheme and he was deducted Ksh100, when Ksh100 could buy two litres of petrol. His pension was pegged to what he was contributing. Today, that same Ksh100 cannot even buy half a litre, yet the pension is still pegged on that value. That is where the difficulty arises.

This Bill will also address other bigger challenges. It often happens that when a civil servant is about to retire, they begin to worry about life without a salary. In such circumstances, there is a temptation to extract as much as possible from the office through corruption. These are the times when you find unnecessary expenditure and trips that were not initially budgeted for, out to be grabbed. This is just to ensure that by the time of retirement, he can still drive his car.

Apart from ensuring that retirees receive a decent living, this Bill will also cushion employees. It will assure them that they do not need to steal or grab because what they will get after retirement can still sustain them. That is the essence of this Bill. If passed as it is, it will benefit all of us. At some point, unless one dies early and no one prays for that, you will all retire. When that time comes, you will expect to live a decent life. You should live decently from the work that you have done diligently, without corruption and with a clear conscience, happily thereafter.

Hon. Temporary Speaker, I reply.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Well, Hon. Members, I will defer putting of the Question to a later time.

(Putting the question deferred)

Next Order.

MOTIONS

FORMULATION OF NATIONAL POLICY ON POWER SUBSIDIES FOR EXPORT-ORIENTED AGRICULTURAL PRODUCTION

THAT, aware that agriculture remains the backbone of Kenya's economy, contributing substantially to the GDP, rural employment, and foreign exchange earnings, with key export crops such as coffee, tea, avocados, cut flowers, macadamia nuts, cashew nuts, and related horticultural produce collectively accounting for a significant share of the country's total export value; further aware that these commodities are largely produced for the export market, positioning Kenya as a global leader in cut-flower exports, one of Africa's largest producers and

exporters of avocados and macadamia nuts, and a major supplier of tea and coffee; noting that the commencement of duty-free access to the Chinese market for these products effective May 2026 presents a historic opportunity to widely expand export earnings, create thousands of rural jobs, promote value addition, and strengthen the country's position in global agricultural trade; concerned that the high cost of electricity in Kenya, as evidenced by commercial and industrial rates significantly exceeding those of regional competitors such as Ethiopia and Tanzania, continues to erode the competitiveness of export-oriented agriculture by inflating the costs of critical operations such as irrigation, cold-chain storage and logistics, processing, drying, grading, packaging, and other value-addition activities essential for meeting stringent international quality, food safety, and phytosanitary standards; cognisant that affordable and reliable power supply is a critical input for smallholder farmers, farmer cooperatives, aggregators and agro-processors engaged in these export crops; further cognisant that the lack of targeted electricity subsidies has led to reduced profitability, discouraged investment in modern technologies such as solar-assisted irrigation and energy-efficient cold rooms, and increased vulnerability to global price volatility and climate shocks; acknowledging that whereas, the National Energy Policy 2025-2034 and the Policy Framework for Sustainable Financing and Subsidy Management in Agriculture provide a broad foundation for targeted interventions, no specific mechanism exist on subsidised electricity tariffs exclusively for export-oriented agricultural production, processing, and related infrastructure; now therefore, this House resolves that the Cabinet Secretary for Energy and Petroleum formulates a National Policy on Power Subsidies for Export-Oriented Agricultural Production that provides for tiered electricity tariff subsidies including off-peak and time-of-use rates, exclusively for registered producers, cooperatives, processors and exporters of coffee, tea, avocados, cut flowers, macadamia nuts, cashew nuts and other designated export crops.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, Order No. 21 by Hon. Gathoni Wamuchomba, who is not in the House, is hereby deferred.

(Motion deferred)

Next Order.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Duncan Mathenge.

Hon. Duncan Mathenge (Nyeri Town, UDA): Hon. Temporary Speaker, kindly guide me in the direction.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please, approach the Table. Well, the fact is that you are the Mover of Order No. 22; you can make a decision. If you are not ready, we will advise you on what to do. If you are ready, you may proceed.

Hon. Duncan Mathenge (Nyeri Town, UDA): Hon. Temporary Speaker, education in this country under the Basic Education Act is mandatory and compulsory.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Before you debate, I will ask you to move. You move it as it is in the Order Paper. This is your Motion.

DISCRIMINATORY PRACTICES
IMPEDING ACCESS TO BASIC EDUCATION

Hon. Duncan Mathenge (Nyeri Town, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, aware that Article 53(1)(b) of the Constitution guarantees every child the right to free and compulsory basic education while Article 21(2) obligates the State to take legislative and policy measures to ensure the progressive realisation of socio-economic rights which includes the right to education under Article 43(1)(f); further aware that the Basic Education Act, Cap.211, obligates the State and school administrators to ensure equitable access, retention and completion in basic education, and prohibits administrative barriers that exclude learners; noting that the Children Act, Cap.141 requires the best interests of the child to be the primary consideration in all actions concerning children, including in education; recognising that Kenya's international and regional obligations under Articles 2 and 28 of the United Nations Convention on the Rights of the Child, Article 13 of the International Covenant on Economic, Social and Cultural Rights, Article 11 of the African Charter on the Rights and Welfare of the Child and the United Nations Educational, Scientific and Cultural Organisation (UNESCO) Convention against Discrimination in Education, which require States to ensure education is accessible, non-discriminatory and free from economic or social barriers; concerned that certain administrative practices in schools, particularly compulsory sourcing of uniforms from designated outlets, exclusion of learners for inability to pay for school feeding programmes, remedial class charges or other non-statutory levies, have the effect of imposing economic and administrative barriers and in some instances, creating possible avenues for abuse of office and improper financial benefit. Now therefore, this House resolves that—

- (a) All basic education institutions shall allow purchase of school uniforms from the open market, as long as they generally conform to the school design and standards; and further that any attempt to monopolise, control or otherwise influence the supply of school uniforms is unlawful.
- (b) All learners shall have uninterrupted access to school regardless of inability to pay for school-feeding programmes, remedial charges, development levies or any other charges not expressly provided for, under the Basic Education Act or any other regulation approved by the Cabinet Secretary responsible for Education.
- (c) The Cabinet Secretary responsible for Education, in consultation with the Teachers Service Commission, shall within ninety (90) days—
 - (i) Develop a comprehensive regulatory and enforcement framework, including monitoring mechanisms, a complaints and redress system for parents and learners, as well as a nationwide public awareness programme to ensure full compliance.
 - (ii) Provide that any person or institution, action or policy that violates this resolution shall be subject to disciplinary action under the relevant statutes including the Teachers Service Commission Act, the Basic Education Act, the

Children Act and the Ethics and Anti-Corruption
Commission Act.

Hon. Temporary Speaker, emanating from the foregoing, it is clear that both our Constitution and our nation's commitments under international treaties, the Children's Act and the Basic Education Act, every Kenyan child has a right, and it is not just a right, it is also compulsory, to attend school uninterrupted. This is the right of every Kenyan child irrespective of the economic ability or inability of parents.

We send chiefs to go to villages and pick children who do not go to school, take them to school and take legal action against their parents. But when a child is sent home because they do not have uniform, what are we saying to such a child? When a child is sent out of class because on the particular day their parent did not have Ksh20 to pay for a lunch feeding programme, and unfortunately the child is sent away from school in the morning, but not during lunch hour, what are we telling such child? We are discriminating against them and punishing them because their parents are apparently poor. We affect their self-esteem and subject the child to bullying by other students on account of poverty. We permanently affect the emotional state of this child yet the Constitution provides that every child has a right to education, which is also provided for in the Basic Education Act, that education in this country, is compulsory. It is, therefore, time for this House to pronounce itself on the economic barriers and other barriers that have been placed in front of the Kenyan child, denying them a constitutional right, a legal right which is an obligation under the UN Conventions and the African Charter on the Right of the Child.

Hon. Temporary Speaker, schools insist that a child can only attend a particular school after purchasing uniform from the very school. How competitive is the pricing of the uniform? Why do we allow schools to be converted into avenues perpetuating the interest of cartels in the uniforms' industry in this country? Why do we convert our learning institutions into trading centres to push personal economic interest and personal gain? Students and their parents are told unless they purchase uniforms from specified school distributors, uniform will not be accepted.

Hon. Temporary Speaker, during our time, we had local *fundis* in the village who made our uniforms. It was acceptable during that time. How come it is not acceptable today? We have a huge industry in Nairobi, at Uhuru Market, where ordinary men and women, ordinary hustlers, make uniforms in this country at affordable prices. However, the uniforms are not acceptable in our schools, yet we want to speak about technical skills, self-employment for young people, but we erect barriers that their goods are not good enough for utilisation by our own children. How can a tailor who makes clothes for other people not be good enough to make uniform for their own child in this country? It is these barriers that I seek to have them removed.

Why should a child whose parent cannot afford a meal for the child, be punished by the child being excluded from class? Feeding programmes are supposed to be compassionate and not punishment, a source of exclusion or a source of discrimination, when we want to produce a just society and a society that gives the lowest child in this country an opportunity to thrive. Education is the only equaliser for our children. How do we confine some children to lack of education because they come from the slums of Witemere in Nyeri Town, Korogocho, Kibera, Mukuru kwa Njenga, Nyalenda and Gashororo in Juja. These issues must be brought to an end. This has nothing to do with political persuasion, political party, or inclination of different Members of this House. It is the welfare of the Kenyan child.

Colleagues, we have had such conversations in this House for too long. We always bring the Cabinet Secretary for Education here, he stands here, and states the position of the Ministry. This week our children are going back to school for the second term. Unfortunately, school principals will send some children back home because their uniforms have faded or

parents have not paid money for lunch. They report in the morning, lunch is six hours away, but the child is sent home at eight o'clock in the morning.

I plead with this House. It is time for us to speak for the Kenyan child. I urge my colleagues that learning in our schools is supposed to happen between eight o'clock and either half past four or five o'clock. Let us reduce the workload to eliminate the practice of remedial lessons if the curriculum cannot be covered within normal learning hours. A child is sent home because their parent could not pay for remedial lessons. They stay home for a week while the remedial lessons are offered.

Eventually, the parent has to pay the entire fees yet the child was not given the opportunity to be taught. A child is sent home on account of lunch feeding programme and stays home for two weeks. When the parent eventually pays, the child returns but does not consume the meals for the two weeks they were away. These practices burden my heart and disturb my conscience.

Hon. Members, today I request that we stand for that parent who woke up this morning and went to look for kibarua at a construction site, but found none. Their child deserves uninterrupted access to education. I speak for the *mama fua* who woke up this morning and went around our residences seeking work, but did not find any, yet her child deserves education. I speak for the bodaboda rider who has not carried a single passenger today since morning because of the rains in Nairobi yet their child deserves education. I speak for the children of Kitui where there are conflicts and deaths, and livelihoods in their rural community have been disrupted. Their children still need education. I speak for the pastoralists' child whose animals were stolen last night and the entire income of their household has been taken away due to cattle rustling. Their children deserve an education. I speak for the bodaboda rider who had an accident last evening and their bike is no longer on the road. They are confined to a hospital bed yet their children deserve an education. The examples are endless.

I also speak for parents battling cancer, confined to hospital beds, and are unable to actively engage in gainful employment yet their children deserve an education. These examples are heart-wrenching. It is time this House began passing legislation and regulations that not only impose punishment on ordinary people, but also go right into the centre of the realisation of the rights we have given to our people, especially our children under the Constitution, our international commitments, and other statutes.

I have had long nights wondering whether we should abolish school uniforms. Look at the lives of the people of Nyeri Town where illicit brews are sold and manufactured in the town centre.

(Hon. Shakeel Shabbir spoke off the record)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Who is shouting there? Member for Kisumu East, wait for your time. I heard a loud yes. You are the one who is out of order. I will give you a chance to speak.

Hon. Duncan Mathenge (Nyeri Town, UDA): I realised that uniforms are also a tool for protecting our children. Young children are subjected to gender-based violence (GBV) today, including rape and murder even while in uniforms. Suppose they were not? On account of that, I am convinced beyond doubt that uniforms remain an important tool in our society, education and the protection of our children. Therefore, the question is how to ensure that it does not become a barrier. That a good thing does not produce unintended negative consequences that result in discrimination, disenfranchisement and resigning our children into the cycle of poverty based on their backgrounds.

Allow me to request the Member for Juja, Hon. Koimburi, to second.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Member for Juja, Hon. Koimburi. Please move to the next microphone.

Hon. George Koimburi (Juja, UDA): Thank you. I second the Motion.

(Question proposed)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, those interested to debate this can push the intervention button. I will start with Hon. Kassim Tandaza, Member for Matuga.

Hon. Kassim Tandaza (Matuga, ANC): Asante, Mhe. Spika wa Muda, kwa kunipatia fursa hii. Wacha nianze kwa kumpatia pongezi Mhe. Mathenge kwa kufikiria na kuja na Hoja hii ambayo kusema kweli inadhalilisha wazazi, watoto, viongozi na pia Serikali.

Tunajua katika mfumo wetu wa elimu kwamba, masomo ya msingi ni bure kuanzia shule ya msingi ambayo sasa wanasema inanzia gredi ya kwanza mpaka ya sita kisha baadaye kuna ile ya saba, nane na ya tisa. Serikali inatoa ruzuku kwa watoto ambao wanasimamiwa kimasomo. La kushangaza, kama Mhe. Mathenge alivyozungumza, licha ya kuwa pesa hizi hufika shuleni hata ijapo kuchelewa, huwa zinafika.

Pesa zinazotolewa na Serikali ni za matumizi maalum kama kulipia stima, mishahara na kununua vifaa. Pesa hizo huwa za kiwango fulani. Lakini kwa sababu wanahitaji fedha zaidi za kutembea katika shughuli zisizo katika ratiba ya Serikali, basi huweka ada nyingine ambazo ni mzigo mkubwa kwa wazazi wengi wasiojimudu.

Jana nikiwa katika Eneobunge langu, nilikutana na watoto wengi katika shule za msingi waliokumbwa na matatizo ambayo Mhe. Mathenge amenukuu katika Hoja hii. Wamefukuzwa shuleni kwa sababu ya *uniform*. Suala hili la mavazi linawakumba wanafunzi kutoka shule za msingi hadi shule za sekondari ya chini.

Tunajua kuwa anayesoma ni mtoto, na mtoto ni akili. Sidhani kuna utafiti wowote uliowahi kufanywa ulioonyesha kuwa ikiwa mwanafunzi hajavaa *uniform* basi akili yake haitaelewa masomo. Sidhani kuwa kuna utafiti wowote uliofanywa ulioonyesha kuwa ili mtoto afanye vizuri shuleni lazima awe amevaa viatu. Ijapokuwa nilisoma katika shule za kimataifa, nilivaa viatu kwa mara ya kwanza nilipoenda kidato cha kwanza. Nilibeba viatu vyangu katika sanduku bila kujua kiatu cha mguu wa kushoto ni kipi na cha mguu wa kulia ni kipi. Nilipopewa ruhusa ya kwenda darasani ndipo nilijua. Hata hivyo, nilifanya vizuri shuleni na ndio maana niko hapa. Nina imani kuwa Wabunge wenzangu walisomea katika mazingira hayo hayo. Kama kungekuwa na vikwazo wakati wetu, sidhani kuwa wengi wangeweza kusoma na kufikia viwango walivyovifikia. Kwa nini nyakati hizi tunawawekea wazazi vikwazo na kuwanyima watoto haki yao ya kimsingi kwa vitu visivyohusiana na masomo?

Nilipokuwa mwanafunzi, shule ya msingi haikuwa karibu. Wakati huo, hapakuwa na matarajio kwamba utakula shuleni. Kwa hivyo, mtu aliruhusiwa kubeba chakula chake, aidha ule pekee yako ama ugawane na wenzako. Kama haukuwa na chakula, ungekaa hivyo. Ni nani aliyesema kuwa ni lazima mtoto, licha ya kuwa ada imelipwa, afukuzwe shuleni kwa sababu hajalipia chakula? Sisi kama Wajumbe huhakikisha kuwa *bursary* zimelipwa. Ni nani aliyesema kuwa ni lazima nile *githeri* ili niweze kusoma kemia au biolojia vizuri? Kwa nini watoto wasiruhusiwe kubeba chakula chao, ilhali hata sio lazima? Wakati huo huo, *bursary* za *National Government Constituencies Development Fund (NG-CDF)* zishalipwa na Serikali imeshatuma pesa zake lakini mtoto yuko nyumbani. Anaporuhusiwa kurudi shuleni baada ya mzazi kupata pesa za kumrejsha, hapatiwi nafasi ya kusomeshwa kikamilifu kwa kuwa hakuwepo. Kwa hivyo, pesa za *NG-CDF* na za Serikali hazitumiki. Pesa hizo zitadaiwa ilhali mwanafunzi huyo hakula wala kusoma. Jambo hilo linachangia matokeo mabaya.

Sijui ni kwa nini zile bodi zinazosimamia shule zinafurahia kuona watoto wakifanya vibaya kwa sababu hawako madarasani. Bodi hizo zinatumia pesa hizo kujilipa marupurupu ya kujifurahisha wanapokuwa na mikutano. Hilo ni jambo la kuhuzunisha. Hoja hii inastahili kuzungumziwa, lakini tunapaswa tuwe na Mswada maalum wa kutengeneza sheria. Mara

nyingi, mwalimu mkuu atasema kuwa ni bodi ya shule iliyoamua kuwarejesha wanafunzi nyumbani kwa sababu zisizo na msingi. Kwa hivyo, ni lazima bodi hizo zivunjwe kwa sababu hazisaidii Serikali, wazazi, watoto na hata wao wenyewe, katika kuchangia matokeo bora.

Kuhusu suala la sare, mtu anapoenda kidato cha kwanza, kwa nini lazima aende na sare mpya? Kwa mfano, nikiwa na watoto watatu wanaoenda shule moja, mmoja akimaliza na sare yake bado ni nzuri na haijachafuka wala kuraruka, na hata kama imeraruka, kuna uwezo wa kurekebisha, mbona ni lazima awe na sare mpya na viatu vipya? Huenda alipomaliza gredi ya sita, alikuwa na viatu vizuri. Miezi mitatu baadaye, anapoenda gredi ya saba, analazimishwa awe na viatu vipya ambavyo akikosa, hawezi kuruhusiwa kuenda.

Nakubaliana na Mhe. Mathenge kuwa sare ni muhimu lakini naomba Wizara ya Elimu iweze kutoa ushauri kuwa sio lazima kila shule iwe na sare aina yake. Nina mfano mzuri katika nchi jirani ya Tanzania. Mfumo wa mavazi ya shule ni ya mkoa. Kwa mfano, sare za watoto wa shule za Bonde la Ufa ni za aina moja na zile za ukanda wa Pwani ni za aina nyingine. Hii inarahisisha kwamba endapo niko na mtoto anayesoma Mwangunga Girls Senior School, lakini kwa sababu moja au nyingine, anataka uhamisho kwenda Matuga Girls High School, sare ni ile ile. Mzazi atapata nafuu kwa sababu hana haja ya kununua sare ingine. Tukiendelea mbele katika kusaidia janga la gharama ya sare, haya ni mawazo ya kuzingatia. Isiwe ni lazima kila shule iwe na sare yake maalum kutofautiana na shule jirani.

Katika shule tulizozungumzia, imefika kuwango ambacho mtu aliyesoma shule ya msingi, kama vile Viongwani Primary, hadi gredi ya sita na anarudi gredi ya saba katika shule ile ile lakini bado anahitajika kubadilisha sare ambayo alivaa miezi mitatu pekee iliyopita. Haijararuka lakini anahitajika aiwache na anunue sare ingine ilhali wazazi hawana uwezo. Kama mzazi yuko na uwezo ni sawa lakini suala hili limekuwa ni lazima mpaka inafika kiwango ambacho linakera Mhe. Mathenge na sisi wahusika. Mtoto anaambiwa hawezi soma ilhali yuko na sare na viatu ambavyo bado anaweza kutumia ijapokuwa rangi pekee ndio tofauti. Kama walivyotanguliza, mavazi hayahusiani kamwe na uwezo wa mtoto kusoma na kufanya vyema.

Ahsante, Mhe Spika wa Muda, kwa kunipatia fursa. Ninaunga mkono Hoja hii.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Asante. Kabla nimpe Mbunge mwengine fursa, ningependa kuchukua fursa hii kukaribisha wageni wetu ambao wameketi katika Dungu la Umma leo. Tuko na wanafunzi kutoka ACK Ziwa Senior School kutoka Eneo Bunge la Soy, Kaunti ya Uasin Gishu. Mumekaribishwa katika Bunge kuona jinsi linavyofanya kazi.

Ahsanteni sana.

Nilitaka kuendelea kwa Kiswahili kama Mhe. Tandaza alivyoanza. Nampa Mbunge wa Baringo fursa ya kuwakaribisha hao wanafunzi wanaotoka Kaunti ya Uasin Gishu.

Hon. Jematiah Sergon (Baringo County, UDA): Asante sana, Mhe. Spika wa Muda. Nachukua fursa huu kuwakaribisha wanafunzi kutoka Soy.

Hon. Kassim Tandaza (Matuga, ANC): Mhe. Spika wa Muda, niko na hoja ya nidhamu.

Spika wa Muda (Mhe. (Dkt) Rachael Nyamai): Mhe. Tandaza yuko na hoja ya nidhamu.

Hon. Kassim Tandaza (Matuga, ANC): Mhe. Spika wa Muda, hapa kuna wanafunzi ambao nina imani watatahiniwa katika somo la Kiswahili. Si vyema Mheshimiwa anayewakaribisha kutumia lugha ambayo si sanifu. Nimesikia akisema ‘fursa huu’. Tafadhali, uwapatie wanafunzi Kiswahili sanifu ili uwasaidie wakati wa kufanya mitihani yao.

Ahsante.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Wajua mheshimiwa wa Baringo ameanza kwa kusema “nachukuwa fursa huu”. Sijui kama ni kwa sababu ya hiyo Mhe. Tandaza amekerwa. Yafaa kuwa “fursa hii”, mheshimiwa. Endeleva kutoka hapo.

Hon. Jematiah Sergon (Baringo County, UDA): Hiyo ni ngeli ya? Ahsante sana. Nachukuwa fursa...

Hon. Members: Hii.

Hon. Jematiah Sergon (Baringo County, UDA): Nachukua fursa hii kuwakaribisha hapa Bungeni. Muwe huru. Bunge hili linathaminiwa sana na kila mmoja wetu. Tunashirikiana kutunga sheria ambazo zinaweza kusaidia Wakenya. Nawaomba mtie bidii shule na muwe na nidhamu ili mweze kuwa viongozi wa siku za usoni. Mtie bidii kwa masomo kwani ndiyo njia ya mafanikio. Nashukuru, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai: Asante, mheshimiwa wa Baringo. Kwenye *screen* naona Mhe. Ochanda, Mbunge wa Bondo. Wakati wa chakula cha mchana, Mhe. Kassim atatueleza “screen” yaitwaje kwa Kiswahili.

Hon. Gideon Ochanda (Bondo, ODM): I believe *haitakuwa tofauti na “skrini”*.

(Laughter)

Thank you, Hon. Temporary Speaker. This is a great Motion. There is a lot of disorder in the education sector, particularly in basic education—it is enormous. Individual schools are doing things as they wish, with no set standards. The Ministry is managing the sector through circulars, and field officers seem to be waiting for new directives rather than implementing measures they know will work. As a result, every school is doing its own thing. You can imagine what is happening.

There is a significant collusion between a few board members and the heads of institutions. They sit, make decisions among themselves, present them as resolutions from parents’ meetings, and then implement them across all students. The casualties in such dealings are the children of this country. For instance, schools were opening yesterday, and immediately, students reported that some were sent home over minor issues, whether related to food, sports, or basic infrastructure.

I acknowledge that NG-CDF is doing quite a lot, but there are certain basic responsibilities that schools must meet. The NG-CDF is structured in such a way that if needs arise within the financial year and were not planned for at the constituency level, it becomes a challenge. The burden then falls on individual students.

I wish the Government could take time to reorganise the education sector and restore order. At the moment, due to directives issued from various levels, including local authorities, there is confusion. We know that school capitation is often released late, and even when it is disbursed, there are instructions at the local level to split it across numerous activities. As a result, some of the funds that reach schools are redirected back to the county or sub-county level. Money is transferred from Nairobi to a school account. Once there, instructions come from the county or sub-county level, and part of the money is taken back to the counties. This may be happening with the knowledge of the Ministry of Education, and it is not in order. These are the field officers at the county and sub-county levels. We have stated this before: The amount of money allocated for sports cannot support sporting activities from the first term to the third term, yet part of that sum is taken back to the counties. There exists a serious degree of disorder in the management of schools, particularly in primary and secondary schools.

The idea of transitioning into the Competency-Based Curriculum (CBC) has lingered for far too long. If we are not careful, some pupils who are now in Grade 10 are pursuing pathways they did not engage with at all in Grades 6, 7 and 8. The amount of disparity and inequality we will realise over a period of time is a consequence of how we are implementing all these issues related to basic education. If we are not prepared, the Government should defer this initiative by a financial year and allow parents to pay fees while they figure out how much they need to cover for an entire year. The Government should take a step back and reorganise

itself to increase funding for the subsequent years; this would bring order to the schools. At the moment, we face a serious problem, and I am uncertain how we will deal with it.

This situation partly arises because field officers are no longer doing their work; they have to wait for circulars. Previously, school inspections were very effective, but of late, quality assurance officers remain in their offices, and no one goes to the field. If one were to assess the number of sub-counties where Ministry of Education officials have access to a vehicle, they would be countable. Even the available vehicles are not maintained and are unable to move. Unless the Ministry organises how field officers and school inspections should operate, schools will continue to be left to their own. Headteachers are left to make funny decisions with only a few board members. If we are to reorganise, there must be adequate resources for sub-county and county inspectorate departments of education.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. I will just follow the order. Hon. Shakeel Shabbir, Member for Kisumu East.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Temporary Speaker. I support the Motion. This matter has been haunting us for many years. Many of my constituents come to me because they need to purchase uniforms and shoes for about Ksh3,000 a pair, and the parents do not have this money. We ask them why they cannot use the old shoes, and they respond that the children insist they must buy new shoes from Bata.

Concerning uniforms, while it is important to have them, the basic uniform serves merely as an identifier that a pupil belongs to a particular school. The uniform should be basic and neat. I see no reason why we should not permit a mother at home to sew a uniform for her child, or allow single mothers and widows to sew uniforms for their children.

It gives them work and it also helps them to ensure that the uniform is of the correct size. I have four children who are about six-and-a-half to seven years old. We have never got the right uniform size for them. Some are big while others are small. Uniforms are very important and should be maintained, but it should not be mandatory for parents to obtain uniforms from schools or any designated outlets. I know someone in Kisumu who gives kickbacks to the head of an institution for every uniform and other items purchased from that institution.

Another issue that has not been brought up is the requirement for students to bring four reams of photocopy paper. What are they for? Children are required to provide four reams of photocopy paper yet the school does not even have a photocopier. Why should students bring four reams of photocopy paper? It is not a requirement under the Basic Education Act. Those four reams must be unopened and of a certain quality. Schools usually take those reams back to where they were purchased and receive a credit.

My brother Hon. Duncan Mathenge may have forgotten about the bus levy. We buy buses for schools which do not have classrooms or laboratories. Some Members used to pay a basic down payment and then advertise everywhere that they bought 10 buses for 10 schools. Maybe they contributed Ksh1 million as downpayment and the remainder of 90 per cent is financed. That means that the school has to pay for the financing and maintenance of the bus. I reluctantly purchased a bus for a school in my constituency. I was once a student at the Prince of Wales School, where we had a lorry. When it was not in use by students, it would be used to transport sand and other materials. Today, each school wants a bus, whether they have classrooms or not. Since they cannot pay for the buses, they introduce a bus levy for every child, whether the child will use the bus or not. Those children are then sent home for not contributing the bus levy for a bus which they will not use. That is totally illegal. They are also sent home for food, yet they can bring their own food, sometimes better than what the school provides.

My brother, Duncan, is not much younger than me, but during my time, we used to have Kenyatta milk. We later had Nyayo milk. Now we have organisations that claim to

provide school lunches, for which students have to contribute Ksh50 or Ksh150 per meal. Some children cannot afford that lunch. I am told that there is a machine in Dagoretti that can produce one million chapatis per day. Dagoretti South Constituency has been advertising that they have paid for everyone to have lunch, which is probably not the entire truth. One of my colleagues told us that he graciously pays for all the foodstuffs, but not for other things. We are worried. In the 10th Parliament, one of my colleagues from the North Eastern region was providing food and water to students instead of putting up classrooms. Hon. Temporary Speaker, I am not sure whether you were in the 10th Parliament. He was told by the NG-CDF that it was illegal. He told them if he did not send them water and food, they would all die or run away. What is a school for? It is for educating children. If we do that in a mobile school run under camels, it is still a school.

There is another element, Hon. Temporary Speaker. The quality assessment officers ask for allowances, money for fuel and lunch in order for them to assess a school. The Ministry of Education has employed them to do exactly that. Some of them in my constituency have four-wheel drive vehicles which are better than mine. They are purchased by the Ministry. They travel to funerals and other places using them, but not for what they are meant for. If we want quality assessment of a school, we have to raise money.

Teaching is a calling. We need people to be enthusiastic to teach. Nowadays, schools have prize giving days. The prizes are meant to encourage and motivate the teachers. They are paid. Some of them are paid by the Teachers Service Commission (TSC) more than Ksh50,000 a month, yet they want motivation and encouragement. If you do not give them that, they find ways and means of not teaching.

Last year, there was a school in my constituency where the principal used to leave on Thursday in the morning or afternoon because he is a Seventh Day Adventist and he would come back on Tuesday. The Deputy Principal and the teachers did not have discipline like him. The students would go to school and there was no teacher to teach them. Out of 120 students, 118 students got Es. I wondered what was going on. The teachers did not want to teach. When I went to the school to find out more, they said that we should start a feeding programme to entice children to go to school. However, children in Kisumu East go to school with their food. We are in the rural area. A cob of maize is cheap. We have a problem with the teaching system. Encouragement of teachers is illegal.

The other issue is about headteachers. We are talking about basic education.

(The microphone went off)

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

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

Can I have one more minute, Hon. Temporary Speaker?

The Temporary Speaker (Hon. David Ochieng'): You cannot have one more minute.

Hon. Shakeel Shabbir (Kisumu East, Independent): It is very important.

The Temporary Speaker (Hon. David Ochieng'): When you want something, you request for it.

Hon. Shakeel Shabbir (Kisumu East, Independent): May I request for one minute.

The Temporary Speaker (Hon. David Ochieng'): Contribute for one more minute.

Hon. Shakeel Shabbir (Kisumu East, Independent): Thank you, Hon. Temporary Speaker, for giving me more time to contribute. This is very important. Teachers molest

children and beat them up. Some rape them, yet they are not held responsible. When you take action, they are transferred to another school. TSC and the Ministry of Education have a responsibility here to take action. Schools get capitation and nobody knows what happens to it. There is no accountability, knowledge or transparency on it.

With those few words, I support the Motion. I thank you for giving me the extra minute, Hon. Temporary Speaker.

The Temporary Speaker (Hon. David Ochieng’): Next is Hon. Jayne Kihara followed by Hon. Mary Wamaau.

Hon. Jayne Kihara (Naivasha, UDA): Thank you, Hon. Temporary Speaker, for giving me this chance to contribute. At the outset, there is nobody in their right mind who will not support this Motion because the education sector has literally collapsed. The Ministry does not know what it is doing. This House does not give them enough budget. Parents are suffering economically, so all those problems that Hon. Mathenge was trying to elaborate are obvious, and we all know them. The problem is that when you talk about uniforms, instead of the Head of State addressing that problem, he tells teachers from the sunroof of a car to allow kids to go to school with or without uniforms.

We need to be honest with ourselves when it comes to education. Where did the rain start beating us? Those parents are with us. We know them. Some of them have no food to give those children, leave alone school fees, because the Government has refused to address the high cost of living so that everything else can fall into place. Nobody is interested now, especially the workers. I want to say here and now that the Sub-County Director of Education in Naivasha comes to the office when he wants. When there is a function, he is never there. So, he does not know the problems we are facing.

What was reported in the newspaper today is that there is absenteeism of teachers because they are all over trying to do side hustles so that they can make ends meet. We have teachers who are threatening to demonstrate, boycott, or to go on strike because of the myriads of problems that we have. I think it is better to call a spade a spade and say that nobody really wants the education sector to work. It is constitutional requirement that children must get free and compulsory education, but capitation is not disbursed in time. Teachers are required to run the schools, yet we have sent children to school without money to run them. Some of the schools are being auctioned. Even the teaching itself has gone much lower. It is only today that I heard that children who have been in school for three or four years can hardly write or speak the language that they are supposed to use in their everyday life.

It is not good to bury our heads in the sand. Nobody is interested in education. The Government itself is not interested. We are seeing money being thrown around in campaign mood, being given for empowerment, when our children are at home because they cannot go to school. We need to call it as it is: We need to go back to the drawing board if we have to address the problems in the education sector because nobody seems to be interested. We are here giving bursaries, yes, but how much can we give? The children who are here, whom I welcome very much, are here because their parents were able to pay for the trip. If their parents did not have money to pay for them, they would not be here. There is no equalisation, yet we know that education is the only thing that can equalise children from rich families and poor families, because they are supposed to get the same quality of education. That is not happening, and nobody is interested.

Much as I support this Motion, we must know where the problem is, because we know there is a problem, and a big one. Teachers are doing business. That is why they are saying that we go buy uniform from a particular place because they want to make an extra coin. Taxation is too much. They are paying for the Social Health Authority (SHA), the Affordable Housing Levy and they have loans. I think we are being dishonest when we address things so shallowly when we know where the problem is.

I support.

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

Hon. Mary Njoroge (Maragwa, UDA): Thank you, Hon. Temporary Speaker for giving me an opportunity to speak to this Motion. Allow me to congratulate Hon. Mathenge for bringing this Motion. It touches on a very sensitive ministry where we are moulding our students by impacting knowledge so that they can be good leaders tomorrow, in all manners. I am a teacher by profession and once a teacher always a teacher. I want to say that this sector of education is faced by myriad problems and I support majority of Hon. Members who have spoken on this.

Starting from the areas where we still have staffing problems of teachers. I want to congratulate the Government because within a period of around three or four years, we have employed more than 100,000 teachers, but staffing is still a problem in some areas.

Another one, it has been mentioned that we hear of teachers who are striking as they try to request the Government for their salaries to be hiked. During this time, our students miss lessons and when the teachers are back, they may not recover all that was supposed to be taught within that time. This disadvantages some students who are supposed to do national examinations by the end of the year.

On matters payslips, it is true that some teachers are absenting themselves for funny reasons, but it is because they are going to look for side hustles. This is to help them supplement their payslips and cater for their needs due to the harsh economy. We also agree that there are drugs and substance abuse, right from the teachers to the students. These are social issues as outlined in the Motion by Hon. Mathenge. We also lack supervision. Inspections are not being done in our schools.

I was telling the sub county director of education that when I was a teacher, we used to shake when we heard that there was inspection to be done. Checking whether we had prepared well and that whatever was supposed to be done was in place. Also, what was expected to have taken place as far as students are concerned was in place. However, today, teachers hear of inspections or of education officers coming to the school and they do not even move an inch. This means that something is lacking. Right from there, if the inspection is not done properly, you can imagine of the problems that are happening in our schools.

On lunch programmes, it is true there is a policy which states that there is education for all and we are not charging anything in our day secondary schools apart from the lunch programme. However, you find that in some schools, the lunch programme is too expensive. The amount that is to be paid by the end of the year is hefty. In some schools, which are being led by able parents, they eat eggs and bread at 11.00 a.m. Some students who come from very needy families cannot afford this. When we are giving bursaries, we do not give enough of it. In big constituencies, we do not give enough bursaries. Let me give the example of Maragwa Constituency that I represent. I give Ksh3,000 to all students which is not enough. That amount of Ksh3,000 is little because none of the secondary schools that provide a lunch programme charge less than Ksh15,000 per year. They charge more. As a result, students from needy families are sent home because they cannot stay in school and eat because they cannot afford to pay.

There is a question that I ask. A student may be sent home for one month thus they do not partake the lunch programme. However, when they resume, they are expected to pay the whole amount for the term. How is their absence compensated? The Ministry and the Government should not allow students to be sent home by virtue of a lunch programme. Parents can agree with the school so that a student does not take the school lunch, but remain in school. This is something we can do. Meal cards can be introduced so that those who have paid for the lunch programme can get them, but other students can be allowed to carry their own food. That

means that a student will stay in school and not miss classes by virtue of inability to pay for a lunch programme.

On the issue of school uniforms, many principals take advantage of it. This also happens in primary schools. We have uniforms for primary schools and for the junior secondary school (JSS). A child may grow big or a uniform may be torn before they graduate to JSS. As a result, a new uniform is bought for them. When the student graduates to JSS, another uniform has to be bought. Why not make it that one can learn with whatever uniform they have and eventually and gradually the parent is given time to buy the required uniform when he or she is able? We should not see students in primary, JSS, or in senior secondary sent home because they do not have the required uniform.

Students are sent home because of lunch programmes, uniforms, and other funny things like losing a book. Such things can be provided gradually by giving a parent time. The Education Act provides that it is the responsibility of a parent to provide uniform, lunch programme and support any development in a school. This can be properly discussed with education officials. We know that is the responsibility a parent to take care of. We always complain when students are out of school. We know how outside school is. Many students get trapped in drugs and substance abuse. Others get into early marriage because their esteem goes down. There is no one who feels good when they are sent home while others are still in school. For us to do away with these vices, it will be good for the Ministry of Education to take strict measures and give advisory circulars on what is supposed to be done so that most of the time we can retain the students in schools.

The Temporary Speaker (Hon. David Ochieng’): Allow her to finalise.

Hon. Mary Njoroge (Maragwa, UDA): Thank you, Hon. Temporary Speaker for giving me one more minute. I was saying that we should not discriminate against any student by virtue of where they come from. We know that some families are poverty stricken. Our basic education policy is education to all.

I support this Motion and wish that the suggestions that we have given will be incorporated by the Ministry with immediate effect.

The Temporary Speaker (Hon. David Ochieng’): Well said. Hon. Members. Remember last week when the Cabinet Secretary for Education was here, the questions we sent him back with are the exact issues in this Motion, almost word for word.

Hon. Mathenge, you were here last week and you had the same questions for the Cabinet Secretary for Education. Remember he is supposed to bring back answers tomorrow. You need to be on the look-out because if his response answers the questions being raised by this Motion, then so be it. If it does not, we will keep pushing so that what we are looking for as a Parliament on this matter of uniforms is attained.

ADJOURNMENT

The Temporary Speaker (Hon. David Ochieng’): Hon. Members, the time being 1.02 p.m., the House stands adjourned until this afternoon at 2.30 p.m.

(The House rose at 1.02 p.m.)

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