



**REPUBLIC OF KENYA**

**THIRTEENTH PARLIAMENT**

**NATIONAL ASSEMBLY**

**THE HANSARD**

**VOL. IV NO. 28**

## THE HANSARD

Wednesday, 9<sup>th</sup> April 2025

The House met at 2.30 p.m.

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

### PRAYERS

**Hon. Speaker:** Hon. Members, we have quorum to transact business. Clerk-at-the-Table, proceed.

Hon. Members, I have a brief communication which is being prepared. However, yesterday, I directed that the Cabinet Secretary for National Treasury and Economic Planning appear before this House to explain the delays in the disbursement of the National Government Constituencies Development Fund (NG-CDF) and any other funds, including the National Government Affirmative Action Fund (NGAAF).

The Cabinet Secretary wrote to the Clerk explaining that, due to earlier urgent engagements related to the ongoing budget process, he regrets that he is unable to appear as initially scheduled. He has requested to make that statement on Wednesday next week.

I have acceded to his request. Therefore, kindly be patient. He will be here on Wednesday. What I intend to do is direct the Leader of the Majority Party to compile any other questions, in addition to those concerning the NG-CDF, that Hon. Members may wish to raise. Those questions should be filed for the attention of the Cabinet Secretary for National Treasury and Economic Planning, so that the Question Time on Wednesday, the 16<sup>th</sup> of April, is reserved not only for discussion on the NG-CDF, but also for any other related questions that will be filed by Hon. Members.

Next Order.

### PAPERS

**Hon. Speaker:** Leader of the Majority Party. Hon. Silvanus Osoro.

**Hon. Silvanus Osoro** (South Mugirango, UDA): Hon. Speaker, I beg to lay the following Papers on the Table:

Reports of the Auditor-General and Financial Statements for the year ended 30th June, 2024, and the certificates therein in respect of:

- (a) Bumbe Technical Training Institute;
- (b) Bungoma North Technical and Vocational College;
- (c) Bunyala Technical and Vocational College;
- (d) Kenya Seed Company Limited and its Subsidiaries;
- (e) Kenya Seed Company Rwanda Ltd;
- (f) Kenya Universities and Colleges Central Placement Service;
- (g) Kenya Water Institute;
- (h) Kenyatta International Convention Centre;
- (i) Kerio Valley Development Authority;
- (j) Kibo Seed Company Ltd;
- (k) Lake Victoria South Water Works Development Agency;
- (l) National Communication Secretariat;
- (m) National Council for Population Development;

- (n) National Environmental Complaints Committee;
- (o) National Industrial Training Authority;
- (p) Nuclear Power Energy Agency Staff Car and Mortgage Loan Scheme Fund;
- (q) Peoples' Trust Party;
- (r) Salaries and Remuneration Commission;
- (s) Simlaw Seeds Company (K) Ltd;
- (t) Simlaw Seeds Company (U) Ltd;
- (u) South Nyanza Sugar Company Limited;
- (v) State Department for Forestry;
- (w) State Department for Medical Services;
- (x) State Department for Public Health and Professional Standards;
- (y) State Department for Sports;
- (z) State Department for Tourism;
- (aa) State Department for Water and Sanitation;
- (bb) Statement of Outstanding Obligations Guaranteed by the Government of Kenya;
- (cc) Tobacco Control Board; and,
- (dd) Water Resources Authority.

I beg to lay, Hon. Speaker.

**Hon. Speaker:** Thank you, Hon. Silvanus. The Chairperson of the Departmental Committee on Labour.

**Hon. Ken Chonga** (Kilifi South, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Labour on the vetting of Dr Jane Kere Imbunya as nominee for appointment as Principal Secretary, State Department for Public Service and Human Capital Development.

**Hon. Speaker:** *Thank you.* Mwenyekiti, Kamati ya Utangamano wa Kikanda.

KUIDHINISHA RIPOTI YA ZIARA YA UKAGUZI WA TAASISI ZISIZO HURU  
KIKAMILIFU ZA JUMUIA YA AFRIKA MASHARIKI

**Hon. Irene Mayaka** (ODM, Nominated): Mhe. Spika, naomba kuwasilisha waraka ufuatayo Mezani:

Ripoti ya Kamati ya Utangamano wa Kikanda kuhusu ukaguzi wa asasi zisizo huru kikamilifu za Jumuiya ya Afrika Mashariki na ushoroba wa kati katika Jamhuri ya Muungano ya Tanzania.

Shukran.

**Hon. Speaker:** Thank you. The Chairperson of the Departmental Committee on Trade, Industry and Co-operatives.

**Hon. Marianne Kitany** (Aldai, UDA): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Trade, Industry and Co-operatives on the vetting of Ms. Regina Akoth Ombam for appointment as Principal Secretary, State Department for Trade.

Thank you.

**Hon. Speaker:** Thank you. The Chairperson of the Departmental Committee on Health.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Speaker, I beg to lay the following Paper on the Table:

Report of the Departmental Committee on Health on the vetting of Dr Oluga Fredrick Ouma, OGW, nominee for appointment as Principal Secretary, State Department for Medical Services, Ministry of Health.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Daktari. Next Order.

### NOTICES OF MOTIONS

**Hon. Speaker:** Let us have the Chairperson of the Departmental Committee on Labour.

#### ADOPTION OF REPORT ON THE VETTING OF A NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY

**Hon. Ken Chonga** (Kilifi South, ODM): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Labour in its Report on the vetting of a nominee for appointment as Principal Secretary, laid on the Table of the House on Wednesday, 9<sup>th</sup> April 2025, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Dr Jane Kere Imbunya as Principal Secretary, State Department for Public Service and Human Capital Development.

Thank you.

**Hon. Speaker:** Thank you. Next is the Chairperson, Departmental Committee on Health.

#### ADOPTION OF REPORT ON THE VETTING OF A NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Health in its report on the vetting of nominee for appointment as Principal Secretary, State Department for Medical Services, laid on the Table of the House on Wednesday, 9<sup>th</sup> April 2025, and pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Dr Oluga Fredrick Ouma, OGW, as Principal Secretary, State Department for Medical Services, Ministry of Health.

Thank you.

**Hon. Speaker:** Thank you, Chairman. Clerk, you can go back to Order No. 2.

### COMMUNICATION FROM THE CHAIR

#### VIOLENT ALTERCATION BETWEEN A SITTING AND FORMER MEMBER OF PARLIAMENT

*(Hon. Mark Nyamita walked into the Chamber)*

**Hon. Speaker:** Hon. Nyamita, take the nearest seat.

Hon. Members, I want to give a short Communication on an incident of violent altercation between a sitting Member and a former Member of Parliament.

I wish to inform the House that I am in receipt of an Incident Report from the Chief Serjeant-at-Arms, through the Clerk of the National Assembly, regarding a violent altercation that occurred within the precincts of Parliament yesterday, Tuesday, 8<sup>th</sup> April 2025.

The altercation, which is captured in a video in circulation, involved Hon. Umulkher Harun Mohamed, MP, a Member of this House, and Hon. Iman Falhada Deko, MP, former Senator and current Member of the East African Legislative Assembly (EALA). Also involved was a visitor, whom I am notified was a visitor to Hon. Falhada.

Hon. Members, Hon. Falhada was within Parliament on courtesy of the honour for Parliament to accord former Members of Parliament and Members of the EALA, the privilege to have unhindered access to Parliament and access certain facilities that are reserved for sitting Members of Parliament, including the gym.

The continued enjoyment of that privilege by non-sitting Members requires the benefiting Members to conduct themselves in a decorous manner while within Parliament. It is, therefore, regrettable that, having been accorded such privileges, Hon. Falhada conducted herself in an undignified manner.

Hon. Members, having reviewed the video and Incident Report, it is clear that the violent altercation between Hon. Umulkher, MP and Hon. Falhada casts Parliament in bad light, and is likely to reflect adversely on the dignity or integrity of Parliament and, indeed, the sanctity of the precincts of Parliament.

Ordinarily, such a matter would merit referral to the Committee of Powers and Privileges for consideration and recommendation of appropriate action. Indeed, several Members who are keen on guarding the dignity of Parliament and its precincts have already approached me requesting that I invoke the provisions of the Parliamentary Powers and Privileges Act (Cap. 6) and cause the incident to be considered by the Committee of Powers and Privileges.

However, Honourable Members, given that the incident involved a sitting Member and a former Member, I am inclined first to accord the Nominated Member, Hon. Umulkher, the opportunity to explain herself and tender an apology to the House for the unbecoming conduct.

With respect to Hon. Falhada, the EALA Member of Parliament, I note that she does not have a platform to address the House on the Floor of this House. In this regard, I direct that the Member explain herself to the Speaker of the National Assembly and the Chairperson of the Parliamentary Service Commission in writing by 5.00 p.m. on Monday, 14<sup>th</sup> April 2025. In the meantime, Hon. Falhada is forthwith precluded from accessing the precincts of Parliament, Parliament Buildings and facilities for a period of 90 days, save on the day and time when she will deliver her written explanation to the Speaker, in which case she must be escorted by the Serjeant-at-Arms.

Hon. Members, upon reviewing the response by Hon. Falhada, I will guide the House accordingly on any further or other action that can be taken, not only on her, but also on Hon. Umulkher, based on the apologies that I have directed them to tender.

Having said that, I shudder at the fact that the recording of the video of the altercation between the two Hon. Members is claimed to have been done by a sitting Member of this House. Should the claim be ascertained, it will also attract sanctions under the Parliamentary Powers and Privileges Act (Cap. 6). Nonetheless, I hasten to caution Members to resist the temptation of falling into such abhorrent behaviour.

Hon. Members, I have told you before, sitting in my Chamber, I have watched some Members here filming the proceedings of this House. I called one Member and cautioned him because the Speaker on the Chair then did not notice. Let us avoid that kind of unhelpful behaviour.

I wish to remind all Hon. Members that, Rule No. 4 of the Speaker's Rules places the responsibility of the conduct of a visitor on the Member who invites such a visitor to

Parliament. When you bring in any visitor, lawyers will tell you of the doctrine of “Rylands versus Fletcher”, which automatically applies. If you collect and keep any dangerous animal, substance or material and such material, animal or substance harms people, then you are directly responsible for any such harm.

*(An honourable Member spoke off the record)*

Pardon! It is known as the “Rule in Rylands versus Fletcher.”

I, therefore, request Members to assist in enforcing the Speaker’s Orders that are necessary for the decorous conduct within the precincts of Parliament and the facilities that are accessible to visitors.

Hon. Members, I now direct the Nominated Member, Hon. Umulkher Harun Mohamed, MP, to proceed to explain herself to the House and tender an apology in the manner that is set out by the practice of this House.

As she comes to do so, I wish to apprise the House that, that kind of behaviour is not new to this Parliament. In 1975, the late Hon. Jean Marie Seroney and Hon. Joseph Martin Shikuku were arrested in the precincts of Parliament and locked up. In 1980, the then Assistant Minister for Health and the Member for Kirinyaga, Hon. James Njiru had a violent altercation with one Hon. Nahashon Njuno in the Private Members’ rooms. On 20<sup>th</sup> January 2000, Hon. David Mwenje of Embakasi had a violent altercation with the then Member for Mbita, Hon. Otieno Kajwang’.

In January 2001, Hon. Ochillo Ayacko, the then Member for Rongo had a violent altercation with Hon. Shem Ochuodho in this House. On 28<sup>th</sup> July 1999, Hon. David Murathe had a violent altercation with Hon. Stephen Ndicho; trading blows in the precincts of Parliament. In 1997, the Hon. Otieno Kopyio punched an Assistant Minister called Joseph Misoi in the precincts of this Parliament. This was a confrontation in the presence of Hon. Mukhisa Kituyi. In 1980, Hon. Justus ole Tipis violently attacked Hon. Robert Matano with a *rungu* in the precincts of this Parliament. In 2006, again, Hon. Mwenje and the Member for Makadara Hon. Reuben Ndolo had a confrontation in Parliament. In 2010, Hon. Lotodo and Hon. Langat fought at the Bar of this Parliament. There are many other incidents.

*(Laughter)*

So, Hon. Umulkher, you join the ignominious group and the first woman to be involved in a violent altercation in Parliament.

*(Laughter)*

Of course, I have skipped Hon. Babu Owino and Hon. Jaguar who had a violent confrontation and altercation in this House.

Hon. Members, you are called honourable because you are people of honour. This honour is not yours, but of the people who elected you here. So, you carry that decorum and dignity not for yourself, but for the people who gave you the privilege out of many others, to come and represent them in this Parliament.

Thank you.

**Hon. Speaker:** Yes, Hon. Mbai, do you want to fight? It is an honourable fight!

*(Laughter)*

Yes, Hon. Umulkher. You will hear her in silence. Go ahead.

## PERSONAL STATEMENT

### UNFORTUNATE INCIDENT WITHIN THE PRECINCTS OF PARLIAMENT

**Hon. Umulkher Harun** (Nominated, ODM): Thank you, Hon. Speaker. Pursuant to the provisions of Standing Order 42(e), I rise to make a Personal Statement regarding the unfortunate incident that occurred yesterday within the precincts of Parliament and is now, unfortunately, in public circulation.

Hon. Speaker, yesterday afternoon on my way to the Mosque to make my *Sala* prayers, I met the Member for EALA and former Nominated Senator, Hon. Iman Falhada. A colleague in this house met Hon. Falhada and me and requested that we talk and catch up as we had an afternoon cup of tea. During our conversation, I inquired from Hon. Falhada about incidences where she had personally attacked and abused me in public forums and social media as well as extending her verbal insults to my extended family. I sought an audience with her to find the truth, not anticipating that she would throw a cup of tea at me, an incident that blind-sided me.

However, at the spur of the moment, what was to be a normal conversation turned ugly. Hon. Falhada publicly attacked me and it took the intervention of other people to stop her and, hence, the unfortunate incident that happened yesterday afternoon. I wish to sincerely apologise to this House and the public for the incident and regret yesterday's events.

Hon. Speaker, in my 28 years of life, I have never been involved in any fight and I feel bad for what happened yesterday as a Member of this House, and as a Muslim woman. I wish to go on record that I hold the dignity of this House and the public in high esteem. I apologise and regret yesterday's unfortunate incident. I apologise to my aggressor Hon. Falhada for the uncalled-for attack against myself and my family. The oath of office that I took behoves me to walk away even when I am justified to respond.

Hon. Speaker, I also wish to thank my colleagues and everyone who called me after the incident and offered words of guidance and wisdom. I am forever grateful and will hold their close words of guidance as I take lessons of yesterday's incident in stride.

Hon. Speaker, allow me to also express my disappointment at those who took advantage of the unfortunate incident and decided to record and share with the public, one of my lowest moments in life, especially as a woman. Low moments are inevitable for every human being under the sun, and mine was yesterday. This reality calls upon us to extend arms of embrace rather than of public humiliation. I, however, let this pass and forgive anyone who may have taken advantage of the situation.

Finally, allow me to reiterate my commitment to upholding the dignity of this House and to continue discharging my duties in accordance with my oath of office. Once again, I tender my unreserved apology to this House and the public for the unfortunate incident.

Thank you, Hon. Speaker and God bless.

**Hon. Speaker:** Thank you Hon. Umulkher. I can also confirm that immediately after the incident, about an hour thereafter, Hon. Umulkher sent to Hon. Speaker a message of regret and apology for the indignity visited on the House of Parliament with that incident. Thank you Hon. Umulkher.

Once I hear from Falhada and get a full investigation report, you are still not off the hook. Both you and whoever did the recording will get some further directions.

I do not want to open debate on this Hon. Members.

*(Loud consultations)*

Order, Hon. Members. If I give you an opportunity to speak, you are going to discuss the conduct of the person of Hon. Umulkher without a substantive motion, which is against the Standing Orders. Whatever sympathies you have for or against her, quietly go to her and tell her so that she can feel your empathy. But I will not allow you to comment because it will offend our Standing Orders.

Sen. Falhada is an Hon. Member of an institution that is part of our parliamentary setup in the region, and she is elected by this House to go to the East African Legislative Assembly (EALA). So, she enjoys that privilege and so does Hon. Umulkher.

The issue of recording is being investigated by the Parliamentary Police and the Serjeant-at-Arms. I do not want to have any presumptions as to who it was. Once the report comes out, you will get the communication.

*(Hon. Phelix Odiwuor spoke off the record)*

On the same issue? Something different? If you are captured in that video depending on what you are doing, you will also be punished.

*(Laughter)*

There is a criminal offence called aiding and abetting the commission of a crime. You were either aiding or abetting.

Yes Hon. Umulkher. I thought you were done?

**Hon. Umulkher Harun** (Nominated, ODM): Hon. Speaker, I need to mention that I am short-sighted and so, when I was in the middle of the scuffle, I noticed Hon. Mpuru was recording the video. Immediately after the incident, I approached him and asked him not to release the video because he was the only person who was recording. I wonder what his intention was and I wonder if this was a targeted attack and if he was part of the incident. That is because the other lady was an outsider. She was not from Parliament. I did not anticipate a fight. Hon. Speaker, if you saw the video, I was in a white dress. Somebody in white does not come to fight, and the lady is known to me...

**Hon. Speaker:** There is no scientific evidence to that.

*(Laughter)*

**Hon. Umulkher Harun** (Nominated, ODM): Hon. Speaker, it is in the doctrine of the female dressing that we wear white to show peace. I want to let the House know that Hon. Mpuru is the one who was recorded the clip.

**Hon. Speaker:** I can tell you, Hon. Umulkher, that in the 12<sup>th</sup> Parliament, we were violently attacked in that Gallery by the Member for Thika Town, Hon. Alice Ng'ang'a, and she was dressed in white. Your statement is, therefore, not true.

**Hon. Umulkher Harun** (Nominated, ODM): Hon. Speaker, in Islam, white means a different message. I saw him record it and I want to ask him why he did that because he was the only person who was...

**Hon. Speaker:** Do not ask him! Leave him to the Hon. Speaker.

**Hon. Umulkher Harun** (Nominated, ODM): Thank you Hon. Speaker.

**Hon. Speaker:** We will deal with it once the investigations are over. Commissioner Makau, what is it? Not on this matter?

**Hon. Patrick Makau** (Mavoko, WDM): Indeed, thank you, Hon. Speaker. You have ruled accordingly. I want to inform the House that yesterday, when I was having lunch, I was seated next to the Member for Lari, Hon. Kahangara. Hon. Speaker, you have ruled very well

because if we escalate this matter, it will still go to the public and it is our duty to protect Parliament by all means.

As you have guided, I request that we leave this matter here because, as a Member of the Parliamentary Service Commission (PSC), I witnessed and saw who recorded the clip. I thought that because he is an experienced Member of Parliament, he will not release it to protect the image of Parliament. I think...

**Hon. Speaker:** Hon. Makau, assist in the investigations by recording a statement at the Parliament Police Station.

**Hon. Patrick Makau** (Mavoko, WDM): Hon. Speaker, I am the Chairman of the Commission Committee on Security and Development. It will be my rightful duty to do that. Thank you.

**Hon. Speaker:** On a light note, Hon. Nyikal tells me that when Hon. Njuno and Hon. Njiru violently fought here, they ended up being treated by him at the Intensive Care Unit (ICU) at Kenyatta National Hospital.

*(Laughter)*

Hon. Members, do not go that route. If you are unable to argue or reason with each other, leave the scene and wait for another day.

Next Order.

Hon. Members, we have a Supplementary Order Paper in place that we will use. Let us go back to Order No.6. I am told the Vice-Chairman of the Departmental Committee on Trade, Investment and Co-operatives is here to give notice of a Motion. Go ahead.

## NOTICES OF MOTIONS

### ADOPTION OF REPORT ON THE VETTING OF A NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY

**Hon. Bernard Shinali** (Ikolomani, ODM): Hon. Speaker, I beg to give notice of the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Trade, Industry and Co-operatives in its Report on the vetting of nominee for appointment as Principal Secretary, State Department for Trade, laid on the Table of the House on 9<sup>th</sup> April 2025 and, pursuant to the provisions of Article 155(3)(b) of the Constitution, approves the appointment of Ms Regina Akoth Ombam as Principal Secretary, State Department for Trade.

Thank you.

**Hon. Speaker:** Hon. Irene Mayaka.

### KUIDHINISHA RIPOTI YA ZIARA YA UKAGUZI WA TAASISI ZISIZO HURU KIKAMILIFU ZA JUMUIA YA AFRIKA MASHARIKI

**Hon. Irene Mayaka** (Nominated, ODM): Mhe. Spika, naomba kutoa arifa ya Hoja ifuatayo:

KWAMBA, Bunge la Taifa liridhie Ripoti ya Kamati ya Utangamano wa Kikanda kuhusu ziara ya ukaguzi kwa taasisi zisizo huru kikamilifu za Jumuiya ya Afrika Mashariki na ushoroba wa kati katika Jamhuri ya Muungano ya Tanzania, iliyowasilishwa kwenye Meza ya Bunge Jumanne, 9 Aprili 2025.

Ahsante.

**Hon. Speaker:** Thank you. Many of you should try and emulate that. Kiswahili and English enjoy equal status under our Constitution.

*(Loud consultations)*

*Enda library utafute kamusi ya Kiswahili. Itakusaidia.*

*(Laughter)*

Yes, Hon. Junet.

## POINT OF ORDER

### ANTICIPATING DEBATE ON A BILL NOT BEFORE THE HOUSE

**Hon. Junet Mohamed** (Suna East, ODM): Hon. Speaker, I seek your indulgence on a matter of procedure. This is a legislative House. The process of legislation begins when a Bill is tabled for First Reading. When a Bill has not appeared on the Floor of the House, it is no longer part of the process of this House. Even the Standing Orders prohibit anticipation of debate. Some very sensitive and important Bills for the country come to this House. Those kinds of Bills require the Executive to first prepare them in their form and shape, and then they come to Parliament. That is why certain Bills have extensive public participation.

Yesterday, I saw something somewhere and I wanted to seek the attention of the Chairman of the Departmental Committee on Finance and National Planning who was speaking on the Finance Bill that we are expecting. If the national Executive will not be able to raise enough revenues, the Chairman announced that we might be forced to increase taxes. It was in the Citizen TV news. I do not know whether that information is factual.

It is not the business of this House to increase any tax. It is the business of the National Treasury. We are here to safeguard the interests of the public. For the record, the Finance Bill does not belong to Parliament. It belongs to the national Executive through the National Treasury. The owner of the Finance Bill is the Cabinet Secretary of the National Treasury.

This Parliament has suffered enough for the last two years by carrying burdens for the Executive. We are not members of the Executive. We are the legislative arm of the Government. Our work is very clear in the Constitution - we are supposed to do legislation, oversight and representation. I ask my colleagues to let us desist from defending and protecting the work of the Executive in a manner that is not legislative.

*(Applause)*

Let us wait until the Executive brings their ideas and proposals to the Floor of this House, and then we will have our say on whether we agree or disagree with them.

I ask Committee Chairs not to hold briefs for the Executive. Let us allow the Executive to do their work. You will be speaking on behalf of the full House if you hold brief for the Executive, and every Member here will be expected to take responsibility. I am seeing a debate ensuing in public that the Finance Bill is like this or that. We do not have any Finance Bill. The public needs to be informed that the Finance Bill comes towards the end of the budgetary process.

*(Hon. Kimani Ichung'wah walked into the Chamber)*

I am happy the Leader of the Majority Party has arrived.

We are supposed to pass the Finance Bill by 30<sup>th</sup> June. It can come on 26<sup>th</sup>, 25<sup>th</sup>, or 1<sup>st</sup> of June. As of today, the public is being fed with lies that there is taxation on trees and oxygen. There is no Finance Bill in this House. Hon. Speaker, I do not think we have seen any clause of any Finance Bill with your approval before this House.

In conclusion, we as a House have the interest of the public to protect and legislations to do. Let us desist from commenting in a manner that we think we are helping the Executive when we are destroying Parliament. Parliament has the final say on any legislation. Let the Executive bring what it wants to bring. It can even say it wants to tax mountains. It is us who will deny them that right.

*(Applause)*

In conclusion, I am not sure whether what I saw yesterday is factual. The Chairman is here. He can agree with us. This is what we suffered last time. We as a House ended up withdrawing all offensive clauses of the last Finance Bill through the leadership of the Leader of the Majority Party, but the lies went ahead of us. People were invading Parliament by the time the truth arrived. This time round, we want to do things in a manner that is in tandem with what the House of Parliament is expected by engaging the public. We do not expect any taxation at all. Why should Kenyans be taxed more than this? I do not want to name the people who are propagating lies and confusing Kenyans. I know some senior members of the society are lying to Kenyans that there is a Finance Bill. There is no Finance Bill before this House.

Thank you, Hon. Speaker.

*(Loud consultations)*

**Hon. Speaker:** Yes, Leader of the Majority Party. Hold your horses.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Thank you, Hon. Speaker. Let me first thank the Leader of the Minority Party for raising this issue. Indeed, I had a discussion with the Leader of the Minority Party over this issue on WhatsApp very late last night, at about 1.45 a.m. That was when I saw his text and noticed that he had not slept. We were worried that the same thing that happened last year is likely to happen this year if we do not stem it in the bud as early as now.

As the Leader of the Minority Party has said, it is true that there are people who are propagating the lie that there is already a Finance Bill with all manner of taxes in the House. There is a saying where I come from. It goes: “*Ūta kanywîrîrî ndûû kîrita.*”

*(Loud consultations)*

Its direct translation in English says: “He who wears the shoe knows where it pinches the most.” It is the Members of this House who can tell you where it pinches the most when we allow disinformation, misinformation and propaganda to take root. It is sad, as the Leader of the Minority Party has said. The people who ought to know better are propagating those lies. Some have even served in this House as Members of Parliament. You will see them all over the media alleging all manner of taxation that is not before the House. I do not know whether they work in the National Treasury to know what it is going to bring here.

The National Treasury is even yet to table the estimates for the next financial year, which will then inform what needs to be financed. A Finance Bill is a consequence of what is to be expended by the Government. Then, the Government decides how it intends to raise

revenue. That is why it is a statement on revenue-raising measures that the Cabinet Secretary comes to read at the beginning of June.

This is just to implore Kenyans that one, not to believe the lies and; two, to fact-check.

Last year, 2024, Kenyans were fed with all manner of disinformation and falsehoods on what was contained in the Finance Bill. A week or two before the consideration of that Bill in this House, none other than the Chairman of the Departmental Committee on Finance and National Planning informed the country of all the retinue of amendments that were being proposed to deal with the few offensive clauses that were in the Finance Bill.

Kenyans considered things like taxation on bread offensive. You remember the taxation of motor vehicles. All those things were removed but Kenyans ended up saying: “Reject! Do not amend!”

Hon. Speaker, we have no business having a Parliament in this country if this House is told to reject every law and not to amend it. The legislative process begins with legislative proposals, which are then amended as informed by Kenyans during public participation. I do not need to belabour what happened last year. We need not go back to that pain. But we must inform Kenyans that we are in an era of disinformation and misinformation, especially on social media. Unfortunately, many members of the Fourth Estate pick up and report what is being said on social media, which are lies, as if it is the truth. The Fourth Estate has a greater responsibility, more than anybody else, to inform Kenyans truthfully. What we say on this Floor is on record. If we lie, even 100 years from today, Kenyans will know whether Hon. Junet or I lied. When Hon. Junet says there is no Finance Bill, there is none as we speak. When a Finance Bill is proposed and brought before the House, it will not be a secret. It will be published.

I thank the Office of the Clerk for a job well done during the consideration of the Tax Laws (Amendment) Bill last year. After the fall of the Finance Bill, we passed two Business Laws (Amendment) Bills, 2024, the Tax Procedures (Amendment) Bill, 2024 and the Tax Laws (Amendment) Bill, 2024. Before we considered the Bills, we allowed the National Treasury to first inform Kenyans of what they intended to do and get their views. We then conducted elaborate public participation through the leadership of the Departmental Committee on Finance and National Planning, under the leadership of the Chairman, Hon. Kimani Kuria. Eventually, we passed those laws on 4<sup>th</sup> December 2024 without any incidents. I have said before that those four pieces of legislation were 70 per cent what was contained in the Finance Bill, 2024 and yet, they were passed without any incidents. Therefore, if the Finance Bill, 2024 was as offensive as said by those who propagated the disinformation campaign, then the four laws would be hurting Kenyans today. They are not.

**Hon. Speaker:** Wind up.

**Hon. Kimani Ichung’wah** (Kikuyu, UDA): In conclusion, Hon. Speaker, part of the benefits were the tax waivers that Kenyans enjoy today. Kenyans were denied the waivers last June through the Finance Bill, 2024. They had to wait until 27<sup>th</sup> December 2024 for the tax laws to become effective for them to enjoy the waivers. I support what Hon. Junet has said and implore on Kenyans to fact-check. When Bills are published, please, make a point of visiting the parliamentary website. At the back of every Bill, there are objects of the Bill. If you not understand what is in the Bill, just go to the last page and read the objects and you will see what is intended to be changed by that particular legislative proposal.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Kimani. I will not open debate on this. You are the Chairman of the Committee. I speak from the authority of the Chair. I have not approved any Finance Bill to be brought to this House. Neither have I approved any request for taxation measures to be brought to this House for debate and approval or rejection.

Hon. Kimani.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Speaker. At the outset, I thank the Leader of the Minority Party for raising this matter on the Floor of the House. The incident he is speaking about happened in a show on NTV called *Fixing the Nation*. I congratulate Nation Media Group for that particular discussion. What the show was trying to do was to inform Kenyans about the budget-making process. We start from the Budget Outlook Paper, to the Budget Policy Statement, to the Estimates and to the Finance Bill. My role was civic education to the country, if you followed the entire conversation. It was a whole two-hour discussion. It was a very engaging discussion on how Kenyans need to communicate when those matters come up.

The biggest challenge we have in this country, unfortunately, is that even the most educated people that you may think would read and verify statements, do not. Unfortunately, we are reduced to very short clips. That is why TikTok is now the most popular social media platform. The clips are only one, two or three-seconds long. Therefore, the misinformation may come in. Let me inform this House that #RejectFinanceBill2025 has been trending on X for the last three days. It is trending between No.3 and No.8. I wondered: Am I not the Chairman of the Departmental Committee on Finance and National Planning? I would have seen the Finance Bill that people are talking about. There is all manner of misinformation, including the assertion that there is a tax for new-born children called *taifa* something.

When you follow the comments of some of those people and go through their accounts, you would think they are distinguished scholars. Yet, they are the ones who are spreading the propaganda. I will be the last person to be on defensive on such proposals before they are brought to the Floor of the House. When the proposal is brought, my Committee will influence the final decision on it. Therefore, I am very careful in my communication.

It is unfortunate. Some of us have paid the ultimate price of misinformation. I lived away from home for a long time because of fear of attack from members of the public. I lost personal property. Therefore, that misinformation should stop. I do not know what we need to do to avoid misinformation. Unfortunately, people knowingly misinform members of the public on this particular matter. Right now, we are in a broad-based government arrangement and we agree on many things. We do not know how it will be before we go to the next general elections. Even when we are in different political orientations, let us not misinform the public just for political benefits. When we were considering the Finance Bill, 2024, the Minority side said - "reject, do not amend" - even when they knew for sure that some proposals were good. We would debate on media stations and during the break, I would ask the person I was debating with why they were saying things that are not true. They would tell me it was politics. Let us not play politics with misinformation. It can be very dear and hurtful. It can lead to serious destruction that can almost be irredeemable.

I thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. I repeat: There are no tax proposals before this House. There is no Finance Bill before the Speaker for approval or before this House. Any misinformation, disinformation or propaganda should desist forthwith. We are raising unhelpful tensions for nothing. Let us leave the matter there.

Clerk-at-the-Table, call out Order No.8 so that we can put the question before we go to Questions and Statements. Whip of the Majority Party, check if the Cabinet Secretary listed to answer Questions is in the House. You can cause him to come to the Chamber.

## BILLS

### *Second Reading*

#### THE EXCISE DUTY (AMENDMENT) BILL

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(National Assembly Bill NO. 7 OF 2025)

*(Moved by Hon. Kimani Ichung'wah on 9.4.2025 – Morning Sitting)*

*(Debate concluded on 9.4.2025 – Morning Sitting)*

*(Several Members stood along the gangways)*

**Hon. Speaker:** Members on their feet, take your seats. Hon. Members, I now put the question at Order No. 8. I confirm we have quorum to vote.

*(Question put and agreed to)*

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

**Hon. Speaker:** Let us go to Order No. 9.

## BILL

### *First Reading*

THE COUNTY GOVERNMENTS ADDITIONAL ALLOCATIONS BILL  
(Senate Bill No. 1 of 2025)

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

**Hon. Speaker:** Thank you. The Chairman of the Departmental Committee on Finance and National Planning has asked me to clarify that there is no Finance Bill that has been approved by the Speaker to come before this House. Is that okay, Hon. Kimani? Anything else you are doing is not in question. What was publicised regarding a Finance Bill taxing trees, goats, cows and all manner of things is not accurate. We all know that no such Bill is before this House.

Clerk-at-the-Table, please go back to Order No. 7.

## QUESTIONS AND STATEMENTS

*(The Cabinet Secretary for Education (Mr Julius Migos Ogamba) was ushered into the House)*

**Hon. Speaker:** Hon. Members, the Cabinet Secretary (CS) for Education is in the House. CS, you are welcome to Parliament. I think this is your second interaction with the House. Please answer Questions as concisely and precisely as you can. For the Members who have questions, I will allow the Questioner and a maximum of two joyriders so that we can make progress in the interest of time.

Leader of the Majority Party, we were supposed to have the Cabinet Secretary for the National Treasury to come and speak to us. I have already told the House that he will be here on Wednesday so that you can accumulate any other issues that are directed at the Treasury so

that he can, as he talks about the NG-CDF disbursements, answer any other questions that are relating to finance.

Let us go to Question No.1 of 2025 by Hon. Abdi Shurie, the Member of Parliament for Balambala.

### QUESTION BY PRIVATE NOTICE

*QPN 1/2025*

#### DENIAL OF HELB SUPPORT TO KMTC STUDENTS

**Hon. Abdi Shurie** (Balambala, JP): Hon. Speaker, could the Cabinet Secretary for Education:

- (a) Explain why students who are enrolled at the Kenya Medical Training College (KMTC) are excluded from receiving Higher Education Loans Board (HELB) support, while students in other public institutions, such as technical training institutes, are eligible beneficiaries?
- (b) State the measures that have been put in place by the Ministry to ensure such discrimination is abolished?
- (c) Specify the legal provisions or Government policies that are being applied by the Ministry to justify such denial of HELB support to KMTC students?

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you for inviting me, Hon. Speaker. I request to respond to the three questions as follows:

The Higher Education Loans Board (HELB) currently funds students in universities and Technical and Vocational Education and Training (TVET) institutions under the Ministry of Education. HELB is able to fund those students because it is provided with a budget to do so through the Ministry of Education. The Kenya Medical Training College (KMTC) is under the Ministry of Health. HELB is ready and available to provide funding to students in KMTC once it is supported with the necessary budget by this House, through the Ministry of Health. Indeed, when resources were availed to HELB, it provided support to KMTC students. This happened in the Financial Year 2013/2014 when there was a partnership with United States Agency for International Development (USAID), and in the Financial Year 2022/2023 when the Ministry of Health provided resources to HELB.

May I assure the House, therefore, that HELB is committed to supporting all eligible college and university students in pursuit of their tertiary education without any discrimination. We look forward to working with this honourable House to explore the possibilities of enhancing funding to cover institutions in our tertiary education space that are yet to be covered.

Thank you, Hon. Speaker. I submit.

**Hon. Speaker:** Thank you. Are you satisfied?

**Hon. Abdi Shurie** (Balambala, JP): No. I am not satisfied.

**Hon. Speaker:** Go ahead.

**Hon. Abdi Shurie** (Balambala, JP): In my view, what has been put in the HELB kitty should cater for all students, irrespective of the ministries that the institutions fall under. To be very honest, saying that the budget should be enhanced in order to give the KMTC students support does not make sense. In my view, the kitty should cater for all students irrespective of the institutions they are studying at.

Thank you.

**Hon. Speaker:** Hon. (Dr) Robert Pukose?

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Thank you, Hon. Speaker. I thank the CS for the response. However, the response is unsatisfactory. Since KUCCPS took over the admission of KMTC students, why should they be excluded from accessing HELB through the normal education budget that is allocated to it? Why should they be asked to get a budget within the Ministry of Health? Why should that happen? Students in Technical Training Institutes (TTIs) or those who are doing diploma courses all access HELB. So, why should the KMTC students who are admitted through the same KUCCPS portal, be excluded?

**Hon. Speaker:** Hon. (Dr) James Nyikal.

**Hon. (Dr) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I think the answer is actually inadequate. Why is it that the Ministry of Health had to provide money to HELB so that the students could receive funding and yet, no one gives money for students in other colleges? Similarly, why did KMTC students need to get money from USAID to support them? Furthermore, how is that linked to the Kenya Universities and Colleges Central Placement Service (KUCCPS)? There is a legal issue regarding whether students at KMTC should be admitted through KUCCPS or directly through KMTC. That is related to this denial. I think we are not getting the full information that we require on this matter, which is also linked to the Commission for University Education. The legal issue arises because the Commission for University Education has demanded that KUCCPS also admit KMTC students. We need to know more about this.

**Hon. Speaker:** Sir, it is very simple. KMTC students are students like any other. HELB resources are public resources that are appropriated by this House. Can you take steps to ensure that KMTC students also access HELB financial facilities?

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker and Hon. Members. It is true that KMTC students are students like any other in the country. I agree that HELB, as an institution that funds students, should be able to fund all of them. In my view, there is an issue of misalignment with the domiciling of KMTC under certain terms in the Ministry of Health that leads to that discrepancy. We will work with the Ministry of Health to align that aspect so that we can give HELB the resources to support the KMTC students. The key issue is alignment in terms of funding the students in KMTC because we have already aligned the issue relating to placement. KUCCPS now places all the students. So, we should extend that alignment further to ensure that funding is also covered under HELB, thus allowing our students at KMTC to be funded.

Thank you.

**Hon. Speaker:** Hon. (Dr) Robert Pukose.

**Hon. (Dr) Robert Pukose** (Endebess, UDA): Hon. Speaker, it is not enough for the CS to simply say that things will be aligned because we already have KMTC students within colleges. The best answer the CS can give to this House is how soon that undertaking can be fulfilled. We need timelines so that this matter can be dispensed with.

**Hon. Speaker:** We will make progress. I will direct the Chairman of the Departmental Committee on Health and the Chairman of the Departmental Committee on Education...

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

**Hon. Speaker:** Yes, Hon. Wanjala. What is it?

**Hon. Raphael Wanjala** (Budalangi, ODM): Thank you, Hon. Speaker. It is not only the Kenya Medical Technical College (KMTC) students who are suffering. Students who join universities are supported by the Higher Education Loans Board (HELB). What about other middle-level college students who are not being supported by HELB? They also need to be assisted. If this is not done, it will be discrimination. As the Cabinet Secretary ensures that KMTC students receive HELB support, could he confirm that student teachers in colleges will also be supported?

*(Applause)*

**Hon. Speaker:** The point is noted. I direct the Chairpersons of the Departmental Committee on Health and the Departmental Committee on Education to plan and meet the Cabinet Secretary, and bring a report to this House in two weeks' time on the steps that are being taken to ensure that KMTC students access HELB loan facilities and any other students in tertiary institutions. These are public resources and they are deserving cases.

*(Applause)*

Next is Question 18/2025 by Hon. Umul Kheir Kassim.

**Hon. Umul Kheir Kassim** (Mandera County, UDM): Thank you, Hon. Chair.

**Hon. Speaker:** Which Chair are you addressing?

**Hon. Umul Kheir Kassim** (Mandera County, UDM): I am sorry.

*(Laughter)*

Hon. Speaker, I am used to you chairing the House Business Committee. When I see you on the Chair, I always think we are in the House Business Committee. I am sorry for that.

## ORDINARY QUESTIONS

### *Question 18/2025*

#### INTEGRATION OF DUKSI AND MADRASSA CLASSES IN SCHOOLS

**Hon. Umul Kheir Kassim** (Mandera County, UDM): Hon. Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary—

- (a) Explain why it has taken inordinately long to integrate Duksi and Madrassa classes in primary and secondary schools and yet, the provisions of Section 95(2)(e) of the Basic Education Act envision the operationalisation of such programmes to enhance access to education by all children?
- (b) Clarify whether the lack of integration of Duksi and Madrassa learning programmes in primary and secondary schools has led to a high rate of children being out of school?
- (c) State the measures that have been put in place to ensure the integration of Duksi and Madrassa learning programmes, including steps being taken to ensure the accessibility of such programmes to all schools in the country?
- (d) Provide timelines for the operationalisation of Duksi and Madrassa learning programmes in both primary and secondary schools?

Thank you, Hon. Speaker.

**Hon. Kassim Tandaza** (Matuga, ANC): On a point of order Hon. Speaker.

**Hon. Speaker:** Hon. Tandaza.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Speaker. Is the Hon. Member in order to skip the first part of the Question in the Order Paper and thereby rearranging such that when she is in part five, she says it is part four? She has not read out the first part of the Question as it appears in the Order Paper.

Thank you.

**Hon. Speaker:** She did.

**Hon. Kassim Tandaza** (Matuga, ANC): No, she has not. That is why she said the last part of the Question was part four instead of part five. She did not read the first part of the Question.

**Hon. Speaker:** She started with the first part of the Question. I was following.

**Hon. Kassim Tandaza** (Matuga, ANC): Then how did she end up with part five of the Question being part four if she started with part one?

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Tandaza, that Question has only four limbs – Parts (a), (b), (c) and (d).

Proceed, Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. It is, indeed, correct that Section 95(2)(e) of the Basic Education Act, 2013 provides regulations for the integration.

**Hon. Speaker:** I am sorry, Hon. Tandaza. I have been told that you are looking at the earlier Order Paper. We have a Supplementary Order Paper, where there is proper sequencing. Cabinet Secretary, proceed.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Hon. Speaker, it is, indeed, correct that Section 95(2)(e) of the Basic Education Act, 2013 provides for regulations for the integration of Madrassa, Duksi and pastoral programmes of instructions into the formal education system as appropriate to improve access and retention.

As a Ministry, we recognise the critical role that Duksi and Madrassa learning programmes play in education of the young learners of the Islamic faith. Their integration is not only a constitutional and statutory obligation, but also a necessary requirement to achieve equity, inclusion and cultural aspects in the delivery of education.

In this regard, we are actively taking steps to ensure the integration of Duksi and Madrassa learning programmes in our formal education system. The first key step was anchoring this in the strategic plan. As we speak, the National Education Sector Strategic Plan, 2023-2027, provides for the development of Duksi and Madrassa policy and guidelines to ensure....

*(Several Hon. Members consulted loudly along the gangway)*

**Hon. Umul Kheir Kassim** (Mandera County, UDM): On a point of order, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary, hold on. Yes, Hon. Umul Kheir?

**Hon. Umul Kheir Kassim** (Mandera County, UDM): Hon. Speaker, I cannot hear the good Cabinet Secretary because there is a lot of murmuring from meetings around here.

**Hon. Speaker:** Order, Hon. Members. Members on your feet, take your seats. Can the illegal *Kamukunji* in front of the Clerks-at-the-Table desk be disbanded?

*(Several Hon. Members spoke off the record)*

Disband that *Kamukunji*. Serjeant-at-Arms, can you improve the volume of the microphone of the Cabinet Secretary? Go on, Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Hon. Speaker, as we speak, the National Education Sector Strategic Plan, 2023-2027 provides for the development of Duksi and Madrassa policy guidelines to ensure seamless implementation of those learning programmes. The Kenya Institute of Curriculum Development (KICD) is currently finalising a framework that aligns those programmes with the Competency-Based

Curriculum (CBC), while ensuring that the spiritual needs of learners are respected. We held constructive consultations with Muslim religious leaders, education experts, county education boards and civil society actors to ensure the cultural and religious relevance in the design of the integration process.

The involvement of those broad range of stakeholders is intended to ensure that the integration is relevant from a religious and cultural standpoint, and that it has wide acceptance. There have been challenges in the efforts to implement the Duksi and Madrassa learning programmes. The challenges include the following:

1. The absence of a standardised curriculum since the religious learning curricula in Duksi and Madrassa schools vary widely in content and methodology, including language, which complicates the harmonisation with the national curriculum.
2. Many Duksi and Madrassa instructors have not undergone formal teacher training that is recognised by the Teachers Service Commission. This limits their eligibility for deployment in public schools due to lack of certified religious educators.
3. Most Duksi and Madrassa institutions operate informally and lack adequate facilities for integration with formal school settings, particularly in the Arid and Semi-Arid Lands (ASAL) counties like Mandera, Wajir and Garissa.

However, as I have stated, we are working with stakeholders to address those challenges and set the stage for the integration of those learning programmes.

On the second part of the Question, the Ministry is keen on implementing the policy of 100 per cent transition across all levels of basic education. Article 53 of the Constitution provides that every child has the right to free and compulsory basic education. The Government is implementing the 100 per cent transition policy in basic education that cuts across all levels of education, from pre-primary to secondary schools. It implements a multi-agency strategy to enhance the transition process across basic education levels. This includes annual enrolment campaigns with the support of the National Government Administration Office (NGAO).

For the ASAL areas, the Ministry has additional strategies that are geared towards promoting retention and transition in basic education. This includes provision of meals to learners and establishment of low-cost boarding schools to retain learners in school. The integration of Duksi and Madrassa learning programmes in the formal education framework will, therefore, complement the other existing strategies for ensuring that all eligible children have access to basic education.

On part three of the Question, the Ministry has already initiated several strategies to ensure effective integration of Duksi and Madrassa programmes. A structured Islamic religious education curriculum has been developed for use in Duksi and Madrassa settings under the CBC. Pilot schools in several counties, including Lamu and Garissa, are currently testing the integration model. In Lamu County, for example, the schools are the Bilal Integrated Academy and the Al Farsy Muslim Academy. In Garissa County, the schools that are piloting include Madarasatul Manar Islamic School and Madarasatul Tamkin.

The Ministry of Education, in collaboration with the TSC and Kenya Institute of Special Education (KISE), has trained over 300 instructors from Duksi and Madrassa backgrounds. That training is aimed at equating the instructors to qualify for recognition and deployment to formal institutions through the recognition of prior learning. We are also in the process of developing a policy and guidelines for Duksi and Madrassa. The policy is expected to operationalise the integration of Duksi and Madrassa to the formal education system. The policy and guidelines are undergoing legal review, which will be followed by public participation before being launched and implemented.

On part four of the Question, the integration of Duksi and Madrassa learning programmes in both primary and secondary schools will be progressive and is expected to achieve national implementation by 2029. Below is a table outlining the planned activities and timelines for implementation of the Duksi and Madrassa programme.

Stage	Activity Description	Expected Framework
Policy and Framework Finalisation	Policy and Framework Finalisation Completion of curriculum and policy tools	Q3-Q4 , 2025
Pilot Phase	Implementation in selected counties to test and refine the model	Q1-Q2, 2026
Evaluation and Scaling	Review of pilot results and scaling up through capacity-building	Q3, 2026 – Q1, 2027
Full National Implementation	Integration across all counties embedded in national education plans	2027-2029

For example, the policy and framework finalisation is expected to be done in Quarter 3 and Quarter 4 of 2025. The pilot phase will be in Quarter 1 and Quarter 2 of 2026. Evaluation and scaling will be in Quarter 3 of 2026 and Quarter 1 of 2027. The full national implementation will be between 2027 and 2029.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Umul Kheir.

**Hon. Umul Kheir Kassim** (Mandera County, UDM): Thank you, Hon. Speaker. Already, the pastoral programme of instruction has partly been operationalised. I just want to hear the exact timelines, *tafadhali* Cabinet Secretary. When you speak about the North-Eastern Region, we have close to 900,000 children who are out of school because they have been affected by the same issue I am raising here on the Duksi and Madrassa. Mandera alone has 280,000 children who are out of school. You have talked about the attraction and retention strategies of children in schools. I just want to emphasise that 280,000 students is a big number. It is actually a disaster in waiting if this issue is not addressed as soon as possible. Please, tell us the exact time you think this will be implemented.

Thank you very much.

**Hon. Speaker:** Hon. Raso.

**Hon. Ali Raso** (Saku, UDA): Thank you very much, Hon. Speaker. Listening to the Questioner and the Cabinet Secretary, I think what the Hon. Member from Mandera is asking is whether Madrassa and Duksi can become part of formal education in Kenya, considering that Madrassa and Duksi are part of formal Islamic education? The Cabinet Secretary has been struggling to tell us whether it can actually form part of formal education, particularly in basic education in Kenya. Let him explain if it is possible for that to happen. He is just speaking about Mandera, Wajir and Garissa, but Madrassa schools are all over – wherever Muslim communities live in Kenya. They might be more in some areas. Is it possible for this to be part of formal education? If so, how can it be structured so that the youngsters can still attend Madrassa but, at some point, they do not miss out on formal education whether they go to nursery schools or enter primary school at the right age?

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): Thank you, Hon. Speaker. On the question relating to whether or not Madrassa and Duksi can become part and parcel of our formal education, the answer is yes. I have indicated that we are working on a policy and strategies to integrate it in the Competency Based Curriculum (CBC). We have

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indicated with respect to timelines that we are working towards ensuring that they will be fully part and parcel of our formal education by the 2027-2029 Quarter. So, integration is taking place. The policy and guidelines are being prepared. We will undertake public participation to seek for wide acceptance of the policy and the guidelines by Kenya so that this becomes part and parcel of our education system. We are targeting 100 per cent transition in order to deal with the issue of the children who are out of school for one reason or another. These include the strategies that we are employing, including introduction of school meals so as to retain students in school. We are undertaking all this towards a 2029 full implementation target as outlined in table I referred to earlier.

As I have mentioned, there are pilot programmes in Mandera, Wajir, Garissa and Lamu counties to ensure that, by the time we roll it out 100 per cent, it is a workable programme that allows all our children to be in one school where they attend their Madrassa and Duksi classes while in formal education institutions. We will come up with a curriculum that covers all that, and guidelines that ensure they are not left behind and there are no gaps in education. The period within which we intend to roll out the national application of that programme is by 2029.

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you, Cabinet Secretary. Member for Kathiani, Hon. Robert Mbui.

#### *Question 036/2025*

#### RECRUITMENT OF TEACHERS IN PUBLIC SCHOOLS

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Speaker, before I ask my Question, allow me to advise the Cabinet Secretary. When engaging with Members of this House, who are the people's representatives, let him be advised that such engagement should never ever be an exercise of public relations. Everything he says here must be factual and verifiable. Last year, I raised a matter here on the preparedness of the Ministry for Grade 9 classes for 2025. The Cabinet Secretary came to the House and told us that they were ready and everything would be ready by January. We have completed the first term but even in my own constituency, we still have a problem.

**Hon. Speaker:** Hon. Robert Mbui, this is Question Time. You are making a speech instead of asking a question.

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Speaker, I am raising a concern that concerns the Cabinet Secretary on a Question I raised here last year on the preparedness of Grade 9 classes in the country. The Cabinet Secretary came to the House then and said he would be ready by January. The first term is over and there are problems out there. So, I am just saying that as he deals with these issues, let him take them seriously and be factual with the answers that he gives to the House.

**Hon. Speaker:** Go ahead and ask your Question now.

**Hon. Robert Mbui** (Kathiani, WDM): On today's matter, I want the Cabinet Secretary to:

- (a) clarify whether the criteria for placing teachers in public schools takes into consideration the teacher-student ratio and, if so, provide details on the recommended ratio and whether it has been achieved and, if not, how much is the deficit?
- (b) provide a report on the recruitment of teachers for Junior Secondary Schools, including the number of slots allocated to each constituency and the manner in which they were recruited by the Teachers' Service Commission (TSC) to allay

the fears of the public that they were probably recruited by Members of Parliament?

- (c) elaborate on the measures taken by the Ministry to ensure the timely replacement of teachers who exit the service through natural attrition?

Thank you, Hon. Speaker.

**Hon. Speaker:** Thank you. Proceed, Cabinet Secretary.

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

On part (a) of the Question, the TSC determines teacher requirements in public schools using the established staffing norms and not the teacher-student ratio. The staffing norms provide for the ideal number of teachers that are required in a school based on the following:

1. For primary schools, staffing is based on one teacher per class plus one additional teacher per school.
2. For secondary schools, the number of teachers is determined by the Curriculum-Based Establishment (CBE) of the school. The CBE provides a more accurate picture of the staffing needs since it aligns with the number of teachers that are required with the subject learning areas that are offered in the school given that teachers specialise in different subjects.

Hon. Speaker, while this criterion ensures optimal utilisation of available teachers, it is acknowledged that the ideal staffing levels in public schools have not been achieved due to budgetary constraints. In 2025, for example, the teacher shortage stands at 98,461 teachers.

On part (b) of the Question, we are saying that in order to address the teacher demand in Junior Secondary Schools, the Government has made significant efforts to recruit and deploy a total of 76,378 teachers since the introduction of junior secondary schools in 2023. These efforts include 9,000 teachers recruited in 2023 and 39,550 teachers recruited in 2024. Those were interns who were upgraded to permanent and pensionable employees in January 2025. In January 2025, 20,000 interns were recruited and are currently serving in junior secondary schools.

Also, the deployment of qualified primary school teachers to junior secondary schools is underway. In this respect, a total of 8,378 teachers have been deployed from primary schools to junior secondary schools. The deployment portal remains open to allow willing and qualified primary school teachers to apply for junior secondary school positions. A detailed breakdown of the teacher recruitment per county and sub-county is provided in Appendix I.

The TSC follows a structured process of replacing teachers who have exited service to ensure minimal disruption in schools.

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

**Hon. Speaker:** Yes, Hon. Robert. What is your point of order?

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Speaker, the Cabinet Secretary has alluded to the part of the question on the number of slots allocated to each constituency. He has made reference to a document. Is it possible for me to get it so that I can look at it because he is responding to my question?

**Hon. Speaker:** Cabinet Secretary, please, respond.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Yes, it is available. Maybe, the Clerk can give it to him because we submitted it earlier today. It is attached to our response.

**Hon. Speaker:** Clerk-at-the-Table, can you provide a copy to the Member? Go on, Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Hon. Speaker, the TSC follows a structured replacement process to ensure minimal disruption in schools when teachers exit service through retirement, resignation or natural attrition. The Commission

projects teacher retirements at the start of each financial year. A request for replacement funding is submitted to the National Treasury for approval. Once funding is approved, the Commission initiates the recruitment process to replace exiting teachers in that financial year.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, Robert.

**Hon. Robert Mbui** (Kathiani, WDM): Hon. Speaker, I might not have much to follow up on because he said he has already presented the information I have requested for. I need to go through it. However, there is a critical part which concerns the recruitment of teachers.

I would like him to clarify the issue because it has been mentioned out there. The public believes that the Members of this House are the ones who recruit teachers for TSC. I would like him to clarify whether it is Members who recruit teachers or it is TSC that recruits teachers in Kenya.

**Hon. Speaker:** Cabinet Secretary, you may also clarify another issue. You said that staffing in primary schools is based on one teacher per class plus one additional teacher per school. Is it one teacher per class regardless of the size of the class? Is it one teacher per stream or one teacher per class? There are some schools where one class has up to eight streams. Can they operate with one teacher?

Let us take a few joyriders, starting with Hon. Cynthia.

**Hon. Cynthia Muge** (Nandi County, UDA): Hon. Speaker, now that we are talking about recruitment, I would also like the Cabinet Secretary to tell us why a teacher called Mary Chebet from Chepsiria in Nandi County, who graduated in 2020 and has a TSC number, cannot be employed by the TSC. The TSC claims that her combination of Physics and Computer Studies is inadmissible because she did not do computer studies while in high school. That lady did not admit herself to university. She neither cleared herself for graduation at the university nor assigned herself a TSC number. Therefore, she cannot be denied employment on the grounds that she did not do computer studies while in high school. Where was the Commission and the Ministry when she was in university and when she was given the TSC number?

**Hon. Speaker:** Yes, Hon. Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, when the Cabinet Secretary speaks about one teacher per class, does he consider the Curriculum Based Establishment? Even if it were in primary schools, is it practical to have one teacher per class? That would overload the teacher. More importantly, some teachers qualified as P1 teachers in 2011 but they have not been employed to date. Those teachers qualified when they were about 28 years old. They have stayed out for about 16 years. They are now about 48 years old. They are remaining with about 10 years before they retire. What plans has the Cabinet Secretary put in place to consider that group of teachers for employment?

**Hon. Speaker:** Retire from where if they are not employed?

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you very much, Hon. Speaker, for correcting me. They cannot retire because they have never worked. They will pass through the system without ever getting employed. What plans has the Cabinet Secretary put in place to consider that group of teachers, even if it means affirmative action for them to get employed?

**Hon. Speaker:** Hon. Udgoon. I am sorry, Hon. Fatuma Jehow.

**Hon. Fatuma Jehow** (Wajir County, ODM): Thank you, Hon. Speaker. My question is on the Kenya Universities and Colleges Central Placement Service (KUCCPS). How is the selection of nursing students done on KUCCPS? I have received many questions from candidates...

**Hon. Speaker:** Hon. Jehow, joyriders should ride the running horse.

**Hon. Fatuma Jehow** (Wajir County, ODM): Hon. Speaker, that is why I started by stating that my question is on KUCCPS. However, I am well guided.

**Hon. Speaker:** If you are a joyrider, ride the running horse. Do not launch your own horse.

Yes, Hon. Memusi.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Hon. Speaker, my question is on what the Cabinet Secretary has alluded to. That every school has one teacher per class, plus one teacher. Is the Cabinet Secretary aware that there are registered schools in parts of Kajiado that do not have TSC teachers at all? Is he aware that the distribution of teachers is not controlled by TSC? Teachers place themselves in schools that they want. Teachers in urban centres do not move from there. When you complain to TSC, they tell you that teachers will not move from an urban school to a rural school.

**Hon. Speaker:** Hon. Atandi.

**Hon. Samuel Atandi** (Alego Usonga, ODM): Hon. Speaker, is the Cabinet Secretary aware that there are regions with higher student per teacher ratio than others? I am told that there are regions where some teachers do not even work. There are so many teachers that some of them just rest.

*(Applause)*

Those teachers cannot be moved because their appointment is unknown. I want *Waziri* to confirm to us that this is the situation in some regions. That disparity is real despite the fact that the Cabinet Secretary is saying there is one teacher per classroom. I dispute that bit of his submission.

I know that there has been an issue on teacher recruitment nationally, and there has been an uproar. A question has also been raised on the same. What mechanism has TSC put in place to ensure that if today a teacher retires from a particular school, he or she is replaced immediately so that that vacant position does not remain unfilled?

**Hon. Speaker:** Hon. Kaunya. Is that Oku Kaunya? Who is the Member waving his hand?

Hon. Protus Akujah, go ahead.

**Hon. Protas Akujah** (Loima, UDA): Thank you, Hon. Speaker. Can the Cabinet Secretary clarify under what circumstances the TSC can transfer five teachers from one particular school without a replacement? This has really affected most of the schools in the arid and semi-arid areas.

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary, can you answer those supplementary questions?

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. As far as I know, the TSC recruits teachers for the Ministry. The teachers are not recruited by Members of Parliament.

There is a question on a teacher who graduated in 2020, and who cannot be employed because of her subject combination. I am told that teachers should have had C+ (plus) and above in Mathematics for them to get employed. I urge the Member to give us more details on that one so that we can follow up and find out what the actual problem is. We can then resolve it.

One teacher per class based on the Curriculum Based Establishment (CBE) is the basis upon which teachers in primary schools are employed. Where they need more, the TSC does rationalisation every holiday. Every holiday, TSC undertakes a rationalisation exercise to determine which teachers need to be moved. Where there are more, they are moved to where there are less. Where there are less, they get more teachers so that there is a form of a balance. This is an exercise that the TSC conducts every holiday. They then recruit, replace or transfer at the time the school opens.

The issue of teachers who have not been employed and they are reaching the age of retirement is of concern to the Government. We have indicated that to date, we have a shortfall of 98,000 teachers, and this is because of lack of budget. Should we be able to access a recruitment budget through this House, we will employ the required number of teachers through the TSC. The policy is that the TSC employs teachers who graduated earlier. The earlier ones are the ones who are supposed to be employed when the opportunities arise.

**Hon. Omboko Milemba** (Emuhaya, ANC): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is your point of order, Hon. Milemba?

**Hon. Omboko Milemba** (Emuhaya, ANC): Hon. Speaker, it looks easier to answer the way the Cabinet Secretary is doing but, does he have any document as he talks about the budget which he has submitted to this House concerning the teachers? That is because it is in his docket. There should be a document on the teachers of 2011, 2012 and 2013, including the specific amounts that are required for those specific groups if, indeed, the matter is of great concern to the Government. Is it just hearsay that we are talking about and then we go away? We should have seen a document of demand for that particular budget.

Thank you, Hon. Speaker.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Hon. Speaker, thank you for that question. This is a follow-up question, for which I have not brought the information with me. I will be happy to provide that information with specific requests of the amount of money that is required to particularly employ teachers who graduated earlier, so that we can cover that space. What I have on record is that we have a shortfall of 98,000 teachers that we need to employ in order to bring the number to an acceptable level.

On the issue of teachers who are not able to move from urban centres, there is a policy of transfer. I do not know under what circumstances a teacher would be transferred and not move from a particular school to another. I will find out whether there are specific teachers who have not moved when they have been transferred from urban centres. We will liaise with TSC to deal with that issue. I do not know that teachers can decline to move when they have been transferred because their letters of employment indicate that they can be transferred from one school to another.

It is true that there could be areas with more teachers than other areas because of some discrepancy. That is why I indicated that TSC normally undertakes a rationalisation exercise at the end of every term, during the school holidays, to ensure that proper balancing is done to also deal with issues of retirement and exit of service through natural attrition, among others.

Hon. Speaker, on the specific issue of transferring of five teachers from one school without replacing them, we need to respond to it based on the circumstances of the case. It could be that it relates to rationalisation – a situation where there may have been more teachers than the school required. If we get the specific details, we will respond to it specifically.

Thank you, Hon. Speaker.

**Hon. Speaker:** Yes, *Mama* Trans Nzoia.

**Hon. Lilian Siyoi** (Trans Nzoia County, UDA): Thank you, Hon. Speaker. I am dissatisfied with the answer given by the Cabinet Secretary to Hon. Omboko's question. If it is true that during the recruitment the TSC considers teachers' years of registration, we would not be having teachers who are nearing the retirement age without having been employed. I do not know the measures the Cabinet Secretary is going to put in place to deal with that specific matter. Honestly speaking, we have teachers who are almost reaching the retirement age, but they are yet to be employed. We have even changed the school curriculum. I do not even think that in the next few years, they will be employed. I wish the Cabinet Secretary could consider employing all the teachers who are approaching retirement age so that they can also benefit for the few remaining years.

Thank you.

**Hon. Speaker:** Yes, Hon. Mawathe.

**Hon. Julius Mawathe** (Embakasi South, WDM): Thank you, Hon. Speaker. The Cabinet Secretary for Education has just said that teachers are hired depending on who graduated earlier. I have a case of one Esther Nekesa Wanjala, a resident of Kware in Embakasi South Constituency, who graduated in 2013 but is yet to be employed. There are others who graduated in 2020 and 2022, who have been hired and yet, Esther is still out there without employment. Therefore, the Cabinet Secretary should ensure that the TSC recruitment policy is followed to the letter. Teachers who graduated earlier should be given the first priority when the employment opportunities arise. Some teachers are in their early 40s and mid 40s and yet, they are still tarmacking out there. Esther has applied to be employed 24 times. There was a year when she tried twice.

**Hon. Speaker:** You have made your point. Next is Hon. Pareyio.

**Hon. Agnes Mantaine** (Narok North, JP): Thank you, Hon. Speaker for giving me this opportunity. My question is on hardship allowance. I remember about four months ago, I brought this issue to this House, and the Cabinet Secretary came here. My question was that teachers are running away from schools in Narok North and Central because their colleagues in neighbouring constituencies are beneficiaries of hardship allowance. The allowance makes teachers go to other schools. As we speak here, we have a shortage of teachers in all the schools in my area, and the reason is that teachers are running away to neighbouring schools. I think my constituency qualifies to be a hardship area. First, the roads are impassable. It takes a teacher two days to get to their school. Secondly, the schools do not have teachers' houses. I come from a very cold place and that makes it a hardship area. So, I believe that we qualify to benefit.

**Hon. Speaker:** Ask a question. You are making a speech.

**Hon. Agnes Mantaine** (Narok North, JP): Hon. Speaker, I am still waiting for the answer from the Cabinet Secretary. I remember bringing that question to this House, but it has not been answered. Could the Cabinet Secretary tell me why I have not got an answer for the Question and yet the problem is still there?

Thank you.

**Hon. Speaker:** Cabinet Secretary, respond to the supplementary questions.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. I will, quickly, answer the question on hardship areas.

Hardship areas in this country are gazetted. The support that the Government gives through TSC or Public Service Commission (PSC) is based on the gazettement of an area as a hardship area. Therefore, the gazettement is the key that unlocks the issue of hardship areas. Without an area being gazetted as a hardship area, there is not much that TSC or PSC can do. What needs to be done is mapping the whole country to determine which areas qualify to be gazetted as hardship areas for both TSC and PSC employees to benefit. We need to have a harmonized way of determining what is a hardship area – a criterion that will apply across the board. The mapping has not yet been done. We are currently dealing with the hardship allowance issue depending on whether an area has been gazetted as a hardship area or not.

On the issue of recruitment that we are talking about, replacement of teachers who leave service because of natural attrition and other reasons is actually done at the sub-county level.

Thank you, Hon. Speaker.

**Hon. Speaker:** Let us make progress, Hon. Members. The next Question is by Hon. Elijah Memusi. Hold on, Hon. Memusi.

**Hon. Julius Mawathe** (Embakasi South, WDM): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is it Hon. Mawathe?

**Hon. Julius Mawathe** (Embakasi South, WDM): Hon. Speaker, the Cabinet Secretary has not responded to my Question. Earlier on, he alluded to the fact that they had earlier hired people who graduated in 2018 and 2022 and yet, a graduate of 2013 has not been hired.

Please, let the Cabinet Secretary respond.

**Hon. Speaker:** Thank you. Cabinet Secretary, do you have an answer?

**The Cabinet Secretary of Education** (Mr Julius Migos Ogamba): I am sorry, Hon. Speaker. I did not respond to that one.

**Hon. Speaker:** Hold on Cabinet Secretary. What is it, Hon. Shinali?

**Hon. Bernard Shinali** (Ikolomani, ODM): Hon. Speaker, in the same vein, let the Cabinet Secretary tell us if he is taking any deliberate action to make sure that teachers who graduated earlier are employed first, so that those who graduated earlier are employed first.

(Applause)

I would also like to know to what extent the Cabinet Secretary is involved in the recruitment of teachers. I would rather that we have the TSC appear before us so that we can get clear answers on the recruitment of teachers.

**Hon. Speaker:** The Cabinet Secretary is the policy director to the TSC. He is competently here to answer questions.

Proceed, Cabinet Secretary.

**The Cabinet Secretary of Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. Of course, recruitment of teachers is undertaken by TSC, which is an independent Commission. The policy is that you recruit teachers who graduated earlier first, and not the ones who graduated later. Sometimes, that does not happen because candidates' years of graduation are different in the different counties they are employed to serve. In order to resolve this anomaly, we are preparing amendments to the current Act of Parliament under the reform program that we have been undertaking through the 2023 Presidential Working Party. We need to change the recruitment policy into law so that it can be followed to the letter. So, my answer, as the policy holder of that particular Ministry, is to ensure that the policy is anchored in law so that it can be complied with. It is true that there could be circumstances where teachers who graduated early were left out for those who graduated late to be taken on board. As a Ministry, we do not have powers to punish TSC for such anomalies because TSC is an independent Commission. Therefore, we need to anchor the policy in law to ensure that that it is followed to the letter.

**Hon. Omboko Milemba** (Emuhaya, ANC): On a point of order, Hon. Speaker.

**Hon. Speaker:** Yes, Hon. Omboko Milemba.

**Hon. Omboko Milemba** (Emuhaya, ANC): Thank you, Hon. Speaker. I will be brief. The Cabinet Secretary is contradicting himself. He has said that they follow years and that is why we speak of 2011, 2012, 2013 and 2014. However, he summersaulted along the way and said that there is another policy based on certain regions. That is something we have not followed. Can he speak more on it? Possibly, that is what we are looking for.

Thank you.

**Hon. Ruweida Mohamed** (Lamu East, JP): Hoja ya nidhamu, Mheshimiwa Spika.

**Hon. Speaker:** Yes, Hon. Ruweida, what is out of order?

**Hon. Ruweida Mohamed** (Lamu East, JP): Hoja yangu ya nidhamu inahusu mwelekeo tunaochukua. Imesemwa kuwa walimu waangaliwe kulingana na mwaka waliohitimu. Nitatoa mfano katika eneo langu la Bunge. Nahofia Waziri akiendelea na huo mtindo atamaliza jamii nyingine. Kwa mfano, katika jamii moja ya Wabajuni wa Lamu, watoto wote waliamua wawe waalimu na mmoja akahitimu mwaka jana na mwingine mwaka juzi. Mwaka jana, waalimu walioajiriwa walikuwa wachache. Ikisemekana kuwa mwaka huu watoto hao wasiajiriwe bali

waajiri waalimu waliohitimu mbeleni, itamaliza jamii hiyo ya wabajuni. Usawa uendeshwe kulingana na *percentage* ili tusiwache jamii yoyote nyuma. Huu mwelekeo wa kila mtu kujitetea kivyake utamaliza wengine. Tuangalie ukenya kwa jumla.

**Hon. Speaker:** Hon. Ruweida, you are saying what he has just said. He has already said that.

*(Laughter)*

Yes, Hon. Mathenge.

**Hon. Duncan Mathenge** (Nyeri Town, UDA): Hon. Speaker, the Cabinet Secretary is treading on dangerous grounds. He has asserted that the TSC is an independent Commission. It is not under the direction of anybody, including the Ministry. Yet, he has answered Questions that are under the mandate of the TSC. Therefore, it is important that this House gets answers from the TSC and not from the Cabinet Secretary for Education.

Thank you.

**Hon. Speaker:** Yes, Hon. Aseka.

**Hon. Christopher Wangaya** (Khwisero, ODM): Hon. Speaker, looking at these issues, would I be in order to suggest that we come up with a policy decision of stopping the training of more teachers up to and when we absorb all the teachers that have already been trained in Kenya?

**Hon. Members:** No!

**Hon. Speaker:** You have gotten the answer from your colleagues. Cabinet Secretary, do you have authority to speak on behalf of the TSC?

**The Cabinet Secretary of Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. Yes, I have authority to speak on behalf of the TSC because I am the policy head of the Ministry and the TSC is under the Ministry. It is an independent constitutional commission that does certain jobs as prescribed by law. However, policy guidelines are provided by the Ministry. It is on that basis that we are here. We work together to ensure that we do what needs to be done for the good of teachers and students in this country. That is why I am answering the Questions. So, it is not that I have waded into their mandate. It is their mandate to recruit teachers according to the policy guidelines that are provided for recruitment.

Thank you.

**Hon. Speaker:** Hon. Memusi.

### *Question 037/2025*

#### STAFFING LEVELS OF TEACHERS IN SCHOOLS

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Thank you, Hon. Speaker. Matters of education are very sensitive to Members. We will need a lot of time with the Cabinet Secretary – Maybe, a monthly session with him.

Hon. Speaker, could the Cabinet Secretary –

- (a) provide a report on the distribution of textbooks to primary and secondary schools in the country?
- (b) provide a per-county list of staffing levels of teachers in both primary and secondary schools and identify the schools with significant shortages, including measures that are being taken to ensure that teachers are recruited to fill the gaps?

- (c) clarify whether there are schools that are yet to be assigned a junior secondary school teacher and, if so, explain the measures being implemented to address the issue?
- (d) State the measures that have been put in place to train all teachers on the Competency-Based Curriculum?

I thank you.

**Hon. Speaker:** Cabinet Secretary.

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

The response to part (a) of the Question is that the Ministry, through the Kenya Institute of Curriculum Development (KICD), distributes books to learners across the country at the ratio of one core textbook per learner per subject. There is a table that we have provided that indicates the distribution of textbooks since the 2017/2018 Financial Year.

A total of 32,579,977 books were ordered in the year 2017/2018 and 68,446,084 books were ordered in 2018/2019. In 2019/2020, 24,456,786 books were ordered. In 2020/2021, 33,253,705 books were ordered. Some 23,539,613 books were ordered in 2021/2022. In 2022/2023, 31,233,035 books were ordered. In 2023/2024, 26,933,992 books were ordered, and 9,926,618 books were ordered in 2024/2025.

Hon. Speaker, Grade 10 textbooks are undergoing evaluation and review in April through to May 2025. This will ensure that publishers have ample time to print and distribute books to public schools by the start of the third term in 2025.

On part (b) of the Question, pursuant to Article 237(2) of the Constitution, the TSC strives to optimally staff schools to ensure that learners' right to quality education is achieved as shown in Appendix 2 in the document we have attached to show the staffing for both primary and secondary schools. However, there are teacher shortages in both primary and secondary schools due to budgetary constraints. For instance, Mandera, Turkana, Wajir, West Pokot and Garissa counties have the highest teacher shortages at the primary school level. Kakamega, Bungoma, Homa Bay, Trans Nzoia, Bomet and Siaya counties have the highest teacher shortages at the secondary school level.

To address teacher shortages, the TSC has implemented the following measures to ensure the gap is covered:

1. There is the annual teacher recruitment plan where, under the Commission's strategic plan, there is an obligation to recruit 22,374 additional teachers annually to progressively address teacher shortages. Accordingly, the Commission submits annual budgetary requests to the National Treasury to support teacher recruitment.
2. They engage teacher interns in addition to recruitment of permanent and pensionable teachers. Annually, the Commission seeks budgetary allocation to engage 20,000 teacher interns who provide immediate staffing support while awaiting full-time employment.
3. To optimise the utilisation of available teachers, the Commission continuously monitors and implements staff balancing measures by transferring teachers from well-staffed schools to those with high teacher shortages.
4. The Commission has initiated innovative teaching methods that include live streaming lessons to supplement face-to-face teaching in schools with significant teacher shortages, particularly in remote areas.

Part (c) of that Question is on noting the right of every learner to quality education. The Government has put in place measures such as posting recruited teachers to junior schools and deployment of qualified primary school teachers to junior school to ensure that all junior

schools are assigned teachers. Where new schools are established, steps are taken to ensure that teachers are promptly deployed.

The Government has put in place the following measures to address instances where new junior schools are established:

1. Deployment of qualified primary school teachers to junior school. The TSC continues to deploy qualified and willing primary school teachers to junior secondary school to help bridge the staffing gaps. The deployment portal remains open to facilitate applications from eligible primary school teachers who meet the requirements for junior school teaching positions.
2. Staff balancing within sub-counties and counties. The TSC conducts periodic staff balancing to re-distribute available teachers with a view to rationalise teacher resources within the same sub-county or county.

Part (d) of that Question is on P1 teachers who completed the P1 teacher training colleges before 2019 and are not employed by the TSC. They were not competency-based curriculum compliant. From 2019, TSC began re-tooling the teachers on CBC so that they can acquire the pedagogies required for CBC teachers.

In 2019, the unemployed teachers began undertaking a nine-month upgrading programme using a curriculum prepared by the Kenya Institute of Curriculum Development (KICD) and did an assessment that was coordinated by the Kenya National Examination Council (KNEC). That upgrade programme will be continued up to 2028 until all the teachers are upgraded to CBC-compliant status.

In order to deal with teacher preparedness on competency-based education, the TSC has put in place the following measures:

1. Re-tooling and professional development of teachers. The Government, through the TSC, has re-tooled teachers who will handle Grades 1 to 9 in the Competency-Based Curriculum (CBC) and competency-based assessment. The Commission continues the re-tooling of teachers on CBC during holidays to ensure they are fully capacity-built for effective implementation of the new curriculum. The model of training is “Smart Cascade” and it involves the training of master trainers who then train the trainers of trainers and thereafter offer professional support training during face-to-face training of teachers in the selected venues in the county. The cascade model is master trainer down to trainer of trainers and thereafter, teachers. The re-tooling of teachers involves 172 national master trainers for regular, 58 for special needs education that are drawn from TSC, KICD, KNEC, the Kenya Education Management Institute (KEMI), the Centre for Mathematics, Science and Technology Education in Africa (CEMASTEIA), the Ministry of Education, Kenya Institute of Special Education (KISE), teacher training colleges, and 1,538 trainers of trainers for regular and 196 for special needs that are drawn from different teacher training colleges, curriculum support offices and Ministry of Education quality assurance officers for both regular and special needs. Over 229,292 public and private primary school teachers and 60,642 junior school teachers have been trained to implement the competency-based curriculum.

There is a table we have attached to our report, in which we have indicated the number of primary school teachers that have been trained to implement the competency-based curriculum. The total number for curriculum support officers (regular and special needs) stands at 1,411. For CBC champions, regular teachers and Special Education Teachers (SNE), we have 2,874. We have 23,324 head teachers of regular and special needs education. We have 5,833 head teachers in private institutions.

For regular and special needs teachers in public institutions in Grades 1, 2, 3 and 4, they are 70,652 teachers. Grades 5 and 6 teachers are 93,688. For private schools, we have 31,510 teachers for Grades 1, 2, 3, 4 and 6. The total is 229,292 teachers. As I had said, the number of teachers who have been re-tooled for junior schools is 60,642. That is made up of 29,374 male and 1,272 female teachers as shown in the table.

Further, through CEMASTE, junior school teachers have been capacity-built on Science, Technology, English and Mathematics (STEM) subjects. This is to ensure that they are imparted with appropriate pedagogies in the handling of STEM subjects under the competency-based curriculum. In anticipation of the first transition to senior school next year, the TSC has embarked on re-tooling of senior school teachers in the various pathways to be offered at senior school.

In addition to the foregoing, the Government, through the TSC, is also offering ongoing professional development opportunities to keep teachers updated on latest trends, techniques and research in art and sports, social sciences and STEM. The teachers are also provided with continuous professional development opportunities to keep them updated on latest trends and techniques in the sector.

It is important to note that the current pre-service programmes for teachers in the primary teacher training colleges have been implemented using the competency-based curriculum model since 2021. The same is being done to university students taking education programmes.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Memusi.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Hon. Speaker, I want to tell the Cabinet Secretary, without fear of contradiction, that the books do not reach the schools. He has stated that from 2018 to the 2023/2024 Financial Year, they have been distributing books. But I can tell him that I have schools that have not received books for the last five years. I wonder whether, when the Cabinet Secretary receives Questions from Members, he gets information from county education directors or he gets those replies from the technocrats who are sitting at the Headquarters. The information he is giving to Members is not in sync with what is on the ground. I want the Cabinet Secretary to answer that one.

Secondly, I am very surprised that Kajiado is not on the list of counties with acute teacher shortage. The main reason for this is lazy Government employees who do not go beyond town centres when they are collecting information. Kajiado is a very unique county. If you visit Kiserian in Kajiado West, you will have visited an urban part of that constituency. But if you go to Mosiro or Magadi, those are rural parts of Kajiado West. If you visit schools in Kajiado Town, you will not have seen the rural areas of Kajiado Central! You need to go to schools like Sere Primary or Kiltiripen Primary that border Tanzania.

**Hon. Speaker:** Ask the question, Hon. Memusi. Avoid the temptation to make a speech or debate.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Hon. Speaker, I need the place where I am come from to be understood. Is the information the Cabinet Secretary is giving us from the ground or from technocrats at the Headquarters in Nairobi?

**Hon. Speaker:** Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Speaker. Allow me to ask a supplementary question on Junior Secondary School (JSS) teachers. Is the Cabinet Secretary aware that many JSS schools have, at the very best, three teachers for Grades 7, 8, and 9? Is he aware that some schools have more than one stream? Is he aware that, at times, teachers are required to teach subjects that they have never been trained on, which wastes the students?

**Hon. Speaker:** Hon. Zamzam.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): Ahsante, Mhe. Spika. Hizo shule ambazo zimejengwa kwa ajili ya wanafunzi wa Gredi 9, 10, 11 na 12 bado hazina maabara. Pia, kuna shule za sekondari ambazo hazikuwa na maabara ya kutosha. Baadhi ya shule hizo zinakuja kwa ofisi yangu zikiomba nizijengee. Hata zile ambazo zina maabara, hazina vifaa vya kutumia katika maabara hayo ipasavyo. Je, Waziri anafanya nini kuhakikisha kuwa wanafunzi wanapata huduma hizo shuleni?

**Hon. Speaker:** Hon. Bensuda.

**Hon. Atieno Bensuda** (Homa Bay County, ODM): Thank you, Hon. Speaker. I have two questions.

**Hon. Speaker:** Ask only one question. A joyrider asks only one question.

**Hon. Atieno Bensuda** (Homa Bay County, ODM): I will join them in a minute. One, could the Cabinet Secretary inform this House the level of staff establishment and the ratio of teachers? Some secondary schools were categorised as adequately staffed while others were not. I am concerned because several schools in Homa Bay County are totally understaffed. What is the staff establishment and what is the ratio per school?

Previously, the Government, via the Ministry of Education, has utilised a lot of money in constructing laboratories in schools before the introduction of JSS. I have moved around schools. In particular, I went to George Agola Owuor Secondary School in Karachuonyo. The classroom that was constructed is dilapidated less than two years down the line. Could we get spending data in constructing schools to support programmes, including the JSS?

Thank you, Hon. Speaker.

**Hon. Speaker:** Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. The information we are submitting is collected from both the ground and the Headquarters. Normally, it would be collected from the ground, sent to the Headquarters and collated for us to submit to this House. So, it is done at both levels. If there are schools that have been indicated to have been supplied with books, but the books are not there, action needs to be taken. I have been to schools in Kajiado that have books. If there are schools where no books have been submitted but the records show otherwise, that is something we can take action on. The policy is one book per student per core subject. For Grade 9, we started distributing 9.9 million books in October 2024, ahead of the transition of students to Grade 9 in 2025.

It is true that we do not have the optimal number of teachers in each school. So, we have to make do with the number that we have. We are also working with TSC to re-tool the teachers so that they are able to teach all subjects and meet the requirements of students as we work towards employing more. That is why we have employed 76,000 teachers in the last two years. We continue making efforts to employ more, depending on availability of funds, to have the optimal number. We are doing everything possible, including re-tooling teachers, to support JSS.

With respect to staffing levels, as I have indicated, TSC uses Curriculum-Based Establishment (CBE) to staff schools. They do rationalisation. Where there are more teachers in one place than another, we do inter-county transfers to ensure equity in schools.

With respect to the question on laboratories, we are working towards building more laboratories. Beginning July, we have a plan to build another 1,600 laboratories in schools. We are also using every method possible, including virtual learning, to ensure that students interact with laboratory requirements.

Dilapidated infrastructure is an issue that concerns the Government. That is why we have continued to work towards improving infrastructure, depending on availability of resources. For the last two years, the Ministry has not received any infrastructural funds to build classrooms. We built the 16,000 classrooms for Grade 9 using the funds that we received

from the World Bank. We continue working with our partners towards improving school facilities.

Thank you. I submit.

**Hon. Speaker:** Hon. Kassim Tandaza, ask Question 38/2025.

*Question 38/2025*

NUMBER OF TEACHERS QUALIFIED FOR  
COMPETENCY-BASED CURRICULUM

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Speaker. I beg to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary:

- (a) provide the number of qualified teachers that are trained to teach students in the select pathways that are provided for in senior secondary school under Competency-Based Curriculum (CBC)?
- (b) State how many qualified teachers have been posted to Matuga Constituency and Kwale County?
- (c) Outline the measures that have been put in place by the Ministry to have enough qualified teachers for creative arts and sports in all schools in Kenya?

Thank you, Hon. Speaker.

**Hon. Speaker:** Let the Cabinet Secretary answer the Question before we have joyriders.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Speaker. To prepare for Senior School, the Government has begun re-tooling a total of 131,246 Senior School teachers to transition their students to Senior School. In order to mitigate the challenges of handling the new learning areas and technical subjects, the Ministry and the Teacher Service Commission (TSC) will work together to ensure the following:

1. The Kenya School of TVET will enroll and prepare the diploma technical teachers who have a mean grade of C+ and who have done two technical subjects to undergo a pedagogical course and other education courses that are required to qualify to teach at Senior School.
2. Universities will enroll students in two technical subjects and pedagogical content knowledge with a strong basis in education. The diploma technical teachers with a Kenya Certificate of Secondary Education (KCSE) mean grade C+ and two teaching subjects in which they have scored a mean grade of C+ and trained adequately in pedagogical knowledge will be absorbed by the Commission to enable them to teach effectively at Senior School.

For part two of that Question, by the Financial Year 2024/2025, the TSC had recruited and posted a total of 1,318 teachers to Junior School, both permanent and pensionable, as well as interns to various sub-counties in Kwale County.

The allocation per sub-county is as follows:

Kinango, 244; Matuga, 212; Lunga-Lunga, 301; Msambweni, 190; Samburu, 279 and Shimba Hills, 92. The total is 1,318.

Hon. Speaker, creative arts and sports are one of the learning areas in Junior School in Grades 7 to 9. In creative arts and sports, students explore various creative expressions and physical activities, including composing rhythm and melody, athletics, handball, football, storytelling and Kenyan folk songs. The TSC is providing qualified teachers for creative arts and sports for Junior School by recruiting and deploying the available music, fine arts, and physical education teachers. The Ministry, through the Diploma Secondary Education Teacher

Training Colleges, that is Kagumo, Lugari, and Kibabii, is training teachers specifically on performing arts and visual arts learning areas. Those teachers will complete their training in July 2025 and will be vital for bridging any shortages of creative and art teachers in the country.

I submit, Hon. Speaker.

**Hon. Speaker:** Hon. Shimbwa. Sorry! Hon. Shimbwa, hold on!

*(Hon. Omar Mwinyi remained upstanding in his place)*

Member for Chagamwe, take your seat. Let us give the owner of the Question the first bite.

**Hon. Kassim Tandaza** (Matuga, ANC): Thank you, Hon. Speaker. I do not know whether the Cabinet Secretary read my Question and whether he is answering Question 038 of 2025. Part (i) of my Question sought to know the number of qualified teachers who have been trained to teach students in select pathways. His answer does not give the number. The gist of this Question was the number of teachers who have been trained in the different pathways. He has gone on to elaborate and given us theories that are not related to the Question. If he cannot get the numbers now, is it possible for this Question to be deferred so that he can come with a correct answer to it?

Part (ii) sought to know how many qualified teachers are in Chagamwe. He has given a number of 212, which I do not dispute. However, I expected him to say that out of the 212, this number are for arts, this number are for Science, Technology, Engineering, and Mathematics (STEM), and this number is for performing arts and sports. The gist of the Competence-Based Curriculum (CBC) was to get to those three pathways. There is no answer to this Question. He goes on to state that Technical and Vocational Education and Training (TVET) will enroll. We know that by next year, those Senior Secondary School students will be in Grade 9 and 10 but, up to this juncture, he is talking and saying that TVET will enroll the students and that the diploma teachers with C+ will be absorbed. I think this Question will only be answered if the Cabinet Secretary comes up with the numbers.

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

*[The Temporary Speaker (Hon. Peter Kaluma) took the Chair]*

On paragraph 47 of his answer, when he talks of the Diploma Secondary Education Teacher Training Colleges like Kagumo and Lugari, specifically on the performing arts and visual arts, which was the gist of my Question, he is still talking of “they will”, without even giving numbers vis-a-vis the demand in Senior Secondary School and what my Question was asking. If we cannot get the numbers, I will request that this Question be deferred so that the CS can come to answer the specific questions that I had asked.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Omar Mwinyi.

**Hon. Omar Mwinyi** (Chagamwe, ODM): Thank you, Hon. Temporary Speaker. Listening to the questions which we normally ask whenever cabinet secretaries come here, I feel it would be proper for the Cabinet Secretary to prepare a list of all the constituencies in the country and indicate the number of teachers that they have and the shortages. The purpose of that would be to correct those anomalies so that we can create the equity for every constituency to get a fair share of the teachers. Otherwise, I am sure that next month, another Member will ask the same Question for his constituency, and the Cabinet Secretary will get away with these types of answers where we still need some more information. I think they better print a list of all the constituencies that we have in the country with the teachers and the shortages so that the

TSC can then make what you call affirmative action to correct the anomalies that are there within the Ministry.

Since the Cabinet Secretary is here, I would also want to get an answer from him on how he is dealing with the principals who are still refusing to give certificates to the learners who have completed school.

*(Applause)*

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Cabinet Secretary, you will respond to those ones. Question No. 38 of 2025 requires data. If you do not have the data, the provision of the data can, upon request, be delivered to a date we may specify. Kindly respond.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Hon. Temporary Speaker, thank you for that guidance. It is true that I have not stipulated the number of teachers in each pathway. I have given a general number, that is 131,246, and I have also given the 1,318 without stipulating which teachers are in which pathways. I beg to be allowed to go and redo that response so that I can stipulate each particular pathway with the correct number of teachers, nationally, in Matuga Constituency and Kwale County, so that we can have that stipulated and outlined.

With respect to the question of dealing with this nationally so that we can include all the constituencies and get the data indicating the number of teachers, what they are teaching, what they are qualified for, and the shortages in each constituency, I seek more time to submit that data. That will allow us to interrogate each particular constituency as and when we are able to do that. If I am allowed, we will work with the TSC to provide that data so that it is completely clear.

I submit.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, for the convenience of the House, in case it takes long for the Cabinet Secretary to get the data and him returning to the plenary, it can be delivered to the Departmental Committee on Education. The Committee can then invite all Members to scrutinise the data and ensure that the information needed in terms of how teachers are allocated to constituencies is represented.

Cabinet Secretary, there is the directive you issued about the release of academic certificates by various schools.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Hon. Temporary Speaker, that Question is in here and I can say the following:

The Directive we gave to the principals is based on Article 53 of the Constitution and Section 10(2) of the Kenya National Examinations Council Act, 2012. It simply says that no one, or institution, is allowed to withhold any certificate belonging to a student. So, we gave that Directive and issued a circular to follow it. A number of principals have complied, while others have not. We gave them 14 days, which are expiring next week. After that, our county and sub-county directors of education will collect the data and undertake two actions: First, we will take disciplinary action against principals who have not complied through the Teachers Service Commission (TSC).

Second and more serious, we will undertake a legal process against those teachers. The reason is that all the certificates they are holding bear the names of the students and not the parents. No school has an agreement or contractual obligation with a student to pay fees, but with the parents. Therefore, they are holding a certificate belonging to somebody else to secure a debt owed by somebody else. We will take some legal action, which we are still working on. We will also ensure that those who have been holding those certificates, for whatever reasons, are held accountable. I was told that those directives were given in the era of former President

Moi. This time round, they will be held accountable once we do the quantification of the loss that the students have undergone.

For instance, currently, the students are supposed to be applying to the Kenya Universities and Colleges Central Placement Service (KUCCPS) to get admission into university. So, when you hold their certificates, it means they will not be able to do so. You are actually killing their lives and yet, you have no contract with them. It is the Government that pays for examinations. It is not you who pays for the examination that leads to the certificate that is being issued. This time, we will take serious action against those principals. We have agreed with the Teachers Service Commission that they will take serious disciplinary action. As a Ministry, we will take legal action on behalf of the students. That is what we are going to do.

*(Loud consultations)*

**The Temporary Speaker** (Hon. Peter Kaluma): I know that is a very crucial matter for all Members of Parliament. I think the point the Cabinet Secretary is making is that it is wrong for any institution to hold back the life and progress of any student, especially considering that majority of them are children and, therefore, fall under the law he has quoted in Article 53 of the Constitution. Cabinet Secretary, that is a matter you are passionate about. Let me say you have done well to communicate it to the public, and I hope all principals are watching. Please, follow it through with action.

Hon. Members, let us not over-flog it. Let us wait for action from the Cabinet Secretary.

*Question 039/2025*

#### STATUS OF CAPITATION AND SUSPENSION OF STUDENTS FROM NEMIS

**The Temporary Speaker** (Hon. Peter Kaluma): This Question is by the Member for Githunguri, Hon. Gathoni Wamuchomba.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you, Hon. Temporary Speaker. With your permission, allow me to just stress to the Cabinet Secretary that it is imperative for him to always pronounce statements in this House that are followed by actions.

I refer to a session in November last year when we inquired about the preparedness of the Junior Secondary School (JSS) Grade 9 classrooms. He came here and assured us that the classes would be ready in January. From where I sit, in Githunguri Constituency, we still have many schools that do not have those classes. He gave me some level of comfort in November, and therefore, I would want...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Wamuchomba.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Yes, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Kindly ask the Question on the Order Paper. The matter you are raising can be raised in the context of other relevant questions.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you. I oblige. I beg to ask the following Question.

Could the Cabinet Secretary:

- (a) Provide the total amount of capitation funds disbursed by the Ministry of Education per school in the FY 2024/2025 in Githunguri Constituency, and the number of students per school who have benefitted from the funds?
- (b) State the criteria used by the Ministry to suspend students from NEMIS and safeguards in place to ensure that eligible students are not suspended?

- (c) Outline the total number of students in public primary and secondary schools in Githunguri Constituency who have been suspended from NEMIS since the beginning of the 2024 academic year?
- (d) Provide the current status of student registration on NEMIS across public schools in the country?
- (e) Outline measures that have been put in place, if any, to ensure smooth NEMIS operations and sufficient disbursement of funds to prevent future disruptions in learning?

Thank you, Hon. Temporary Speaker.

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

In part one of the Question, thus far, a sum of Ksh13,265,471 has been disbursed to schools in Githunguri Constituency as capitation under the Free Primary Education Programme. The total amount of capitation per primary school in Githunguri Constituency for the Financial Year 2024/2025 is stipulated in the table attached in the Report.

The number of schools is 53. The numbers of students vary. For example, in A.K. Magugu Primary School, in term one, there were 266 students. In term two, there were 283 students and in term three, there were 266 students. I have provided that table and it will take too long to go through it. That is also the position for high schools. We have 38 secondary schools which will require over Ksh13 million.

Regarding the criteria that is used, I would like to begin by clarifying that no learners have been suspended from NEMIS. In any case, NEMIS was introduced to act as a source of reliable, real-time educational data. The data uploaded is then used in making important policy decisions, including the allocation of capitation to learners. It is a requirement that details of all learners who are enrolled in both public and private institutions be uploaded on NEMIS. In order to ensure the integrity of the data on NEMIS, the learners' birth certificate numbers are uploaded on the system, so that each learner has a unique identifier. That ensures that there are no fictitious learners in the system.

However, since some parents are unable to promptly provide the birth certificates for their children, the Ministry uses the Kenya National Examinations Council (KNEC) assessment numbers for learners in Grades 3, 4, 5, and 6 to upload their details in the system. However, the requirement for birth certificates is still retained for learners in Grades 1 and 2.

Hon. Temporary Speaker, learners whose details have been uploaded on NEMIS without a unique identifier are not considered for capitation since their existence cannot be verified. To ensure that eligible learners are funded, the Ministry:

1. regularly requires their headteachers to upload full learners' details on NEMIS;
2. identifies all learners whose full details have not been uploaded so as to alert the headteachers so that they can upload the details; and,
3. hold regular sensitisation meetings, both physical and online, with county directors of education to equip them with skills for supervising the uploading of data on National Educational Management Information System (NEMIS) by the schools in their areas of jurisdiction.

In part 3 of the Question, Hon. Temporary Speaker, as I have already stated, the Ministry does not suspend learners from NEMIS. What happens is that the learners whose full details are not provided on NEMIS are highlighted in the system to signal to the headteachers and county directors of education to provide the requisite information.

In part 4 of the Question, the number of basic education learners registered on NEMIS as of 5. 20 p.m. on 8<sup>th</sup> April 2025 stood at 6,774,565.

In part 5 of the Question, to ensure smooth NEMIS operations and seamless provision of capitation, the Ministry takes the following measures:

1. Regular digital skills training and capacity building initiatives to NEMIS users, including education managers, policy makers, field officers, heads of institutions, partners and the community.
2. Regular and continuous updates and verification of students' biographical details and accompanying school infrastructure needs.
3. Enhancing systems integration between NEMIS and other systems in education, including Kenya National Examinations Council (KNEC) and Kenya Institute of Curriculum Development (KICD) cloud, among others.
4. The provision of training to stakeholders on capitation requirements in NEMIS and early sensitisation for data capture and updates.

I submit, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Wamuchomba.

**Hon. Gathoni Wamuchomba** (Githunguri, UDA): Thank you, Cabinet Secretary, for the response. However, I am not satisfied with your statement that no student has been suspended from NEMIS from Githunguri Constituency. This is backed by some facts that I can table on the Floor of this House. Over 311 students, as of 25<sup>th</sup> March this year, were not in NEMIS. The teachers complained that every time they tried to return the students to the system, they were highlighted and the system did not allow them back. I can table that as evidence. Therefore, Hon. Temporary Speaker, I seek your indulgence on that issue.

Secondly, the Cabinet Secretary has said that he has a schedule of the total number of students in public schools in Githunguri Constituency who receive capitation funds. I would love that he shares it with me, through Hon. Temporary Speaker's guidance, so that I can disseminate the information accordingly.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Catherine Omanyoo, do you want to joyride on this Question?

**Hon. Catherine Omanyoo** (Busia County, ODM): Thank you, Hon. Temporary Speaker. I have a concern. According to Vision 2030, by now, we should be having equal opportunities in education for all children in Kenya. If any student goes to school, they should be assured that they will learn without being sent home for lack of fees. What is your plan in assuring that we do not have some students in Kenya who are always thrown out of class for lack of fees?

Secondly, for us to have smooth education, what are your plans to ensure that teachers, headmasters or principals of the schools run their programmes smoothly? Most times, they have to wait for a very long time for their money! It takes Members of Parliament and teachers to make noise for any money to reach their banks!

Lastly, if you go to some schools in this country, you will find learners sitting on the floor, stones or logs of trees. Where on earth, in this time and age, should we still observe that? I visited one school in my county and I was shocked that learners still go through that and yet, they sit for the same exams like any other privileged learners. Again, I am back on the equality question.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Respond, Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Temporary Speaker. On the 311 students that have not been returned to NEMIS, for one reason or another, I urge the Hon. Member to share with us that information so that we can find out. If they have met the requirements of the birth certificates or assessment number, they should be uploaded back so that they can become part and parcel of that system. We need to know the reason or challenge that they have so that we can handle that issue. We have already shared the

data. The Clerk-at-the-Table will share it with you. If there is any more information that you require, please, let us know so that we can coordinate and sort it out.

On the question of equal opportunities, the headteachers are not allowed to send learners home for lack of fees because secondary and primary schools are funded by the Government, unless it is the portion that relates to boarding that the parents pay. Otherwise, the guidelines from the Ministry are that you do not send the learners home, for example, for delays in capitation funds. This will answer the second part of that question. We had indicated that. In fact, last time, there was a bit of a delay in the release of capitation funds. We urged the principals and headteachers not to send the learners home, and they obliged. We normally work very closely with the Ministry of National Treasury and Economic Planning to ensure that the capitation funds are released on time.

Last September, it was released two days before the opening of the schools. So, we did not have that challenge. However, there was a bit of a challenge in January. We even had to do it in instalments. For the second term that is coming, we are already engaging the National Treasury. Even this morning, we have engaged them. We had a meeting to try and negotiate with them to ensure that we receive the capitation funds before the schools open. It is that balancing act that we have to do because of the scarcity of resources to ensure that the money is in schools so that there is no hardship for the teachers. It is an understandable challenge that cuts across board. We are working very hard to ensure that it can be resolved, going forward.

On the issue of the infrastructure relating to the children not having enough desks or classrooms, this is a normal challenge that the Government is facing. As I said earlier, we are working very closely with Members of Parliament, through the NG-CDF. Hon. Members, thank you very much because you have done a very good job in some of the institutions I have visited. You have constructed classrooms, bought desks and supported the students in those areas. It is something that we face as a country, but we work every day to see that the problem is resolved.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): The next Question is on the same subject matter. Let me allow Hon. Simon King'ara to ask it, and then we can have more joyriders to stretch the matter. For the convenience of the House, it is on the same subject matter.

#### *Question 40/2025*

#### FAILURE TO DISBURSE CAPITATION FUNDS TO MUTUYA PRIMARY SCHOOL

**Hon. Simon King'ara** (Ruiru, UDA): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary—

- (a) Explain why Mutuya Primary School in Ruiru Constituency, despite being duly registered and having its learners on-boarded on the NEMIS portal, has not received the Free Day Secondary Education (FDSE) capitation funds allocated to the Junior Secondary Schools?
- (b) Outline the measures that are being taken to ensure that Mutuya Primary School receives capitation funds to cater for the 242 students registered as Junior Secondary School learners?
- (c) Provide timelines for the release of the funds to facilitate the smooth operation of the school?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Temporary Speaker. Capitation funds are provided to schools based on NEMIS. Each Junior Secondary School is required to do a requisition for a NEMIS code and fill in a capitation grant form application. The headteacher of an institution is expected to upload learners' and bank account details in the NEMIS portal.

In the case of Mutuya Primary School, the headteacher had not uploaded the bank account details by the time capitation bank schedules were generated on the 6<sup>th</sup> of December 2024. The system could, therefore, not allocate funds to the institution. The headteacher had a meeting with the Ministry officials on 22<sup>nd</sup> of January 2025 and was advised on the necessary requirements. Following our guidance, the headteacher has now uploaded all the necessary information about the school and learners on the NEMIS portal. The institution will, therefore, benefit from the capitation starting from next term.

Thank you, Hon. Temporary Speaker. I submit.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Simon King'ara.

**Hon. Simon King'ara** (Ruiru, UDA): Thank you, Cabinet Secretary, for the answer. However, my question is: Noting that this money is to facilitate the school, what will happen now that the term has lapsed?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mulanya.

**Hon. Geoffrey Mulanya** (Nambale, Independent): Thank you, Hon. Temporary Speaker. I want to take a rider on part one of the Question, particularly on capitation to Junior Secondary School. Could the Cabinet Secretary tell us how much school fees parents are required to pay?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mulanya, your question should be asked when the next question is raised. This one deals with registration on NEMIS. Take your seat. When the next Question by Hon. Ruweida Obo is asked, I will give you the chance to ride on it.

**Hon. Geoffrey Mulanya** (Nambale, Independent): Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Wilberforce Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, I just want the Cabinet Secretary to confirm if he is aware that Milimani and Sirekeresi Primary Schools in Funyula Constituency got a registration certificate sometime last year. However, up to now, they have not been registered to receive the capitation. He might not have the information now, but he could go back and counter-check and take the necessary action. Could he expedite the process to ensure that they receive that capitation in the next disbursement?

Secondly, on the same matter of Free Day Secondary Education (FDSE), what is the policy of the Ministry as regards the School Feeding Programme, where parents contribute towards feeding the day scholars in schools? What is the policy and is there any set figure on that policy?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): Thank you, Hon. Temporary Speaker. On the question on Milimani Secondary School, I do not have that data and information. The Hon. Member could request those two headteachers to write to us so that we can understand what the challenge is with respect to them being uploaded. We can then deal with it since the registration has already been done.

On the School Feeding Programme, the one that you are talking about is the arrangement between parents and the schools with respect to day schools where they give money for lunch. There is no specific amount that the Government says you need to pay.

However, the policy is that whether or not the parents pay for that particular portion, the student should never be sent home for lack of payment of that money. That is the position because it is free primary and secondary education. That is an arrangement between the school and the parents. You cannot send away the children because the parents have not paid for lunch.

**The Temporary Speaker** (Hon. Peter Kaluma): Member of Parliament for Lamu East, Hon. Captain Ruweida Obo, to ask Question 41 of 2025

**Hon. Ruweida Mohamed** (Lamu East, JP): Thank you.

**Hon. Simon King'ara** (Ruiru, UDA): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Just hold on, Hon. Ruweida. Hon. King'ara, is there a matter that has not been clarified?

**Hon. Simon King'ara** (Ruiru, UDA): Yes, Hon. Temporary Speaker. I think I was not answered on what would happen. They were supposed to have the money as the school was open but there is that deficit. Is there a re-imburement of the same?

**The Temporary Speaker** (Hon. Peter Kaluma): Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): Unfortunately, Hon. Temporary Speaker, there is no provision for re-imburement. Since they were not in the system, it is not possible for us to do so. It might not be fair but that is the position. Perhaps, we will re-look at that and see what else we can do under different dates to resolve that particular issue.

**The Temporary Speaker** (Hon. Peter Kaluma): I request Hon. Ruweida Obo to proceed and ask her Question.

### *Question 041/2025*

#### STATUS OF DISBURSEMENT OF CAPITATION FUNDS IN LAMU EAST CONSTITUENCY

**Hon. Ruweida Mohamed** (Lamu East, JP): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Education the following Question:

Could the Cabinet Secretary—

- (a) clarify whether secondary schools in Lamu East Constituency receive capitation for repair, maintenance and improvement of facilities in their schools?
- (b) provide a report on the utilisation of the funds by Kizingitini Secondary School in Lamu East Constituency, particularly to maintain the facilities in the school?
- (c) state the measures that are being taken by the Ministry to ensure that the maintenance and improvement of school properties like classroom windows and doors are done with the funds that are provided by the Ministry?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Cabinet Secretary, respond.

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): The approved capitation grant for secondary schools is Ksh22,244 per learner. For boarding schools, this amount is supplemented by household contributions that parents pay as boarding fees, also at prescribed rates. The breakdown of that approved amount per unit cost is as follows:

Learning and teaching materials for the exam is Ksh4,144; repair, maintenance and improvement is Ksh5,000; local travel and transport, administrative costs, electricity, water, conservancy and emolument is Ksh9,400; activity fees is Ksh1,500; medical and insurance, Ksh2,000; and Strengthening of Science and Mathematics in Education (SMASE) is Ksh200. That makes a total of Ksh22,244. You will notice that the component for repairs, maintenance and improvement in the Ksh22,244 is Ksh5,000. So, it is in there. However, the actual amount disbursed to schools every academic year depends on the budget that is allocated by the National Assembly. The unit cost is prorated accordingly.

Lamu East has six public secondary schools as follows: Patte Girls, Siyu, Faza, Sheikh Msallam, Kizingitini and Kiunga secondary schools. All the six schools receive the FDSE funds which includes the repair, maintenance and improvement component.

Kizingitini Secondary School is situated in Kizingitini Village, Faza Division in Lamu East Sub-County. The school is a mixed day secondary school, bordering the Indian Ocean. It is managed by a Board of Management led by Mr Omar Sheyumbe. The day-to-day operations are run by Mr. Joel Mwema who is the Principal, assisted by Mr. Joel Mwoki, the Deputy Principal.

In the Financial Year 2022/2023, the amount disbursed for infrastructure was Ksh1.4 million. The amount budgeted for infrastructure was Ksh1.4million. In the Financial Year 2023/2024, the budget was Ksh1.5 million and in the Financial Year 2024/2025, it was Ksh1.7 million, making a total of Ksh4.6 million.

The actual amount received by the school capitation is as follows: In the Financial Year 2022/2023, they received Ksh3,965,812. The component for repair, maintenance and improvement was Ksh1,000,105. In the Financial Year 2023/2024, they received Ksh4,559,530. The component for repairs, maintenance and improvement was Ksh821,750. In the Financial Year 2024/2025, they received Ksh3,381,581. The total component for repairs, maintenance and improvement was Ksh2,224,000 in those three years. Thus, the school received a total of Ksh11,912,932 as capitation, from which Ksh2.9 million was to be transferred to the infrastructure account.

In addition, the school received Ksh1.5 million from the Ministry as a development grant and Ksh1,576,440 for the Competency Based Curriculum (CBC) classrooms. Thus, the school received a total of Ksh6,440,000 in that material period for infrastructure. However, it has been established that those funds were not utilised for infrastructure improvement alone. Instead, the funds were utilised on operations without the requisite authority from the County Director of Education. The Ministry has commissioned a comprehensive investigation into the matter to inform further action.

Thirdly, the Ministry issues guidelines to schools on the utilisation of capitation, including the component on repair and maintenance of infrastructure. Through our field officers, county and sub-county directors of education and the Internal Audit Unit, we strive to ensure that the funds are utilised in accordance with the guidelines. Instances of non-compliance are subjected to appropriate remedial action in accordance with the facts of each case.

I submit.

**The Temporary Speaker** (Hon. Peter Kaluma): Does Hon. Ruweida Obo confirm the responses as satisfactory?

**Hon. Ruweida Mohamed** (Lamu East, JP): Nakushukuru, Mhe. Spika wa Muda, kwa sababu majibu kutoka kwa Waziri ni mazuri na pia amenipatia *information* zaidi. Lakini, masikitiko ni kuwa shule zinamtegemea Mbunge kwa pesa za *maintenance*. Ndiyo maana nilileta suala hilo hapa.

Dirisha ikiharibika, hairekebishwi mpaka hazina ya *National Government Constituencies Development Fund* (NG-CDF) ifanye marekebisho au *renovation*. Huwezi kuendeleza mbele shule nyingi kwa kujenga madarasa na *laboratories* zinazohitajika. Shule kule Kizingitini, zina shida na mimi kama Mbunge ninalaumika kwa sababu shule hazina madirisha na upepo ni mwingi sana. Imekuwa sasa kitu kidogo kikiharibika lazima turudi kwa NG-CDF. Ninaiomba Wizara iangalie mambo hayo kwa sababu yanaturejesha nyuma sana.

Waziri, pia wewe umeona kuwa eneo la Kizingitini limepata Ksh1.5 milioni kama *grant*, ilhali kuna shule zingine ambazo zimepata Ksh100 milioni. Jibu lako limeonyesha kuwa kuna udhaifu na sehemu zetu zinanyanyaswa, ilihali shule zetu ni maskini na haziwezi kufananishwa na shule za *town*. Weka mipangilio ya kuhakikisha kuwa shule zile zimepata

pesa za kutosha. Katika jibu lako, umesema kuwa pesa hizo zimetumika kwa upande wa *operations*. Hiyo ni kweli kwa maana hawana walimu. Wanatumia pesa hizo kuwaandika walimu. Umeona taabu tulizonazo katika shule hizo. Natarajia kuwa ukija hapa wakati mwingine, useme kuwa umeligawia eneo la Kizingitini Ksh100 milioni kama vile shule ya Alliance na kwingineko.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Obo. I have allowed you to say that much because of where you come from. The last joyrider will be Hon. Julius Sunkuli. He will take precedence.

**Hon. Julius Sunkuli** (Kilgoris, KANU): Hon. Temporary Speaker, I just want to emphasise on the Question by Hon. Ruweida. Could the Cabinet Secretary consider visiting some of the schools to ascertain for himself the fact that capitation funds are not applied transparently? In many places, you cannot point to a project that has been done by capitation maintenance, but we can point out those that are done by the NG-CDF because the NG-CDF National Office has a proactive way of ensuring that monies are applied well. Now that this money comes from your Office, Cabinet Secretary, could you find a way of ensuring that there is transparency in the application of those funds?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Makali Mulu, and then lastly, Hon. Mulanya.

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Thank you very much, Hon. Temporary Speaker. I would like to re-phrase Hon. Sunkuli's question. Is there a system within the Ministry which monitors how those resources are used? I do not think the Cabinet Secretary can go to all the schools in Kenya. Is there a department or unit which internally monitors how all the resources are used?

On the issue of capitation, the other challenge which applies to all of us as Members of Parliament is that, while we allocated funds in the Budget, the reality is that the National Treasury is not releasing those funds to the schools. Is there a way to trace how resources flow from the National Treasury? Could priority be given to the Ministry of Education? The education sector should possibly be given the first priority after Parliament. After we release funds to Parliament, the next sector that should receive money should be education because that affects most of us. The third sector would be health. However, I see an inverse relationship in terms of releasing the resources.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Makali Mulu, I thought Parliament should come after education and health.

*(Laughter)*

**Hon. (Dr) Makali Mulu** (Kitui Central, WDM): Hon. Temporary Speaker, from what Members are saying in terms of the National Government Constituencies Development Fund (NG-CDF), we are doing everything for schools. So, even when that capitation goes to the headteachers, it is only the NG-CDF that helps out. When I talk about the parliamentary allocation, I mean the money that goes to the patronage of Members, not the money for our own use.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you for the question. Cabinet Secretary, Hon. Makali Mulu is in the Budget and Appropriations Committee. Take his questions very seriously. Lastly on this one, let us have Hon. Mulanya.

**Hon. Geoffrey Mulanya** (Nambale, Independent): Thank you, Hon. Temporary Speaker. My question is in regard to capitation for junior secondary schools. I am aware that the Ministry has a guideline whereby the Government provides Ksh15,000 for junior secondary schools. However, you will find that the headteachers are charging Ksh3,000 per term for junior secondary school students. Could the Cabinet Secretary provide the regulated school fees for

junior secondary schools so that it is well known and parents do not suffer? I foresee a situation whereby junior secondary schools will be a problem because every time we issue bursaries; the junior secondary school parents are also on our case requesting for the same.

On a further note, could the Cabinet Secretary also give us the policy directive the Ministry will follow to ensure that the guidelines that are being provided are followed? We have policies in this country like the issue of certificates, which he has mentioned, that are applied differently. Parents on the ground are treated differently by school principals. They need to promise and follow through with proper action.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Noted, Hon. Mulanya. Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Temporary Speaker. On the question of the amount of money given to schools in terms of infrastructure repairs, where some schools are indicated to have received Ksh1,500,000 while the Member indicated that others are receiving more, as a Ministry, we will be working towards ensuring that there is a balance and equitable distribution of the available resources. In terms of ensuring that the funds that we release to the schools are utilised for the purpose for which they were released, we have our quality assurance officers under our Internal Audit Unit. They normally audit those funds to ensure that they have been correctly applied. Where we find that they have not been applied properly, action is then taken on a case-by-case basis.

The capitation that is given to junior secondary schools is about Ksh15,740. There is no requirement for parents to pay more than that because that is what we normally provide for. The headteachers are not allowed to charge extra levies. We have policies along with issued guidelines and circulars to that effect.

Where a head teacher or a principal is found to have flouted the rule and is levying illegal levies, action is taken against them on a case-to-case basis. It is not a Government policy that they charge or ask for more money.

I welcome the suggestion that the education sector budget be given priority and even be ring-fenced so that we are able to ensure that we keep our children and our teachers in school and in class. Thank you for that suggestion.

**The Temporary Speaker** (Hon. Peter Kaluma): Cabinet Secretary, before you sit, what percentage of the money goes to schools, or is there a definite percentage which goes towards general repair and maintenance that the Members here can help the Ministry cross-check when they do general oversight in their constituencies?

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Yes. For secondary schools, it is Ksh5,000 per student that goes for maintenance and repairs and whatever is broken per student. For junior schools, it is Ksh4,000 out of the Ksh15,000.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, you now know what to check in terms of your roles under Article 95 of the Constitution.

Hon. Chiforomodo is to ask Question 42/2025 on behalf of the Member for Kaloleni, Hon. Paul Katana. The ruling I am giving even with his notable presence in the House is that this Question has been responded to. Cabinet Secretary, this is a Question concerning failure by various schools to issue certificates. The Cabinet Secretary was very emphatic and clear on that and action will be taken.

*(Question 42/2025 declared already answered)*

The Member of Parliament for Homa Bay County, Hon. Joyce Osogo Bensuda, to ask Question No. 43/2025.

*Question 43/2025*EXISTENCE OF ADULT EDUCATION  
INSTITUTIONS IN THE COUNTRY

**Hon. Atieno Bensuda** (Homa Bay County, ODM): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Education the following Question:  
Could the Cabinet Secretary:

- (a) indicate whether there exist adult education institutions in the country and provide details on the Government's policies regarding adult education, including its operational framework and accessibility by marginalised communities?
- (b) state how many teachers in the country are trained and specialised in adult education, including measures that have been put in place by the Ministry to enhance their capacity?
- (c) outline steps taken by the Government to sensitise and encourage potential students to enrol in adult education programmes?

My three-part Question is based on the Bottom-Up Economic Transformation Agenda, digital transformation and also teenage mothers who drop out from school. Adult education should be taken up seriously.

Thank you, Hon. Temporary Speaker.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you Hon. Temporary Speaker. Adult and continuing education has been a national priority since Independence. Literacy is essential for sustainable development. Article 43 (1)(f) of the Constitution guarantees every person the right to education. In line with this commitment, the Ministry of Education has developed and is implementing policies and guidelines to support the delivery of adult and continuing education as an integral component of the life-long learning.

The legal framework includes the Basic Education Act 2013 which recognises adult and continuing education as a critical component within the broader basic education framework. In terms of the policy and strategic framework, the Kenya Vision 2030 prioritises human capital development and life-long learning as enablers of national transformation. In the education sector, Sessional Paper No.1 of 2019 underscores the need to promote life-long learning and skills development for youth and adults. The National Education Sector Strategic Plan 2023-2027 outlines strategic interventions to improve access, equity and quality in adult education. The strategic plan also provides for review and harmonisation of adult and continuing education policies.

In addition to this, there is the National Adult and Continuing Education Framework of 2010 that provides concrete policy options on what should be done to overcome literacy and numeracy challenges to enable adult and continuing education to play its rightful role in national development.

Currently, the Ministry has developed a national policy on adult and continuing education to provide an updated policy environment for governance and coordination of adult and continuing education in the country. At the Ministry level, the implementation of adult and continuing education is coordinated under the Directorate of Adult and Continuing Education within the State Department of Basic Education. The operational framework includes the following:

One, community-based learning centres. Those centres serve as key delivery points for literacy, numeracy and life-long skills training especially in rural and informal settlements. The KICD has also developed curricular that is tailored for adult learners. The KNEC administers

proficiency assessments and certification. The Government has also continued to recruit and capacity-build adult education officers, instructors, and facilitators, to ensure quality delivery of services. There is also monitoring and evaluation through a structuring monitoring and evaluation framework in place to track learner enrolment, completion, progression, and feeding the national education data system such as the National Education Management Information System (NEMIS).

The Government has prioritised the inclusion of marginalised and under-served populations in adult and continuing education programming. This is through various interventions like mobile learning units and integration with alternative provision of basic education and training programmes, development of inclusive learning materials, and deployment of specialised instructors to enhance participation.

Strengthening partnerships with civil society and faith-based organisations helps expand the reach and accessibility. Specific efforts to address barriers that are faced by women, youth, and adult learners include flexible learning schedules and sensitisation campaigns in a bid to promote gender and age inclusion.

Lastly, there is, as well, the integration of digital literacy and vocational training to improve employability and livelihoods among adult learners.

In addition to this, we have rolled out the recognition of prior learning to provide a framework for the recognition of informal skills and competencies that are gained through experience. Currently, there are 148,341 adults enrolled in institutions country-wide. The Directorate of Adult and Continuing Education in the State Department for Basic Education is responsible for adult education instructors.

There are two categories of adult education instructors - full-time and part-time instructors. The Public Service Commission of Kenya, on a permanent and pensionable basis, employs full-time instructors. They work full-time. The total number of full-time instructors in the country is 797. They are trained in adult education, andragogy in teacher certification in adult education, diploma in education, adult education and community development, Bachelor of Education in adult education and community development, and Masters in education and adult education.

The Government engages part-time instructors on a voluntary and temporary basis. They work for two hours per day, three days a week. They are paid a token of appreciation called an honorarium for the work done for ten months in a year. Funds for the payment of honoraria for those instructors are channelled through county directors of education (CDEs). To enhance the capacity of instructors, the Directorate regularly conducts in-service training. The Ministry also approves courses for those who wish to undertake further studies. Instructors are encouraged to undertake self-sponsored short promotional courses.

The Directorate undertakes various activities to encourage potential students to enrol for adult education programmes. The activities include the International Literacy Day held in September in all 47 counties annually, the Learners' Week held a day to the International Literacy Day, community mobilisation drives through public *barazas*, publicity through print and electronic media, and advocacy through established community learning. We have also set up adult education desks in all *Huduma* Centres to encourage the enrolment for adult education.

I submit, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) Joyce Osogo Bensuda, any rejoinder?

**Hon. Atieno Bensuda** (Homa Bay County, ODM) Thank you, Hon. Temporary Speaker.

I would like to appreciate the fair attempt by the Cabinet Secretary. However, I request the Cabinet Secretary to ensure that what he has explained has a lot of value by having them operationalised and implemented practically, in the community. I request that tabulated data

be provided to Members so that we know. Those issues affect us as a country during the elections. The people who have dropped out of school are supposed to be rehabilitated. If I walked to any *Huduma* Centre, I do not think I would find the data. Equally, if *Huduma* centres are supposed to be mobile, they will say they do not have vehicles and fuel because there is no budget. Could that be operationalised, implemented and tabulated data disseminated to curb some of the challenges we are experiencing as a country?

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Cabinet Secretary, that is for noting, and for further policy refinement. Hon. Charles Nguna, do you want to address the matter of adult education or a separate issue?

**Hon. Charles Nguna** (Mwingi West, WDM): Yes, it is just a joyriding question.

**The Temporary Speaker** (Hon. Peter Kaluma): Is it on adult education?

**Hon. Charles Nguna** (Mwingi West, WDM): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): If it is not related to adult education, I will create time for general questions towards the end. Do we have any person who wants to ride on the matter of adult education? Hon. Ferdinand Wanyonyi.

**Hon. Ferdinand Wanyonyi** (Kwanza, FORD-K): I have been here the whole day. The question that has been raised by my colleague is very good. I have not seen any adult education programme in my constituency. I saw the programme when I was very young. How do I know the programme is in my constituency or county? If it is twice a week, we should know, and the venues.

**The Temporary Speaker** (Hon. Peter Kaluma): Cabinet Secretary, any further or additional policy guidelines you want to issue or clarify on the matter?

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Hon. Speaker, I am well guided that we need to provide the data so that we can show where the 148,000 centres in the programme are, in the constituencies. We will provide that data to the House so that it is distributed to all constituencies. We take it positively that we need to work on the implementation of the programme. I agree with Hon. Ferdinand that when we were young, we could see the programme. Nowadays, perhaps, because we have improved a lot, we do not see it as much. We concentrate on others. We will give it more publicity so that it can be seen and raised to the level it is supposed to be.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Cabinet Secretary. Member for Nakuru County, Hon. Liza Chelule, ask Question 45 of 2025.

*(Hon. John Waithaka stood in his place)*

Who is that Member? Sorry, we are at Question 44 of 2025 by the Member for Kiambu, Hon. Machua Waithaka.

**Hon. John Waithaka** (Kiambu, UDA): Hon. Temporary Speaker, I was wondering why you have jumped my Question.

**The Temporary Speaker** (Hon. Peter Kaluma): I regret the oversight.

#### *Question 44/2025*

#### CRITERIA FOR ALLOCATION OF INFRASTRUCTURE FUNDS TO PUBLIC SCHOOLS

**Hon. John Waithaka** (Kiambu, UDA): Hon. Temporary Speaker, I rise to ask the Cabinet Secretary for Education the following question:

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- (a) Confirm that Thindigua Primary School, that was established in 2006, has no room for expansion and lacks crucial facilities such as a playground and, if so, state what steps the Ministry is taking to address the issue?
- (b) Outline the criteria used by the Ministry to allocate infrastructure funds to public schools and indicate when schools in Kiambu Constituency, particularly those that are facing infrastructure deficits, will receive funding to improve the learning facilities?
- (c) Provide a report on the number of public schools that lack playgrounds, the reasons for the deficiency and the specific interventions by the Ministry to ensure that all schools have the essential facilities for students' learning and development?

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Cabinet Secretary for Education.

**The Cabinet Secretary of Education** (Mr Julius Migos Ogamba): Thank you, Hon. Temporary Speaker.

On part one of the Question, Thindigua Primary School in Kiambu Sub-County sits on three quarters of an acre. Classrooms and administration offices occupy a big portion of the land, leaving a small portion that is inadequate to be used as a playing field. The space that is left is equivalent to a quarter of an acre. The school's population is rapidly growing and requires more land for future expansion. Currently, the school's enrolment stands at 815 learners. Since there is no playground, learners are sometimes taken to facilities away from the school in order to access playgrounds for various co-curricular activities. The Ministry is currently engaging with stakeholders on the possibility of addressing the space limitations through the acquisition of additional land.

On part two of the Question, infrastructure funds are disbursed to schools across the country based on infrastructures assessment, equitable distribution and the availability of funds. Schools with poor infrastructure that seek to benefit from the funds make a request to the Ministry of Education through the sub-county director of education. The application details the infrastructure conditions of the school, enrolment and estimates of the infrastructural needs. Additional supporting documents such as bills of quantities, assessment reports, recommendations and photographs may also be provided. The boards of management also provide minutes indicating the infrastructural needs. Those applications are then forwarded to the Ministry for consideration. A school would then be allocated funds if the Ministry determines that there is justifiable need, and that the school deserves the requested intervention, subject to availability of funds.

In determining the allocation of funds, the Ministry seeks to ensure that the resources are equitably distributed, noting the different levels of school infrastructure development and enrolment in the various parts of the country. Other than the foregoing criteria, some schools are funded under the Emergency Response Fund if they have been befallen by calamities. Such schools may make an appropriate application for consideration, or they may be identified by the Ministry through its field officers.

Projects in schools that are funded under the Infrastructure Improvement and Emergency Fund have to be fully completed. Refunding can only be provided if the school writes through the sub-county director of education to ascertain the state and stage of completion of such projects. This ensures that there are no stalled projects and that there is value for money. We wish to indicate, however, that for the last two financial years, the Ministry has not received any pool funds to support schools applying for infrastructural grants. The Ministry also provides infrastructure grants based on the public participation projects as decided by the constituency stakeholders and scheduled in the budget printouts by the National

Treasury. In the Financial Year 2024/2025, for example, Nachu Primary School in Kiambu County has been allocated Ksh5 million.

On part three of the Question, the preliminary Report on the number of public schools in the country that lack playgrounds is provided for in Appendix III. We have provided that Appendix. The Clerk can share it with the Members. The interventions that have been undertaken vary on the circumstances of each school. Generally, schools in densely populated urban areas lack space for expansion. In such cases, we have worked on an arrangement for sharing facilities between proximate institutions and also relying on available public stadia. In rural areas and areas that still have land for expansion available, we are exploring support from partners, especially the National Government Constituency Development Fund (NG-CDF), to support the acquisition of additional land. In the meantime, the affected schools share facilities with adjacent institutions or rely on available public amenities.

I submit.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Waithaka, the response by the Cabinet Secretary is with the Clerks-at-the-Table here. You can get it and pursue those recommendations in detail. Do you have any further clarifications on it?

**Hon. John Waithaka** (Kiambu, UDA): Yes, Hon. Temporary Speaker. The Cabinet Secretary has said that there are plans to see what can be done to get more facilities for the school. I would like to inform him that just across the school, one acre of land is available, and the landowner is willing to sell it. I think the Cabinet Secretary can start there.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Waithaka, I told you to pick the hard copy response to your Question by the Cabinet Secretary from the Clerks-at-the-Table. If I heard the Cabinet Secretary clearly, his response stated the steps that the institution or the representative needs to take to get the kind of benefit you are seeking. It is not just about the availability of land. The Cabinet Secretary has guided on the further steps that ought to be taken and the offices to contact, so that the interventions from the Ministry can be made. Would that be satisfactory?

**Hon. John Waithaka** (Kiambu, UDA): Well guided. Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Basil.

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Temporary Speaker. I thank the Cabinet Secretary for the comprehensive responses to several questions.

My Question is on the criteria that is used to disburse funds for JSS classrooms. This is because some schools have 29 JSS classrooms while others have 64. What criteria do you use to disburse those funds?

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) James Nyikal, your intended question relates to the matter of purchase of additional parcels of land for schools with inadequate land.

**Hon. (Dr) James Nyikal** (Seme, ODM): It is about issues relating to schools.

**The Temporary Speaker** (Hon. Peter Kaluma): No. 'Schools' is very general. I want a joyrider.

**Hon. (Dr) James Nyikal** (Seme, ODM): It is related.

*(Several Hon. Members spoke off the record)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. (Dr) James Nyikal, let us hear you.

**Hon. (Dr) James Nyikal** (Seme, ODM): Hon. Temporary Speaker, I have been seated here, and most of the questions relate to individual issues in schools, except probably, the last one that is coming. This begs the question: How is it that people, including Parliament, can ask

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the Cabinet Secretary, questions that relate to the management of individual schools? What is the monitoring mechanism and inspection system that would bring those issues to the Ministry's attention so that they are solved at a lower level? The Cabinet Secretary cannot come here to address individual schools and policy issues.

Regarding the certificates, he earlier said that there are processes and so on. I am lucky the Cabinet Secretary is here because I will be in Seme this Sunday, and I have already told some people that we are going to look into the issue of certificates. What should I tell the parents who will be there and whose children's certificates have been held? Those are practical issues that can be done if you go to a particular person. I think that is what people are looking for.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. James Nyikal, I do not think Parliament sits in vain. The Cabinet Secretaries are given this platform so that most of those policy positions on critical things like certificates can be spoken about in Parliament as the nation watches. As Members of Parliament, we need to direct the people we represent, whose certificates are held, to approach the institutions that are holding them. If there is a problem, we need to also understand that the Ministry is devolved. We have sub-county and county education officers. That complaint should be referred there for action.

However, I do not think it is our right place, as Members of Parliament, to be the ones raising doubts on whether the policy directives given would be enforced. Our responsibility is to ensure that they are enforced, and support the Ministry in pursuing the proffered sanctions.

Is that the Member for Turkana Central? You will be the last one to joyride on this Question. Please ask your question.

**Hon. Joseph Emathe** (Turkana Central, UDA): Thank you, Hon. Temporary Speaker. I would like to address the issue of infrastructure and enrolment. There are schools in Turkana Central that were submerged by the rising waters of Lake Turkana. I have raised statements in this House and written letters to the Ministry regarding the situation. The students or pupils who were in those schools do not go to school. They are either fishing or getting into other livelihoods.

Natole Primary School, Katula Primary School, Merier Primary School and Nangolipus Primary School were all submerged. The three-kilometre rule recommended by United Nations Educational, Scientific and Cultural Organisation (UNESCO) has never been achieved in Turkana Central. This means that when those schools were submerged, the nearest school was more than 10 or 15 kilometres away. What is the Ministry doing to ensure that those schools are re-constructed? I have constructed five classrooms in Ngimuria Primary School using the National Government Constituencies Development Fund (NG-CDF).

Secondly, in cases where students were relocated to the nearest schools such as Natole Primary School, which is about five kilometres away, and original settlements were destroyed due to displacement, what is the Ministry doing to ensure that those schools are included in the school feeding programme? The livelihoods of most of those families were affected. That is why I am raising this issue here today. I need an answer from the Cabinet Secretary.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Member for Turkana Central. I have given you a special leeway because of the nature of Turkana.

Hon. Cabinet Secretary, if you have a response for the Member for Turkana Central, kindly proceed. Clarify on the matter that Hon. (Dr) Nyikal and other Members have raised in a minute or two.

Thank you.

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

On the issue of certificates that Hon. (Dr) Nyikal has raised, I said that the period that we gave the headteachers to release the certificates will expire next week. After that expiry, our officers on the ground will collect data on the principals and headteachers who have refused to release the certificates to the students. We will then deal with them. That is why we said we would act after that, because we gave them 14 days to respond and comply. If they do not, we will take the data and act. Let the parents who will come to you confirm to the sub-county directors of education (SCDs) that they have gone to primary school “A” or secondary school “B” and they have been denied their certificate, and we will have that record. Sub-county and county officers will be going around the country to collect that data. I know some counties that have fully complied, and I also know others who have said they are not going to comply. We are waiting for those who will not comply, and we will deal with them. I know they have been thinking that we would not act, but we are going to act. It is unconstitutional and illegal. Kenya is a country of laws. We are going to deal with them.

As I had indicated earlier, we have not received any infrastructural funds for the last two years with respect to the schools that have been submerged. Perhaps, this is the reason why we have not been able to rebuild the schools that were submerged in Turkana. We are trying to work with other Government institutions like the Ministry of Interior and National Administration and the Military, to assist us in those emergency situations to rebuild those schools. We will put those schools in that programme even though we do not have funds at the moment to see that they are done, so that the students can go back to school.

On the school feeding programme, if those schools were in the...

**The Temporary Speaker** (Hon. Peter Kaluma): Cabinet Secretary, before you leave that part, you know the terrain and the nature of Turkana Central and Turkana in general. It is one of the most marginalised areas. In terms of intervening for them so that they do not lose out on everything, what kind of intervention or special arrangement can be made to ensure that the affected students have somewhere to go back to school? Cabinet Secretary, I am asking this knowing it was not a question in the Order Paper. If there is no response because of how I have asked it, can there be some sort of arrangement, like a meeting, between the Member of Parliament and the Ministry so that we can understand the concerns of the people, and explore a deeper solution?

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): We suggest that the Member of Parliament come to the office, we sit together and work around, and see whether there is some emergency intervention that we can do even with the other ministries so that we can resolve that matter. If you can kindly make time and come to the office, we will discuss that issue.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Cabinet Secretary.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): On the issue of the Junior Secondary Schools (JSS) classrooms, the assessment that was done as to what number of classrooms each school would get, was based on the number of students in Grade 8. The mathematics was on the basis that a classroom would take between 40 to 50 students. So, if you had 100 students in Grade 8, then you would be allocated two classrooms. That was the basis of the differences in the various classrooms based on the number of students who are enrolled in Grade 8.

I submit.

**The Temporary Speaker** (Hon. Peter Kaluma): The last is Question 45 of 2025 by the Member of Parliament for Nakuru County, Hon. Liza Chelule. It is a very sensitive one. Cabinet Secretary, did you have a written response to this particular Question?

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): The reason I am asking this is because we host a special school somewhere in my constituency. This is very pertinent.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): I have a written answer. If you want, I can go through it.

**The Temporary Speaker** (Hon. Peter Kaluma): I would request that if you have a written response, the Member being absent, we request that a copy of your response be dropped at the Clerks-at-the-Table. The clerical team, let that copy be delivered to the Member and all other Members who are interested, as provided for in the Standing Orders.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): We will do that, Hon. Temporary Speaker. Thank you.

*(Hon. Basil spoke off the record)*

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. We have come to the end of the Questions. Hon. Basil, what is it? Was this question approved?

**Hon. Robert Basil** (Yatta, WDM): Thank you, Hon. Temporary Speaker. There is a Question that I shared with the Speaker and it was approved this morning. However, it was not on the list and it is the one I want to ask.

Could the Cabinet Secretary explain why the Teachers Service Commission (TSC) halted or delayed further payments for the retired teachers? I am talking about 6,000 retirees who retired between 1997 and 2007, whose computations remain pending despite the High Court Ruling on October 17, 2019, in Judicial Review Application No.18 of 2012, which clarified their entitlement to pension and gratuity based on negotiated salary increments and published in *Gazette Notice* No.534 of 1997. The delay persists despite the reported disbursement of Ksh16.08 billion to 22,022 retired teachers by May 2023.

This issue, Hon. Temporary Speaker, has remained for quite some time. The courts said that the teachers should be paid, but they were never remunerated. So, it would be important if the Cabinet Secretary can give some clarity on how to assist the retirees who are wallowing in poverty, and are struggling to meet their basic needs.

Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Robert Basil, I am informed the Question was approved, but it arrived at the Table a bit late and so, it was not forwarded on time to the Cabinet Secretary. Therefore, it is not on the Order Paper unless the Cabinet Secretary, for some reason, has a response. Do you?

**The Cabinet Secretary for Education** (Mr. Julius Migos Ogamba): I suggest that we receive the Question so that we can do a written answer, and then it can be submitted to the Hon. Member, through the relevant Committee.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you. Hon. Basil. Let the Question go through the normal processes. The arrangements will be made for the Cabinet Secretary to come back to the House in good time, so that he can respond before the concerned retirees are adversely affected.

Hon. Jane Kagiri, you have a Statement?

*(Hon. Jane Kagiri spoke off the record)*

I thought your Statement concerned the Cabinet Secretary for Education?

*(Hon. Jane Kagiri spoke off the record)*

Chair of the Departmental Committee on Justice and Legal Affairs, proceed.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker.

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It is very important to acknowledge that, as the Cabinet Secretary answers those questions, members of the public are also following closely with a lot of interest. That makes the work of this House transparent, and we do not have to belabour what has been said.

A constituent has referred me to Question 18 of 2025 in respect of what is termed as Dukxi and Madrassa. The response the Cabinet Secretary gave was that plans and programmes are at high gear to ensure that those programmes are introduced to all the schools in the country. His concern is that Dukxi and Madrassas are basically on Islamic religion and faith. While we appreciate that in our country we have the Christian and Islamic Religious Education, which are approved curriculum programmes, we are wondering whether those qualify for the statement to be introduced in all schools. That is the clarification we are being asked to make.

The Cabinet Secretary is a Senior Counsel just as Hon. George Gitonga Murugara.

**The Temporary Speaker** (Hon. Peter Kaluma): Normally, we would say Parliament is *functus officio* on that question. However, Cabinet Secretary, just for clarity, proceed if you have something to say.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): As I indicated, some policies and guidelines are being developed which will consider how those programmes would be rolled out, and it may not be in all the national schools. Even if it is in all the national schools, not everyone will take the course. It will, perhaps, be for those who are qualified. So, it is something that is being developed to ensure that we meet the obligations of the Constitution and the Basic Education Act, which has provided that we set it up. That is why we are creating policies and guidelines to ensure that there is integration, but there is no interference. That is what is going on. Once the guidelines and policies are done, they will be subjected to public participation before they are finalised. That is why I indicated those timelines, so that each and everybody's take will be considered.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Cabinet Secretary. Before you make your final remarks on matters policy around education, allow me to permit Hon. Charles Nguna to raise an issue of general policy.

**Hon. Charles Nguna** (Mwingi West, WDM): Thank you, Hon. Temporary Speaker.

A total of 15 constituencies committed Ksh10 million in the Financial Year 2023/2024 to construct Technical and Vocational Education and Training (TVETS) institutes. Those projects have stalled in most constituencies. What is the Ministry doing to ensure that it completes those projects, including the Mwingi Technical Institute, to which we contributed Ksh10 million? You have not provided the money you committed to provide.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mawathe, what is the matter?

**Hon. Julius Mawathe** (Embakasi South, WDM): Thank you, Hon. Temporary Speaker.

My Question to the Cabinet Secretary for Education is that your predecessor had promised to purchase a piece of land in Imara Daima for a TVET? What will you do to purchase that piece of land that previously belonged to Kenya Power to construct a TVET?

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Wilberforce Oundo

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Thank you, Hon. Temporary Speaker.

As the Cabinet Secretary was answering a question, I received a request to ask a question on behalf of my constituents on the localisation of teachers. Some teachers are still delocalised in faraway counties.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Sigei.

**Hon. Francis Sigei** (Sotik, UDA): Thank you, Hon. Temporary Speaker. I wanted to ask the Cabinet Secretary about the issue of junior secondary schools. Many schools in my constituency are far apart and students have to travel long distances. I have written to the Ministry of Education asking them to ensure that schools which qualify have junior secondary schools. This is a serious issue. Last week, I was in the...

**The Temporary Speaker** (Hon. Peter Kaluma): I get you, Hon. Sigei.

**Hon. Francis Sigei** (Sotik, UDA): Thank you.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Toroitich.

**Hon. Timothy Kipchumba** (Marakwet West, Independent): Thank you, Hon. Temporary Speaker.

I wish to ask the Cabinet Secretary whether he is aware that the projects that are funded under the Secondary Education Quality Improvement Projects (SEQIP) have been riddled with corruption. I do not know whether the Cabinet Secretary knows that some of the projects that are funded under the SEQIP have been abandoned, some have not taken off, and others have collapsed midway. There is serious fraud. I hope the Cabinet Secretary is aware that the SEQIP programme in this country is under threat.

**The Temporary Speaker** (Hon. Peter Kaluma): Cabinet Secretary, make your final remarks to the House. Let us have the responses for the Questions which have just been asked. If they will require a more substantive response in the future, please, indicate so. Make your final remarks so that we can discharge you.

**The Cabinet Secretary for Education** (Mr Julius Migos Ogamba): Thank you, Hon. Temporary Speaker for giving me the opportunity to come to the House and respond to the concerns by the Hon. Members and the public. I am quite grateful for the support that I have been getting from the Members of Parliament. I also thank you for the support you have given to the Ministry in terms of the infrastructure development that you have done in the various constituencies that we have visited. You have constructed a good number of classrooms and other infrastructure. We pray that we will continue with that collaboration and support because those are our children. We will do everything possible as a Ministry to ensure that the partnership continues, and it bears fruit.

On the issue of the Imara Daima TVET, I will find out the status of that purchase and get back to you because I do not have data or facts relating to that particular question.

On the issue of the registration of junior secondary schools that are far apart, the initial registration was done based on a certain criterion. That criterion is being reviewed. We are doing continuous registration of junior secondary schools as we meet the criteria. That registration is ongoing. We will not deny them the registration if they meet the required criterion in terms of numbers. We are also reducing the distances.

On the issue of localised teachers, that programme was being implemented by TSC. We will find out why that has not been completed. It is an ongoing process.

The second programme was started sometimes back. It is true that some of the projects that they were doing have stalled and thus, have not been completed. There is an ongoing audit. Once we conclude the audit, both physical and otherwise, we will decide how to proceed and complete those projects, and what is going to be done with the issues that are related to any fraud or corruption that might have happened leading to their collapse.

All in all, I am grateful for your support, and I am available for any clarifications that the Members might require to continue serving Kenyans together.

Thank you and God bless.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, that brings us to the end of that part of our business on Questions.

Cabinet Secretary, let me register the gratitude of the House for your availability to respond to those matters of concern to the country. If you are needed again in future, do not hesitate to come as you may have noted that so many questions are coming up even on the backs of the ones which had been remitted to you. Always be available. The House is pleased in the manner in which you engage as a Ministry. That is critical for our national progress. You are discharged from the House together with your team. We wish you well in your other State duties outside of the House.

Thank you.

*(The Cabinet Secretary was escorted out of the Chamber)*

Hon. Jane Kagiri, you can now proceed.

### REQUEST FOR STATEMENT

#### STATUS OF INVESTIGATIONS INTO THE DEATH OF MS AGNES WANJIKU

**Hon. Jane Kagiri** (Laikipia County, UDA): Hon. Temporary Speaker, I rise to request for a statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations, regarding the status of investigations into the death of Ms Agnes Wanjiku Wanjiru.

Hon. Temporary Speaker, Ms Agnes Wanjiku Wanjiru, a 21-year-old who lived near the Nanyuki Base of the British Army Training Unit Kenya (BATUK), was allegedly murdered by British soldiers in the year 2012. Her body was discovered in a septic tank at a hotel in Nanyuki Town, nearly three months after she purportedly spent an evening with officers from the unit.

In 2018, an inquest undertaken in Kenya found that Ms Wanjiru was murdered by a British soldier. Sadly, no one has been charged or prosecuted in relation to her death, which occurred more than 13 years ago. At the time of her death, Ms Wanjiru was a mother of a five-month-old child who continues to suffer the consequences of that injustice. The family has severally sought justice for the death of their loved one without success, leaving them in distress and anguish.

In 2024, the Departmental Committee on Defence, Intelligence and Foreign relations conducted an inquiry on the operations of BATUK in Kenya, including the death of Ms Wanjiru. However, the report on the inquiry has never been tabled in this House.

Hon. Temporary Speaker, it is against this background that I request for a statement from the Chairperson of the Departmental Committee on Defence, Intelligence and Foreign Relations on the following:

1. A report on the status of investigations into the tragic death of Ms. Agnes Wanjiku Wanjiru, who was allegedly murdered in 2012 by a British soldier attached to the BATUK
2. Steps that are being taken by the Ministry of Defence, to expedite the arrest, extradition and prosecution of the suspect
3. Measures that have been put in place by the Government to ensure that justice is served, including compensation of the family and an indication on when the report of the Committee on the inquiry will be tabled for consideration by the House.

I, thank you, Hon. Temporary Speaker.

*[The Temporary Speaker (Hon. Peter Kaluma) left the Chair]*

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

**The Temporary Speaker** (Hon. Farah Maalim): Where is the Chairman of the Departmental Committee on Defence, Intelligence and Foreign Relations? He seems not to be in. The Whip of the Majority Party is also not here.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Hon. Temporary Speaker, allow me to respond.

**The Temporary Speaker** (Hon. Farah Maalim): On the same issue?

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Yes.

**The Temporary Speaker** (Hon. Farah Maalim): Do you want to fortify that, or you are doing it on behalf of the Committee.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): I am doing it on behalf of the Committee.

**The Temporary Speaker** (Hon. Farah Maalim): What are you in the Committee?

**Hon. Memusi Kanchory** (Kajiado Central, ODM): I am a ranking Member.

**The Temporary Speaker** (Hon. Farah Maalim): Okay. I thought you were going to raise issues because a similar issue happened in Samburu.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): No.

**The Temporary Speaker** (Hon. Farah Maalim): Anyway, proceed.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Hon. Temporary Speaker, this is a matter that has been before the Committee and we have done some public inquiries on that matter. Various agencies have come before us and so, it is a matter that is still alive in the Committee.

The Question is well received. We will give the Member a substantive reply in two weeks.

**The Temporary Speaker** (Hon. Farah Maalim): I direct that you have that answer in exactly two weeks' time from today.

Next Order.

## BILL

### *Second Reading*

#### THE ANTI-MONEY LAUNDERING AND COMBATING OF TERRORISM FINANCING LAWS (AMENDMENT) BILL (National Assembly Bill No. 5 of 2025)

*(Moved by Hon. Silvanus Osoro on 9.4.2025- Morning Sitting)*

*(Resumption of debate interrupted on 9.4.2025- Morning Sitting)*

*(Hon. Murugara spoke off the record)*

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Kaluma, you had a balance of time. Order, Hon. Murugara.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Thank you, Hon. Temporary Speaker.

When we last adjourned on this particular Bill, I was making the point that some matters are too serious to be left to regulations. It is so grave where delegated legislation authority is being vested by this House anywhere, particularly where penalties of up to ten years, Ksh10 million or Ksh20 million are being proposed. It is not a misdemeanour. Preferably, it should be within the body of an Act of Parliament. Where that is not so, such penalties could be prescribed in regulations. The Committee on Delegated Legislation should not just table the regulations in this House for purposes of noting or approval. This House must debate them, and the approval of the House duly signified.

If you look at all the statutes, even where we can put items in regulations, the House normally vests some regulation-making authority at the very end. If you look at all the statutes in which various regulations with sanctions are proposed, they have regulation-making provisions. We cannot have a provision relating to regulations in some nature in a statute and then give a general provision.

Therefore, in terms of form, even where we are proposing regulations, let all provisions relating to making regulations be within the provision that is usually at the end of a statute to deal with those matters.

I have a problem with what is at page 77. There is a Clause 4 on regulations at the bottom. When you go over to page 50, there is a provision relating to the Betting, Lotteries and Gaming Act. An amendment at sub-clause (f) of that page says that this authority can impose monetary, civil or administrative sanctions for violations that are related to the anti-money laundering provisions. You see, that authority is being given power to impose civil sanctions. That includes monetary and administrative sanctions.

First, the meaning and types of administrative sanctions is not defined. Secondly, it is also not confirmed whether that agency or authority is at this level sitting as a court of law or a *quasi-judicial* body. As you know, you cannot decide on a person's property, liberty, or money without affording that person a hearing. If that hearing is going to be afforded before the authority metes such sanctions, that judicial or *quasi-judicial* authority must first be vested in the authority by law.

Secondly, there must be secure provisions confirming an impartial and independent tribunal - not an authority making this determination on their own - will hear the person within Article 50 of the Constitution. If you look at the provisions in this Bill with the various Acts of Parliament, it is repeated across. If you look at Section 42A on page 75 of the Bill, the provision is not limited to the statutes that are specified. It says that it will relate to the Financial Reporting Centre, all supervisory bodies and self-regulating bodies. All bodies falling under that category will be obligated.

The Bill also has provisions imposing very onerous obligations on the bodies that are mentioned in Section 42A. In fact, let me tell the House that the accountants' body, the certified public secretaries' body and others that have not been specifically mentioned but are captured in section 42A, like the Law Society of Kenya, will essentially peep behind their members to see whether they comply. Remember if the regulatory bodies do not do that, they will be sanctioned. That provision should be looked into keenly.

There is a provision that says the Authority will take such action as is necessary to supervise and enforce compliance by reporting institutions. This is serious. When you have a situation where a body can sanction any Kenyan for acts as serious as terrorism, money laundering...

**The Temporary Speaker** (Hon. Farah Maalim): Give him an additional five minutes.

**Hon. Peter Kaluma** (Homa Bay Town, ODM): Hon. Temporary Speaker, a body is being empowered to take such action on an act of terrorism. Hon. Murugara and I have defended people who have been wrongly accused of terrorism. There is a time when people fundraised for a mosque in Eastleigh, and there was a gentleman called Babatunde Taiwo, who was appointed by the United Nations to sit in this country and prepare a report on terrorism in the Horn of Africa. He used to sit at Westgate Mall. I am telling you this from experience. If you had a grievance with anybody, you just needed to approach Babatunde Taiwo where he was taking coffee and give him some money to mention the people you had a grievance with. People who cannot even hold a firearm were mentioned and blamed for coordinating terrorism in the Horn of Africa. They are people I had known for a very long time. Those for whom we did not intervene disappeared and it has never been known where they went to date.

The emphasis I am making is that when we have a law dealing with a serious matter like money laundering or terrorism, let us be careful to ensure that it is specific and restricted in terms of enforcement and no much discretion is left to the enforcers. We should not have a situation where a person is targeted for personal or political grievances or for whatever reasons. You may deposit money to a Sacco and then someone says that, that is money that is being laundered, without evidence, and they guillotine you.

I request for the circumspection on laws of this nature. Look at the provision relating to Public Benefit Organisations (PBOs). I know any lawyer, including my good friends who are serving in the Departmental Committee on Justice and Legal Affairs will agree with me that there is a problem. Let me draw the attention of the Members to Section 43A on page 115. It says:

“The Authority shall have powers to oversight and monitor public benefit organisations that are at risk of terrorism financing and, in particular, shall—

Periodically identify organisations that are likely to be at risk of terrorism financing and abuse.”

Hon. Temporary Speaker, all public benefit organisations are registered under this Act by the Public Benefit Organisation Authority.

**The Temporary Speaker** (Hon. Farah Maalim): Public Benefit Authority is another word for Non-Governmental Organisations (NGOs).

**Hon. Peter Kaluma** (Homa Bay Town, ODM): What we previously called Non-Governmental Organisations, which were initially under the NGOs Co-ordination Board, are now under the Public Benefit Act. This provision states that the Authority will regularly identify organisations that are at risk of terrorism financing and other issues. Do you know the loophole we are creating? If you want to deregister an organisation, as we saw with the complaints about some organisations during the Gen.Z demonstrations, you simply say an organisation has been identified as being at the risk of terrorism or terrorism financing, and before they even speak about it, they have been deregistered.

In my view, although we must fight money laundering and terrorism, some of these provisions must be re-looked into. We must be careful to ensure that the excuses of fighting those grievous vices are not used to weaken or limit the rights of the people, or give people the leeway to determine that Hon. Farah Maalim is a terrorist, for example, and to deal with them as such. Today we are here, tomorrow we will be there. Let us take time to look at this Bill in detail for posterity and only accept things that are beneficial to the country.

Hon. Temporary Speaker, for all those reasons, I personally remain opposed to this law. I thank you.

**The Temporary Speaker** (Hon. Farah Maalim): Hon. Oundo.

**Hon. (Dr) Ojiambo Oundo** (Funyula, ODM): Hon. Temporary Speaker, sometimes, I am surprised that we bring laws to this House without proper ventilation and without thoroughly considering the import of the law.

First of all, I want to go straight to what the Leader of Majority Party always says: That if you do not understand the Bill, you should simply go to the Memorandum of Objects and Reasons to understand the gist and the objective of the Bill.

The Bill seeks to amend various Acts of Parliament relating to anti-money laundering, countering the financing of terrorism and countering the financing of proliferation of weapons of mass destruction in addressing the technical compliance deficiencies that have been identified arising from the Eastern and Southern Africa Anti-Money Laundering Group reporting and review by Financial Action Task Force and matters incidental thereto.

Hon. Temporary Speaker, the country needs to understand that this law is not Kenyan-generated. These amendments to the various Acts as listed are not Kenyan-generated. They are literally being imposed on us by, perhaps, some lobby group or an amorphous group, whose

legal position or authority is unknown in this country. The Mover of this Bill, who is the Leader of Majority Party, should have had the opportunity to explain about the Eastern and Southern Africa Anti-Money Laundering Group that we are relating to is, and that has undertaken a review of Kenya and determined that several laws need to be amended.

The Bill basically makes several amendments, including changes to the Proceeds of Crime and Anti-Money Laundering Act, such as replacing the word ‘Agency Director’ with ‘Agency Director-General. Those are basic amendments that I appreciate can be made.

However, when we move to various amendments on specific laws, that is where the gist of the matter starts. If you look at the appendix amending Section 48 of the Anti-Money Laundering Act, it introduces new paragraphs immediately after paragraph (b) which says: “Dealers in precious metals and dealers in precious stones, when they engage in any cash transactions with a customer equal to or above US\$15,000”

In essence, the people of Kenya need to understand that the Bill seeks to criminalise any dealings of any money of a certain value, regardless of whether the source is genuine, clean or not. For instance, if you deal with US\$15,000, then you are probably believed to be in money laundering or financing terrorism.

When you go to the various Acts which will be amended by this Bill...

The Hon. Temporary Speaker has mentioned the Non-Governmental Organisations (NGOs) that we used to know. They are now Public Benefit Organisations. I can tell Kenyans that this Bill will kill the NGOs. In the United States of America (USA), President Trump has killed the NGOs. This Bill will bury the NGOs literally. There was a person who used to be in charge of NGO registration. If he did not like you, for political vendetta, he would claim that the NGO you were running was meant to finance terrorism and undertake those kinds of actions. Terrorism is an ever-moving target; not a fixed target. We use it as a platform to harass, intimidate, and literally disfranchise very many communities in this country. You are again bringing another law that makes it practically impossible to support any group or village. If I have Ksh100,000 in my pocket or Parliament gives me money, I cannot take it to the Savings and Credit Cooperative (SACCO) or support any group or village. We are literally saying we are finished.

I ask the Mover of the Bill to make adequate efforts to have a look at it and subject it to adequate public participation. I hope the Report they have presented has addressed the fears that we are addressing here because, at least, we have a platform to articulate the issues here. There are many silent Kenyans outside there who need to be addressed, taken to speed and be told the import of this Bill. What is the mischief in it? What is it trying to cure that the current laws cannot cure? Granted that they have changed some positions to Director, those are basic ones that can be done. However, any change to other substantive Acts – like the ones which are being changed here are quite a number... Like the one that establishes the Assets Recovery Agency and others, require thorough interrogation and enough time to ventilate on them.

Thank you, Hon. Temporary Speaker. On that remark, I have sufficient reservations about this Bill. I believe that when it comes to the Committee of the whole House, we might make far-reaching amendments that the spirit of the Bill will be lost. It is important for the House leadership to reflect on either to withdraw it so that we draft it properly or allow it to be watered down to nothing without achieving what we intended.

**The Temporary Speaker** (Hon. Peter Kaluma): The Chairman, Departmental Committee on Finance and National Planning.

**Hon. Kuria Kimani** (Molo, UDA): I thank you, Hon. Temporary Speaker, for giving me the opportunity to contribute to this very important debate on the Anti-Money Laundering and Combating of Terrorism Financing Laws (Amendment) Bill, (National Assembly Bill No. 5 of 2025). At the heart of this Bill lies a fundamental truth; the integrity of our financial system is inseparable from our national security, economic competitiveness and global reputation.

This is not only a routine legislative proposal but also a strategic response to an international call to action. We are debating this Bill today because Kenya is currently on the Financial Action Taskforce (FATF) Grey List and unless we act with urgency, the consequences will be severe and long-lasting. Why does this Bill matter? It is important to understand the different levels of the FATF listing and their implications. There are two main lists: You are either on the grey list or the black list. The grey list, officially known as the 'jurisdiction under increased monitoring' includes countries like Kenya, that have strategic deficiencies in their anti-money laundering and counter terrorism financing, but they have formally committed to resolving them within good time.

**Hon. Members:** On a point of order!

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kimani Kuria will be heard in silence.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Speaker, on the two listings, 'grey and black', grey means that you have deficiencies in law of matters anti-money laundering, but you have committed, within a stipulated amount of time, to the financial action task force to bridge those anomalies. The blacklist on the other hand means you have no commitment. As we speak, we are between a frying pan and the fire. We are on the grey list. If we do not pass these laws that we have committed to, it means we go to the blacklist.

What does going to the blacklist mean? It actually means that, as a country, you have agreed to become a haven for financial flows on terrorism or counter-proliferation, which means financing of weapons of mass destruction. As we debate this matter, let us remember those two things. We are either on the grey list or the black list. We are on the grey list because we have a commitment that there are laws that are deficient in this country that we need to pass and if we do not, we will go to the black list and join countries like Iran and North Korea.

Do we want to be Iran and North Korea as the Republic of Kenya? That is why this Bill proposes to amend 10 different statutes. They are:

1. The Proceeds of Crime and Anti-Money Laundering Act;
2. The Prevention of Terrorism Act;
3. The Betting Lotteries and Gaming Act;
4. The Sacco Societies Act;
5. The Mining Act;
6. The Accountants Act;
7. The Assets Agents Act;
8. The Certified Public Secretaries of Kenya Act;
9. The Retirement Benefits Act; and,
10. The Public Benefits Organisations Act.

The essence of the amendment to all these laws, and like what some Members have been raising concerns about, is to give them the legislative framework they need to check the operations of those particular institutions on suspicion of counter terrorism.

Suspicion on all these anti-money laundering, counter terrorism and proliferation does not mean that they are guilty. It just means that they need what you call Know Your Customer (KYC). In the banking sector, KYC means that when you interact with a bank or carry out a transaction, it is the bank's responsibility to understand the customer. For example, what is the purpose of the money you are transferring or depositing? With the changes in law where large sums of money are held by betting companies, SACCOs, and in the form of minerals, this is important.

In 2025, a lot of finances is not necessarily held by banks as it used to be a few years ago. One of the amendments that I will be proposing from this Floor of the House is to include virtual assets and crypto-currencies under anti-terrorism law. With the evolution of the financial system, we have money moving away from our traditional financial system of banks.

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There are people who are holding money as virtual assets, in terms of bitcoins and cryptocurrencies. We have a lot of money in our Saccos. I am happy to see the Chairman of the Parliamentary Savings and Credit Co-operative Society (PACOSO). This is one of the regulated Saccos in this country which holds billions of deposits, savings and shares.

It is, therefore, important that the same scrutiny that is done on banking transactions, Sacco transactions, betting and mineral transactions, should also be done in our estates, as per the Estates Agents Act. Some of the provisions of this Bill also intend to take away entities that are not high risk like the non-profit-making organisations. Those are monies that are put together to build the welfare of the people. This particular Bill now takes them away from what we call the risk-based approach, and leaves them from the oversight of this law. This law is also providing new definitions and stronger sanctions, for example, the definition of “terrorism financing” and “dealer” in precious stones. It is imposing substantial penalties on an un-registered estate agents and other actors who operate outside the regulatory framework. That will close very dangerous loopholes that have previously been exploited. I painfully remember the butchering of 147 candidates at Garissa University. You all remember the US Embassy bombing in Nairobi at Co-operative House. I was in Class 6 or 7 then. We all remember the Dusit D2 Hotel complex bombing in Nairobi. Why was that possible? It is because it was possible to flow finances for those terrorist attacks. The parents of the students from Garissa University have never recovered. Lives of very young Kenyans at that particular time were lost.

This law will ensure...

**Hon. Farah Maalim** (Dadaab, WDM): On a point of order, Hon. Temporary Speaker.

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

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Temporary Speaker, is Hon. Kimani Kuria – whom I have a lot of respect for – right in insinuating that the money that was used to finance those bombings was being laundered? Can he give us information on that? We really want to know that money laundering, its source, and where it went through for the criminals to execute what happened in Garissa and Dusit D2 Hotel complex. He should give us the money trail and who has been arrested in that process.

**A Member:** On a point of order.

**Hon. Farah Maalim** (Dadaab, WDM): I am on a point of order that he is supposed to respond to.

*(Laughter)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kimani Kuria.

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Speaker, I thank the member of the substantive Speakers Panel for that information. Matters of what we call “terrorism attacks,” have three scientific perspectives: Anti-money laundering, proliferation and terrorism acts. That is the fact. Honestly speaking, for one to take bombs to Garissa University, he or she must have been very powerful in some way. Finances were involved. The bombs cost money. How does one take bombs to that place?

**Hon. Farah Maalim** (Dadaab, WDM): On a point of information, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kimani, do you want to be informed?

**Hon. Kuria Kimani** (Molo, UDA): Yes. I want to be informed by my senior, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Maalim.

**Hon. Farah Maalim** (Dadaab, WDM): I want to inform him that you need less than \$2,000 to do any act of terrorism. You need to just buy an AK 47 - which can be found within the four boundaries of this country - sufficient bullets and a few grenades here and there for you to go out there to do terrorism. By the way, if you look at the names of the people who were responsible, including those who were responsible for the Dusit D2 bombings, they come from very humble families. The one who was responsible for the Garissa University College terrorist act was a university student, whose father was a civil servant. The father kept urging the system to arrest his son. The culprits performed the terrorist act using very rudimentary things. The process that was employed to find out the source found nothing substantive.

We have a system whereby somebody can be jealous of my wealth because I have three or four buildings. He will go out there to say my wealth came from money that was meant for Molo Constituency and Hon. Kimani misappropriated it. People can say that it is money from the proceeds of corruption or that it is money that I stole from my Constituency and I am trying to clean it up.

Basically, what I am saying is that the Member should give us concrete things. He should not just brandish around the words terrorism and money laundering. He should give us information for us to understand and believe what he is telling us. He is a finance person.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you, Hon. Farah. In fact, Members, I want you to give Hon. Kuria Kimani time. Remember, I had directed that I want him to be heard in silence because of the deep understanding he has on these issues.

Hon. Kuria Kimani.

**Hon. Kuria Kimani** (Molo, UDA): Thank you, Hon. Temporary Speaker. To be honest, the Member is right. I have more information on finance than I have on terrorism. However, I can relate from best practice. I know what you are saying. Let me reiterate my earlier points. For every of those attacks, there is money involved, and you could talk about the \$2,000 for buying an AK 47 or the 9/11 attacks in the United States of America (USA). The volume of that transaction was much bigger because for you to...

*(Hon. Farah Maalim spoke off the record)*

I think I need protection from Hon. Farah Maalim, but I will proceed.

*(Laughter)*

**The Temporary Speaker** (Hon. Peter Kaluma): Members will not debate away from the Bill under consideration.

**Hon. Kuria Kimani** (Molo, UDA): He will have his chance. My point is that in 2025, money is not just held in the banks. It is held in SACCOs, virtual assets and estates. The conditionalities, scrutiny and know-your-customer measures that we put in our banking system should apply to all financial institutions in 2025. That is progress because that is the reality. Very few young people operate bank accounts. M-Pesa transactions currently hold bigger deposits than most banks. If I need to provide documentation to withdraw Ksh1 million from my bank account, the same should apply when I want to withdraw Ksh1 million from my M-Pesa, virtual assets or when I am depositing money to buy and develop real estate. That is the intent of this Bill.

Again, let us remember that we have a choice between being on the grey list or on the black list. Do we want to go the North Korea or Iran way? Some countries have found themselves in similar situations. South Africa was grey-listed in 2023, but they moved swiftly and amended six pieces of law. Their Parliament prioritised the Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) reforms and by mid-2024, the Financial

Action Task Force acknowledged significant progress. Nigeria enacted their Money Laundering (Prevention and Prohibition) Act of 2022, which extended AML obligations to lawyers, accountants and real estate development.

**Hon. Omar Mwinyi** (Changamwe, ODM): On a point of information, Hon. Temporary Speaker.

**Hon. Kuria Kimani** (Molo, UDA): I do not want to be informed at this point. In the United Kingdom...

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Omar Mwinyi, are you on a point of order or a point of information? Hon. Kimani Kuria, do you want to be informed by Hon. Omar Mwinyi?

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Speaker, I do not want to be informed. I want to debate.

*(Hon. Omar Mwinyi spoke off the record)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Omar Mwinyi, take your seat. You have not been recognised for that. You may proceed, Hon. Kimani Kuria.

**Hon. Kuria Kimani** (Molo, UDA): Thank you very much, Hon. Temporary Speaker. In the United Kingdom, estate agents and art dealers are required to conduct customer due diligence and report suspicious transactions to the National Crime Agency. We must take decisive steps as a country. We cannot be a weak link in the global fight against financial crime.

I would like to congratulate the Committee for conducting public participation. When I was reading the Report, I picked 15 detailed, well-thought-out memoranda from the Financial Reporting Centre, the Central Bank of Kenya, the Law Society of Kenya, the Institute of Certified Public Accountants of Kenya, of which I am a member, Transparency International, and the Office of the Director of Public Prosecutions. All those entities agreed with the merits of the Bill, but they were recommending far-reaching amendments that were far from the intent of the Bill. The Committee graciously said they would consider their recommendations in future.

The burden is on the National Assembly. We need to send a clear message that Kenya is committed to protecting its financial system, that we honour our international commitments, and that we will not allow criminal networks to flourish unchecked. We must support the Bill, not because the Financial Action Task Force (FATF) demands it, but because our national interests demand it. That will protect our banks, pensions, investments and our ability to trade and engage with the rest of the world. The Bill is not just about compliance. It is about giving the rest of the world confidence that we are a country that enhances governance, financial integrity and national standing.

As I finish, it is very important to reiterate what the impact of blacklisting would be if we move from the grey list to the black list. It means our financial transactions across banks will all go through extra scrutiny. With time, even the diaspora remittances that we get from our diaspora citizens may not be allowed to go through the international banking system. Kenya is part of the global village and we must admit that, therefore, we must fit in that global village. Fitting in that global village means we must move from grey listing. If we do not, we will go to the black list and we will go the way of North Korea and Iran.

With those remarks, I beg to support.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Kimani, just before you sit, it is always very beneficial to hear from you. I do not know whether you have the Bill. On public benefit organisations, it says that the authority shall periodically identify organisations. I am doing this though I know you have wound up because of your wealth of knowledge and it being the case that you may not speak under the Standing Orders again.

Hon. Members, allow us, because if we go over this we, will not hear him under the Standing Orders again, to open Page 115. I want you to do so with the understanding that no Member here is saying that we should not fight money laundering or we should not fight terrorism. We want to check that the laws we are making are, indeed, filling in the gaps if we have to fight this thing effectively. If you look at that proposed Clause 43(a), look at sub-clause 1(a). Can you see it, Hon. Kimani Kuria? By that provision, are we suggesting that this is not happening continuously in anyway or what does it bring? We are saying that to periodically identify organisations that are likely to be at risk of terrorist financing abuse and yet, we know that one of the duties of the authority is to do it through out. Why are we taking it to periodically? For what purpose do we want to have this, other than the general requirement that they are constantly doing so?

**Hon. Kuria Kimani** (Molo, UDA): Thank you very much, Hon. Temporary Speaker. Clause 43(a) says that the authority shall have powers to oversee and monitor public benefit organisations that are at risk of terrorism financing and, in particular, shall periodically identify organisations that are likely to be at risk of terrorism financing abuse. I have a small understanding of the working of our intelligence systems globally and in Kenya. There is monitoring of all our telephone conversations.

**The Temporary Speaker** (Hon. Peter Kaluma): It is true.

**Hon. Kuria Kimani** (Molo, UDA): And, therefore, this is just being in line with the international practice. The fact that it is happening, I do not see any harm in it being provided for in law so that in the event that a particular entity is required to submit additional information...

**The Temporary Speaker** (Hon. Peter Kaluma): The question is ....

**Hon. Kuria Kimani** (Molo, UDA): To demonstrate...

**The Temporary Speaker** (Hon. Peter Kaluma): The question is: They are constantly doing so.

**Hon. Kuria Kimani** (Molo, UDA): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): Why require them only to do it periodically?

**Hon. Kuria Kimani** (Molo, UDA): And why not?

**The Temporary Speaker** (Hon. Peter Kaluma): When we know they are doing it.

**Hon. Kuria Kimani** (Molo, UDA): Yes, but why not?

**The Temporary Speaker** (Hon. Peter Kaluma): Why do we not replace periodically with constantly?

**Hon. Kuria Kimani** (Molo, UDA): Hon. Temporary Speaker, I would be very happy. I will happily ask the Chairperson to carry the amendment and change it from periodically to constantly; and that cures the problem.

*(Laughter)*

*(A Member spoke off the record)*

**The Temporary Speaker** (Hon. Peter Kaluma): No! I am coming to that. To constantly raise a point of order when you are not recognised is in itself disorderly. You have to be recognised first. Hon. Murugara, in addition to what you want to say, I want you to open page 96. This is in respect to the Sacco Societies Regulatory Authority (SASRA). Right?

**Hon. George Murugara** (Tharaka, UDA): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): If the Authority can impose monetary, civil, or administrative sanctions for violations related, what are those administrative sanctions? Will there be a hearing and, if so, under what provision?

**Hon. George Murugara** (Tharaka, UDA): I will start with the use of the word “periodically”. Whether we say constantly or we say from time to time, all of it is periodic. It may be daily, monthly or whatever. I do not think there is any harm with the semantics of periodical. It purely places an obligation that from time to time, there is detection. Remember this is a very complicated topic we are dealing with on terrorism. Many actors are involved.

Whenever suspicion is raised, it is called “flagging”. You have to flag that entity and then proceed from there. This is what we are trying to do especially now that this obligation is not provided for in the main Act. This is why we have provided it in this particular Act.

**The Temporary Speaker** (Hon. Peter Kaluma): So, once the organisation is identified, what do you do with the identification?

**Hon. George Murugara** (Tharaka, UDA): The law requires you to make a report to the relevant centre so that we know what happens next. Now, there is a jittery feeling about the imposition of monetary, civil or administrative sanctions, but what I have in mind here is that this is anti-money laundering. This is in respect of the Public Benefits Regulatory Authority (PBRA) and the SASRA. Those are the people who receive money. What we are doing here is making a provision that if money is received and it is suspected to be money being laundered, they can take action immediately by ensuring that, that money is safeguarded in the interim as the rest of the action is being taken by either the PBRA or the Financial Reporting Centre (FRC).

There must be an interim measure of protecting the money, which is purely administrative. That is what is being provided for. It is not a question of your rights being deprived quickly. If we do not do it, a similar thing will happen like what happened to one of the banks here. Money came from wherever it came from, there was an order of injunction restraining the money from being withdrawn, and when one judge lifted it, in less than 10 minutes, the money was gone. That is the work of money laundering. Once you are detected or you believe you are being detected, you move the money as quickly as you deposited it. That is why we are making a provision that in the interim, we have some reasons to preserve the money so that we can move on to establish whether it is proceeds of money laundering or not.

**The Temporary Speaker** (Hon. Peter Kaluma): Thank you very much. Hon. Memusi Kanchory, you are recognised. Proceed.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I stand to support this amendment Bill on the fact that it seeks to seal loopholes in 10 potential areas that can be used or have been used for money laundering. Allow me to briefly explain to the House the reasons Kenya is on the grey list. We are on the grey list for three reasons. They are: Weak counter financing terrorism laws; weak anti-money laundering (AML) supervisory and regulatory laws and weak supervisory by supervisors and regulators due to lack of adequate regulatory framework. Those are just a few areas why we are on the grey list.

As we speak, our neighbours in Tanzania are putting measures such as these ones to get out of the grey list. There are no laws that stand alone. Every law is anchored on the Constitution. Issues that are being raised here, that people will be condemned unheard, are all lies. The Constitution provides for administrative justice. Right now, our banks require you to declare the source of any money that is above Ksh1 million. I do not see why these regulations are being taken as if people will be condemned if they bring in amounts that they just need to explain. I want my colleagues to look at the bigger picture. The economy of this country depends on good laws to be passed. Anti-money laundering laws will bring in investors to this country. This House is a representative of people. We must look at the security of our people. As much as we are alarmed when we talk about financing terrorism, it is financed by money laundering.

With those few remarks, I support.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mogaka, you are next. Hon. Oundo, please, approach the Temporary Speaker. Hon. Mogaka, proceed.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you for giving me the opportunity to also contribute to this amendment Bill. From the onset, I support it. As a member of the Departmental Committee on Justice and Legal Affairs, I had the benefit of listening to very many stakeholders who brought various views that convinced me that this Bill is worth supporting.

First, there is a notion that this is a foreign-driven Bill or amendment. Nothing can be further from the truth. This country is a member of the global financial system. Civilised global financial systems have rules of play. The regulations that apply in those financial systems are the ones Kenya has not satisfied with the consequence that we are in the grey list. We as patriots have a duty to redeem our country from that kind of listing and put it at par with our peers in the international financial market.

The Bill seeks to create a level playing ground in financial systems so that every citizen is supposed to be equal before the law under Article 27. The manner in which banks are treated under the laws of this country must be the same as co-operative societies and other actors in the financial system.

**Hon. Farah Maalim** (Dadaab, WDM): On a point of order, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mogaka, Hon. Farah Maalim is on a point of order. Hon. Farah, you said that you are proceeding under Standing Order 96. Proceed.

**Hon. Farah Maalim** (Dadaab, WDM): Yes. Standing Order 96 (1) says a Member who wishes to postpone to some future occasion the further discussion of a question proposed from the Chair may claim to move that debate be now adjourned.

I claim that the debate be now adjourned.

*(Applause)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Zamzam to second.

**Hon. Zamzam Mohammed** (Mombasa County, ODM): I second Hon. Farah Maalim. That we adjourn this debate to another date.

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

*(Loud consultations)*

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, I am the one who is presiding over the House. All these interventions are for the good of the proceedings of the House. So, allow me to manage and preside over the House.

Hon. Farah Maalim has stood in his place and proposed that further discussion of this Bill be now adjourned to a future date.

*(Question, that debate be now  
adjourned, put and agreed to)*

*(Debate on the Bill adjourned)*

Next Order.

**SPECIAL MOTION****APPROVAL OF NOMINEE FOR APPOINTMENT AS PRINCIPAL SECRETARY  
FOR JUSTICE, HUMAN RIGHTS AND CONSTITUTIONAL AFFAIRS**

**The Temporary Speaker** (Hon. Peter Kaluma): Chairman of the Departmental Committee on Justice and Legal Affairs, Hon. Gitonga Murugara.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. I beg to move the following Motion:

THAT, this House adopts the Report of the Departmental Committee on Justice and Legal Affairs on the approval hearing of Hon. Judith Nayiai Ramaita Pareno for appointment as the Principal Secretary for the State Department for Justice, Human Rights and Constitutional Affairs in the Office of the Attorney-General and the State Department of Justice.

The Report was tabled yesterday after the approval hearing of the nominee appointed to be a principal secretary.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Gitonga Murugara, before you proceed to debate, kindly move the Motion as per the Order Paper. I know you are a very senior Member at this. Just read the Motion before you go into the details.

**Hon. George Murugara** (Tharaka, UDA): Hon. Temporary Speaker, I beg to move the following Motion:

THAT, taking into consideration the findings of the Departmental Committee on Justice and Legal Affairs in its Report on the vetting of a nominee for appointment as Principal Secretary, laid on the table of the House on Tuesday, 8<sup>th</sup> April 2025, and pursuant to the provisions of Article 155(3)(b) of the Constitution, this House approves the appointment of Hon. Judith Nayiai Ramaita Pareno as the Principal Secretary, State Department for Justice, Human Rights and Constitutional Affairs.

I wish to confirm that the Report was tabled in the House yesterday. I believe each Members has had a copy to look at and make a decision as regards the proposed approval of the principal secretary nominee to the State Department for Justice, Human Rights and Constitutional Affairs.

In compliance with Article 118 of the Constitution, we invited members of the public to make their written statements on oath regarding the nominee. We confirm that we did not receive any memorandum contesting the suitability of the nominee. Let it be on record that the vetting process, which is purely to establish the suitability of the nominee, is not an examination. It is also not about qualifications and other factors, but purely to ensure that the person nominated is suitable for the position and has the ability to discharge the functions that are bestowed on that office.

Hon. Temporary Speaker, we also requested for the background checks from entities including the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP), Higher Education Loans Board (HELB) and the Ethics and Anti-Corruption Commission (EACC). All of them, including Kenya Revenue Authority (KRA), cleared the nominee. Having considered how the appointment was done, we were satisfied that the right procedure was followed and the recommendations were taken to the President, who made the nomination in accordance with the Public Service Commission (PSC) Act. We then went into analysing whether the nominee satisfies the appointment according to Chapter 6 of the Constitution. We confirmed that she is a Kenyan citizen and does not hold dual citizenship.

She has vast experience, having served in various public and leadership positions, including as a Member of the East African Legislative Assembly (EALA), a Senator, and

running the elections in one of the biggest parties in the country. She possesses the requisite professional experience. We also confirmed her knowledge on matters relating to State Law Office and functions of the Government in that office. She demonstrated deep understanding of the goals and policies of development for our country.

She demonstrated good leadership and management skills. She met all the requirements of Chapter Six of the Constitution regarding leadership and integrity. Furthermore, the suitability of the nominee was assessed after scrutiny of her background, academic credentials and professional qualification, which all enabled her to pass the vetting.

The Committee noted the importance of streamlining the functions of that office with the Office of the Solicitor-General. As this is a new office, some form of Executive Order may be required to state exactly what the principal secretary nominee is going to do *vis a vis* what the Solicitor-General does in the State Law Office.

Therefore, having considered all the matters that were before us, Hon. Temporary Speaker, we were persuaded that Hon. Judith Nayiai Ramaita Pareno, is suitable for appointment as Principal Secretary in the State Department for Justice, Human Rights and Constitutional Affairs. I beg to move that we approve the appointment of the principal secretary nominee, whom we now present to this House for approval.

With those many remarks, I beg to move and request Hon. Eckomas Mwengi Mutuse, the Vice Chairman of the Departmental Committee on Justice and Legal Affairs, to second the Motion.

Thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mwengi Mutuse.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): Thank you, Hon. Temporary Speaker. I rise to second the Motion that Hon. Judith Pareno be approved by this House for appointment as the principal secretary in the State Department for Justice, Human Rights and Constitutional Affairs in the Republic of Kenya.

Hon. Chairman has enumerated the procedural legal requirements that we went through, and we were satisfied in the process of recruitment. Hon. Judith Pareno is an advocate of many years' standing. She comes from Mashuru in Kajiado County. This implies that she is a Maasai woman. In fact, she was among the first Maasai women to become lawyers in the Republic of Kenya. It is a matter of public notoriety that Maasai women are among the most marginalised in the Republic of Kenya. Our Constitution demands that we mainstream minorities and those who are marginalised. Therefore, this nomination and eventual appointment, upon approval by this House, will satisfy that very important constitutional requirement that the marginalised also get a space on the leadership and governance table.

Hon. Temporary Speaker, Hon. Judith Pareno is not a stranger in leadership matters. She has been the Chairperson of the Elections Board of one of the oldest parties in the Republic of Kenya, the Orange Democratic Movement (ODM). The evidence that was presented before the Committee is to the effect that she has run that organisation quite professionally, and managed the nominations for the party for successive elections in a manner that has entrenched the interests of electoral justice in the party, as well as internal democracy. We asked her how she would transition from partisan politics to being a person who is going to serve every Kenyan, because not all Kenyans belong to her political party or persuasion. I am convinced, just like the Committee, that she is capable of serving all Kenyans, irrespective of their political persuasions.

Hon. Judith Pareno, like my Chairman has stated, has been appointed to an important docket that will be dealing with human rights, justice and constitutionalism. Our Constitution 2010 has one of the most robust Bill of Rights in Africa, and I dare say in the world. As such, it is important to mainstream human rights issues at the highest level of Government. There

was nobody better to do that other than a Maasai woman lawyer who has been in the human rights circles all her time.

Therefore, I persuade colleagues, Members of Parliament, that it is important to approve this nomination for eventual appointment. Hon. Chairman has stated that, as we look at the Constitution, it is also important to look at the Office of the Attorney-General Act. It designates the Solicitor-General as the accounting officer of the State Law Office. It also designates him as the administrative head of the State Law Office.

The Constitution, on the other hand, gives the administrative leadership of State departments to principal secretaries. That is why we have recommended, in our Report to the appointing authority – that is His Excellency the President - that he issues an executive order on the organisation of the Government. It will clarify the roles of the new Principal Secretary for the State Department for Justice, Human Rights and Constitutional Affairs *vis-a-vis* the statutory mandate bestowed on the Solicitor-General under the Office of the Attorney-General Act. We are convinced that this is important to be done in order to cause operational harmony so that the two offices do not clash.

Having said that, and because this is not about the appointee, we are well aware that it is within the powers of His Excellency the President to create offices. When an office is created and somebody is nominated to it, even if there is a clash, that cannot be put to them, but to the appointing authority.

Hon. Judith Pareno met all the requirements and most importantly, she satisfies an important requirement of marginalisation of women from the Maasai Community. In fact, she will be among the first women from the Maasai Community to become principal secretaries in the Republic of Kenya. In the interest of affirmative action and of upholding professionalism, the nominee is a professional who was admitted as an advocate in the year 1996; in the interest of upholding the rights of women, because women also deserve to be principal secretaries; in the interest of mainstreaming issues of human rights in our governance systems, so that every other decision that is being taken by Government, there would be an element of human rights in it, I urge the House to consider the Motion and approve the nomination of Hon. Judith Pareno to be a principal secretary, as appointed.

I thank you, Hon. Temporary Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Mutuse, did you say you will second?

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): Yes.

**The Temporary Speaker** (Hon. Peter Kaluma): Okay. Thank you.

*(Hon. Mwengi Mutuse spoke off the record)*

Just say it again for the avoidance of doubt.

**Hon. Mwengi Mutuse** (Kibwezi West, MCCP): For the record, Hon. Temporary Speaker, I second that this House approves the Motion as moved by the Chairperson of the Departmental Committee on Justice and Legal Affairs, the very able Hon. George Gitonga Murugara.

**The Temporary Speaker** (Hon. Peter Kaluma): That is seconded. Okay.

*(Question proposed)*

**Hon. Farah Maalim** (Dadaab, WDM): Hon. Temporary Speaker, I rise to support the Motion on the appointment of Hon. Judith Pareno. I have known Hon. Judith Pareno for over 20 years. We were both present when the Orange Democratic Movement (ODM) was being founded. She has been there as a loyal party stalwart for the longest time. She is a leader of

integrity, of immense potential, a lawyer, and I am confident that she is going to do a fantastic job in the newly established State Department.

I also add my voice on the issue of who the accounting officer will be. As it is, the Solicitor-General is the accounting officer but, in all the other ministries, the permanent secretaries are the accounting officers. By dint of the appointment itself, she has a right to assume the position of the accounting officer because that is what every other permanent secretary is. But here, we have a little bit of multiplicity of roles that need to be clarified. If there is need to do certain amendments to our pieces of legislation, we might as well go ahead and do that. But I can tell you one thing: Hon. Pareno will perform very well. She is spotless, and I am saying this from a position of experience when it comes to integrity, performance and intellectual capacity and, more so because she is an accomplished lawyer. Therefore, I add my voice and her being a lady from among the marginalised communities, even if she was put in a contest with every other community, she will still emerge at the top. I have a strong believe in that. I want to ask that we pass this and Hon. Temporary Speaker, you do not need to take a lot of time. You might as well put the question now.

Thank you.

(Laughter)

(Loud consultations)

**The Temporary Speaker** (Hon. Peter Kaluma): Hon Zamzam Chimba, Member of Parliament for Mombasa County.

**Hon. ZamZam Mohammed** (Mombasa County, ODM): Ahsante sana, Mhe. Spika wa Muda, kwa kunipa fursa hii ili nami niweze kuongeza sauti yangu katika *nomination* ya dada yetu Judith Pareno. Huyu ni mama ambaye ametoka katika jamii ambayo ni miongoni mwa wale waliofanyiwa unyanyapaa, yaani *marginalised*. Na ni mama ambaye amekuwa jasiri sana. Kutoka katika jamii kama hii na kisha akasoma, akawa *lawyer*, akaja wakati mmoja akawa *Member of Parliament* kule *East African Legislative Assembly (EALA)*, na baadaye akawa *nominated Senator*... Yaani ukiangalia vile anavyokwenda katika maisha yake...

Nilimjua nikiwa pale ODM. Nilipoenda kujiandikisha kama mwanachama wa ODM kwa mara ya kwanza, nilimpata pale ofisini. Alinikaribisha kwa furaha, akanipa nguvu na kuniambia kuwa nisijali hata kama nimetoka katika sehemu ambazo pengine wanawake bado hawajachukuliwa vizuri. Lakini kwa uweledi wangu, aliona kuwa nina uongozi ndani yangu. Alisema kuwa ana imani kuwa nikipata kiti hicho, nitaiweka Mombasa juu. Maneno yake yalinipa ujasiri na ndio maana mnaniona katika Bunge hili. Nikizungumza, watu wanasikiza na Mombasa inafurahi. Ninafanya kazi kule Mombasa ili nisimuangushe. Alitupea nguvu sisi wanawake ya kufanya kazi na kuamini kuwa sehemu ya mwanamke si jikoni tu. Mwanamke pia anaweza kuwa ndani ya *boardroom* na kutoa maamuzi mazito ya taifa.

Kwa hivyo, ninampigia upato sana na kumuomba Mungu katika hii *nomination* yake. Najua ameshapata cheo hicho maanake kama tunapitisha jina lake, ataleta mawazo mazuri katika kujenga taifa la Kenya. Kwa hivyo, ninampea *support* kama Mama Kaunti wa Mombasa, na kumwambia aendelee kuwainua wanawake.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Umulkher Harun.

**Hon. Umulkher Harun** (Nominated, ODM): Thank you, Hon. Temporary Speaker. I want to add my voice to the Motion for the approval of the principal secretary. I worked with Hon. Judith when she was actively serving on the ODM Elections Board. At that time, I neither had interest in politics, nor was I running for office. But she was very quick to mentor me. I believe she will mentor and offer her leadership skills to the country. She has gone through the hands of Hon. Raila Odinga and so, I have full faith in the kind of servant-leadership that she will be offering. She is the face of the girl-child from the nomadic and pastoral communities.

We are very proud of her. I want to encourage her and wish her all the best as she takes up that position because I have full confidence that she will deliver.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Catherine Omanyoo, Member for Busia County.

**Hon. Catherine Omanyoo** (Busia County, ODM): Thank you, Hon. Temporary Speaker. I have a lot of admiration for the incoming principal secretary, Hon. Judith Pareno. I bumped into her at the ODM meetings when we were going over the national arrangements. I admired the way she carried herself and her self-confidence. She is also a powerful speaker. I also admire her perseverance having gone through and penetrated all the traditions that everybody knows our brothers and sisters go through in the Maasai land. She has gone through those hitches and barriers and has emerged as a real role model to all the girls who may have had excuses for not making it up there. Everybody should admire such a person because even when you meet her, she does not remember she is a Maasai. There is a way she talks, sits and listens, I just know she will not be a let-down. I fully support her as the right person for that seat.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. George Sunkuyia.

**Hon. George Sunkuyia** (Kajiado West, UDA): Thank you, Hon. Temporary Speaker. I would like to add my voice to the appointment of Hon. Judith Pareno as the Principal Secretary in the State Department for Justice, Human Rights and Constitutional Affairs. I was introduced to that lady in 2005 after the defeat of the Wako Draft when the Rt. Hon. Raila Odinga and the President of the Republic of Kenya formed the ODM Party. That was during my first election as a councillor, when I joined the National Rainbow Coalition (NARC). Later on, the Orange Democratic Movement (ODM) was formed and I was elected a councillor in 2007. That lady became the Director of Elections in ODM, and I was given a ticket by her.

That lady is capable, has integrity, and is the right person for the job. She is the first woman to be appointed as a principal secretary from Maasai land and I fully support her appointment. It touched the whole of Maasai land when that lady was appointed.

I submit the approval of Hon. Judith Nayia Ramaita Pareno.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Memusi Kanchory, Member for Mashuru area.

**Hon. Memusi Kanchory** (Kajiado Central, ODM): Thank you, Hon. Honourable Temporary Speaker. Just for correction, I am not the Member of Parliament for Mashuru area. The area is in Kajiado East. I stand to support the nominee, Hon. Judith Nayia Ramaita Pareno, for appointment as Principal Secretary, State Department for Justice, Human Rights and Constitutional Affairs.

As my colleagues have said, Hon. Judy Pareno is a known achiever. I have known her for the last ten years when I first came into politics in 2015 through a by-election. I interacted with Hon. Judy Pareno when I vied through the Orange Democratic Movement (ODM) party.

I also take this opportunity to really thank the party leader of ODM, the Rt Hon. Raila Amolo Odinga, for giving that outstanding lady this chance. It is not the only chance that Hon. Judith Pareno has received from the generosity of the Rt Hon. Raila Amolo Odinga. Hon. Judy first came to the limelight serving as a nominated Senator, courtesy of the ODM party. Later after serving a five-year term, she was nominated to serve in the East African Legislative Assembly for another five years. The qualities that Rt Hon. Raila Odinga has consistently seen in that lady are evident. We can confirm that Hon. Judy is a principled lady, and this is very important. We are looking for Kenyans who are incorruptible. If she would have been corruptible, I believe that the first docket Judy held, that is the elections docket, she would have caused mayhem in ODM. That is a lady who is incorruptible, and we are looking for more of such individuals in this country. Corruption is a cancer in this country. When we get a few

exceptional Kenyans who will utilise public resources in the right way, we must stand with them. Judy is one of them.

I, therefore, support. I thank you, Hon. Speaker.

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Stephen Mogaka.

**Hon. Stephen Mogaka** (West Mugirango, JP): Thank you very much, Hon. Temporary Speaker, for giving me a chance to also support the approval of Hon. Pareno as principal secretary. Unlike others who have had experience with her in party politics, I was, perhaps, the most independent Member of the Departmental Committee on Justice and Legal Affairs because I had not interacted with her before. The manner of her presentation, articulation and understanding of the Constitution of Kenya and political play left no doubt in my mind that she is one of the best nominees for the position of principal secretary in the ministry or department that she is destined to.

With the structures existing in that department, I thank my Committee Chair and Members for noticing that there might be an incongruence of that appointment. In line with observing the independence of the three Arms of government, it was in order to let the Executive go and iron out any creases or incongruence that may arise in the pursuit of giving that great legal mind an opportunity to serve this country.

I also adore the manner in which she was appointed because this is one of the coveted positions in this country, particularly for women. I say coveted because Nyamira County does not have a principal secretary and we are craving for it. However, I am more than compensated because I am also a resident of Kajiado from where Hon. Pareno reigns. Therefore, I am more than represented in the management of the public affairs of this country.

I urge our colleagues to support the approval of that great mind and wish her well as she claims the position of great women who will take this country to another level. I support.

**The Temporary Speaker** (Hon. Peter Kaluma): The Hon. Kitilai ole Ntutu, Member of Parliament for Narok South.

**Hon. Kitilai Ntutu** (Narok South, Independent): Thank you, Hon. Temporary Speaker. I raise to support the appointment of Hon. Judith Pareno as the Principal Secretary of the State Law Office. I would like to thank the appointing authority, His Excellency the President, for considering appointing a young Maasai girl from the village to head the State Law Department.

I have known her for many years - over 20 years. We met in court sometimes back when she was on the opposite side. She really gave me a very rough time. She has been a long-serving senior lawyer in this country, with a lot of experience. She has also served in the Senate. She has also represented this country in the East African Legislative Assembly (EALA) in Arusha. Hon. Judith has mentored and sponsored so many young Maasai girls in the village. She has helped them to succeed through education.

Hon. Judith is also a very loyal and serious member of the Orange Democratic Movement (ODM), who is loyal to Baba. We thank the Rt Hon. Raila Odinga for proposing her name to the appointing authority. I am sure this country will benefit from her experience.

Therefore, I support. Thank you,

**The Temporary Speaker** (Hon. Peter Kaluma): There being no more interest on the Motion, may the Mover now reply.

**Hon. George Murugara** (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker and Members of the House, for that very high-quality debate we have just had.

It has come out clearly that the nominated person in the name of Hon. Judith Pareno is suitable and qualified to take the position. Every one of you has actually enunciated her tributes, the fact that she is a long-standing advocate, and that she has worked in the public service for many years. You have said that she has also run one of the biggest parties in the country through elections and everything else. That shows the Public Service Commission has made no mistake and that the President is justified in nominating that lady to take up the position.

With those remarks, I beg to reply.

While on my feet, I know you are now supposed to put the question. Under Standing Order 53 (3), I request you to defer the putting of the question to tomorrow because you are actually likely to set the time when we will be putting the question in tomorrow's afternoon Session, and then we can proceed.

Thank you.

**Hon. Temporary Speaker** (Hon. Peter Kaluma): Thank you for your voluntary guidance, Chair, Departmental Committee on Justice and Legal Affairs (JLAC).

Hon. Members, for the convenience of the House, the Question to this Motion will be put when it will next be scheduled by the House Business Committee for consideration.

*(Putting of the Question deferred)*

Next Order.

## MOTIONS

### ADOPTION OF REPORT ON THE EXAMINATION OF THE FINANCIAL STATEMENTS FOR MDAs FOR FY 2021/2022

THAT, this House adopts the Report of the Public Accounts Committee on its examination of the Report of the Auditor-General on the financial statements for the National Government Ministries, Departments and Agencies for the Financial Year 2021/2022, laid on the Table of the House on Friday, 14<sup>th</sup> March 2025.

*(Moved by Hon. Nicholas Mwale on 3.4.2025)*

*(Resumption of Debate interrupted on 3.4.2025)*

**Hon. Temporary Speaker** (Hon. Peter Kaluma): There being no more interests by Members to contribute to this Motion, the Mover is called upon to reply.

Hon. Members, for the convenience of the House, the Mover shall reply when this particular Motion will be next scheduled for consideration of the House by the House Business Committee in the future.

*(Replying to the Motion deferred)*

Next Order.

### STATE OF SECURITY IN NORTH RIFT COUNTIES

THAT, this House adopts the report of the Departmental Committee on Administration and Internal Affairs on the enquiry into the state of security in six counties of North Rift of Baringo, Elgeyo Marakwet, Turkana, West Pokot, Samburu and Laikipia, declared as disturbed, laid on the Table of the House on Tuesday, 13<sup>th</sup> August 2024.

*(Moved by Hon. Ali Raso on 1.4.2025)*

*(Resumption of Debate interrupted on 1.4.2025)*

**Hon. Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, again, there being no more interests by Members to contribute to this Motion, the Mover is called upon to reply.

Hon. Members, for the convenience of the House, the Mover shall reply to the Motion under the Order No. 13, when it will next be scheduled by the House Business Committee for consideration of the House in future.

*(Replying to the Motion deferred)*

Next Order.

## BILLS

### *Second Readings*

#### THE LEARNERS WITH DISABILITIES BILL (Senate Bill No. 4 Of 2023)

**Hon. Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, for the convenience of the House, this particular Bill will be stepped down for consideration by the House when it will next be scheduled by the House Business Committee for the House's deliberation in future. The Bill is accordingly stepped down.

*(Bill deferred)*

Next Order.

#### THE TREATY MAKING AND RATIFICATION (AMENDMENT) (NO.2) BILL (National Assembly Bill No. 9 of 2024)

**Hon. Temporary Speaker** (Hon. Peter Kaluma): Is the Chairperson, Departmental Committee on Justice and Legal Affairs ready to Move this Bill now or we defer it to the future too?

Give the Chair the microphone.

**Hon. George Murugara** (Tharaka, UDA): Thank you, Hon. Temporary Speaker. Although this is listed under my Departmental Committee, actually it belongs to the Committee on Defence and Foreign Relations. The reason I say so is because I was invited to make a memorandum and I submitted it to that Committee. So, kindly step it down. It will be clarified whether it is the JLAC that will move it or it is the Committee on Defence and Foreign Relations.

**Hon. Temporary Speaker** (Hon. Peter Kaluma): Thank you, Chair, Departmental Committee on Justice and Legal Affairs. In fact, looking at the title of the Motion, Treaty Making and Ratification, I think there is a mishap here.

For the convenience of the House, this particular Bill will also be stepped down for the House's consideration in future, when the House Business Committee will next schedule it.

*(Bill deferred)*

**ADJOURNMENT**

**The Temporary Speaker** (Hon. Peter Kaluma): Hon. Members, be upstanding. The time being 8.04 p.m., this House stands adjourned until tomorrow, Thursday, 10<sup>th</sup> April 2025, at 2.30 p.m.

The House rose at 8.04 p.m.

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