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Wednesday, 25th February 2026

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

Hon. Deputy Speaker: Serjeant-at-Arms, you may ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: Hon. Osoro, I think the Catholics were attending mass. They should have finished by now.

(A Member spoke off the record)

Hon. Deputy Speaker: You are done? Okay.

Order, Hon. Members. We now have quorum to proceed. Take your seats and settle down.

Hon. Dawood, before you read out your Petition, I wish to recognise the presence of students from the following schools who are seated in the Speaker's Gallery. Sergeant-at-Arms, the schools should rise when they are being recognised.

We have Migingo Girls School from Nyando Constituency, Kisumu County. We also have St Mary's School from Westlands Constituency, Nairobi County. On behalf of myself, the substantive Speaker and the Members of the National Assembly, we welcome you to the House.

Hon. Dawood, you can welcome them on our behalf.

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Deputy Speaker. I welcome the students from the two schools, one from Nyando and the other one from Westlands, St Mary's and Migingo Girls. It is good that you have come to see how Parliament of Kenya debates and makes laws. It is not too difficult to get to where we are. You just have to study and keep your focus so that once you are through with your studies, then you can make a start in elective office. It is not a bad project. Thank you.

Can I present my Petition?

Hon. Deputy Speaker: Yes, you may proceed with your Petition, Hon. Rahim Dawood.

PETITIONS

NON-PAYMENT OF RETIREMENT BENEFITS TO TEACHERS

Hon. Rahim Dawood (North Imenti, Independent): Hon. Speaker, I rise to present a public petition regarding non-payment of outstanding retirement benefits for the 1997 retired teachers' group.

I, the undersigned, on behalf of 1997 Retired Teachers' Group, comprising Mr Samson Mutema and eight others from North Imenti, draw the attention of the House to the following:

THAT, between 1st July 1997 and 31st July 2007, approximately 5,200 teachers retired from the service of the Teachers Service Commission (TSC), having been employees duly registered under the TSC as public servants entitled to pension and retirement benefits.

THAT, the said teachers were represented in Simon P. Kamau and 190 others vs. Teachers Service Commission, Nakuru High Court Civil Case No. 65 of 2006, which was heard and determined by Hon. Justice David Maraga (as he then was). The Court ruled in favour of the teachers, affirming that the remuneration and benefits arising from the 1997 Taita Arap Towe Commission award applied to all teachers who were in service as of 1st July 1997.

THAT, the Teachers Service Commission appealed the decision at the Court of Appeal but was defeated on 12th November 2010, and the government's subsequent appeal to the Supreme Court in 2013 was similarly dismissed. Further, on 9th December 2015, the Supreme Court declined an application by the Attorney-General seeking review of the Court of Appeal's decision, thereby finalising the matter in law.

THAT, despite the above court rulings being in favour of the petitioners, only one phase of the five agreed payment phases was effected, leaving the majority of the retired teachers without the rightful pension arrears and other accrued benefits.

THAT, although the government had agreed to pay 44,267 of the retired teachers, an estimated 1,733 remain unaccounted for and have not received any payment to date, despite being part of the court-recognised beneficiaries.

THAT, many of the petitioners have since passed on without receiving their rightful dues, while the surviving members now advanced in age continue to suffer financial distress, neglect and denial of justice, contrary to the principles of fair administrative action guaranteed under Article 47 of the Constitution and the right to property under Article 40.

THAT, efforts by the petitioners to seek redress through various government departments, including the Teachers Service Commission, the National Treasury and the Office of the Attorney-General, have not yielded a conclusive response or full implementation of the court judgement.

THAT, the matter herein is of urgent national concern and falls within the legislative oversight of the National Assembly, hence the need for the House to ensure compliance with court decisions and the protection of citizens' lawful entitlements by the government.

THAT, the issues raised in this petition are not pending before any court of law, constitutional body or any other legal institution.

Therefore, your humble petitioners pray that the National Assembly, through the Public Petitions Committee:

1. Investigate and establish the status of implementation of the court decisions regarding payment of retirement benefits to the 1997 retired teachers.
2. Recommend for immediate settlement of all outstanding dues and arrears to the affected teachers or their legal representatives, including those unaccounted for in the 1,733 pending cases.
3. Recommend that the Teachers Service Commission and the National Treasury provide a comprehensive report on payments made, beneficiaries and the remaining unpaid amounts.

4. Ensure budgetary allocation is made in the 2026/2027 Financial Year to fully settle the outstanding pension and gratuity arrears in accordance with the final court rulings.
5. Make any other recommendations it deems fit to guarantee justice and closure of this matter for the retired teachers, their families and dependents.

And your petitioners will ever pray.

Thank you, Hon. Deputy Speaker.

I hope the Chair of the Departmental Committee on Education Committee can be seized of this matter together with the Public Petitions Committee. I hope the petition can be sorted out within the 90-day framework. I had another petition last year about the Mau Mau fighters that has still not been acted upon. I hope that will also be handled.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Before I give two Members a chance to have a rider on this, is the Chairperson of the Petitions Committee or the Departmental Committee on Education here? Hon. Dawood the Speaker had made a ruling that if something is of a specific nature, it can be referred not to the Petitions Committee but to the relevant departmental committee, in this case, the Departmental Committee on Education. Hon. Osoro, do you want to undertake, on behalf of the Committee, that the Petition may be looked at with speed?

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Deputy Speaker, I have been keenly listening to Hon. Rahim, and we commit that the Committee on Petitions will handle it although there is a bit of turbulence in terms of structure, even as we reorganise.

Hon. Deputy Speaker: The Speaker has the discretion to refer it to another committee.

Hon. Silvanus Osoro (South Mugirango, UDA): Exactly, but we will address it within two weeks.

Hon. Deputy Speaker: Hon. Dorothy Ikiara, then we will come to you, Hon. Kangogo. Make it brief because it is a rider.

Hon. Dorothy Muthoni (Nominated, UDA): Thank you, Hon. Deputy Speaker. I wish to support this Petition by Hon. Rahim Dawood.

The teachers who retire in service are among the most patriotic citizens of this country. It is very disheartening that teachers who retired in 1997, and who were duly considered for this award arising from a Collective Bargaining Agreement (CBA) negotiated and concluded in 1997, have not received their dues. The majority of them have since retired, and unfortunately, many are today in the grave. Sadly, these teachers who served this country diligently are still agonising and waiting to be paid what is rightfully theirs.

I urge the House and request the Committee concerned to take this matter seriously so that we can bring it to a closure. Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. Hon. Kangogo, also briefly.

Hon. Kangogo Bowen (Marakwet East, UDA): Thank you, Hon. Deputy Speaker, for giving me this opportunity to also comment on the Petition.

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

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

Hon. Temporary Speaker, from 1997 up to now, we are talking about nearly 30 years. People who retired almost three decades ago may not even live to benefit from their retirement. The issue raised by Hon. Dawood is not peculiar to teachers alone; it cuts across the entire civil

service. Many civil servants retire, and some die without ever enjoying their retirement benefits.

As the Petitions Committee looks into this matter, it should extrapolate and come up with policy or legislative recommendations on pensions and retirement, though I think we already have such legislation in place. As a House, we have our own pension and there is a way it is structured that includes some other parastatals. But those suffering are teachers and civil servants.

We need to ensure that as we give a notice of retirement to a civil servant or a teacher, you must be prepared that within 14 or 21 days, that person should be able to access his or her benefits. It is not a unique case for teachers. If you go to the villages, some of the policemen who have retired have died without even enjoying it. We need to come up with a law or policy that cuts across.

There is also a need for integration and digitisation linking the civil service, teachers, parastatals with the Pensions Department in the National Treasury, so that once a person retires, their file moves directly to the National Treasury and within a few months, they enjoy their benefits.

I support the Petition.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Gladys Boss.

PRODUCTION, DISTRIBUTION AND CONSUMPTION OF ILLICIT ALCOHOLIC BREWS

Hon. Gladys Boss (Uasin Gishu County, UDA): I, the undersigned, on behalf of the residents of Uasin Gishu County, wish to make a Petition regarding the production, distribution and consumption of illicit alcoholic brews in the country.

Hon. Temporary Speaker, I wish to draw the attention of the House to the following:

THAT, the production, distribution and consumption of illicit alcoholic brews in the country have continued to cause serious public health, social and economic harm, including deaths, disabilities, addiction, family breakdown, poverty and increased crime.

THAT, the Alcoholic Drinks Control Act, Cap. 121 was enacted in 2010 to regulate the manufacture, sale, distribution and consumption of alcoholic drinks and to provide for treatment, rehabilitation and enforcement mechanisms.

THAT, despite the existence of this law, illicit alcohol trade remains rampant, evidenced by continued deaths, counterfeit alcoholic brands, unlicensed liquor outlets, underage drinking and widespread adulteration of alcohol products.

THAT, Uasin Gishu County, who I represent has been significantly affected by this menace, with recurrent incidents of alcohol poisoning, hospital admissions and loss of life linked to illicit brews and adulterated second-generation alcohol, particularly among vulnerable communities.

THAT, the problem is widespread across the country and has, in the past, resulted in national tragedies involving toxic brews such as the infamous *Kumi Kumi*, necessitating urgent State intervention. These challenges are largely attributable to weak and inconsistent implementation of the law, inadequate enforcement capacity, regulatory gaps and limited public awareness.

THAT, the National Authority for the Campaign Against Alcohol and Drug Abuse (NACADA) is mandated to coordinate alcohol and drug abuse prevention, public education, research and inter-agency collaboration, yet concerns remain regarding the effectiveness of these functions.

THAT, there are allegations of insufficient monitoring and oversight of licensed manufacturers and distillers of second-generation alcohol by regulatory agencies, including the Kenya Revenue Authority (KRA) and the Kenya Bureau of Standards (KEBS). The absence of robust quality control systems, product traceability mechanisms and distribution oversight has allowed unsafe and counterfeit alcoholic products to enter the market.

THAT, the regulation of alcohol remains inadequate, with high local production costs and weak border surveillance.

Hon. Temporary Speaker, it is known that ethanol which is the primary base for making the second-generation alcohol is easily available through our borders of Uganda and Tanzania. The tax per litre is significantly lower against that of Kenya which is Ksh300 per litre. In the two other countries, it is Ksh60 per litre and Ksh30, respectively. Due to this reason, one is able to smuggle in as little as 20 litres of ethanol into their homesteads and manufacture the alcohol in the absence of any surveillance by the Kenya Bureau of Standards and the Kenya Revenue Authority is allowing the rampant use on illicit and unsafe alcohol available to our families and our children.

For this reason, it is important that this Parliament controls the use and transportation of this hazardous product which is ethanol. Furthermore, ethanol being a hazardous and flammable substance should not be transported in small quantities. It must be transported in the same way we transport petroleum and other such flammable products in huge tankers with a minimum of at least several tonnes at a time. The unregulated production and transportation of ethanol is the root cause of this problem. Therefore, we need more efforts by relevant institutions to ensure that there is surveillance.

THAT, the matters raised in this Petition are not pending before any court of law, constitutional body or other legal institution;

Therefore, your humble Petitioners pray that the National Assembly, through the Public Petitions Committee, engages the relevant State agencies with a view to:

1. Investigating the status of implementation of regulations in place to curb production, distribution and consumption of illegal alcohol;
2. Determining the cause of the rampant production, distribution and consumption of illegal alcohol in the country;
3. Recommending a multiagency approach to curb the production, distribution and consumption of illegal alcohol; and
4. Making any other recommendations it may deem appropriate to address the plight of the Petitioners.

And your Petitioners will ever pray.

Hon. Temporary Speaker, as I sit down, allow me again to welcome the students of schools seated in the Speaker's Gallery: Migingo Girls' School from Nyando Constituency in Kisumu County. I am particularly fond of seeing girls' schools because I am a product of a girl school and I know that your future is bright and you are all destined for greatness. To the young men from St. Mary's School, you know that I have a personal and strong affiliation with the school and the reasons are known to me and a few people seated in the Gallery. I want to wish you all the best and as a Loreto girl who went to a catholic school, I want to assure that I know you are in the right hands. Your teachers are doing the right things. I know you are definitely also destined for greatness and we look forward to many of you being able to come back one day and serve our country in this very House.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Gladys Boss, who is the Deputy Speaker. Hon. Members, I can allow two Members to make comments on this Petition. I will start with Hon. Charles Ngusya Nguna.

Hon. Elisha Odhiambo (Gem, ODM): On a point of Order.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I have a point of order from the Member. What is out of order? You are being strategic. You would like to welcome Migingo Girls' School. Hon. Charles Ngusya, you may take your seat.

Hon. Elisha Odhiambo (Gem, ODM): Thank you so much for this opportunity to welcome the students from Migingo Girls' School. Many years ago, when I left the University in 1991 that was my first posting. I was a teacher in Migingo Girls' School for two years before I joined Kenya Power. I take this opportunity to welcome you to Parliament and wish you the very best in the august House. I believe one day one of you will have an opportunity to serve this country as a Member of Parliament.

Thank you very much, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Charles Ngusya Nguna. I will only give three Members for the purpose of progressing with Business in the House. Proceed.

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

I would like to support the two Petitions. In fact, these Petitions should be certified as urgent because they cut across and these are common problems that we are experiencing in our constituencies. The issue of Teachers' Service Commission (TSC) is so cruel. It is unjustified and it is inhuman for somebody to work for so long and end up not being compensated for what he has done for those years; that is the right to pension. I would like the Committee to expeditiously deal with that matter so that justice can be given to the two who have been treated unfairly.

I would also like to support the other issue of alcohol by Hon. Gladys Boss, our Deputy Speaker. The issue cuts across all constituencies. It is a common problem and we need to regulate alcohol abuse and use. I fully support the control of ethanol, the transportation and all those matters.

With those few remarks, let the Public Petitions Committee deal with this matter expeditiously so that we can bring normalcy. I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Members, one minute each on these comments. Hon. Kitur.

Hon. Bernard Kitur (Nandi Hills, UDA): Thank you very much, Hon. Temporary Speaker. I want to also join and support the Petition by the Deputy Speaker, Hon. Gladys Boss. Uasin Gishu County in itself is a city that has grown because it was an education and tourist town where there are many young people. The industries that were manufacturing these products in Langas and Munyaka are quite numerous and spilled into Nandi Hills.

I had to mention this because of the security apparatus used to support those who are distributing these products to Nandi Hills. That was cut off at some point. As much as this is being done, the security apparatus must also be brought to book because they participate in the distribution. They allow the products to be distributed even to towns in Nandi County where we have been affected. Many of my Constituents are affected. Some have even gone blind. Expand this to include ethanol, urea, and other substances hazardous to people.

I thank you very much. I sincerely support that Petition for the sake of our Kenyan people and my constituents.

Hon. Peter Masara (Suna West, ODM): On a point of intervention, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Masara, I can see that you have hit the intervention button. I thought you wanted to make a comment and I was coming to you. Is anything out of order?

Hon. Peter Masara (Suna West, ODM): Yes. I wanted to draw your attention to the fact that the Kisii Woman Representative was out of order. Instead of using the right channel

to cross the Bar, she decided to go behind you. She talked to the people on this side, went behind you, and crossed to the other side. You know she is a first-term Member. I wanted her to know that to cross, one must go to the Bar, bow and then cross over to the other side. I wanted to raise that point of order.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Well. Hon. Masara, it is allowed to go behind. That is in order. What is not in order is crossing from the left to the right. The Member is very much in order. Unless you have an issue with the Member for Kisii. Hon. Kathambi is completely in order.

I want to give the Member for Kisii a chance to defend herself, as she has been mentioned. This is a critical time to say that any Member is out of order because she is really in order.

Hon. Dorice Donya (Kisii County, WDM): Hon. Masara told me, “You look smart today,” instead of him just approaching me nicely. I did not respond. I told him, “I have my Bill today, and there will be questions. I need you to support it”, then I left. Then he said, “Ksss”. I asked him, “Am I a hen? Am I a dog? How are you calling me?” He is just seeking attention. Let him be brave enough to come and approach me. I have no problem with him.

(Laughter)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Member for Kisii County, for defending yourself. Hon. Masara, you need to be a gentleman and do it the right way if you want to engage the Member. The way you are doing it is completely out of order. Man up and do it the right way.

(Hon. Silvanus Osoro spoke off the record)

Do you want to defend Hon. Masara? Do you want to defend Hon. Donya? You may proceed.

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Donya is my sister. If you want to approach a woman in the Kisii culture, you would pass through their brothers and pay the required dowry. I am aware that Hon. Masara may not know that we do not accept small amounts of money. I know he is a man of means. We invite him to Kisii to give us 100 cows and 500 goats, and to come in a chopper and in the company of 10 buses, then we will listen to you.

(Laughter)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Members, that is called banter and canter in the House. Members are in order to do what they have done.

I would like to go to the business of the day. I would like to give the Hon. Mizighi an opportunity to comment on this.

Hon. Charity Chepkwony (Njoro, UDA): I was the one, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I am so sorry. The Member of Njoro was on her feet. I apologise.

Hon. Charity Chepkwony (Njoro, UDA): This is Hon. Charity Kathambi Chepkwony, the Member for Njoro in Nakuru County. Allow me to support the Petition in relation to illicit brew. The production, distribution and consumption of illicit brew in this country is our serious and main concern. The consumption has really affected our youth in Nakuru County or Njoro Constituency. Who are our tomorrow's leaders when we accept the processing, distribution, and consumption that affect our youth? It will really affect this country.

Therefore, we support the Petition. Can we ensure that all processes, distributors, consumption areas and even consumers are taken seriously by us? We must also come up with control.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Lydia Mizighi, Member for Taita Taveta County. One minute, please.

Hon. Haika Mizighi (Taita Taveta County, UDA): Asante Mhe. Spika wa Muda kwa kunipa fursa hii. Nampongeza Mhe. Boss kwa hili ombi, kwa sababu ni changamoto kubwa katika nchi hii. Tumepoteza vijana wetu na nyumba nyingi zimevunjika. Kumekuwa na changamoto nyingi kwa sababu wengine wanapokufa macho, na mambo mengine mengi. Wengine hata wanajiua. Tumekuwa na vifo vyingi vya vijana kujitia vitanzi kwa sababu ya msongo wa mawazo kwa kutumia madawa haya ya kulevya na pombe haramu.

Kwa hivyo, namuunga mkono nikisema kuwa idara husika zinatakikana ziingilie kati na zifanye kazi ambayo zimepewa. Hatutakuwa tukijadili maswala kama haya hapa kila mtu akiwajibika.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, I was relying on the intervention button. I will give the last chance on this to Hon. Pauline Lenguris. There seems to be much interest in this. I can add three to four more Members. Please, press the intervention button.

Hon. Pauline Lenguris (Samburu County, UDA): Thank you for giving me this chance to contribute to the discussion that is on the Floor of the House.

The issue of illicit brew is really a very serious problem in the country. It is not only in Uasin Gishu or Njoro. It is all over the country. It is really a big problem because most of our youth have engaged in illicit brews. We are losing some of them, even to death. Some of them have engaged in dangerous illicit brew, and they are losing their lives. Some have stopped their education. Some have even become destructive to the community.

We really need drastic action to stop illicit brews in the country. It starts from production to distribution. It is even getting into the lowest parts of the country.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Ruweida Obo.

Hon. Ruweida Mohamed (Lamu East, JP): Asante Mhe. Spika wa Muda. Nami nataka nizungumzie janga liliko kila pahali, na sioni kazi wanayoifanya NACADA. Utawaona tu kwa bajeti wanayopata. Watakuambia shida ni bajeti kila ukiwaongelesha. Labda bajeti yao ni ile ya kunywa chai tu.

Kwangu kumeathirika sana kwa sababu ya dawa inayoitwa karambela, ambayo inauzwa Ksh20. Hata mtoto wa shule na watoto wa miaka kumi na moja wanaila. Watu wameathirika sana. Kazi ni kupigana ilhali Serikali inajua. Hata sijui tufanye nini. Hata OCS mzuri akipelekwa pale, mambo ni hivyo hivyo, na sielewi tutasaidiana kiviipi. Kwa hivyo, twafaa tuseme hili ni janga la kitaifa

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Order, Member of Lamu East. *Mhe. Ngusya Nguna, hoja yako ya nidhamu inahusu nini?*

Hon. Charles Nguna (Mwingi West, WDM): Nataka kumuuliza mwenzangu, Mhe. Ruweida, iwapo mtu hunywa au kula dawa hiyo. Maanake, sielewi. Huwezi kula pombe; unakunywa.

(Laughter)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I know the Hon. Member for Mwingi West is struggling with Kiswahili. Hon. Ruweida, you are in order. You are not out of order. Please, proceed. *Lakini uhakikishe unazungumza Kiswahili sanifu, kwa sababu anashangaa iwapo mtu hula, kunywa au kutafuna dawa za kulevya.*

Hon. Ruweida Mohamed (Lamu East, JP): Hiyo dawa ni tembe. Tembe inaywewa? Ni karambela. Mtu hufaa kumeza tembe. Lakini wao hawamezi kama dawa. Wanazila kama

chakula. Kwa tembe, pengine mtu hufaa kula tembe moja kwa matibabu. Wao wanatumia zile tembe na inakua uraibu. Wanakula kama ishirini.

Watu wanapoimeza hiyo tembo, wanapata nguvu sana. Wengine wanapoguswa tu hivi, wanaezachukua mapanga na kukatana. Wanaweza hata kuwaua wazazi wao kwa sababu inawafanya wanakuwa *wild animals*. Unakuwa kama mnyama wa porini. Hujali chochote. Hata wewe mwenyewe ukipigwa panga hausikii, unaendelea tu. Haya madawa yameathiri eneo langu la bunge mpaka imekuwa ni vita kila wakati. Jana watu wamepigana kijiji kwa kijiji kwa sababu ya hizi tembe tu.

Ahsante, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Mhe. Sitienei.

Hon. Members, please ensure you bring your cards to the House. Otherwise, it will be difficult. I have really prolonged this. I will allow only two more Members, then we will make reference to this Petition to go to the relevant committee.

Hon. Janet Sitienei (Turbo, UDA): Hon. Temporary Speaker, thank you very much for according me this opportunity. I support this Petition because we are losing a generation. We have no future. Alcohol has become another thing.

Through this Petition, we ask that we stop small businesses from producing ethanol. It must be done by industries so that traceability can be possible. Ethanol is now being used for *koroga*. This is alcohol that is done in three hours and is ready to use. Our people are dying and going crazy. We have no youth or generation.

I support this Petition. Unless ethanol is produced by factories, it must not be sold in smaller quantities.

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

Hon. Lillian Siyoi.

Hon. Lillian Siyoi (Trans Nzoia County, UDA): Thank you, Hon. Temporary Speaker, for giving me this chance. I also want to contribute to this Petition.

I want to speak on behalf of my Constituency because ethanol is being imported from Uganda through some border crossings into Kenya. I do not want to say it is only for smaller brewers, but also for these big clubs. The alcohol made there is not the original brands that should be sold to the people. People are using ethanol. It is a big business at the moment. The majority of our youths are getting lost because they take alcohol and the tablets that Hon. Ruweida was talking about, which are being sold over the counter.

As we are thinking about ethanol, we should also consider how we will ensure these tablets are not sold over the counter.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Last is Hon. Musa Sirma.

Hon. Musa Sirma (Eldama Ravine, UDA): Thank you, Hon. Temporary Speaker, for the opportunity. For the last two weeks, my Constituency has been in the media over issues related to ethanol. Ethanol has always been brought all the way from Uganda; it stops in Uasin Gishu, and when it comes towards Nairobi, they always get into accidents. I wonder where the police officers are, all the way from Uganda, until there are accidents involving vehicles carrying ethanol. This issue must be taken seriously because our youth are dying. I have lost many voters because of ethanol, and we want this implemented immediately so that it becomes a national issue and concern. Otherwise, our population is being decimated by alcohol.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Thank you to the two Members who have brought those two Petitions. The Petitions are referred to the Public Petitions Committee. The timeline is clearly stipulated as 90 days.

(Hon. Janet Sitienei raised her hand)

We are concerned that the Deputy Speaker brought another Petition concerning...

(Hon. Gladys Boss spoke off the record)

Hon. Deputy Speaker, I see you are on a point of information. I can finish this because it is very important to you. The Deputy Speaker brought a very important Petition concerning the connection between cancer, and you know the situation in the country, and pesticides. That matter has not been handled. We would like that when Petitions go to the Public Petitions Committee, you need to deal with the situation even though you are overwhelmed.

Hon. Deputy Speaker, who do you want to inform?

Hon. Gladys Boss (Uasin Gishu County, UDA): I want to inform the Public Petitions Committee and the National Assembly.

If you remember His Excellency the President's New Year's Address, he raised this as a national crisis. He said it does not matter how much development or transformation we undertake in the country, there will be no new generation to inherit it. There will be no children. We have no future as a country. He said that it is imperative that we must raise this.

Currently, there is a process of setting up a special task force under the Presidency. However, it is also imperative that, as Parliament, we cannot only leave that to the Presidency. Parliament must also take action. We are already too late. We have not acted since the 31st of December. It is time we act now.

Therefore, the Public Petitions Committee cannot take 90 days. This is a crisis that must be given priority. In fact, the latest must be immediately upon our return from recess.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Whip of the Majority Party, your hand was up.

Hon. Silvanus Osoro (South Mugirango, UDA): Yes, Hon. Temporary Speaker. The Deputy Speaker has spoken on my behalf because these things are urgent. In fact, they should have been dispensed with as early as yesterday. We are facing a crisis, especially the ethanol crisis. Those are some of the things that we need to discuss. We are losing a generation. A whole generation is being wiped out completely. People are losing families, suffering back at home and fighting over meagre resources. Young people are actually selling their small assets, including land and motorbikes, to engage in these illegal activities. We call upon the Public Petitions Committee. When you are faced with such matters of public interest, inasmuch as we have a set timeline of 90 days, some of these matters should be dispensed with very fast, possibly within a week or two, so that we get the Report.

Hon. Julius Sunkuli (Kilgoris, KANU): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Member for Kilgoris, Hon. Sunkuli?

Hon. Julius Sunkuli (Kilgoris, KANU): Hon. Temporary Speaker, the Deputy Speaker has raised very important issues, as you noted. One, as you said, is the cancer issue. Then now, this one of ethanol. I think we are overloading the Public Petitions Committee. That issue regarding cancer and its relationship to pesticides can go to a departmental committee.

I wish the Deputy Speaker were listening. In Kenya, we have the National Cancer Commission...

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

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please continue.

Hon. Julius Sunkuli (Kilgoris, KANU): I am addressing you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I thought you were addressing the House. Just continue.

Hon. Julius Sunkuli (Kilgoris, KANU): I will need your ruling on this issue. In the Ministry of Health, we have the National Cancer Commission. Can we give these to the other departmental committees so that we can address them? Otherwise, we are sinking them into the Public Petitions Committee, which is already overloaded. For this one on ethanol to stay for three months, to get an answer, I do not think we are going to get it at the right time. I beg that these things be referred to other appropriate Committees rather than the Public Petitions Committee.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. The Member for Kilgoris is raising a very important matter concerning the workload being placed on the Public Petitions Committee. However, Members, remember that we have our Standing Orders, which guide us in conducting business in the House.

As it is now, the efficiency of this Committee has been discussed with a lot of concern. It is like dealing with everything in this House, including matters that concern departmental committees. However, at the moment, the Procedure and House Rules Committee is seized of the matter so that it can be handled, but this will be for the future.

As it is now, from where I sit...

(Hon. Muchangi Karemba raised his hand)

Chairperson of the Public Petitions Committee, I see your hand is up. Let me first of all conclude what I am saying. The only thing I can do is refer these two petitions to the Public Petitions Committee. If the substantive Speaker makes a different decision, it will be on a different petition, not on this particular one.

Vice-Chairperson of the Public Petitions Committee.

Hon. Janet Sitienei (Turbo, UDA): Thank you very much, Hon. Temporary Speaker. This is a matter of great concern, and it is actually a directive from the President. So, we will expedite it because we are losing our nation.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): We are unable to hear you. You are normally very audible. I believe there is a problem with the microphone. Move to the next one. Yes, that is better.

Hon. Janet Sitienei (Turbo, UDA): Thank you, Hon. Temporary Speaker. We will expedite this matter because it is of great concern to this nation. There is a directive by the President. So, we will try our best to expedite the matter.

I also want to tell Members that the Committee is trying its best. We have recently tabled a number of reports, which are now being debated in the House. You cannot keep guilt-tripping us. It is time you also let us work. There is too much work, and we are doing our best.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Sitienei, for that assurance. Hon. Members, for the purpose of making progress, we will stop there. You have commented enough on that matter, which raised a lot of interest. The two petitions are hereby referred to the Public Petitions Committee. The Vice-Chairperson of the Committee has assured the House that the petitions will be dealt with within the stipulated timelines. We will take that to be the position.

Next Order.

PAPERS

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

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The Temporary Speaker (Hon. (Dr) Rachael Nyamai): It is good to wait for me to call you, but you may proceed, Whip of the Majority Party. It is neater when you wait to be called.

Hon. Silvanus Osoro (South Mugirango, UDA): Apologies, Hon. Temporary Speaker. I just had the Papers with me.

Hon. Temporary 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 2025 and the certificates therein in respect of—

1. Asumbi Teachers Training College.
2. Athi Water Works Development Agency.
3. Bogoria Silali Geothermal Project (Loan No. 2013.66.103) – Geothermal Development Company Limited.
4. Coastal Region Water Security and Climate Resilience Project (Credit No. 5543-KE/70040-KE) – State Department for Irrigation.
5. Coffee Cherry Advance Revolving Fund.
6. Eastern Electricity Highway Project (IDA Credit No. 5148-KE, AFD Loan No. 2100150027845) – Kenya Electricity Transmission Company Limited.
7. Enhancing Community Resilience and Water Security in the Upper Athi River Catchment Area, Kenya Project (Grant No. GCF/NEMA/FP175) – National Environment Management Authority.
8. Higher Education Loans Board.
9. Improving Public Health and Enhancing Technical Skills of Youth in Kenya Through Sanitation Technology Transfer Project (Grant No. 10000034).
10. Integrated Programme to Build Resilience to Climate Change and Adaptive Capacity of Vulnerable Communities in Kenya (Credit No. KEN/NIE/MULTI/2013/1) – National Environment Management Authority.
11. Kapchorwa-Saum-Kitale and Eldoret Bypass Project (No. P-ZI-DBO-0183 ADB (NEW) – Kenya National Highways Authority.
12. Kaimosi Friends University.
13. Karatina University of Technology.
14. Kendege Technical and Vocational College.
15. Kenya Literature Bureau.
16. Kenya Shipyards Limited.
17. Kenya Sugar Board.
18. Kenya Tourism Board.
19. Kenya Universities and Colleges Central Placement Service.
20. Kenya Universities and Colleges Central Placement Service Car Loan and Mortgage Scheme.
21. Kenyena Teachers Training College.
22. Kenya-South Sudan Road Corridor, Lesseru-Kitale and Morpus-Lokichar Road Upgrading Project Phase I (AFDB Loan No. 2000200005805 and No. 2100150043496) (Project ID No. P-ZI-DBO-246) – Kenya National Highways Authority.
23. Kitui Teachers Training College.
24. Lake Naivasha Basin Ecosystem-Based Management Project (Grant No. CC15346) – National Environment Trust Fund.

25. Mabera Technical and Vocational College.
26. Machakos Town Technical and Vocational College.
27. Masinga Technical and Vocational College.
28. Menengai Geothermal Project (AFDB Loan No. 2100150026101) – Geothermal Development Company Limited.
29. Msambweni Technical and Vocational College.
30. National Drought Management Authority.
31. National Environment Tribunal.
32. National Irrigation Authority Car Loan and Mortgage Scheme.
33. National Government Constituencies Fund Board.
34. Ol Karia-Lessos-Kisumu Transmission Lines Construction Project (JICA Loan No. KE-P28) – Kenya Electricity Transmission Company Limited.
35. Public Service Commission Car Loan Scheme.
36. Public Service Commission Mortgage Scheme.
37. Receiver of Revenue Financial Statements – National Police Service.
38. Safe Roads/Usalama Barabarani Programme – National Transport and Safety Authority.
39. Samatar-Wajir Road Project (Badea Grant/Credit No. 13451P, 13/779 and 995) – Kenya National Highways Authority.
40. Staff House Mortgage and Car Loan Scheme – Unclaimed Financial Assets Authority.
41. State Department for Correctional Services.
42. State Department for Economic Planning.
43. State Department for Energy.
44. State Department for Investment Promotion.
45. State Department for Micro, Small and Medium Enterprises (MSME) Development.
46. State Department for Performance and Delivery Management.
47. Statement of Outstanding Obligations Guaranteed by the Government of Kenya – The National Treasury.
48. Strengthening Drought Resilience for Small Holder Farmers and Pastoralists in the IGAD Region (Project No. 03/DRESS-EA/07/OSS-KE/20) – State Department for Environment and Climate Change.
49. Strengthening Forest Management for Improved Biodiversity Conservation and Climate Resilience (No. P03162, IUCN) (Award No. AVCH – 000981 and GEF ID/10292) – National Environment Management Authority.
50. Supplementary Financing for the Ethiopia-Kenya Electricity Highway (Nanyuki Rumuruti Underground Cable) Project (ADB Loan No. 20000200003502 P-Z1-FA0-162) (ADB Loan No. 2100150027845 P-Z1-FA0—044) – Kenya Electricity Transmission Company Limited.
51. Tourism Regulatory Authority.
52. Tseikuru National Polytechnic.
53. Unclaimed Assets Trust Fund.
54. Wildlife Conservation Trust Fund.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Whip of the Majority Party. That was well done.

Next Order.

QUESTIONS AND STATEMENTS

ORDINARY QUESTIONS

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Peter Masara.

Question 1/2026

NON-PAYMENT OF NON-PRACTISING
ALLOWANCE TO COUNSELS OF NPS

Hon. Peter Masara (Suna West, ODM): Hon. Temporary Speaker, I rise to ask the National Police Service Commission the following Question:

- (a) Explain why in-house counsel employed by the National Police Service are yet to be paid their non-practising allowances in compliance with the judgment of the Court of Appeal in the case of National Environmental Management Authority...

(Hon. Charity Chepkwony and Hon. Raphael Wanjala consulted loudly)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Who is speaking so loudly? That sounds like the Member for Njoro. I cannot see her. Where is she seated? Order, Member for Njoro. Please, consult Hon. Wanjala in a lower tone. And the other group nearby, I can hear your voice but I cannot see where you are seated. Please consult in lower tones.

Proceed, Hon. Masara.

Hon. Peter Masara (Suna West, ODM): Hon. Temporary Speaker, today is rather an unusual day. You know the Member in question and Hon. Wanjala enjoy close ties in many respects. Just allow them two minutes to go to the lounge. They can discuss and agree.

Hon. Temporary Speaker, I rise to ask the National Police Service Commission the following Question:

- (a) Explain why in-house counsels employed in the National Police Service are yet to be paid their non-practising allowances in compliance with the judgment of the Court of Appeal in the case of National Environmental Management Authority versus Wabwoto and three others and the Law Society of Kenya and two others (Interested Parties) [2025] KECA276 (KLR)?
- (b) Outline the measures taken to ensure that in-house counsels of the National Police Service are paid their non-practising allowances.
- (c) Provide the timelines within which the outstanding non-practising allowances will be paid to the in-house counsels.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): That Question will be replied to before the Departmental Committee on Administration and Internal Security.

*(Hon. Peter Masara
spoke off the record)*

You omitted one issue, but the Question is clearly stated and has been properly recorded. For the orderly conduct of business in the House, you are not permitted to explain the Question.

*(Hon. Peter Masara
spoke off the record)*

Yes, please give him the microphone so that we may hear the concern of Hon. Masara.

Hon. Peter Masara (Suna West, ODM): Hon. Temporary Speaker, thank you for giving me this time once again. My concern is that these Questions need to be answered. As you are aware, what is happening in Migori today, with the bridge almost being swept away and the market closed, is serious. There is a Question I asked about Marindi Market last year, towards the end of the last Session. I expected it to be addressed first, particularly in light of what is happening in Migori. The business community there cannot operate, yet that is where they earn their livelihood. I request your Office to invoke the applicable Standing Orders so that we may receive replies to the Questions we have laid before the House.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Is the Chairman in the House? The Vice-Chair?

*(Hon. Stephen Mogaka
spoke off the record)*

Do you wish to speak to that issue? May I establish whether the Chair, the Vice-Chair, or any Member of this Committee is present? Prepare yourself, Hon. Baya or Hon. Waqo, to inform us when this will be addressed. Yes, *Wakili* Mogaka?

Hon. Stephen Mogaka (West Mugirango, JP): Thank you, Hon. Temporary Speaker, for allowing me to ride on that. The Question touches on my profession. In-house counsels forfeit private practice. They close their law firms and are not permitted to retain clients. In lieu of that, they are entitled to be paid a non-practising allowance. Failure to pay this allowance is a grave violation of professional, human and labour rights. I urge that this Question be answered as a matter of priority because every profession, including the legal profession, requires protection.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): On behalf of the Leader of the Majority Party, when do we expect a response to this Question, Hon. Baya?

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker. It is a very good Question from Hon. Masara. I will obtain a date and communicate it this afternoon.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Baya, this Question is not for the Cabinet Secretary. It is directed to the National Police Service Commission. It will therefore be replied to before the Departmental Committee on Administration and Internal Security. Kindly give us a date and pass it to the Chairman.

Hon. Owen Baya (Kilifi North, UDA): Two weeks.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): In two weeks? Let us proceed on that basis. Two weeks.

The Member for Ijara, Hon. Abdi Ali Abdi.

Question 3/2026

MEASURES TO ADDRESS TEACHER SHORTAGE IN IJARA

Hon. Abdi Ali Abdi (Ijara, NAP-K): Thank you, Hon. Temporary Speaker. I rise to ask the Teacher Service Commission the following Question:

- (a) State the measures being taken to address the acute shortage of teachers in Ijara Constituency, particularly Hulugu Sub-County, following the recent insecurity incidents.
- (b) Explain the action being taken to guarantee the safety of teachers serving in insecurity-prone areas within Ijara Constituency and the wider northern Kenya region.
- (c) Outline the plans put in place to deploy additional teachers under hardship or special security arrangements, including the provision of risk allowances and psychosocial support to affected staff.

I request Members from northern Kenya region to contribute to this Question.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): I know you are a new Member, and it takes time to understand procedure. I am in my third term and still encounter aspects of the House I have not fully understood, so I do not fault you. When it comes to Questions, there is no debate. Statements allow comments, but Questions do not. Therefore, there will be no comments on this matter.

Is the Chairman of the Departmental Committee on Education in the House? The Vice-Chair? Any member of that Committee? Professor, are you a member of that Committee?

*(Hon. Jerusha Momanyi
spoke off the record)*

Yes, the Member for Nyamira. This Question will be replied to before the Departmental Committee on Education. Kindly indicate when we can provide a response to Hon. Abdi Ali Abdi.

Hon. Jerusha Momanyi (Nyamira County, JP): Thank you for this opportunity, Hon. Temporary Speaker. As a Member of the Departmental Committee on Education, we undertake to respond within two weeks.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Naomi Waqo, I have noted what she said, but for the sake of progress, I will not comment further on the Hon. Temporary Speaker. We shall proceed. It will be done in two weeks. Have you given us a specific date?

*(Hon. Abdi Ali Abdi
spoke off the record)*

Is that too long? Sixty teachers have left, including those from Kitui County, due to threats. To avoid debate on this matter and to comply with our rules, I will not open it for discussion. If I do, I will not be discharging the duties of the Speaker.

I want confirmation from the Member, and I trust you have the authority to convey this to the Chair and Vice-Chair, that a specific date will be provided, particularly since the Member has indicated that 60 teachers have left the constituency.

Hon. Jerusha Momanyi (Nyamira County, JP): Hon. Temporary Speaker, I am sorry I called you Mrs Speaker. I will take this matter to the Committee with the utmost seriousness and will respond within one week.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): One week is reasonable. Make sure you invite the Hon. Member and the Commission. This is a serious matter which needs to be addressed. I hope it will not only consider the provision of teachers but also their safety, because life is more important than anything.

Thank you.

Next Order.

REQUESTS FOR STATEMENTS

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, we will start with the request for a statement by Hon. Benard Kitur, Member for Nandi Hills.

IMPLEMENTATION AND MANAGEMENT OF THE
PUBLIC PROCUREMENT CAPACITY BUILDING LEVY

Hon. Benard Kitur (Nandi Hills, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairman of the Departmental Committee on Finance and National Planning regarding the implementation and management of the Public Procurement Capacity Building Levy.

The Public Procurement Capacity Building Levy was established vide Legal Notice No. 206 of 2023 to provide funds for training, technical support and mentoring, aimed at improving the efficiency and effectiveness of public procurement and asset disposal systems. The Levy is set at 0.03 per cent of the value of each signed public procurement contract. It took effect on 1st September 2024. It was applied to all new contracts, extensions, renewals and variations executed thereafter. The funds collected are remitted by procuring entities to the Public Procurement Regulatory Authority for management and utilisation. While the objective of the Levy is laudable, there are concerns regarding the administration, transparency, and accountability of the funds collected. It is therefore necessary to strengthen oversight to ensure that the Levy serves the public interest effectively.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Finance and National Planning on the following:

1. The total amount of levy collected under the Public Procurement Capacity Building Levy, established vide Legal Notice No. 206 of 2023, from 1st September 2024, broken down into FYs 2024/2025 and 2025/2026, including the total sum currently held by the Public Procurement Regulatory Authority today.
2. A report on the number of people trained using the Levy, categorised by the type of training, region, dates, gender and beneficiary institutions.
3. A monitoring and evaluation report of the training activities, demonstrating tangible outcomes attributable to the Public Procurement Capacity Building Levy expenditure.
4. A comprehensive report on the public procurement capacity building development framework guidelines that govern the use of the Public Procurement Capacity Building Levy, including short, medium and long-term budget assessment needs.
5. A list of procuring entities that have failed to remit the Levy since commencement and the penalties enforced, if any.

I thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Kitur. In the absence of the Chairperson and Vice-Chairperson, I take it to the leadership. When do we expect a response to this Statement?

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, we request that you bear with us. We will respond in two weeks. I will inform the Chair.

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

Member for Masinga, Hon. Joshua Mwalyo.

INSTALLATION OF SPEED BUMPS ON
THIKA-GARISSA HIGHWAY

Hon. Joshua Mwalyo (Masinga, Independent): Hon. Temporary Speaker, I rise to request a Statement on the installation of speed bumps on the Thika-Garissa Highway.

(Loud consultations)

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Mwalyo shall be heard in silence. I can hear murmuring on my right, from the users of that road. Please, let us hear him in silence. I would like him to finish without interruption, unless something is completely out of order. You may proceed.

Hon. Joshua Mwalyo (Masinga, Independent): Thank you, Hon. Temporary Speaker, for protecting me. Pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure regarding the installation of speed bumps along the Kithyoko to Kavenge Market section of the Thika-Garissa Highway in Masinga Constituency.

Residents of Masinga Constituency have raised serious concerns about the frequent and often fatal road accidents along the section of the Thika-Garissa Highway between Kithyoko and Kavenge markets. Numerous crashes involving matatus, buses, trucks and other carelessly driven vehicles occur along this section. It is frequently attributed to excessive speeding, dangerous overtaking manoeuvres and loss of control by drivers. Students of Mwatungo Primary School and Lelanthi Secondary School, as well as pedestrians, motorists and market vendors are vulnerable in this bustling settlement and trading zone.

Notable incidents in the Kithyoko area include a matatu which overturned and claimed four lives, as well as other collisions impacting pedestrians and nearby market activities. Similar tragic events have been reported near Kavenge and at other blackspots along this road corridor. A recurring pattern of heavy pedestrian movement around markets and settlements contrasts sharply with the absence of effective traffic-calming infrastructure such as properly designed, clearly marked, and well-signed speed bumps, rumble strips or pedestrian crossings.

The Kenya National Highways Authority (KeNHA) is responsible for national trunk roads, including the Thika-Garissa Highway. It is mandated to address such issues through road design standards, blackspot corrections, routine maintenance and safety enhancements. However, implementation of the interventions along the road between Kithyoko and Kavenge markets has not always kept pace with reported risks, as evidenced by recurring accidents and public calls for action.

Hon. Temporary Speaker, it is against this background that I request a Statement from the Chairperson of the Departmental Committee on Transport and Infrastructure on the following:

1. Plans for installing properly designed and clearly marked speed bumps at strategic points along the Thika-Garissa Highway, particularly at the section between Kithyoko and Kavenge markets.
2. The measures being undertaken to enhance road safety through the installation of proper signage, reflective markers and other visual aids to ensure optimal visibility and adequate warning to road users, especially during nighttime and adverse weather conditions.
3. The timelines for the implementation of these road safety improvements, including completion dates for the installation of speed bumps, warning signs, and associated road safety infrastructure.

Thank you, Hon. Temporary Speaker.

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

Hon. Gideon Ochanda (Bondo, ODM): On a point of order, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Ochanda? Many others also have interventions that I believe are for the next business. Is anything out of order, Hon. Ochanda?

Hon. Gideon Ochanda (Bondo, ODM): Nothing is really out of order. I just need to take a rider on Hon. Mwalyo's request.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Okay. I allow you one minute.

Hon. Gideon Ochanda (Bondo, ODM): Thank you, Hon. Temporary Speaker. *Mhe.* Mwalyo is placing the request correctly in terms of doing bumps for purposes of speed control. However, I generally have a problem with how we keep interfering with the original designs of the roads, to the extent that we sometimes focus only on pedestrians without considering other road users, particularly those using vehicles and other modes of transport. When we only use pedestrians as the reason to erect bumps or rumble strips. This needs to be looked at in a very different way.

It is true that roads are designed at the initial stages, but we later introduce too many additional features that make them difficult to use. The rumble strips installed long after construction, without even mentioning the bumps, often create challenges. For example, many rumble strips are placed as one approaches a market. I think there are things that make road use very difficult.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, since this question is going to the relevant committee, let us hear from the committee. We love the roads. We like them when they are straight and nice, but the Hon. Member has a right to ask for bumps.

Hon. Chairman of the Departmental Committee on Transport and Infrastructure? The Vice-Chairman? I know there is a budget process underway, and maybe most Members of that Committee are there. Any Member of the Departmental Committee on Transport and Infrastructure to respond to Hon Mwalyo?

In the absence of those...

Hon. Rahim Dawood (North Imenti, Independent): Present.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Dawood, when can Hon. Joshua Mwalyo get a response to this matter?

Hon. Rahim Dawood (North Imenti, Independent): On behalf of the Departmental Committee on Transport and Infrastructure, I will not say two weeks because in two weeks we will be going for recess. Therefore, we will give an answer after recess, as we will not be available before then.

However, regarding what Hon. (Dr) Ochanda has raised, I think it is within the rights of the Members to ask for bumps wherever they want, especially if they are to protect lives. Being a doctor, he understands the sanctity of life. So, if you can save one life with a bump, I think it is better to have the bump than cars just going through.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Noted. Hon. Ochanda has a PhD in Economics, but I believe that those with a PhD in Economics also value life. That matter will be responded to as indicated by the Hon. Member of that Committee.

I can see an additional Statement by Hon. Abdi Bare, Member for Tarbaj.

Hon. Hussein Abdi (Tarbaj, UDA): Tarbaj.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Tarbaj Constituency. I am sorry about the pronunciation. Let me take it again because it is extremely important.

Hon. Abdi Barre, Member for Tarbaj Constituency.

UTILISATION OF HOUSING LEVY
FUND IN NORTH EASTERN

Hon. Hussein Abdi (Tarbaj, UDA): Hon. Temporary Speaker, pursuant to the provisions of Standing Order 44(2)(c), I rise to request a Statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works regarding the status of utilisation of the Housing Levy for the Affordable Housing Programme in the North Eastern Region.

Housing remains a fundamental pillar of socio-economic development and a central component of the Government's Affordable Housing Programme under the Bottom-Up Economic Transformation Agenda. While notable progress has been reported in major urban centres across the country, constituencies in Arid and Semi-Arid Lands (ASALs), including Tarbaj Constituency, continue to grapple with acute housing deficits, inadequate urban infrastructure, and limited access to planned and structured settlements. Since the introduction of the Housing Levy, workers across the country, including residents of the North-Eastern region, have consistently contributed to the Fund with the legitimate expectation of equitable national distribution and tangible socio-economic benefits. There is a need for public clarity on whether ASAL constituencies such as Tarbaj have benefited proportionately from the resources collected under this framework.

It is against this background that I request a Statement from the Chairperson of the Departmental Committee on Housing, Urban Planning and Public Works on the following:

1. Status report on the total amount of money collected under the Housing Levy since its inception to date, including a county-by-county and constituency-by-constituency breakdown of allocations and utilisation, per county, and the number of housing units planned, both ongoing and completed under the Affordable Housing Programme.
2. A detailed report on the projects funded through the Housing Levy in the North-Eastern region, outlining the budget allocations made and the implementation status of each project.
3. Measures and policy interventions put in place to ensure equity, transparency, and accountability in the collection, allocation, and utilisation of Housing Levy funds, and the specific budgetary and policy actions the Government intends to implement to address development disparities affecting Tarbaj Constituency and the wider North Eastern region.
4. Total money expended so far since the commencement of the Housing Levy Fund.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much. Hon. Members, I can see two joyriders, and I will allow them to make their comments.

I take this opportunity to welcome the students from Holy Family Basilica School seated in the Public Gallery this morning. The school is in Starehe Constituency, Nairobi County. You are welcome to the National Assembly to observe the proceedings of the House.

Hon. Members, I will allow Hon. Caroline Ng'elechei to welcome those students before I give the two joyriders a chance to contribute.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker, for giving me this opportunity to welcome the students to the Chamber.

Students, welcome to the National Assembly. This is where the laws of Kenya are made. It is also where most of us, as children, dreamt that one day, one time, we would become legislators. I encourage you to take your studies seriously. The sky is the limit. With education, you can become anything in this country. You can even go beyond this House and become the president of the Republic of Kenya. Additionally, you can also be better professionals. Take your time and learn whatever we are doing. May God bless you so much.

Thank you.

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

Hon. Ibrahim Saney, Member for Wajir North. Joyriders, you have one minute each.

Hon. Ibrahim Saney (Wajir North, UDA): Thank you, Hon. Temporary Speaker. The allocation of the Housing Programme has been unfair, discriminatory, haphazard and unresponsive to the locals of Northern Kenya. There are probably assumptions that, since we are nomads, the entire land is void and uninhabitable, and so we may not be deserving of the Affordable Housing Programme.

We have been tagged “the affordable MPs” because we could not bring the Affordable Housing Programme. We are that cheap to be called “affordable MPs”. Procurement has been a concern. A tender bid has been launched and is now under Lang'ata Women's Prisons; another one in Tarbaj is appearing for Kiambu. It seems like the Department is taking us for a ride. It is not serious with the Northern Kenyan region. Northern Kenya is a very important part of this country.

This is my fourth year, and I have seen only one project in Wajir Town and one in Garissa Town. Clearly, nothing substantive has been realised in Northern Kenya. We call upon the Ministry to take us seriously and treat us as first-class citizens. As the first residents of Kenya, the Cushites and nomads, we were the first to appear in Kenya. I do not know why we continue to be regarded otherwise. We are asking for our rights. We need a share of the Affordable Housing Programme. We are not begging; it is a right. This Department and Ministry are taking us for granted, and we will never allow it. If they do not respond positively, it will call for more action.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): That is noted. Hon. Members, I think the Chairman has done justice with the Statement.

(Hon. Farah Yakub raised his hand)

I cannot see your name on the screen. Please press the Intervention Button. Hon. Farah Yakub, I saw your intention, but I was trying to trace you, and I could not see you. You have one minute.

Hon. Farah Yakub (Fafi, UDA): Thank you, Hon. Temporary Speaker. Mine is also a rejoinder to that Statement. As a Member of Parliament from Fafi Constituency and Secretary General of the North Eastern Province Parliamentary Group (NEPG), the Statement is not only coming from Hon. Hussein Barre but from all the Members of Parliament from Northern Kenya, specifically the North Eastern Province.

We sought this Statement because we have visited the Housing Office both individually and as a group several times. However, to date, only three constituencies in the major towns of the North Eastern Province have received a portion of that project. As we speak, the other 15 constituencies have zero projects at any stage, from inception to implementation.

We think there is politics surrounding this project in terms of implementation in the North-Eastern Province. We have discussed this in terms of the designs and pricing of the houses in our area. Most of the contractors in our region are lamenting about the pricing. You

find that a project in Lafey is the same as one in Embakasi, which does not correlate to the contractor's pricing.

We sought this Statement with the aim of receiving a prompt, responsive, and acceptable answer from the Ministry.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Those are valid concerns from that region. Vice- Chairman, when can we get a response to this important Statement?

Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Temporary Speaker. I will talk to the Chairman to bring the response in two weeks.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Hon. Hussein Barre, is that okay with you?

Hon. Hussein Abdi (Tarbaj, UDA): Two weeks are okay, but by then we might be on recess. That may not suffice.

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

Hon. Owen Baya (Kilifi North, UDA): It suffices in the sense that the response will be ready, but it will probably be tabled after recess. However, in two weeks, we will have the response ready.

Hon. Hussein Abdi (Tarbaj, UDA): Very well then.

Hon. Owen Baya (Kilifi North, UDA): Thank you.

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

BILLS

Second Readings

THE SEXUAL OFFENCES (AMENDMENT) BILL (National Assembly Bill No. 78 of 2023)

*(Moved by Hon. Dorice Donya on
11.2.2026 – Morning Sitting)*

*(Debate concluded on
18.2.2026 – Morning Sitting)*

(Question put and agreed to)

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

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

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

*(Resumption of debate interrupted
on 18.2.2026 – Morning Sitting)*

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, this particular Bill had a balance of 2 hours and 21 minutes. I would like to see those who are interested in this. Hon. Rahim Dawood, Member for Imenti North, you are the first one on the screen. Do you intend to debate on this?

Hon. Rahim Dawood (North Imenti, Independent): Hon. Temporary Speaker, I spoke last week.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Abdul Haro, Member for Mandera North.

Hon. Members: He was the Mover.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): He was the Mover? Please, can I be assisted? Hon. Francis Sigei, Member for Sotik. Hon. Members, so that I know those who are interested in this, please press the Intervention Button.

Hon. Timothy Toroitich, Member for Marakwet West.

Hon. Timothy Kipchumba (Marakwet West, Independent): Thank you, Hon. Temporary Speaker, for granting me an opportunity to contribute to this very important Bill by my good friend, Hon. Abdul Haro. This is one of the most progressive Bills to have been brought before this House. The Teachers Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2024) seeks to amend the Teachers Service Commission Act to protect and define teachers' mandates in this country.

This Bill facilitates the realisation of the right to education as provided for under Article 43(1)(f) of our Constitution. The right to education in this country is a fundamental right. And therefore, any amendment that proposes to strengthen that particular provision of the Constitution must be given the weight that it deserves.

Under Clause 3, the Bill provides that the Commission may appoint a teacher to act in an acting capacity for a period of at least 30 days, but not exceeding three months. We have our problems in this country where teachers have been acting in perpetuity. This Bill seeks to limit the period during which teachers can act to no more than six months. This is very progressive, as it clarifies that a teacher appointed to an acting position will have a defined period for that role. It also stipulates that teachers in acting positions shall be entitled to a special duty allowance. As we speak, teachers in this country who are in acting capacities do not receive such an allowance. Should this House adopt this legislation, the law will be clear, and teachers will be entitled to that allowance.

Previously, it was not clear what a teacher receives in terms of house allowances during interdictions. This Bill provides a clear directive. The proposal by Hon. Haro states that, since housing is a fundamental right under Article 43(1)(h) of our Constitution, if a teacher is interdicted and placed on half pay, their housing benefits or housing allowance will not be affected by the interdiction. In my view, this is progressive as it upholds the constitutional right to housing.

Regarding the hardship allowance, this Bill clearly states that teachers shall be entitled to it. However, I propose that the identification of hardship areas be determined by the employer, specifically by TSC.

Additionally, regarding the special duty allowance, this Bill states that teachers working with children with disabilities in our institutions should be eligible to receive it. These teachers go beyond their ordinary mandate and provide essential care for these children. I fully support the proposal to grant them this allowance.

Hon. Haro has also suggested introducing a Reader's facilitation allowance. Some teachers in this country are people living with disabilities. Some are blind, deaf, or physically challenged. Under this proposal, those teachers will also be entitled to a Reader's facilitation allowance. I support this amendment.

Finally, the Hon. Member has proposed a transfer allowance, particularly for teachers who have not initiated their own transfers. Some teachers in this country work in extremely remote areas and may find themselves transferred against their will. Given the vastness of this country, I often use Turkana County as an example. I am told that the distance from one end of Turkana to the other exceeds 1,000 kilometres. A teacher transferred from Turkana to Nairobi should be entitled to a transfer allowance due to the significant costs involved. For your information, Turkana County is so large that three East African countries, Burundi, Djibouti, and Rwanda, could fit within it, emphasising its vastness. Therefore, if a teacher is transferred unwillingly from Turkana to another part of the country, substantial expenses are incurred. Thus, I support the proposed transfer allowance proposed by the Hon. Member.

In conclusion, the TSC, established under Chapter 15 of the Constitution, has demonstrated its understanding of its mandate. Let us support this Commission by ensuring that we pass amendments that are beneficial to our teachers and that facilitate the effective discharge of the Commission's responsibilities.

Thank you.

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

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker, for this opportunity to contribute to the Teachers Service Commission (Amendment) Bill 2024. I must admit from the word go that during my first and second years at university, I worked as a teacher in a secondary school. I also spent many years in the lecture halls at the University of Nairobi and other institutions. A teacher is always a teacher.

The Constitution of Kenya guarantees education as a basic right. Further, Article 237 of the Constitution establishes TSC and outlines its functions, including registering trained teachers, recruiting and employing registered teachers, assigning teachers to public schools or institutions, and promoting and transferring teachers.

Clause 3 of the Bill requires the Commission to appoint a teacher in an acting capacity for a period of at least 30 days but not exceeding six months. However, I feel that something is missing in this statement. I hope the Mover, Hon. Haro, can clarify this. A teacher can only be considered a teacher once they are registered. Therefore, I assume you meant to refer to a teacher acting in an administrative capacity within any public institution. It is important to note that one can never be an 'acting teacher'; you only become a teacher once you possess the requisite qualifications and are registered by the TSC.

I am not entirely sure what he meant by an 'acting teacher'. Did he intend to convey that the TSC can employ a teacher in an acting capacity before registering them? This terminology needs clarification to indicate that you are referring to acting in an administrative position for at least 30 days but not exceeding 6 months. If that was indeed the intention, then this is a very progressive Bill that is likely long overdue.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): What is out of order, Hon. Dawood?

Hon. Rahim Dawood (North Imenti, Independent): Thank you, Hon. Temporary Speaker. I do not wish to interrupt Hon. (Dr) Oundo. However, in his presentation, Hon. Haro clearly referred to 'acting in administrative positions.' When Hon. (Dr) Oundo states that there is no such thing as an acting teacher, he is correct. What we are discussing is a teacher who is in an acting administrative position.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Dawood, you are commenting on a statement of fact that the Bill has addressed this matter as an administrative position rather than on the concept of an acting teacher.

Hon. Rahim Dawood (North Imenti, Independent): But Hon. (Dr) Oundo is talking about 'acting teachers' for TSC. There is no such position. It is an acting in an administrative position.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Professor Oundo, you are known for being sharp, so please refer to the Bill and get your facts right to avoid disruption by points of order.

Hon. (Dr) Ojiambo Oundo (Funyula, ODM): Thank you, Hon. Temporary Speaker. Let us read this in plain English. There is no need for sugar-coating. The amendment relates to section 32 of the original Bill, which discusses the publication of the register of registered teachers. It does not talk about appointments in administrative positions. For the record, the Teachers Service Commission (TSC) does not appoint teachers. Hon. Dawood, let me read for you in plain English:

The Commission may appoint a teacher in an acting capacity for a period of at least 30 days, but not exceeding a period of six months.

Simple English. No reference is made to the administrative capacity position or anything else. That is why I am saying that we must rectify and make it explicitly clear that we are talking about either an acting deputy headteacher, acting deputy principal, acting director of studies, or any other administrative position allowed under the Basic Education Act, 2013, or the TSC Scheme of Service as well as the Scheme of Service of the State Department for Basic Education. Regardless of that misunderstanding, this is a very progressive Bill.

Hon. Temporary Speaker, we have had many senior teachers in acting positions for donkey years. When it is time for interviews and promotions, they are told that they have not ascended to a certain grade, and so cannot be considered. Picture a teacher, man or woman, who has been in an acting capacity in a school, only for them to have someone else outside the school take that position, perhaps, even someone much younger in age. That person does not even understand the culture and spirit of the school. If a teacher does not meet the grade, the honourable thing to do is not to promote that teacher to an acting capacity. You will be demoralising that teacher and doing more harm than good to them.

A teacher appointed in an acting capacity shall be entitled to special duty allowance. This is a common practice. If you are appointed to act on behalf of somebody, then there must be a special duty allowance for the services you are offering. My colleague proposes including a Fourth Schedule with a plethora of allowances. It is a good and well-intentioned idea, but I do not want a situation where we promise our teachers heaven and deliver hell. It would be very demoralising and, probably, set teachers up to go on unnecessary industrial action. I have a premonition that this Bill might be declined assent on account of that Fourth Schedule. The reason will be that the fiscal space cannot accommodate all the allowances listed here.

Typically, when you go to shoot, ensure you aim at your target. Imagine you have only one bullet left... You are still young, probably, you have more bullets. When you have only one bullet left, you make sure you aim precisely so that you do not miss the target. I urge the Departmental Committee on Education to have a sit-down with the State Department for Basic Education, National Treasury and Economic Planning and scale down these allowances. We need to have here allowances that can be easily achieved, so that no reason is presented that results in the loss of such a progressive Bill. It can also cause turmoil in the education sector. Nevertheless, teachers deserve all this and much more, because without a teacher, none of us would be standing here.

I do not know anybody here who did not go through the hands of a teacher. In every community, especially in rural Kenya, a teacher is a respected person. A teacher is an opinion-shaper. Teachers guide and mould young people all over this country. Several years ago, I had a disagreement with my last-born child. The teacher had given a different answer from what I had given. Regardless of how educated I am, he plainly told me that Mwalimu was right and that I was wrong. You can see how teachers are revered world-over. Therefore, it is important to present a Bill to teachers that will benefit them.

As I conclude, Hon. Temporary Speaker, the performance and conduct of a school, and how learners generally behave, depend squarely on the character and technical qualifications of the head of the institution, or the principal. The learners' future endeavours literally depend on them. It is, therefore, incumbent upon them to take this job; not just a job to give them a salary or prestige in society, but a job sent to them by the Almighty God to make the kingdom on this earth worthwhile. A kingdom that respects and protects the lives of people. If a child attends and finishes school with a bad grade, this must break your conscience. You have not added...

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

Hon. Phylis Bartoo (Moiben, UDA): Thank you, Hon. Temporary Speaker. I also want to contribute to this amendment Bill and thank Hon. Abdul for bringing in such a progressive amendment. Teachers play a very fundamental role in our societies and schools. No amount of remuneration can be enough for a teacher, given the enormous work they do in transferring knowledge to our children and transforming our societies. It is the teachers who serve in our schools, irrespective of the Ministry sending capitation very late. Even when the infrastructure in our schools is insufficient, they still work and ensure the schools run well.

The Ministry delays paying teachers who take students for sports, as is happening now. Those who participated in the national games last year have not received a penny. Even those who participated in marking the Kenya National Examinations Council (KNEC) exams have not yet been paid. Yet the results were released, and students were selected for different pathways, while others are waiting to attend university. They have not received a single penny, yet they remain patient and continue running our schools.

Therefore, this amendment will cure the problem of teachers who serve in an acting capacity without getting any pay. These teachers serving in an acting capacity can easily be left out when promotions are ongoing. We have had so many teachers serving as administrators, deputies, principals, aides, and in other administrative positions in our schools for indefinite periods. We have teachers who have been serving in an acting capacity for over six months and others for more than a year. Thus, this Bill has stipulated a specified time of 30 to 60 days.

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

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

You can imagine serving as an acting principal of a school for three years, then, after some time, finding someone else sitting in the office, pretty well in a substantive capacity. How would you feel? Those things demoralise our teachers. The Bill by Hon. Haro hopes to cure them so that it is very clear that if you serve as an acting administrator, you should be given priority when it is time to get a substantive position. They should not bring somebody else, then you are relegated to a classroom.

Currently, so many teachers have just been promoted. They have letters designating them as principals, deputy principals and head teachers, but they do not have schools to serve. What happens? You will have two principals in a school, one is substantive and the other has just been promoted but has not been given a school. This amendment Bill hopes to cure those issues so that we have harmony at TSC and a very clear trajectory. When you are appointed as a teacher, you will have a clear promotion path and trajectory. You will not just remain acting; you will become demoralised.

If there is anybody who should not be demoralised at any time, it is a teacher. They play a very critical role in our schools. They spend time with our children and take them in as blank slates, with no knowledge. They grow them progressively until they become very important members of society.

Hon. Deputy Speaker: Thank you very much.

Before the next speaker, we would like to recognise the presence of students from Nyimbei Secondary School in Baringo South Constituency, Baringo County. I will give an opportunity to Hon. Charles Kamuren, Member of Baringo South Constituency, to welcome them on behalf of the National Assembly.

Hon. Charles Kamuren (Baringo South, UDA): Thank you for giving me this chance. I take this opportunity to welcome students from Nyimbei Day Secondary School. Thank you for choosing to come to the National Assembly, where laws are made. You have been reading about the National Assembly, but today you are seeing realities.

Nyimbei faced many challenges due to banditry. This school acts like a rescue centre, specifically for girls in that region. It has been performing very well. I take this opportunity to congratulate them for doing well in Baringo. You are among the top schools in Baringo. I call upon the Ministry of Education to see how it can improve the school's infrastructure, because it is a rescue school.

Thank you for coming. Feel free in the National Assembly because I know some of you will be here in future. You will be leaders in this country. You are most welcome.

(Applause)

Hon. Deputy Speaker: Hon. Rachael Nyamai, do you want to contribute to this? Next is the Member for Mombasa County. Kindly press the intervention button. I can see that the next will be Hon. Caroline Ng'elechei.

Hon. Zamzam Mohammed (Mombasa County, ODM): Asante sana Naibu Spika kwa kunipa nafasi nami nichangie Mswada huu wa Mhe. Abdul Haro kuhusu *Teachers Service Commission*.

Mengi yamezungumzwa hapa, lakini ni dhahiri kuwa waalimu hawapatikani hasa sehemu nyingine. Ukiangalia anakotoka Mhe. Abdul Haro, ni sehemu ya mitihani. Ijapokuwa hii *Bill* imeanza kuleta tashwishi, ninavyoangalia naona iko sawa. Ni kwa sababu kuna waalimu wamekuwa katika *acting capacity* kwa muda mrefu, na hawapati hata kiinua mgongo. Sisi tu katika hili Jumba la kutunga sheria ndio tunaotunga sheria kuhusu jambo lolote linalohusu mwananchi kule chini. Ni lazima Jumba hili lilete marekebisho na kutunga sheria ambayo itasaidia wananchi wote wa Kenya.

Waalimu wengi hawajapata ajira ya kudumu, na shule nyingi katika sehemu nyingi hazina waalimu. Shule ya Kaa Chonjo kule Mombasa ni mfano bora. Tunavyozungumza, haina waalimu mpaka wazazi wanaanza kuwatoa watoto shuleni. Wanasema, "Mama Zamzam, una programu ya *second chance*, lakini shule hii haina waalimu." Inabidi wanafunzi wafunzane wenyewe kwa wenyewe. Tukipata mwalimu aliyehitimu na hajapata ajira rasmi kutoka kwa TSC, na ashikilie kwa muda, muhimu isipite miezi sita, atasaidia wanafunzi na kuwafunza. Ni aibu kuona mwanafunzi wa *form four* anafunza wa *form two* kwa sababu ya ukosefu wa waalimu. Kwa hivyo, napigia upatu hili la waalimu wa kujitolea.

Niliona kuna mwalimu alienda kule Garissa akajitolea kufunza, ilihali ile ni *hardship area*. Kulikuwa na matatizo ya vita vya hapa na pale wakati huo, lakini alijitolea kufunza kwa miaka mitatu hadi minne, lakini hajapata chochote. Si kuwa hajahitimu, alivyosema Mhe. Oundo. Ni nafasi ya kuajiriwa rasmi hajaipata. Anaweza kushikilia apate kiinua mgongo kisha asaidie palipo na ukosefu wa walimu. Hata hao wa kusaidia wana haki na matumizi. Wana haki ya kupata kiinua mgongo ili wapate chakula na mahitaji yao mengine.

Nasema kuwa matatizo ya shule ni mengi sana. Nimeona mwalimu wa kike pale Tudor akilalamika. Aliletewa hadi barua ya *promotion*, na akapokonywa baada ya muda. Amekaa pale *in acting capacity* kwa muda mrefu sana. Atastaafu baada ya miaka minne ama mitano. Umefika wakati wake wa kupokea *promotion* na barua inakuja, kisha anapokonywa. Waalimu wengi wanapitia mitihani sana. Hata tukiangalia *Shanzu Teachers College, principal* amekaa *in acting capacity* kwa miaka kumi na minne, na haongezwi cheo ili apate mshahara kwa kazi anayofanya.

Tunaweka *Bill* kama hii ya kutetea waalimu kwa sababu sote tunajua elimu ndiyo uti wa mgongo wa maendeleo ya taifa. Lazima waalimu wapewe kipaumbele ili tupate madaktari na viongozi ambao wamefunzwa, na mambo yakawaingia vyema akilini. Hivyo ni bora kuliko kuweka mwalimu wa kujitolea darasani akiwa na njaa. Hataweza kumakinika.

Naunga Mswada huu mkono. Ndugu yangu Mhe. Haro, umeleta kitu kizuri sana. Lazima tutetee hata walio kwenye *acting capacity* wapate haki yao. Asante sana Naibu Spika.

Hon. Deputy Speaker: *Asante*, Hon. Zamzam. Hon. Rachel Nyamai.

Hon (Dr) Rachael Nyamai (Kitui South, JP): Thank you very much for giving me the opportunity and for indulging me earlier when I was trying to settle down.

This is a very important Bill. I congratulate the Hon. Member. He takes a lot of time in this House. Being a new Member, he has done a wonderful job in this House. This should be commended.

Regarding this Bill, it is extremely important to recognise that we must be considerate of human power, no matter what we do or how much money we invest in education.

We put a lot of money into infrastructure development for schools, research, and training, but we forget that early in the morning, there is a teacher who wakes up at 4.30 a.m. to prepare her own children for school, then walks for many kilometres. In Kitui South Constituency, teachers go for 10 kilometres using motorbikes. Hon. Deputy Speaker, you need to come to my constituency and see female teachers riding motorbikes 20 kilometres to teach.

All of us should bear in mind that the most important person is the teacher who goes to school to teach our students. The Bill is suggesting that we should provide for teachers who are on acting capacity. I want to give you a live example of a teacher who holds a Master's degree, was posted at Monguni Primary School in my constituency, and has served as a deputy head teacher for 12 years. What happened was that, while she was in Monguni, in Ikutha Ward, in Kitui South Constituency, TSC sent a teacher to the same school where she had been acting for so many years.

We would like to ask TSC: What is the justification? This Bill, which has been brought forward, will address the issue so that if someone serves for 30 days to 6 months, they should be compensated for the duties they perform. When these teachers are being posted, you find that someone who has worked for 20 years in an acting capacity is brought in as a teacher who has been in service for less than 10 years. There is no justification for this. I want to ask that even as we wait for the law to be passed, the TSC, the Regional Commissioner for Eastern and the County Commissioner for Kitui should rescue this teacher who has been calling and asking me, "What is the purpose of being an acting deputy teacher for 12 years and then someone is brought to the substantive position?" I think this is a matter that can be handled.

On matters of promotion, I think he has elaborated very well in the Bill that teachers must be promoted based on clearly defined boxes to tick, not just those they like. Regarding transfers, some teachers are transferred without their request. Like in other professions, if somebody is transferred, for example, from Kitui, which rarely happens, to Turkana, then we should be willing to pay for it so that we do not cause a lot of disturbance to that person. When teachers in special education go for training at the Kenya Institute of Special Education (KISE), for example, someone is trained to deal with the blind, cerebral palsy, or other... I see my time is running out. Teachers in special schools need to be given better consideration.

Hon. Deputy Speaker, it is extremely important to give the allowances that are being proposed by Hon. Haro. If other professions like judges, lawyers, and doctors are given allowances, then teachers should also be given all the allowances they are asking for. In any case, they are the best we have, and they will ensure that education in this country runs properly. Thank you.

Hon. Deputy Speaker: Let us have Hon. Amina Mnyazi, Member for Malindi Constituency. I know that Hon. Ng'elechei was supposed to be next, but Hon. Mnyazi is going somewhere. That is why I am giving her a chance. We will get to you.

Hon. Amina Mnyazi (Malindi, ODM): Asante sana, Mhe. Naibu Spika. Nasimama kuunga mkono Mswada huu wa Tume ya Huduma za Waalimu, 2024. Ninaposimama hapa kama mwakilishi wa watu wa Malindi, najua na naelewa kwamba lazima tuyape masuala ya elimu kipaumbele, hususan sisi viongozi ambao tuko hapa Bungeni.

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

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

Kama kuna watu ambao tunafaa tuwaangazie vizuri zaidi na tushikane nao vizuri zaidi, hususan sisi ambao tunatoka sehemu za Malindi na Pwani, ni waalimu. Jambo lolote ambalo litaweza kuwasaidia waalimu katika utendakazi wao, lazima tusimame kidete ili tuweze kushikana nao ili tuwape mazingira bora ya kufanya kazi. Hii itahakikisha morali yao pale kazini iko juu ili waweze kufanya kazi yao ya kuwafunza watoto wetu vizuri ili wafaulu hapo kesho. Naona Mswada huu unazungumzia kuhusu nafasi ya kaimu au kwa kiingereza, *acting capacity*.

Naunga mkono Mswada huu, kama wenzangu walivyosema kwamba sio haki. Kwa mfano mwalimu mkuu anapoondoka shule, naye aliye chini yake awe kaimu kwa muda, kisha akose kupewa nafasi *permanently*, hiyo si sawa. Kwa hivyo kama kuna kaimu mwalimu mkuu pale nje, naunga mkono kwamba iwe ni baina ya siku thelathini na miezi sita TSC itoe msimamo kama yule mtu anachukuliwa *permanently* katika le nafasi, na kama atakuwa hachukuliwi pale, tuelewe ni mahali au nafasi gani nyingine anayoweza kupatiwa.

Wale watu ambao wamepatiwa nafasi ya kaimu au mahali pa kujishikilia, kulingana na ile barua ya TSC, hiyo nafasi sio yako, bali ni ya muda. Ni haki yao wapewe pesa na marupurupu kwa sababu ile kazi watafanya ni zaidi ya makubaliano ambayo yapo kulingana na kandarasi yake ambayo amepatiwa. Kulingana na sheria na tamaduni za kazi zote, hakuna anayependa awe chini, apande juu, kisha arudishwe chini tena. Kwa hivyo kulingana na tamaduni, na wajua kwamba ni mambo ambayo tunaona yakitendeka katika sekta zingine za kazi, kama mtu amepewa nafasi ya kaimu mahali, ni pendekezo pia asipokonywe ile nafasi ili ajisaidie, na asaidie wanafunzi wetu.

Ni vizuri pia tuangalie masuala ya malipo ya uzeeni. Kumekuwa na malalamishi hapa na pale kulingana na waalimu wangu pale Malindi kwamba pia haya malipo ya uzeeni yaharakishwe. Siku hizi kidogo wamebadilika, na mambo yamekuwa mazuri. Lakini bado tunataka malipo hayo yaharakishwe. Masuala kuwa mwalimu anakaa baina ya miaka miwili na wengine hadi miaka mitano, na hawawezi kupata malipo yao ya uzeeni, ni lazima tuyaangalie na tupige msasa ili wapate pesa hizi kwa wakati ili wajisaidie na masuala yao ya maendeleo hapo nyumbani.

Kuna masuala stahiki ya ukomo wa ajira. Kuna wale waalimu ambao wameachishwa kazi, ama wakaacha kazi kwa hiari yao. Lazima tuwaunge mkono na tuangalie haki zao. Kama mtu amefanya kazi kwa muda, yuko na haki ya kulipwa kiasi cha pesa kadhaa kwa kujitolea

kufanya kazi. Pia nao tunaweza kuwaunga mkono na kusema waalimu hawa wapatiwe pesa na marupurupu yao kidogo kama wameacha kazi kwa hiari yao. Iwapo pia wameachishwa kazi, nafikiri pia ni haki waangaliwe.

Nikimalizia, tunafaa tuwaite watu wa TSC ili tuwaulize maswali, kwa sababu tunajua Serikali ya Kenya inajitahidi. Tunapitisha bajeti kila mwaka kuhakikisha kwamba waalimu wameajiriwa. La kushangaza ni kwamba kuna sehemu zingine ambazo waalimu hawafiki vile tunavyotarajia. Ninapozungumza, niko na nakisiya walimu mia tano katika eneo bunge la Malindi. Pia tunaomba tume ya TSC inapowaajiri walimu na inapofanya *posting*, ifanye haki na usawa.

Ahsante sana, Mhe. Spika wa Muda.

The Temporary Speaker (Hon. (Dr) Racheal Nyamai): Asante. Hon. Baya.

Hon. Owen Baya (Kilifi North, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to contribute to the Teachers Service Commission (Amendment) Bill, 2024. At the outset, this is a very fundamental piece of legislation.

At the outset, this is a fundamental piece of legislation because it introduces certain important provisions into the Teachers Service Commission (TSC) Act of 2012. The TSC and the teaching profession have grown over the years. I want to thank those who have been there to ensure the growth of the Commission that manages teachers today. I want to commend the work done by previous bosses at the TSC. We can comfortably say that today's teacher is not the teacher who was there 20 years ago. Great progress has been made.

This piece of legislation is progressive as it seeks to cure some of the problems that have been there. I want to point out the issue of teachers operating in an acting capacity. For many years, teachers have been acting in certain capacities without remuneration. I want to put it on record that I was, and still am, a teacher. I have a TSC number that is probably moribund. During my time as a teacher, I acted as Dean of Students, Deputy Principal, and Principal, but I was never paid for the extra duties that I performed. I was very dedicated. I did everything that could have been done by a college principal, a dean of students, and a deputy principal, but I was never paid. There are many teachers in the same position today. They have been acting for between one and three years, but they have never been appreciated or remunerated for the extra duty. So, I want to thank the Member who brought the Bill, Hon. Abdul Haro. He looked at how we can support the progress of a teacher.

How do we support the progress of a teacher? A fundamental requirement is that when a teacher is in acting capacity, he must receive a special duty allowance. He must get the special duty allowance to compensate him for the effort that he is putting in that capacity. Interestingly, when I was acting, I got a letter from the college principal appointing me act. The TSC never gave me a letter. In fact, when I went to the TSC for a promotion interview to the position of deputy principal, the TSC did not even recognise that I was acting as deputy principal. The Commission did have the letter from the principal appointing me as acting deputy principal as part of my resume for me to qualify for my next promotion. I thought it was a misnomer. In the interview, I kept insisting that I was the acting Deputy Principal, and the interview panel asked me who appointed me. When I said I had a letter from the principal, the panel told me that that was my local arrangement with the principal.

The fact that this Bill proposes that a letter must be issued to a teacher appointed in an acting capacity is a better position for teachers who act in that capacity. That will be a significant step forward in the management of teachers. Teachers act as games masters, drama masters, and music masters through local appointments from their school principals, not even from their Boards of Management. Such teachers work very hard. They put in all their energy, but nothing comes of it in terms of appreciation for their efforts unless they have a principal like Hon. Bensuda, who gives them a token in appreciation of their good work. We need to

better appreciate teachers by issuing them letters of appointment from TSC and remunerating them accordingly.

Hon. Temporary Speaker, my time is running out, but allow me to say that things like house allowance, commuter allowance, hardship allowance and special duty allowance are now being put into law. I thank the Hon. Member who sponsored the Bill. Allowances will not become a subject of haggling between TSC and the Kenya National Union of Teachers (KNUT) or the Kenya Union of Post-Primary Education Teachers (KUPPET). It has to be in the law so that when such a discussion arises, a teacher is aware of his entitlements to commuter allowance, house allowance, special duty allowance, and hardship allowance when he gets a job as a teacher...

Hon. Temporary Speaker, give me one minute to conclude.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Please give him a minute.

Hon. Owen Baya (Kilifi North, UDA): Hon. Temporary Speaker, this Bill is progressive. The teachers of this country deserve respect. We are who we are because we went through the hands of teachers. We were once told that teaching was a noble profession. However, nobility alone does not bring respect. Law and statutes are things that, if properly documented, bring honour, respect and proper duty of care to the teachers of this country. Therefore, I support the Bill and wish the teachers of this country the very best.

Hon. Members, let us pass this Bill. It will promote the teaching profession to a better profession, instead of what we are used to being told about it being a calling.

Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. Next is Hon. Caroline Ng'elechei, the Member for Elgeyo Marakwet County.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to the debate on this Bill.

First, let me appreciate Hon. Haro for bringing this Bill. In the Republic of Kenya, it is well known that teachers are very important to the country's development. For anything that we need now and in future, the participation of a teacher is very important. Almost half of Kenya's population is students, and they are all under the care of teachers. There is no other profession that deals with as many Kenyans as the teaching profession. It is, therefore, important that whenever there are issues related to teachers, we support them in this House. If a teacher is not happy, the student is most likely not happy either. Nonetheless, we have been working hard as Kenyans to ensure that all other professionals, such as doctors, Members of Parliament, judges, magistrates, and many others, are comfortable and live well. The same should apply to teachers. They should be helped to live more comfortably so that we are guaranteed that our pupils and students will be in the safe hands of happy teachers.

In the morning, there was a discussion about the remittance of teachers' benefits since 1997. It is very unfortunate that since 1997, teachers have not benefited from what is rightfully theirs. I am sure that many teachers who retired in 1997 are suffering. Others are no longer on the face of this earth. It is very wrong when people do not benefit from their contributions when they can still see and enjoy them. That is very wrong. The TSC should put in place mechanisms to ensure that, upon retirement, teachers' benefits are automatically remitted to them. Why should somebody who has retired in the village travel to Nairobi and start requesting people for accommodation in the name of following up on what they worked for during their working years? That should be automatic. When teachers exit the system, the TSC should begin processing the benefits they are entitled to, so we save them the stress of following up on their pensions. If you sum up the money that teachers use to travel to follow up on their benefits, you will realise that it is a lot. It affects the economy of this country because it is money that is not put to good use.

I am aware that over 3,000 teachers in this republic act as deputy head teachers and head teachers for more than six months. Others act for up to 3 or 4 years. I am told that some teachers have been acting for 7 years. That is inhuman. If you can trust somebody to act for six months in a position, why can you not give them the opportunity to be employed on a permanent basis in that particular position? There is no way someone can act for two or three years and then suddenly be declared unqualified to serve in that capacity. A qualified person is then brought in, and the one who has been acting is demoted. I am aware of a case where a teacher was given a letter to act as deputy head teacher and then, suddenly, another deputy head teacher was brought in, and the acting head teacher was given an acting letter to act as school principal in another school. This is a case of a teacher who has two acting letters to serve in two different capacities. However, when employment time comes, such opportunities are given to other teachers. Let us motivate our teachers. If a teacher is acting and doing the job very well, why do we give that position to another person?

Another issue is the TSC Regulations. There are allowances that are provided in the Regulations, but they have not been effected. Those allowances should be included in the Act so that TSC is compelled to pay. These include house allowances. For instance, interdicted teachers do not enjoy their house allowance. Where do you expect such teachers to live while they await the verdict in their disciplinary cases? Are they supposed to live on the streets, with other teachers or with their students as they await the verdicts on their cases? That anomaly should be rectified so that teachers can get their allowances.

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

*(Hon. Caroline Ng'elechei
spoke off the record)*

Okay. I will give you half a minute.

Hon. Caroline Ng'elechei (Elgeyo Marakwet County, Independent): Thank you, Hon. Temporary Speaker. When TSC staff are transferred, they enjoy their transfer allowances. The staff who are supposed to effect the transfer allowances for teachers do not give the teachers their allowances. Teachers are human beings just like other TSC staff. They should receive their allowances when they are transferred, not later. They should not move until they receive their allowances, which are supposed to facilitate their transfer from one station to another.

With those remarks, I wholeheartedly support the Bill by Hon. Haro.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Caroline. I will come to you, Hon. Wambilianga. Let us have Hon. Mayaka.

Hon. Irene Mayaka (Nominated, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to also contribute to the debate on this Bill.

First, let me thank Hon. Abdul Haro for bringing this very progressive Bill to Parliament. The Bill provides for predictability and certainty in two areas that teachers have had issues with for a long time. We should adopt it. Countries in the Middle East, the Philippines, Malaysia, Indonesia, Zambia, and Nigeria have laws that specify how teachers' allowances should be paid.

This Bill seeks to amend Section 11 of the principal Act by inserting a new paragraph (fa) that addresses the different allowances for teachers. Most importantly, the payment of allowances will be done in consultation with the Salaries and Remuneration Commission, which makes it even more structured. The Fourth Schedule sets out the allowances payable to teachers serving in various cadres.

The Bill also seeks to amend Section 32 of the principal Act to structure the issue of teachers serving in an acting capacity. As most of my colleagues have stated, you will find situations in which a teacher serves in an acting capacity for a long time without a proper

appointment specifying the period of acting. The Bill states that a teacher should serve in an acting capacity for a period of between 30 days and six months. The teacher should receive an appointment letter indicating the specifics of their position. A teacher can only serve in an acting capacity in one position at a time.

Clauses 1 to 4 of the Bill are very helpful in ensuring that we do not have a situation in which teachers are taken advantage of or forced to serve in acting capacities forever, only for someone else to be eventually appointed to the position. The Bill makes it clear that teachers will only serve in an acting capacity for a specific period of time.

The Fourth Schedule indicates nine different allowances that teachers are entitled to. Part (c) is on the hardship allowance, which has been an issue for a long time, especially for teachers working in hardship areas. A hardship area does not necessarily mean a semi-arid area. It can even be Nyamira, where the roads are bad, teachers cannot access the schools, and it is difficult even to get public transport, as there is no commuter allowance in place. Passage of this Bill will compel the TSC to pay hardship allowances to teachers serving in such areas, and this will make their lives easier. I hope Members will support the Bill.

We all agree that teachers are extremely important. We are all who we are because we went through the hands of teachers. It is incumbent upon us to ensure that we give them the best they deserve because they are very important people in our society.

I support the Bill for two specific reasons – structures for teachers serving in acting capacities and the allowances payable to teachers, especially those specified in the Bill.

With those few remarks, I support the Bill.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next is Hon. Wambilianga.

Hon. Catherine Wambilianga (Bungoma County, FORD-K): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to the debate on the Bill that Hon. Abdul has brought. The TSC, which employs teachers, must perform its duties to enable teachers to perform their duties.

One issue raised is the different allowances for teachers. I am in total agreement with Hon. Abdul. I will highlight a few issues that need attention. One is a hardship allowance. The TSC has had a skewed method of identifying hardship areas, such that some teachers who deserve hardship allowances do not get them. Once the Bill is enacted, we expect the TSC to liaise with the relevant authorities to properly identify hardship areas.

My second point is on special allowances. Teachers teach different subjects. Amongst them are science teachers, who handle chemicals. They are not given any allowances. Such teachers need to be paid a risk allowance because they handle risky chemicals. An accident can occur, and a teacher may get hurt or burned by chemicals. Such teachers should be paid a risk allowance to cushion them against such an eventuality. Home Science teachers engage in practical cooking exercises. In the event of an accident, such teachers are not protected by any allowance. We should pass this Bill.

Regarding acting allowances, some teachers have served in an acting capacity in the same position for a very long time. That is only for administrative positions. A teacher cannot serve in an acting capacity when they have not been given an administrative position. An example is teachers in Job Groups C3 and C4. They have stagnated in those positions for a very long time. Their promotions should be automatic, even without an interview. We have principals and deputy principals who have served in acting capacities for 20 years. We have case studies of teachers who have been deputy principals for 15-20 years. However, when it comes to promotion, such teachers are not considered. Instead, the TSC picks teachers with very little experience to head the schools. This frustrates the teachers who have been serving in acting capacities. They end up being transferred to other schools. Most of them have even retired without being promoted. Teachers suffer so much due to job-group stagnation, simply because they have not been given the opportunity.

We also raised the issue of harmonising house allowances across all Kenyan towns to reduce transfer requests. Teachers serving in urban areas receive bigger houses than their counterparts in rural areas. The skewed house allowances make teachers think that if they are transferred to urban areas, they will get more. Therefore, the house allowances must be harmonised to keep teachers on the same path.

The readers' allowance is a special allowance paid to teachers with disabilities. Article 54 of the Constitution spells out the rights of people with disabilities, both children and teachers. Such teachers and their aides deserve an allowance. The TSC has ignored them. Their aides are not given an allowance. The Kenya Revenue Authority (KRA) should also exempt such teachers from paying taxes.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you. You have done justice to this Bill, bearing in mind that you are part of the teachers' union.

Hon. Members, I would like to give Hon. Double N. a chance. I want to inform our Information Communications Technology Department that Hon. Double N has been here since morning, and we cannot cite her on the screen.

Go ahead, Member for Embu County.

Hon. Pamela Njeru (Embu County, UDA): Thank you, Hon. Temporary Speaker, for giving me an opportunity to add my voice to the Teachers Service Commission (Amendment) Bill. All of us are who we are because we passed through the hands of teachers. Our children are in class thanks to the efforts of the teachers. Teachers need to have some dignity. They need to be treated with dignity. Some of them are frustrated because of the issues we are discussing this morning. We know they play a very important role in our children's development. I always compare teachers with doctors. If a teacher decides to frustrate your child in class, the foundation of that child's education will be shaky.

As I support the Bill, I would like to confirm that some teachers have stagnated in one job group for many years. Such teachers are frustrated because there is nobody to speak on their behalf. Some of them have been acting in one job group for a long time. Some of them are headteachers who have been acting for many years. A case in point is the one cited in this House. A teacher has been acting for more than 12 years, which is quite unfair. A teacher should be given a letter specifying the duration of their service and the capacity in which they will serve. There should be clear guidelines. They should be appointed to act in higher positions by letter, not by verbal communication. The letters should indicate for how long teachers will be acting and state the acting allowance payable to them.

Some teachers have stagnated in one job group for long. They have not been promoted for many years. Some of them even retire without being substantially promoted from the acting positions to substantive positions. Therefore, this Bill comes in handy to deal with such issues. That is why we need to support it. All teachers who have been acting should be recognised and given letters stating all the allowances payable to them, along with the periods they will serve in those positions in acting capacities, so that they do not act indefinitely until Jesus comes back. The letters should be very specific. They should stipulate all the allowances payable, the acting period and what they are expected to have.

There is also the issue of transfer. If a teacher has not requested any transfer, but the TSC finds it fit to transfer him, it is the responsibility of the TSC to ensure that he is paid a transfer allowance so that he can settle down with dignity in the institution to which he has been transferred.

I request that Members support this Bill so that teachers can have some dignity moving forward. With those remarks, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Next is the Member for Seme, Dr Nyikal.

Hon (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for giving me an opportunity to contribute to this debate.

Let me start by appreciating Hon. Haro for bringing this Bill to the House. Teachers are very important to this country. They not only impart knowledge and skills to our children, but also do much more. In the early years of a child's education, teachers are virtually responsible for the child's development. It is at that time that they can identify health issues and a child's ability to learn, which, if missed, then the child will never do well.

Knowledge and skills are not enough for a person's development. In terms of human resource development, it is character, integrity and responsibility that count. These are things imparted to our children during their school years. By the time they leave school, if that has not been done, it is actually a loss. So, the role of teachers is extremely important in our country. Teachers have a very big role to play in some of the issues we are talking about, like corruption. We can look at it at that rate so that when children are in school, they understand what integrity means, what it means to be responsible and what it means to serve. Teachers have a big role to play. We must also appreciate them.

The allowances that are proposed in the Bill are long overdue. I know some may be there, but what is more important, and why I support this Bill, is that we are entrenching them in the law. When I was in the trade union for health workers in my earlier days, we had a lot of these allowances. However, they were not entrenched in the law. Over the years, I have seen attempts to remove them one by one. If we entrench these teachers' allowances in the law, they will be permanent. Therefore, I support that they must be entrenched in the Teachers Service Commission Act, 2012.

Hon. Temporary Speaker, on the various allowances, let me start with the acting allowance. Members have said that teachers should act for a given period, which should be recognised and compensated by paying special allowances. It should count for their promotion. That is something we cannot argue about.

Talking of house allowance, we must appreciate the fact that people live in houses. They must be housed. When we talk of harmonisation, it means there is some form of house allowance. The harmonisation a Member mentioned is important. You should not be paid more because you live in an urban area. If you live in a rural area, you should be compensated because there are things that people in urban areas benefit from that you forego when you live in a rural area. That amount of money you get in the rural areas, even if the house allowance is low, is important. It is an encouragement to work there peacefully. We have to look into this issue because, previously, most schools had teacher housing. There was an arrangement that brought it back. If they live in their own homes, they can receive their owner-occupied allowance, which is extremely important.

The issue of the hardship allowance is still tied to the regions declared hardship areas. This is something we must look at because it will not make any difference if that definition is not changed. Regarding special allowances, we have to look at specific areas, as we are talking about Arid and Semi-Arid Lands (ASALs). That may conflict with the issue of hardship allowance. Regarding responsibility allowance, if you head an institution and manage people, there is extra work, and that is the responsibility.

Finally, on readers and facilitation allowance, these teachers should actually have a system...

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Dr Nyikal. Next is Hon. Agnes Pareiyo, the Member for Narok North.

Hon. Agnes Mantaine (Narok North, JP): Thank you, Hon. Temporary Speaker, for giving me an opportunity to add my voice in support of the Teacher Service Commission (Amendment) Bill brought by Hon. Haro. This is a very important Bill because teachers are

very important. We have all gone through the hands of teachers. That is why I stand to support the Bill.

In some schools, you find a teacher who has been acting for nine years without being officially appointed, and the TSC has not confirmed them as the school head. Then, when an opportunity arises, they bring in a new person to that school. When you intervene, as I have tried to in my constituency, they say that according to the TSC regulations, the teacher who was acting was not qualified for that position. They, therefore, bring in somebody else. It is time we had a law that protects teachers from being misused by others. Such a teacher deserves the promotion because he has worked for it for nine years. It is time we had a law to address such situations. I support this Bill so that such teachers can get their rights.

This Bill also addresses the promotion of teachers and the allowances they should be paid. Teachers play a very important role in the reserves. They work in hardship areas. It is time the TSC made sure that they pay such teachers what is due to them. It is not good to deny somebody their right. Teachers work very hard in hardship areas; therefore, it is time we ensured they receive all they deserve. For example, when you transfer someone, it feels like you are disrupting what they are used to doing. It is not him who has requested the transfer. After transferring him, you must respect his rights and pay him a disturbance allowance, as you would any other person in public office.

Teaching is very important. It should not be seen as a secondary job that has no meaning. It is time for Parliament to come up with an amendment like this one. That is why I thank Hon. Haro and congratulate him for thinking of the teachers. We would have taken it as normal or ordinary, but we must consider teachers and give them their rights in terms of payment of disturbance allowances when they are due.

On appointments to leadership positions, teachers should remain in the schools where they were acting and get promoted formally. I do not see why they should be denied that right.

With those remarks, I support.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Members. Before I give the Floor to Hon. Bensuda, let me take this opportunity to welcome our students seated in the Public Gallery this afternoon. They are students of Mwongori High School from Borabu Constituency, Nyamira County. Please, stand to be recognised. We also have students of Kisau Stars Academy from Mbooni Constituency, Makueni County.

You are welcome to the National Assembly to continue observing the proceedings of the House. Thank you, Hon. Members, for welcoming them. I want to allow Hon. Stephen Mogaka to welcome them.

Hon. Stephen Mogaka (West Mugirango, JP): Thank you very much, Hon. Temporary Speaker. For the benefit of the students, I am the Member of Parliament for West Mugirango Constituency in Nyamira County, where Mwongori School is located.

I thank the teachers who organised for these students to come and visit and witness the proceedings of this august House. Among this team of students are future leaders of this country, including a Deputy Speaker, a Speaker, legislators, Cabinet Secretaries, lawyers and doctors. As you watch these proceedings, this august House is a very responsible one that legislates for this country after nationwide public participation.

That disinformation and misinformation sometimes peddled about Parliament should be disregarded. Today, you are witnesses of a Parliament that is conducting its business soberly. When you go back home, on behalf of my colleagues and the Temporary Speaker, we wish you well. Greet our people, and please be great students now that you have been in the best House in the Republic of Kenya.

I thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Mogaka. Hon. Bensuda, if you are not ready to speak, please decline the opportunity.

*(Hon. Atieno Bensuda consulted
with Hon. (Dr) James Nyikal)*

Are you ready? I see someone is really engaging you. Who is engaging you so seriously? Is it Hon. (Dr) Nyikal? It is your opportunity now.

Hon. Atieno Bensuda (Homa Bay County, ODM): Thank you, Hon. Temporary Speaker, for giving me this opportunity. I highly appreciate it. This is an amendment Bill that, if I did not contribute to, would be a criminal offence in my profession.

Secondly, I appreciate Hon. Abdul Haro for being concerned about the teaching fraternity. Although TSC is established under Article 237 of the Constitution, we agree with the regulations. Teachers have indeed suffered in this country, turning TSC into a teacher's suffering centre. I believe this Bill will make a significant contribution to improving teachers' lives. I want to make my submissions regarding the administrative perspective he has proposed in the Bill.

First, I agree with my colleagues who have spoken that teachers take too long without being approved, not in acting capacity, but being confirmed substantively in those positions. This should be clearly defined by the TSC, the duration within which an individual is allowed to serve in an acting capacity.

Secondly, the Bill should clearly specify who may act in a given institution, whether the person must come from within the school or may come from another institution, and the criteria for that decision. Given the various activities teachers undertake, including sports and co-curricular activities, I believe they also deserve recognition and appointment to positions that offer upward mobility. This has been lacking in most of our institutions. I want to assert that, even in our county, in the constituency represented by Hon. Millie Odhiambo Mabona, we lost our Principal at Sindo Girls High School.

*(Hon. Millie Odhiambo-Mabona
spoke off the record)*

Sorry, Suba South Constituency. Thank you for the correction. The deputy principal is currently acting since the principal passed on. May her soul rest in peace.

In such a case and given the population, after the deputy principal has been acting for quite a long time, should we bring in another person? What are the criteria? Is it obvious? Is it mandatory? What are the regulations that should also be in the public domain? Following that, the administrative perspective of leading an institution goes a long way toward promoting someone in an acting capacity. It continues to do so after one has been confirmed to a substantive position.

However, even when someone has been confirmed in a substantive position, we still have issues with managing that institution and managing the office itself. You find that in most of our institutions, principals face challenges, including hiring staff for the Information and Communication Technology (ICT) department and managing their work. The Board of Management sometimes employs secretaries.

I request that, under administrative consideration, once the principal is in place, the substantive ones in acting capacity and those awaiting promotion should be factored in. In considering the acting capacity and promotion of principals across various institutions, I rise as a Woman Representative who represents not only women and men but also persons with disabilities (PWDs). I want clear data.

Kindly allow me two more minutes, not one.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): You have spoken very well. It is just that other Members would like to speak.

Hon. Atieno Bensuda (Homa Bay County, ODM): Would you kindly give me half a minute?

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Yes, please conclude. You have half a minute.

Hon. Atieno Bensuda (Homa Bay County, ODM): PWDs should not be left out. Strengthening the quality management system is important. For instance, when you talk of our curriculum changes, we were in 7-4-2-2, then 8-4-4, and now we are in the Competency-Based Education (CBE). Teachers continue to be inducted, including deputy principals and heads of institutions. Their allowances are not clear. They have to ride bicycles and walk long distances. They are the ones promoting implementation at the grassroots, and this should be considered. I rise to say and confirm that teachers have suffered enough. The issue of hardship allowance should be very definite, and this must be formalised.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Very well. Hon. Nicholas Ngikolong, Member for Turkana East.

Hon. Nicholas Ng'ikor (Turkana East, JP): I have already spoken on this. I am just waiting for the next one.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you very much, Hon. Cecilia Ngitit, Member for Turkana County.

Hon. Cecilia A. Ngitit (Turkana County, UDA): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this Bill by my colleague. Professionally, I am not a teacher, but I love teachers. Teaching is one of the noble professions, as Chinua Achebe would put it. These are people who become second parents and remove ignorance from our children. The things we do not teach our children at home, teachers do so. It is therefore the mandate of any leadership to look into the well-being of teachers. This Bill is noble in that it seeks to regularise issues affecting teachers by the TSC.

If you look at the calls we receive as representatives of the people, many come from teachers. You find that the TSC conducts irregular promotions. In the teaching fraternity, teachers know themselves, including their job groups and seniority. When there are promotions, they know who is supposed to rise to the next level. You will find that those who know no one never see promotion. This proposed law will bring sanity to such practices.

The other issue is with the acting arrangements. Many teachers act for so long. For instance, Hon. Bensuda has said that a teacher has been acting since the head teacher passed on. What is wrong with confirming the teacher, as he is already acting in that position? Why not make it substantive? This issue is happening across counties. In my county, teachers call me asking me to engage the TSC regarding their acting positions, promotions, and benefits. Some teachers have not accessed their benefits since retirement. Some have died without benefiting, and their kin have not received what they deserve.

The TSC must look into these matters because the teaching fraternity is a very important workforce in this country.

I support. Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Andrew Okuome, Member for Karachuonyo.

(Loud consultations)

As we try to assist him, Hon. Members, please allow me to give a chance to Hon. Museo, Member for Makueni County.

Hon. Adipo Okuome (Karachuonyo, ODM): Hon. Temporary Speaker, I have got it now.

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

(Laughter)

Hon. Adipo Okuome (Karachuonyo, ODM): Thank you, Hon. Temporary Speaker, for giving me a chance at least to contribute to this debate. Teachers are extremely important to us now, and especially for our future. We need to treat them with decorum, as people who are providing value to our children. When it comes to promotions, I know it takes too long for them to be promoted, but one thing that bothers me is: do they not have schemes of service? This is because the scheme of service spells out what happens at each stage. If they have schemes of service, they should follow them to the letter, and I am sure that if this is done, there will be no complaints. If someone is frustrated, they will not give us their maximum performance or the value of their knowledge and professionalism.

It is important to ensure that teachers receive the promotion they deserve. I am sure the schemes of service spell out how long somebody can act, and it should be automatic that if someone acts for six months, for example, they take up the job. Why should he wait? If he can demonstrate effectively for six months that he is performing well, what are we waiting for? Some teachers are doing very well, and we who are outside the classroom judge them by their examination performance. They do very well, but the TSC does not look into their welfare or professionalism, and they do not get what they deserve.

Are they not likely to transfer their frustration to their children? It is time we normalise the situation, and if the schemes of service need amendments, TSC, KNUT and KUPPET should initiate the process of amending them. This will ensure that the schemes of service align with teachers' wishes and do not disregard TSC, which disburses the funds. I support the debate, and I believe the teachers will get what they deserve.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Museo, Member for Makueni County.

Hon. Rose Mumo (Makueni County, WDM): *Thank you.* Asante sana, Mhe. Spika wa Muda, kwa nafasi umenipatia ili niweze pia kutoa maoni yangu katika Mswada huu. Kwanza kabisa, nachukua nafasi hii kukaribisha shule ambayo imetoka katika Kaunti ya Makueni, Kisau Stars Academy. Karibuni sana wanafunzi pamoja na waalimu. Tumefurahia kuweza kuwa nanyi hapa. Nyinyi ndio kesho yetu. *You are our future.*

Naunga mkono Mswada huu kwa sababu unaongea kuhusu waalimu. Tumeongea mengi. Lakini, kama kuna kundi linalofaa kupatiwa marupurupu yao ama tusiwe na tashwishi nao, basi ni waalimu. Ukiangalia ulimwengu mzima, ni mwalimu ameondoa upumbavu na ujinga. Kila mmoja aliye pale alipo, alipitia kwa mwalimu ndio akubalike ili aweze kuwa *President, Minister* ama pia Mbunge. Wengi wa wakurugenzi pia wamepitia kwa waalimu.

Jambo hili limeletwa kwa njia ifaayo, ila naona kwamba limechelewa. Tungekuwa tumefanya hivyo zamani. Mwalimu hafai kufanyiwa jambo la kumtatanisha, hasa katika kulipa marupurupu yao. Pia, ni vizuri kuangalia wakati wanapandishwa cheo. Sio mmoja anakuwa katika... Kiswahili kinanishinda kidogo. Mmoja anakuwa katika *acting position* kwa muda mrefu, halafu mtu mwingine kutoka nje analetwa. Inafaa huyo amekuwa akiongoza shule apewe nafasi.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Umeongea vizuri sana, Mhe. Museo.

(Laughter)

Hon. Rose Mumo (Makueni County, WDM): Thank you.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Wacha tumpatie nafasi Mbunge Rael Kasiwai.

Hon. Rael Kasiwai (West Pokot County, KUP): Thank you, Hon. Temporary Speaker, for this opportunity. I thank Hon. Haro for bringing this Bill. I am a teacher, and I taught for 25 years. I can confirm that all that Hon. Haro has brought is true. Teachers are really suffering on the ground.

Teachers acting as principals or deputy principals is a serious issue, especially in my county, where they have been acting for 10, 12 or 15 years. Someone else is brought from another place and is allowed to serve in a particular school when the teachers' time to be rewarded comes. When asked, TSC gives very flimsy reasons, such as the teacher is not qualified. Why make the teacher suffer and say they are not qualified, yet they have been doing the duties all that time? This is unfair.

We must ask TSC to outline all teachers' qualifications and requirements in the TSC Act. Counties like mine have affirmative action. This should be used to enable teachers get the positions once opportunities arise.

I also want to speak about allowances. You will find that allowances such as the special allowance, readers allowance, and commuter allowance have no specific schedule that specifies how much a teacher should be given. The CEO of TSC determines. There are no specifics on how much teachers should be compensated for factors such as transfers or commuting. We are asking TSC to be mindful of our teachers' welfare. Students' performance will improve once the teacher is covered. Then our country will have future leaders.

I also want to speak about pensions. The TSC knows when a teacher is supposed to retire. For example, pay slips always indicate the number of years a teacher has served and when they will retire. That has been happening for many years. A teacher is supposed to retire by 2027 or so, but when that time comes, you realise that the teacher goes home empty-handed and waits for their pension for many years. Some have even died without receiving their pension benefits. So, TSC needs to plan and budget for our teachers so that, when a teacher retires, they receive their benefits without delay. Once someone has retired, they will not have the energy to work elsewhere, so they should be given their money to enjoy, for treatment, or for their welfare. Therefore, we are saying the TSC needs to up its game to ensure that our teachers are comfortable from the time they start teaching until they retire. Retirement is not an accident. It is known that every teacher needs to be budgeted for and receive their dues on time.

I support the Bill and say that all this must be included in the TSC Act for our teachers to work effectively.

Thank you, Hon. Temporary Speaker.

The Temporary Speaker (Hon. Rachael Nyamai): Hon. Leah Sankaire.

Hon. Leah Sankaire (Kajiado County, UDA): Thank you so much, Hon. Temporary Speaker, for this opportunity. I also rise to support this important amendment to the TSC Bill by Hon. Abdul Haro. I want to add my voice to what my colleagues have said that teachers are among the people who do a commendable job in this country.

All of us in our different capacities have been enabled by teachers. Every person serving today does so courtesy of a teacher who saw them through primary school, high school, and university. Today, we can serve in different capacities thanks to the dedication of the teachers who guided us through that process.

I rise to support this Bill, especially because this amendment seeks to entrench fairness in the promotion and appointment of teachers. If there is something troubling teachers in the county, it is the issue of promotions. The TSC lacks a structured approach to promoting teachers, and many deserving teachers are not promoted fairly. There are numerous discrepancies regarding promotions and appointments. I support this Bill because we want to see a structured way for teachers to receive appointments, promotions, and other services accorded to them.

Another point that compels me to support this Bill is that some teachers have served in acting capacities for far too long. You may find a teacher serving in an acting capacity for more than two or three years, which is very wrong. Through this amendment, we will have a structured way to determine how long a teacher serves before being promoted or moved from an acting capacity to full confirmation in that role. Therefore, I support this Bill in totality.

We have had many issues, especially in our county. I come from a hardship area, yet there are places where teachers do not receive hardship allowances even though they work in very difficult conditions. This Bill seeks to regulate that and ensure a structured way in which teachers in all hardship areas are remunerated according to their ranks and positions.

Thank you so much, Hon. Temporary Speaker. I support the amendment.

The Temporary Speaker (Hon. Rachael Nyamai): Hon. Daniel Karitho, seated on seat number 133. Hon. Karitho, where is your card?

Hon. Daniel Karitho (Igembe Central, JP): My card is here.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Do you have your card there?

Hon. Daniel Karitho (Igembe Central, JP): Yes.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Oh, interesting.

Hon. Daniel Karitho (Igembe Central, JP): Thank you, Hon. Temporary Speaker, for giving me this opportunity to support this very important and crucial Bill. The teaching fraternity and teachers are extremely important in this country. For the country to grow, we must improve our education sector by ensuring that teachers are well-supported and comfortable.

I congratulate the Member who introduced this Bill, and I concur with my colleagues that we need to examine the benefits and welfare of our teachers since they have been neglected for a long time. We have interns who are suffering and struggling. They are being paid very little. We are also demanding that these interns be employed on permanent and pensionable terms. Earning Ksh17,000 per month while serving in the most remote parts of this country is truly traumatising and disrespectful for a teacher who has undergone extensive education. Therefore, I believe that teachers deserve more and better.

I fully support this Bill to ensure our teachers are properly cared for and that their benefits are guaranteed even after retirement.

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Thank you, Hon. Karitho. Hon. Members, as you can see, time has moved. The Mover will be called upon to reply the next time this matter is scheduled.

I also take note that the Member for North Imenti wished to move a Bill. However, this is a House governed by rules, which we must follow. I am sorry you had to wait so long. You will have an opportunity next time.

ADJOURNMENT

The Temporary Speaker (Hon. (Dr) Rachael Nyamai): Hon. Members, the time being 1.03 p.m., this House stands adjourned until Wednesday, 25th February 2026 at 2.30 p.m.

(The House rose at 1.03 p.m.)

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