

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Thursday, 25<sup>th</sup> March, 2010

The House met at 2.30 p.m.

*[Mr. Speaker in the Chair]*

### PRAYERS

### PETITION

**Dr. Khalwale:** Mr. Speaker, Sir, I stand here to make a petition on behalf of Kiborowa squatters who are a group of squatters from Trans Nzoia District under an organization called Kiborowa Squatters Alliance. The squatters reside in the rural and peri-urban slums within Trans Nzoia and like our forefathers, remain landless and living under deplorable conditions. Some of those squatters are temporary labourers on the former colonial settler farms now popularly called Agricultural Development Corporation (ADC) farms. Our girls and women are raped and forced into prostitution and early marriages, occasioning high instances of HIV/AIDS and gender biased violence. There are high poverty levels leading to early school dropouts and childhood labour. Despite those squatters making several presentations to the Government with assurances from district commissioners, permanent secretaries and Ministers for Land and Settlement since Independence, our people have yet to see any positive action. We are, therefore, praying through this petition for your humble intervention as a House, so that the Government of the Republic of Kenya may immediately settle all the squatters on the following ADC farms: Sabwani, Sekhendu and Olingatongo ADC farms. We are also praying that the Government restrains those Members of Parliament who are inciting members from non-squatter communities to invade those farms.

**Mr. Speaker:** Order, Dr. Khalwale! You caught my eye to present a petition, but I am in doubt as to whether or not you have, in fact, complied with Standing Order No.204. At least, I have no indication from the Clerk of the National Assembly, which I normally have as a matter of practice, that you have complied with Standing Order No.204. Can you satisfy me that you have done so?

**Dr. Khalwale:** Mr. Speaker, Sir, this petition was presented to the Office of the Clerk. He went through it and marked it to the Speaker of the National Assembly. The Office of the Speaker of the National Assembly marked it to Mr. Ndombi who is in the legal arm of Parliament. Mr. Ndombi invited me to his office. We went through this petition and I am glad to confirm that we have complied to the letter, to the requirements of that Standing Order.

**Mr. Speaker:** Can you, please, let me have a look at the petition to be satisfied that those steps have been taken?

**Dr. Khalwale:** Mr. Speaker, Sir, after I conclude or before?

**Mr. Speaker:** Before! I must be satisfied. It is the requirement of the Standing Orders! Table it!

*(Dr. Khalwale laid the document on the Table)*

Just hold your horse! Let me be satisfied that those motions have been complied with.

Dr. Khalwale, while you are on your seat, I have as yet to be satisfied. What I see noted on the petition are the following: Note number one is PLC, which stands for Principal Legal Counsel. It reads: "Please go through and advise the hon. Speaker, signed, Patrick Gichohi, Clerk of the National Assembly on 23<sup>rd</sup> February, 2010. Then from the PLC to Mr. Ndombi: Please deal! It is signed by PLC on 2<sup>nd</sup> March, 2010. There is nothing further beyond those prescriptions on the petition. So, that, therefore, means that the Clerk has not vetted it and I have not yet been advised. So, to that extent, I am afraid, Dr. Khalwale, that the House must be facilitative, including the Speaker. Let those steps be taken and you can table this petition, maybe, as early as next week.

**Dr. Khalwale:** Mr. Speaker, Sir, thank you but, so that I do not look like I am misleading the Chair, I would like it to go on the HANSARD that, yes, indeed, all the consultations that I have told you about have been done. I had gotten actual direct assurance from both the Clerk and the legal arm of Parliament that this matter had been cleared for today. So, if they forgot to mention it to you, then that should not be visited on me. If there should be any sanctions, they should be against those officers. Thank you! I will comply and on Thursday next week, I will present my petition.

**Mr. Speaker:** Thank you, Dr. Khalwale, for your understanding in this matter. But the rule of thumb in interpretation and as a matter of law is that a document speaks for itself. What I have read out to the House are endorsements to the document which speak for themselves. What you are now stating are matters that are oral and not recorded on this document. There would be no sanctions against you but it is important that we live within the spirit and intention of the Standing Orders. I am glad that you understand and can, therefore, proceed with this petition as early as Tuesday next week.

**Dr. Khalwale:** Most obliged.

**Mr. Speaker:** Next Order!

## **PAPERS LAID**

The following Papers were laid on the Table:-

Annual Report by the Attorney-General in the State of the Prosecution of Anti-Corruption and Economic Crime Related Cases Pursuant to Section 37 of the Anti Corruption and Economic Crimes Act, No.3 of 2003 for the period 1<sup>st</sup> January, 2009 to 31<sup>st</sup> December, 2009.

The Fourth Quarterly Report of the Kenya Anti Corruption Commission for the Year 2009 covering the period 1<sup>st</sup> October to 31<sup>st</sup> December, 2009.

*(By the Attorney-General)*

## QUESTIONS BY PRIVATE NOTICE

### CANCELLATION OF 2009 KCSE CHEMISTRY PAPER IN KAPLONG GIRLS SECONDARY SCHOOL

**Dr. Laboso:** Mr. Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) Could the Minister explain the circumstances that led to the cancellation of the 2009 KCSE Chemistry Paper 3 (practicals) examination results of Kaplong Girls Secondary School?

(b) What is the fate of the students concerned?

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, I beg to reply.

(a) During the 2009 Kenya Certificate of Secondary Education (KCSE), 78 candidates from Kaplong Girls Secondary School colluded in the Chemistry Paper 3. Subsequently, their results were cancelled as a result of this examination irregularity.

(b) The fate of the 78 students involved in examination irregularities in Kaplong Girls Secondary School will be decided after the Kenya National Examination Council completes its investigations and determines the school's appeal. The school has appealed.

**Dr. Laboso:** Mr. Speaker, Sir, while I appreciate the answer given by the Assistant Minister, I would wish to ask him whether proper investigations were instituted and what criteria was used to determine the culpability of the affected school.

**Prof. Olweny:** Mr. Speaker, Sir, the Kenya National Examinations Council relies on the report that comes from the examination station. A report always comes from where the examination is given with the scripts. The action the KNEC took was based on that report. At the moment, there are further investigations taking place because the school has appealed. The appeal of the school is being handled and the outcome will be known once everything is done.

**Mr. Lagat:** Mr. Speaker, Sir, these examinations are normally managed by the Kenya National Examinations Council through the teachers. What action will the Assistant Minister take against the teachers who might have participated in this collusion?

**Prof. Olweny:** If a teacher is found to be involved in the collusion, disciplinary measures will be taken against him or her. As of now, investigations are ongoing. Even the candidates can collude alone without involving the teachers. They can do it on their own in the examination room. It does not have to involve the teacher but there are some cases where the teacher is involved. If it is proved that the teacher is involved, then disciplinary measures will be taken against that teacher.

**Mr. Abdirahman:** Mr. Speaker, Sir, cancelling examinations is not a solution as these problems are now widespread. Even rural schools are actually affected. It appears the students are not very well prepared. Besides investigating and punishing a few teachers, what long-term measures is the Ministry planning to take?

**Prof. Olweny:** Mr. Speaker, Sir, a number of methods have been put in place that have helped us reduce the number of irregularities. One of the long-term solutions to this problem has already been discussed in this House; that is proper identification of the