



REPUBLIC OF KENYA

MAKUENI COUNTY ASSEMBLY

OFFICIAL REPORT

First County Assembly – Third Session

Wednesday 18th March, 2015

(The House met at 9.30 a.m.)

[Hon. Temporary Speaker (Julius Mwalali) in the Chair]

PRAYERS

NOTICE OF MOTION

ESTABLISHMENT OF A GENDER BASED VIOLENCE RECOVERY CENTRE AT MAKUENI LEVEL 5 HOSPITAL

Hon. Temporary Speaker (Julius Mwalali): Hon. Members I want to call upon Hon. Janet Kitung'a to give a Notice of Motion.

Hon. Janet Kitung'a: Thank you Mr. Speaker sir for this opportunity. I beg to give a Notice of the following Motion. Aware that Chapter Four of the Constitution of Kenya, 2010 contains the Bill of Rights; AWARE that every person shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom; further aware that gender based violence is persistent and on the increase as attested to by occasional media reports; noting that most gender based violence cases go unreported; concerned that this violence causes great physical and psychological harm which requires urgent intervention, this County Assembly urges the County Government

of Makueni to establish a Gender Based Violence Recovery Centre at Makueni level five hospital that will provide:

- i. Management of injuries to survivors of gender-based violence in the County as well as comprehensive medical services such as Post Exposure Prophylaxis (PEP) to prevent HIV transmission, Emergency Contraceptive Pills (ECP), forensic collection of physical evidence and samples, filling in of Post Rape Care (PRC) and P3 forms;
- ii. Psycho-social care such as trauma counseling to survivors and their families;
- iii. Legal counseling and support such as referral to police and court preparation;
- iv. Referral for specialized services where necessary.

Thank you Mr. Speaker.

Hon. Temporary Speaker (Julius Mwalali): Hon. Kitung'a on the other side of your paper there is a part you have left out.

Hon. Janet Kitung'a: Sorry Mr. Speaker. Number five; to create awareness on the physical, social and legal implications of gender-based violence at the County level. Thank you.

STATEMENTS

STATEMENT REQUEST – DELAY OF BURSARY DISBURSEMENT BY THE COUNTY GOVERNMENT OF MAKUENI

Hon. Temporary Speaker (Julius Mwalali): Hon. Members I want to call upon Hon. Nzilili Member for Ivingoni to request for a Statement.

Hon. Member for Ivingoni Nzambani Ward (Cosmas Nzilili): Thank you Mr. Speaker. I rise to request for a Statement from Chairperson Committee on County Education and Civic Education. Pursuant to the provisions of Standing Order 41(2) (c), I rise to request for a Statement from the Chairman Committee on County Education and Civic Education regarding the delays in disbursement of the following bursaries.

The County Government of Makueni rolled out a program that seeks to ensure that needy students are supported to stay in school and obtain an education by awarding them bursaries. In the 2013/2014 financial year, the County Government set aside a sum of 50.2 million shillings for the bursary programme. The needy students were identified from various learning institutions and were awarded bursaries. However, some beneficiaries as listed below and mainly those from the category of people

with disability of 2013/2014 financial year programme have not received their disbursements up to date:

1. Patrick Katana Kaindi	Machakos TTC	Ksh.44,775
2. Damaris Koki James	Egerton University	Ksh.40,340
3. Meshack S. Mutuku	Machakos TTC	Ksh.35,500
4. Teresia Munyalo	Elite Teachers College	Ksh.55,000
5. Vincent Munyao	Mumo Machakos TTC	Ksh.44,000

There are also several other students.

The Statement as requested should provide the following information.

1. Whether the Department is aware of the above named five students and that they have not received their bursary disbursement up to date;
2. The reasons that led for the students not to receive their bursary disbursement;
3. The actions the Department is taking to ensure that these students receive their money;
4. The measures the Department has put in place to ensure that these delays will not recur this year 2014/2015;
5. Whether the Department is aware that such delays in disbursement may lead to discontinuance of education of such students and so ruin their future; and
if yes, what measures has the Department put in place to ensure that students stay in school during such periods of delays in disbursement of their bursary money.

Mr. Speaker it is unfortunate that as I raise here this Assembly gave me a team of four to go round and in between we could not reach some of these institutions because of financial constrains but these are particular cases. It is not a matter of investigation just as we were doing. We went to a few institutions and the Office of the Speaker stopped us from moving around or continues with the work until such a time we are given ample ability. However Mr. Speaker, the matter has been raised severally by Hon. Mwangi that these are cases of disability and they are known cases that are in particular institutions. It is important therefore that these particular ones which were awarded quite some amount of money from the kitty which was purely spared for people living disability for the Chairman to tell us whether it was a false promise because although this is not time we are allowed to give out some of

the information we got, right here in SEKU (South Eastern Kenya University), the Executive Committee Member promised he was going to pay for a child who is already admitted there Kshs. 70,000 per year and even first Kshs. 70,000 has never been paid. I am not going to preempt more on that until such a time when the Speaker gives us the go ahead to finish our work but is it possible that the Chairman can answer these particular questions for these particular children because they have already stayed in school. Thank you Mr. Speaker.

Hon. Deputy Minority Leader (Timothy Maneno): On a Point of Information.

Hon. Temporary Speaker (Julius Mwalali): Hon. Maneno what kind of Information

Hon. Deputy Minority Leader (Timothy Maneno): I do not want to disturb the Member---

Hon. Temporary Speaker (Julius Mwalali): Can you switch on your gadget.

Hon. Deputy Minority Leader (Timothy Maneno): I think I can be heard.

Hon. Temporary Speaker (Julius Mwalali): Proceed.

Hon. Deputy Minority Leader (Timothy Maneno): I wanted to give this Information following the Member who has just left the floor. If I am following I want to assume that there was a responsibility that he was given and that he was to head an Adhoc Committee on the same. I thought this would be like toping a Statement on another because one Statement which was given in this House was requesting the same and that is what led to the formation of that Adhoc Committee where a variety of some loopholes and irregularities, failure to issue cheques to scholars, improper and high issuance of monies to some students led by the formation of this particular Committee. I think when this Member requests for this then it means it will be a double entry case where a Statement will be capped by another. I think what the Member would have done could be he comes back to the House and reports that due to constraint of money that has hit the Assembly it has been a difficult exercise to continue or make this House expect some Report from this particular Statement that was issued and for that reason he would like us to revisit the matter afresh and that is where we would get another Statement on this.

Mr. Speaker so that we do not look like we are giving another group the same kitchen to prepare other food we want this particular case to first handled by the Chairman of this Adhoc Committee and if this one ---

(Hon. Joseph Musya interjects)

Hon. Deputy Minority Leader (Timothy Maneno): I am getting nervous when one Hon. Member who was a principal during my time in school is trying to communicate. I am losing balance in what I am saying but I wanted to say I think it is improper for the Member to request for this Statement for the second time when we have not gotten the Report from the Adhoc Committee. I beg to leave

(Hon. Cosmas Nzilili and Hon. Christant Keli stood in their places)

Hon. Temporary Speaker (Julius Mwalali): Before we proceed Hon. Members may you take your seats. This Statement was directed to the Chair Education and Civic Education and Hon. Member from Nguu has stood on a Point of Information and I can see the Hon. Member from Ivingoni wants to defend himself from what has been stated by the Hon. Member for Nguu so before we proceed to any other Member I call upon Hon. Member for Ivingoni.

Hon. Deputy Minority Leader (Timothy Maneno): Mr. Speaker that was---

Hon. Temporary Speaker (Julius Mwalali): What is it ---

Hon. Deputy Minority Leader (Timothy Maneno): For your interception. I wanted you to intercept because this can lead to the House deliberating on the matter. We request you to guide the House so that this matter first goes to the kitchen as I had requested.

Hon. Temporary Speaker (Julius Mwalali): Hon. Nzilili before you proceed I can see Hon. Mwango wants to preempt to something concerning the same so let me allow Hon. Mwango contribute on the same then I come back to you as the Hon. Chair Education and Civic Education Committee prepares to react to the same.

Hon. Gideon Mwango: Thank you Mr. Speaker sir. The Statement which has been given by the Hon. Nzilili of Nzambani comes from me as the Chairman of Disability Empowerment Committee in this Assembly. This is a totally different case not like the one that the previous speaker has been explaining. It becomes very painful for somebody like me to go round and try to convince the Institution to admit---

Hon. Temporary Speaker (Julius Mwalali): Order Hon. Mwango. Something technical is going wrong ---

(Hon. Martin Mutuku upstanding)

Hon. Temporary Speaker (Julius Mwalali): What is it Hon. Member? Hon. Kavita can you switch off the gadget next to you.

Hon. Gideon Mwango: Mr. Speaker sir, I was saying it becomes very painful when somebody like me goes visiting several Institutions to accept to admit our students of special needs and disabilities and after which---

(Hon. Caroline Munanie interjects)

Hon. Temporary Speaker (Julius Mwalali): Hon. Mwango somebody wants to raise a Point of Order. Hon. Munanie go ahead. Hon. Mwango you can take your seat meanwhile.

Hon. Member for Kiima/Kalanzoni Ward (Caroline Munanie): On a Point of Order. --- *(Technical hitch)*

Hon. Member for Mavindini Ward (Martin Mutuku): On a Point of Information.

(Hon. Caroline Munanie and Hon. Martin Mutuku upstanding)

Hon. Temporary Speaker (Julius Mwalali): Order Hon. Members! Commissioner can you check with the technical bench in the control room and see what is happening. Let one of you get up there and see what is happening.

Hon. Member for Mavindini Ward (Martin Mutuku): On a Point of Information.

Hon. Temporary Speaker (Julius Mwalali): Yes Information allowed.

Hon. Member for Mavindini Ward (Martin Mutuku): Thank you Mr. Speaker. I am happy that due to technical issues --- *(Technical Hitch)* due to HANSARD are also capturing some information from this House. So we can propose an adjournment of around ten or twenty minutes so that it can be rectified and we come back to this House because we are in no any hurry to go anywhere.

Applause

Hon. Temporary Speaker (Julius Mwalali): Order Hon. Members! Order, Order! I think now the machines are getting back to normal and we can allow Hon. Mwango to proceed with his contribution.

Hon. Member for Kiima Kiu/ Kalanzoni Ward (Caroline Munanie): I think we better switch them off and use our voices.

Hon. Temporary Speaker (Julius Mwalali): Can you proceed Hon. Mwango and see whether ---

Hon. Gideon Mwango: Mr. Speaker Sir, I have been a teacher and I have a voice that can fill this House.

Hon. Temporary Speaker (Julius Mwalali): But we need your contribution captured Hon. Mwango.

Hon. Gideon Mwango: I was saying that it is painful that we try to go round and convince the Institutions to admit our students; those with special needs and disability and after that big effort it is not being appreciated, it is not being supported by the County. I am saying by the County because when these students were admitted it is me who personally went there to the Institution i.e. Machakos Teachers College and I came back and asked the Chief Education Officer ; The CEO to give a letter of commitment saying they will be able to pay and this letter is with the college. That was in September last year till now and I am wondering and I need you to assist me rather than saying the same Statement had been brought. This is a special and different one because the one which has been brought and which has been handled was for regular students and this one is for special institutions that cater for persons with disability. So let us not mix the issue, let us find out and see whether these students can be assisted because right now they are out of teaching practice which is very bad. The County has promised to pay for the students and yet they are being assisted. What do you think the people are saying? They are saying they are not being assisted because they are children with disability. They are being undermined, neglected and discriminated when others are being catered for. So Hon. Members I think we should change our attitude rather than thinking of what had been done and instead handle this issue separately. Thank you Mr. Speaker.

Hon. Member for Emali /Mulala Ward (Cosmas Kaleli): Point Information Mr. Speaker.

Hon. Minority Leader (John Mwenze): Point Information Mr. Speaker.

Hon. Temporary Speaker (Julius Mwalali): Hon. Members before we get the next information, I think he Hon. Mwangi has made it clear that this is quite different from what this Honorable House sat and formed an Ad hoc Committee to investigate.

Hon. Member for Emali /Mulala Ward (Cosmas Kaleli): Point of Information.

Hon. Temporary Speaker (Julius Mwalali): Hon. Member for Emali what is the Information?

Hon. Member for Emali /Mulala Ward (Cosmas Kaleli): Thank you very much Mr. Speaker. Last year from the Education Department, a Statement was sought in this Honorable House regarding all bursary issues in the County. The Statement was given a response in the House and Members were not satisfied. Out of that the Speaker and the leadership of this Assembly opted for an Adhoc Committee to work better on those issues of the Statement entirely; whether regular or special. Mr. Speaker, in the because of the unanswered questions in the Statement we expected the Report from the Adhoc Committee to answer all the questions.

I am getting surprised because we only have one Committee on Education; that which is led by Hon. Wambua. There is no other Committee that deals with Education matters as Hon. Mwangi is trying to inform this House. My worry is that after all this long, with the Committee having gone and done what it was expected to do, what is not happening that the Report is not being produced in this House? We doubt as it might be what is happening is similar to what is happening in the National Assembly with Ababu Namwamba's Committee, the Committee on Agriculture. Mr. Speaker we do not want that fraud which is being experienced in the National Assembly to be inherited in this Assembly. We want that Report out; we see what it contains and all matters concerning bursaries be answered. Thank you Mr. Speaker.

Hon. Temporary Speaker (Julius Mwalali): Let us get information from the relevant Chairperson; The Chairperson Education and Civic Education Committee then we come to the rest.

Hon. Member for Tulimani Ward (Jackson Wambua): Thank you Mr. Speaker. I want to start by thanking Mheshimiwa Maneno, Mheshimiwa Mutunga and at the same time Mheshimiwa Mwangi for the relevant information they have

given to this House. Allow me to start by pointing out one anomaly that I have noted from the Statement that has been sought. Firstly, it is important to understand that there is a Department on Disability that was directly dealing with the bursaries and I was imagining the same should be directed to that Department. However, Mr. Mwango and I have been dealing with those cases that have been mentioned by Hon. Nzilili and unfortunately we have really hit a hard wall. We have tried to consult the relevant officers at the Executive side and what happened is that a deaf ear has been turned to us. I believe that is the reason why Hon. Nzilili is asking that question. Indeed these children have been pestering me and Hon. Mwango. It has become a real desperate case. I do not know why the Executive is not listening to the plight of these children. One called me yesterday and told me that they have been given a deadline on when they will be sent away from college and imagine this is partially a blind child. He depends on people's donations and they were actually given letters indicating that their fees will be paid.

Mr. Speaker this is unfortunate. At the same time, you will remember last year in September as it has been said here there was another Ad hoc Committee formed by this House when it was realized there was a lot of problem in the Department of Education and they were told deal with all matters pertaining to Bursary. Unfortunately as we now talk there is no Report from that Committee and that is the Committee that should have told us what transpired in regards to the disbursement of Bursaries to these disabled children. When it is now being given back to me and I am told to find out why they have not been given and Hon. Mwango and I have been following, I think it defeats the purpose of trying to help them. May I still insist that it that same Adhoc Committee comprising Hon. Nzilili, Hon. Maseka and Hon. Kitunga who should actually be charged with the responsibility of finding out why these bursaries have not been disbursed. We are not only dealing with those, there are so many. You will remember there were 66 cheques that are still pending in the Offices of the Executive. There are other children in colleges who are actually pestering us. They have actually not received their bursaries. So this information should actually be directed to Adhoc Committee that was formed so that it can dig deeper and find out why our children are not benefitting from the bursaries that were meant for them. Thank you Mr. Speaker.

Hon. Temporary Speaker (Julius Mwalali): The Hon. Member for Masongaleni.

Hon. Member for Masongaleni (John Kilonzo): Thank you Mr. Speaker. I tend to believe that with your wisdom what we are discussing and taking a lot of

time on is a matter that was determined on the Floor of this House. Unless now we say we do away with that Ad Hoc Committee and start afresh, what we are discussing is a matter that has been given its own time under the Chairmanship of a man who has been championing rule of law in the name of Hon. Nzilili. I thought I was not in my right mind when I heard that it was Hon. Nzilili who was presenting this Statement. It is clear that it is talking about the period between 2013/ 2014 financial year of which he is a Chairman of an Ad Hoc Committee which has started work. Mr. Speaker I think you can overrule because we need not waste a lot of time; you either declare that this Committee be disbanded so that we start a fresh or Mr. Speaker you guide us on what to do.

(Loud consultation)

Hon. Temporary Speaker (Julius Mwalali): Order! Hon. Leader Minority.

Hon. Member for Ivingoni Nzambani Ward (Cosmas Nzilili): Mr. Speaker it is important I give some information.

Hon. Temporary Speaker (Julius Mwalali): I have given a chance to the Hon. Leader Minority to contribute.

Hon. Minority Leader (John Mwenze): Thank you Mr. Speaker sir. I also apologize for coming late. When I read through the content of the Statement, it was very clear; a request for Statement by the Member of Ivingoni/Nzambani Ward regarding delay of disbursement of Bursaries for students during 2013/2014 financial year. Unless you have made an amendment, this Statement is very general. It is not specific to students living with disability. It is against the Standing Orders-it is only that I did not come with them. Unless the Report of a Committee is tabled, it cannot be discussed and we cannot anticipate a debate on the same. Again, even if we were to do amendments then we cannot weaken the content of the former Motion because we all requested for the problem that caused the delay of the disbursement of these bursaries and not only the delay, most of the bursary cheques were not received by students. You cannot even call this a delay; it was a bigger problem than this and the cheques did not go to the beneficiaries. Mr. Speaker as I say this statement could have been brought or asked for at the wrong time because as we deliberate on it we are obviously discussing content of a Report of a Committee that has not yet been tabled in this Assembly.

You remember yesterday the Speaker was not happy with most of these Committees. They are given duration of time and a specific date on when they should be giving back their Reports and we have seen that most of them have delayed to the extent that people forget what was asked there before and they come to ask the same Statement because the Committee that was mandated to do the same and Report to this Assembly probably has also slept or rather they are not ready to give the Progressive Report on what they are doing up to date. This is a weakness of a Committee that was mandated to go and do some work for this Assembly. It has taken that Ad hoc Committee more than the necessary time to the extent that Members are worried probably that Committee has met its natural death. All the same, until the Report of that Committee is brought to this House we cannot bring any other Motion related to the same unless it is after about 6 months and in a different Session. Thank you.

Hon. Member for Kithungo/Kitundu Ward (Christant Keli): On a Point of Order.

Hon. Temporary Speaker (Julius Mwalali): Point of Order Hon. Keli.

Hon. Member for Kithungo/Kitundu Ward (Christant Keli): On same under Point of Order number 86 we might be forced to ask Hon. Nzilili and Hon. Mwango to declare their interest in this matter because we really wonder why a Committee was ---

Hon. Gideon Mwango: On a Point of Order.

Hon. Temporary Speaker (Julius Mwalali): Hon. Mwango the Hon. Member is standing on a Point of Order, so you cannot stand on a Point of Order.

Hon. Gideon Mwango: On a Point of Information.

(Laughter)

Hon. Temporary Speaker (Julius Mwalali): Hon. Keli can you finish then we get the Information ?

Hon. Member for Kithungo/Kitundu Ward (Christant Keli): Mr. Speaker because everybody is aware that we are waiting for a report and indeed you will remember that this Committee had a time line. Whenever a Committee is given a job by this House to do it is up to them if they find that they cannot perform that job

in the given time to report back to this House and seek more time or actually indicate their challenges so that we can consider their challenges and advise and this House will collectively decide what to do. However, Hon. Nzilili knowing very well that he is the Chairperson of that Ad-hoc Committee comes here and gives names of particular students without indicating whether they are disabled or not while I am here waiting to hear of a certain case in my Ward that I thought will squarely be handled by the same Ad hoc Committee. It is actually unfair and that is why I am saying they should actually be compelled by this House to declare their interest because you cannot single out four or five students and leave other students in other Wards while you are the Chairperson of a certain Committee. Mr. Speaker unless they give us a Progress Report I think this debate should die. Rights are rights whether those of persons living with disability or those of any another person because anybody who will lose education whether or not they are disabled is actually disadvantaged. We do not have to live with disadvantaged people in all our Wards so that we please a few people. My take is that we get a Progress Report from the Ad-hoc Committee and ---

(Hon. Josiah Kavita and Hon. Mwango stood in their places)

Hon. Temporary Speaker (Julius Mwalali): Hon. Kavita and Hon. Mwango what is happening?

Hon. Member for Kithungo/Kitundu Ward (Christant Keli): Mr. Speaker, I do not know what is happening---

Hon. Temporary Speaker (Julius Mwalali): Hon. Mwango can you sit?

Hon. Member for Kithungo/Kitundu Ward (Christant Keli): I had already made my point and because of the war between Hon. Kavita and Hon. Mwango I rest my case there--- *(Laughs)*

Hon. Temporary Speaker (Julius Mwalali): I could see that Hon. Kavita was assisting Hon. Mwango to access the microphone --- *(Loud consultations)* Order Hon. Members!

Hon. Member for Kikumini (Josiah Kavita): I wish to contribute and give my view. Mr. Speaker though what Hon. Mwango wants to know from this House is genuine and that we have had delays of these bursaries reaching the beneficiaries it however defeats the logic that this time we are handling a matter that was given to

a Committee of this Honourable House to go dig into the matter and present the matter to this House. I do not genuinely see how we should start contemplating on a matter that has not been given a Report to this moment. I hope this is not another Mumias Sugar Company saga or Anglo Leasing or a chicken --- (*Laughs*) If the Committee was formed last year in September- I will be precise -by October and we are in March why is there this gap and why has the Committee not yet reported back and like Mheshimiwa Keli is saying it should have a deadline so that they can report back to this House.

We wish that the integrity of this House will not be misused by some of us because we have a legitimate mandate and we will be such people if we are unable to articulate what we want to know. Our biggest mandate here is oversight. How are we then able to oversight if we cannot perform the duty that we have been given or assigned by this Honourable House? It is actually very peculiar to notice that there was a commitment that was given to these disabled children. Though they are special and we want to treat them as special and we also have other normal rights other than the special rights that we are talking about. A partially disabled child whether deaf, blind or lame should be given their rights. We do not know why if that budget for 2013/2014 was executed then why were the cheques not written to the various schools. I had a child who was a total orphan who up to this minute has not received a single cent. I have been digging from my pocket to ensure that he goes back to school yet he was given a bursary and that was his entitlement and his right. Using your wisdom therefore, we urge them to declare interest of why they have taken that long and before any matter is discussed about bursaries they first table the Report that they have or say they are unable to do so. Thank you.

Hon. Member for Mavindini Ward (Martin Mutuku): On a point of information.

Hon. Temporary Speaker (Julius Mwalali): Hon. Member for Mavindini.

Hon. Member for Mavindini Ward (Martin Mutuku): Thank you Mr. Speaker and I respect the contribution made in this House. I have listened to all the parties in this House and I have learnt a lot about the issues of these bursaries that was raised over the last seven to eight months. I remember the meeting we had with Hon. Mwangi at Unoa and there was the issue of the bursary that was raised even by His Excellency the Governor and he was worried why Hon. Mwangi was asking about the money for People Living with Disability. I thought when the Committee was formed it was supposed to get the information about where the money was but I am

worried that it was through this Committee that was headed by my close friend and I am trying to understand---

(Hon. Cosmas Mutunga stood in his place)

Hon. Member for Mavindini Ward (Martin Mutuku): Protect me Mr. Speaker.

Hon. Temporary Speaker (Julius Mwalali): Can you take your seat Hon. Member for Emali; Cosmas Mutunga? And Hon. Member for Mavindini as you proceed substantiate the kind of Commission you are talking about.

Hon. Member for Mavindini Ward (Martin Mutuku): Mr. Speaker I will go ahead and do the same. I thought that the Hon. Member for Emali is revenging for the way we acted last week on his Motion but I admit that it was a slip of tongue. I withdraw the same.

Hon. Temporary Speaker (Julius Mwalali): Thank you.

Hon. Member for Mavindini Ward (Martin Mutuku): I request to go ahead Mr. Speaker. I have seen there was the issue which was raised by Hon. Mwango. He had to bring the Statement but Hon. Nzilili brought it. I want to ask if it is I Order when a Member plans to request for a Statement and instead of him requesting for the Statement another Member requests for the same Statement. I am getting worried if it was requested by Hon. Mwango how did it go to Hon. Nzilili who is supposed to give a Report in this House. Was it lobbying or was it for somebody to be popular in this House. Is it in Order Mr. Speaker, give us direction.

Hon. Temporary Speaker (Julius Mwalali): Order Hon. Member, Hon. Member for Mavindini a Member of this Hon. House can seek for a Statement---

(Hon. Gideon Mwango stood in his place)

Hon. Temporary Speaker (Julius Mwalali): Hon. Mwango I can see you are now on. Proceed.

Hon. Gideon Mwango: Mr. Speaker sir, Hon. Keli wanted us to declare the interest that we have. I have none, other than for the students to be paid their school fees and secondly, he should remember that in Kithungo/Kitundu and any other Ward, there are students with disabilities whom I represent here. In those Wards I am also the Member of County Assembly (MCA) because there are students

with disabilities and I want you to mark that today. Wherever they are when you meet them crawling say these are Mwango's students; those are the ones I have come here to represent. I have heard another Statement. I want to inform the Hon. Member for Nguu/Masumba that there is only Committee for Education which I am a Member and I never brought the issue as the Chairman Committee of Education. I want you to refrain from that --- (*Applause*). Thirdly, I want to get it clear from the Hon. Member for Mavindini as to why his Excellency the Governor was asking as to why Mwango is asking for bursary for these children. These are not Mwango's Children. These are Makueni County children with disabilities whom I am here for. Thank you.

(Applause)

Hon. Minority Leader (John Mwenze): On Point of Information.

Hon. Temporary Speaker (Julius Mwalali): Hon. Minority on a Point of Information then I get back to the originator of the Statement.

Hon. Minority Leader (John Mwenze): The information I wanted to give is that when we are forming this Ad-Hoc Committee there are what we called terms of reference and one among the terms of reference that we gave was for that Committee to go and investigate why there is delay of giving these cheques or the problem causing the cheques not to reach their destination. So I wonder why Hon. Nzilili is trying to ask us the same question we asked him. Anyway terms of reference included what he is asking here. Thank you.

Hon. Temporary Speaker (Julius Mwalali): Hon. Nzilili---

Hon. Member for Kee Ward (Jonathan Mutua): Point of information Mr. Speaker.

(Loud consultation)

Hon. Temporary Speaker (Julius Mwalali): Order Hon. Members! Can you take your seats? Hon. Nzilili who is also the Chairman of the Ad-Hoc Committee which was formed last year the House requires a Report of the same ---(*Applause*) and if not a Report then a Progress Report so that if there is a request for extension of time out of what you are going to explain to the House, the time will be allocated. So as you talk bear in mind that a Report is required from your Ad- Hoc Committee which was formed by this Honourable House and you can give a time frame when you are going to do the same as you contribute.

(Loud consultation)

Hon. Member for Kikumini Ward (Josiah Kavita): Mr. Speaker you should actually give a deadline on when they should do so because if we leave it open again it might end or extend to another month.

Hon. Temporary Speaker (Julius Mwalali): Hon. Member for Kikumini this is not a *Baraza* sneak and allow yourself to speak---

Hon. Member for Ivingoni/ Nzambani Ward (Cosmas Nzilili): Mr. Speaker---

Hon. Member for Kee Ward (Jonathan Mutua): Mr. Speaker on a Point of Information.

Hon. Member for Ivingoni/Nzambani Ward (Cosmas Nzilili): Mr. Speaker can I ---

Hon. Temporary Speaker (Julius Mwalali): Before then---

Hon. Member for Ivingoni/Nzambani Ward (Cosmas Nzilili): Mr. Speaker has already ruled.

Hon. Temporary Speaker (Julius Mwalali): Hon. Nzilili can we get that information then you rise to proceed.

Hon. Member for Kee Ward (Jonathan Mutua): Thank you Mr. Speaker although Hon. Keli trying to operate as the Speaker when he is sitting on this side...

(Hon. Christant Keli stood in his place)

Hon. Temporary Speaker (Julius Mwalali): Hon. Keli can you take your seat. I have heard.

Hon. Member for Kee Ward (Jonathan Mutua): Mr. Speaker this Information I am giving to the whole House that Ad-Hoc Committees and Committees that are formed to investigate a certain matter operate on expenditure of public resources and if these Committees cannot bring a Report to this House they will be surcharged because they spent from coffers of the public. This Committee travelled up to Mombasa, and many other areas in Kenya and we know how much it cost --- *(Applause)*. We have to be serious Members unless we want to be portrayed like the National Assembly with what is happening now. We have to

learn from what is happening in our National Assembly and try to behave when it comes to public funds.

I will not fear to mention that there is a time I was really grilled at my age by another Committee which was chaired by the Hon. Member for Emali with his Vice Chairman for Kasikeu Hon. Malinda; Powers and Privileges Committee. I was threatened that if I was not going to give evidence action would be taken against me and I gave evidence. Up to now I do not know what came out of that Committee. I also demand a Report on that --- (*Applause*). Even my own Public Accounts Committee, I will bring a Statement on what has not be done because I do not want also to be accused. We are spending public funds and we must be accountable. If we cannot be accountable, then we cannot also blame or try to oversight the other side of the County. Thank you.

(Loud consultation)

Hon. Member for Kasikeu Ward (Paul Malinda): Information Mr. Speaker.

Hon. Temporary Speaker (Julius Mwalali): Order Hon. Members! Hon. Member for Thange, Hon. Member for Kasikeu, I can see now that you have been mentioned by the Hon. Member who was giving information you have stood and I had accepted that we allow the Hon. Member who sought the Statement to comment on the reactions of the Hon. Members.

Hon. Member for Thange Ward (Martin Masila Undwake): Mr. Speaker there was further information.

Hon. Temporary Speaker (Julius Mwalali): Order Hon. Member! A Member is contributing.

Hon. Member for Ivingoni/Nzambani Ward (Cosmas Nzilili): Thank you Mr. Speaker. I want to tell this House even as I contemplated on coming up with the Statement from Hon. Mwangi, I had put into consideration of all the issues you have brought today. This House had given me and two other Members a responsibility and indeed as I rose to give this Statement I started from there. After six months- and the Hon. Minority Leader tried to give such explanation- it is in order for any Member to bring a matter before this House. I want to answer one of the questions; that the Ad- Hoc Committee that we actually formed and you assumed that it went very many places only visited three institutions and we were stopped because of the problem that started. It is very interesting that this House

today after having just one week of peace forgets that it has been living in a very difficult situation. The Ad Hoc Committee is going to give you a Report on Thursday and it has already made that decision even before you are going to ask for it here; a Progress Report---

Hon. Temporary Speaker (Julius Mwalali): Hon. Nzilili when you talk of Thursday you mean tomorrow?

Hon. Member for Nzambani/ Ivingoni Ward (Cosmas Nzilili): No, the following week on Thursday. What I am saying is that we have the Report that we are supposed to bring but any Member of this House and in the condition of Hon. Mwangi, if any other Member was approached by the Hon. Mwangi and given these particular special cases and do I declare interest? I have no interest in these kids but there are five cases we should brought this matter as Petitions. The cases we are handling are totally unique situations; we are handling the whole process of bursary dissemination, the whole process of bursary of 2014 and indeed some 10 million that was issued earlier. It is a totally different case and not only Hon. Mwangi; any other Member can bring an issues here arising from the same matter as long as six months are over and so if on Thursday I bring the Progress Report and Members still feel we have not be able to work and they have enough funds then another Committee can take over because our issue was purely on funding. If we can move on we will have a proper Report but I want to say that Hon. Mwangi is totally in order. These are disability cases; these are unique cases. They are not cases that can continue waiting for are situation where this House will have enough funding to continue with investigation. If we can actually solve only these five cases- the ones that have called your offices; they have called the Hon. Chairman Education Committee, they have called the Hon. Mwangi, they have called the CO, they have called the Minister of Education. If this House can get further information from any Statement that is requested before this House I do not think there is any harm. It is only giving us more strength, more reasons to continue asking more questions and more reasons to decide whether this Assembly is working and whether the Executive is going in the right direction or not.

I am not going to stand here and take blame 100% of the delay because we were not able to do anything. The Hon. Vaati spent a whole day at in Kenyatta University; a whole day and at the end of the day he was told can you come in January. In January did we have any means of moving around? There was chaos all over the place; we could not even get our salaries. Let us not forget that first. We are going to do our work and I do not do piecemeal. I would rather not do it than give this

House a shoddy Report. So, I am asking the Chairman of Education Committee in his own wisdom to actually articulate and consider the matters brought before this House by Hon. Mwango through the Hon. Nzilili; Ivingoni/Nzambani Ward without consideration of the past. Let the issues of disability be treated with exceptions; they are not just normal cases. We can continue asking questions and debating, we can continue investigating matters but the cases of disability are marginalized. Let us treat them as marginalized persons and give them answers tomorrow. Thank you Mr. Speaker.

Hon. Temporary Speaker (Julius Mwalali): The Hon. Chairperson.

Hon. Member for Kithungo/Kitundu Ward (Christant Keli): On a Point of Order.

Hon. Temporary Speaker (Julius Mwalali): Yes, Point of Order Hon. Keli.

Hon. Member for Kithungo/Kitundu Ward (Christant Keli): --- *(Inaudible)* Hon. Nzilili has promised to give us a Report but he goes on to anticipate that that Report will not answer the same question. Are we now debating a Report that we do not know what it addresses? We actually should not assume that they had shortcomings. It is up to them to tell us the shortcomings they had and for me I want this matter to be addressed comprehensively; not single matters. There even those from Wards that cannot call. Do not tell us about those people who are calling, there those ones who are somewhere and cannot call. We want this matter to be addressed comprehensively. I have got students in my Ward who have been waiting in patiently and I have been telling them to wait patiently because we are waiting for a Report. We do not want to anticipate what the Report will say. Let the report say what it wants to say and let us deal with that matter again comprehensively. Thank you.

Hon. Member for Emali/Mulala Ward (Comas Mutunga): Point of Order number 81 (2).

Hon. Temporary Speaker (Julius Mwalali): Hon. Chairperson Education and Civic Education Committee.

(Hon. Cosmas Mutunga stood in his place)

Hon. Temporary Speaker (Julius Mwalali): Hon. Kaleli can you take your seat, Hon. Chairperson Education and Civic Education Committee it is now upon you to make you final comment. A Report will be brought to this Hon. House on

Thursday. The Hon. Member who has sought the Statement tries to put across that this is quite a different case so we need your input on the same Hon. Chairperson Education and Civic Education.

Hon. Member for Tulimani Ward (Jackson Wambua): Thank you Mr. Speaker. If I were to be asked I would request your Chair to give us time to wait for the response for Mheshimiwa Nzilili because the response is going he is going to give will be answering the Statement that has been sought from this House this morning. At the same time, I would not want to throw the matter Hon. Mwango but I still want repeat that Hon. Mwango had some kitty to allocate these children it is only that we were treated unfairly by the Executive in that they vowed they would very, very soon write cheques and ensure that the cheques reach the students particularly those ones who are poor in Machakos Teachers Training College. That has not been done and we have really tried to push but tried in vain. So, without wasting a lot of time in fact if you listened very carefully it is the Adhoc Committee headed by the Hon. Nzilili that should have taken up this matter and reported to us what they found out in the offices of the Executive before they went out because they should have started with offices here before proceeding to Mombasa, Nairobi and everywhere else they went.

Mr. Speaker let me plead with your Chair. Let us wait for that Report that we are going to get from Hon. Nzilili and at the same time request that Mheshimiwa Mwango talks to the Director to find out how far they have gone and whether they are in the process of producing those cheques for those desperate in Machakos Teacher's College and elsewhere because as I now talk, I am scared of visiting my offices in the Ward. There so many of this nature who actually have had cheques written, I have the cheque numbers in the file that is in my small office but those cheques have not reached those kids; there those 66 that we were told. So, Mheshimiwa Nzilili would need to give us information of what transpired with regard to the cheques in these offices and with regard to the cheques whose numbers are indicated in the files that we already have in our offices. Mr. Speaker give your ruling and let us know what we are going to do with these kids. Thank you.

Hon. Temporary Speaker (Julius Mwalali): The Hon. Chairperson; Hon Nzilili as you heard said earlier on 26th March, 2015 that Report will be expected in this Honourable House and I do direct that as you bring in the Report, put into consideration the cases of these 5.

ADJOURNMENT

Hon. Temporary Speaker (Julius Mwalali): Hon. Members, there being no other business to transact the House remains adjourned to 2.30 p.m this afternoon.

(The House rose at 10.35 a.m.)

