



## REPUBLIC OF KENYA

### MAKUENI COUNTY ASSEMBLY

#### OFFICIAL REPORT

#### First County Assembly – Second Session

Wednesday, 23<sup>rd</sup> April, 2014

The House met at 9.30 a.m.

*(Hon. Speaker in the Chair)*

#### PRAYERS

#### COMMUNICATION FROM THE CHAIR

**Hon. Speaker** (Stephen Ngelu): I have this Communication to make from the Chair. Hon. Members, you are aware that this House made a resolution to remove the then Deputy Speaker from the Chair and the resolution was done by a vote of the Members. Honourable Members thereafter we received an order from court barring this Assembly from proceeding with the election of a new Deputy Speaker therefore the order we have bars the Assembly from voting the Deputy Speaker but we don't have an order reinstating the Deputy Speaker in the position of Deputy Speaker. So by this, I want to ask Hon. Munanie not sit on the Deputy Speaker seat and not occupy the Deputy Speaker's Office --- *(Applause)*. So ordered. Next order.

## STATEMENTS

**Hon. Speaker:** Honourable Members I would like the Clerk to move to the next order and pend the Order for Statements awaiting some documents that are being prepared so that we can get a response from the Chair Education. So I ask the Clerk to move to the next order for the Motions.

## MOTION

### MOTION – EMPLOYMENT TO PERSONS WITH DISABILITIES

**Hon. Speaker:** I call upon Honourable Gideon Mwangi to move his Motion.

**Hon. Gideon Mwangi:** Mr. Speaker sir I beg to move a Motion **THAT**, aware that it is a mandatory according to the Persons with Disabilities Act No. 14 of 2003 that all Public and Private Organizations should endeavor to reserve 5% of all casual emergency and contractual positions in employment to persons with disabilities and that the County Executive and the County Assembly are not exceptional. Further, aware that subject to the Employment Act, 2007 Persons with disabilities shall be eligible for engagement as apprentices or learners where their disability is not such to impede to their performance in particular occupations for periods for which they are hired; This **ASSEMBLY URGES** the Government of Makueni to award at least 5% of all jobs and apprenticeship opportunities to the persons with disabilities based on academic qualifications where their disability is not such as to impede their performance. Mr. Speaker sir, may I ask Honourable Maseka to second me.

**Hon. Member for Wote Ward** (Hon. Sammy Maseka) seconded.

**Hon. Speaker:** (*Question proposed*) Honourable Members, I want to propose the question aware **THAT**, aware that it is a mandatory according to the Persons with Disabilities Act No. 14 of 2003 that all Public and Private Organizations should endeavor to reserve 5% of all casual emergency and contractual positions in employment to persons with disabilities and that the County Executive and the County Assembly are not

exceptional. Further, aware that subject to the Employment Act, 2007 Persons with disabilities shall be eligible for engagement as apprentices or learners where their disability is not such to impede to their performance in particular occupations for periods for which they are hired; This **ASSEMBLY URGES** the Government of Makueni to award at least 5% of all jobs and apprenticeship opportunities to the persons with disabilities based on academic qualifications where their disability is not such as to impede their performance. Contributions from the Members.

**Hon. Member for Mbooni Ward** (Hon. Joseph Musya): Thank you Mr. Speaker sir, I stand to support to this Motion. The Motion is in line with the constitution requirements that the persons with disability be given opportunities that arise either from employment or contractual engagement. Mr. Speaker sir I am sure this Assembly will support this Motion since it's is within the requirements of the Constitution. The people with disabilities are our fathers, uncles, sons, daughters and what have you and it is very important that they are incorporated into the economic activities of the Makueni County and there for Mr. Speaker sir, I beg to support this Motion. Thank you.

**Hon. Speaker:** Thank you. Honourable Penina.

**Hon. Penina Musyoka:** Thank you Mr. Speaker sir, for this nice opportunity to contribute some of my points to this Motion. It says that Makueni County should at least award 5% to the persons with disability based on their qualifications. Mr. Speaker sir, we are all aware that persons with disability were better placed and put in a better position in the new Constitution Article 54 which says, *The State shall ensure the progressive implementation of the principal that at least 5% of the Members of public in elective and appointive bodies are persons with disability* Mr. Speaker sir, persons with disability are not going to be employed because of the new Constitution but only if they qualify not by favor. Mr. Speaker sir, I urge Hon. Members to pass this Motion knowing that nobody is immune against disability. Mr. Speaker sir, I support the Motion. Thank you.

**Hon. Speaker:** Thank you. Hon. Munyao.

**Hon. Leader of Majority:** (Hon Francis Mutuku); Thank you Mr. Speaker sir, I arise to support the Motion. Mr. Speaker sir, I am Member of the County Assembly Service Board and as people were doing interviews we happened to interview several people who were

disabled and I am pleased to say that Mr. Speaker we considered some of them. In fact one of them is Assistant Librarian in the County Assembly. Mr. Speaker again in the Wards we have six employees and at least I can attest that I have two who are disabled. All what we need to do Mr. Speaker is to take stock of the number of people that we have employed as an Assembly and then go ahead and see whether we have reached the threshold of 5%. Mr. Speaker I think the problem may lie in the Executive side because I wonder whether they have been considering people with disability. All I can request Members and actually the Executive is that they should take care of the disability according to Constitution and the law of land. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you Hon. Mwololo.

**Hon. Mary Mwololo:** Thank you Mr. Speaker sir --- (*Technical hitch*)

**Hon. Speaker:** Commissionaires ensure these gadgets are working.

**Hon. Mary Mwololo:** Thank you Mr. Speaker sir for this opportunity to contribute to this Motion. Speaker sir, I support this Motion with one or two points. I would like say that if the 5% is given to persons with disability for employment I can assure you that the people with disability will stop the act of begging in the streets of this town. So Mr. Speaker sir, I call upon the Honourable Members of this Assembly to support this Motion so that people with disability can be given the 5%. I also thank Hon. Muso for that Statement he said; that he has given employment to two people with disability in his Ward. I also call upon the other Hon. Members to consider them in their Wards for employment so that we can help these people. I also thank the new Constitution for representing us and that is why we are here. Thank you Mr. Speaker sir, I call upon the Hon. Members to support this Motion.

**Hon. Speaker:** Thank you and Hon. Member we have no Member by the name Muso here. Do we have a Member by that name in the House?

**Hon. Mary Mwololo:** Thank you Mr. Speaker sir I withdraw.

**Hon. Speaker:** Yes, refer to the right Member.

**Hon. Mary Mwololo:** It is Hon. Francis Mutuku.

**Hon. Speaker:** Yes, thank you.

**Hon. Member for Kee Ward** (Jonathan Mutua): Thank you Mr. Speaker. I beg to support this Motion as presented by Hon. Gideon Mwangi that the 5% allocation of employment in all categories mentioned in this Motion should be allocated to the persons with disability. Mr. Speaker you will all agree with me that this Motion is in very good taste and has been brought at the right time when we are trying to implement the Constitution of Kenya 2010 which recognizes these classes of people whom we have and even in my Ward Kee we have several. Mr. Speaker it is important that as we move on we should bring a Motion here whereby we are going to take stock of all employments and contracts that we have already implemented in the one last year in Makueni County because I think there are some areas where these people have not been fully recognized. Mr. Speaker I recognize that in the Assembly it has been implemented because we are 47 and 5% should be two and half people we have got not less than three people with disability in this House so it is a plus to this Assembly. So Mr. Speaker without much ado and without making any amendments I do support the Motion and I request my fellow Hon. Members to support this Motion as we celebrate the resurrection of Jesus so that we can give it to the Members of the class and Hon. Members of Mr. Mwangi's category. Thank you Mr. Speaker.

**Hon. Speaker:** Thank you, Hon. Malinda.

**Hon. Member for Kasikeu Ward** (Paul Malinda): Thank you Mr. Speaker, I rise to support the Motion and thank the Mover of the Motion because it is a Motion which has come at the right time. Mr. Speaker the people living with disability have been ignored for quite some time in our country and it is high time they be recognized and valued like any other citizen of this country. Mr. Speaker the rights of the people with disability---

**Hon. Mary Mwololo:** On a Point of Information.

**Hon. Speaker:** Information granted.

**Hon. Mary Mwololo:** Thank you Mr. Speaker sir, I would like to inform the Hon. Member that we are not living with disability but we are persons with disability. Disability is not HIV; we are not living with disability.

**Hon. Speaker:** Thank you.

*(Laughter).*

**Hon. Paul Malinda:** Thank you Hon. Member for the information. Again Mr. Speaker the English language came by the sea and not all of us are able to understand it well so thank you for your information. Mr. Speaker before the information I was saying the people with disability have been ignored for quite some time and it is high time they are taken---

*(Hon. Deputy Majority Whip rises on a point of information)*

**Hon. Speaker:** Information granted.

**Hon. Paul Malinda:** I do not want information Mr. Speaker.

**Hon. Speaker:** It is granted already.

**Hon. Deputy Majority Whip** (Dickson Mutaiti): Thank you Mr. Speaker. I want to advise the Member that persons with disability are not left behind Mr. Speaker. In regards to my Ward Mr. Speaker you find that in Churches they play a role; they either sing or they preach. Within my Ward Mr. Speaker in every 10% of you will find that there is a person with disability so I think the Hon. Member is wrong when he says that the Members are left behind. So he needs to change the idea of putting that across to the Members of this House. Thank you.

**Hon. Speaker:** Thank you. Continue Hon. Member.

**Hon. Paul Malinda:** Thank you Mr. Speaker, as I had said English language is a challenge to many and this Motion has come because the people with disability have not been well recognized and that's why we have this Motion before this House. So may be Mr. Speaker we need to have some language experts in this House to assist Members. Mr. Speaker the people with disability when given opportunities it should not be seen as a favor, it is their right and it is their Constitutional right. So Mr. Speaker I will request this House to go further and develop a Bill that instructs or directs institutions to give the people with disability their rights because the Motion is good but it may be ignored Mr. Speaker. So, if we have a law that guides us on this matter I think it will serve better for our people. So Mr. Speaker I also know you will have a Bill on the same matter, you will even look into facilities that are being used by the people with disabilities including the laboratories ---

**Hon. Speaker:** Hon. Member just to guide you. It is not that we do not have a law; there is a law, we have the Disability Act and also our Constitution has really made it clear on the rights of people with disability so the Act is there. The Motion is just asking the County Government of Makueni to be somehow compelled so that it now follows the law. It is like the law is not being followed, the law is already there unless we want to customize to make a few changes in it. The Act is already there so it is a request to compel the County Government of Makueni to adhere to the law, to follow the law. That's what the Motion is asking otherwise the law already exists.

**Hon. Paul Malinda:** Thank you. Mr. Speaker for the direction. I support the Motion. Thank you.

**Hon. Speaker:** Thank you. Honourable Kilonzo.

**Hon. Member for Masongaleni Ward (Hon. John Kilonzo):** Thank you Mr. Speaker. Mr. Speaker when I look around this House what I am seeing is nothing but creatures of God who are human beings. But Mr. Speaker unless I am compelled to do so, I don't see anybody with any disability because am seeing human beings. Mr. Speaker while am supporting this Motion I want to say that we need not to be compelled by laws which are made human beings but rather Mr. Speaker we must be compelled by conscience. Mr. Speaker we having this Motion because those people are purported to be having disabilities have not been taken first to be human beings and creatures of God. So Mr. Speaker we are supposed and forced to discuss issues which are supposed to be automatic. Mr. Speaker I feel that if we have to go ahead and give 5% as it stipulated here, were are not giving because were giving to people who may be taken away from normal communities and be given something special because they are having something that cannot actually be seen to be taken by the people who live around them. Mr. Speaker I would like to say that people with disabilities are creatures only that they have something that has happened to them. So Mr. Speaker if we the people the Government-be it National Government or County Government - take the matter of these people seriously Mr. Speaker even we may not go ahead and say that the County Government of Makueni should be compelled because it is automatic and it is their right. So Mr. Speaker I would like to say that I support the Motion with the reservations that we should not wait to be compelled by the human being's loss but by compassion. Thank you. Mr. Speaker.

**Hon. Speaker:** Thank you, Honourable Mercy.

**Hon. Mercy Mutuku:** Thank you Mr. Speaker sir. I congratulate you for taking us Nominated Members to a seminar which was held at Nairobi Hennesis hotel. It gave us light. Mr. Speaker sir, as you very well know that it is my first time to contribute I need your protection. Mr. Speaker sir, I stand firmly to support the Motion because it is testing and people with disability will feel much more valued. Mr. Speaker sir, with those few remarks I beg to sit.

**Hon. Speaker:** Thank you. That is Mercy's maiden speech and it is so encouraging. Thank you very much and God bless you. Hon. Maseka.

**Hon. Member for Wote Ward (Sammy Maseka):** Thank you Mr. Speaker for this opportunity that you have given me to contribute to this very important issue on people with disability. Mr. Speaker about that 5% that is actually institutional being followed at the day if both the National Government and the County Government will consider the 5% and even the private sectors at and the end of day the people with disabilities will get employment. Mr. Speaker when you look at this House people with disabilities are few. When you compare the whole nation with a population of 47 million Kenyans when you look at the people living with disabilities you get the fraction is very little and considering the 5% for National, for county Governments, private sectors it will mean that at the end of the day in a few years' time when (???) this 5% you will get there are no people living with disability living unemployed. They will all get employment and this is one way of actually reducing poverty. Mr. Speaker it is also prudent that when we consider these people living with disabilities there must actually be a kitty for them so that those are not educated they be educated because we know some of them are educated. The educated ones I am sure are the ones who get employment. Therefore Mr. Speaker when we have that kitty it will assist others from families that are not actually able to feed themselves. Mr. Speaker I want to finalize by saying let us consider this issue firmly, let us think broadly, let us think big and understand that disability is not in ability so I support strongly that 5% of people with disability be employed Mr. Speaker. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Honourable Kitung'a.

**Hon. Janet Kitung'a:** Thank you Mr. Speaker for this opportunity. I have stood strongly to support this Motion and I will say that it is not any one's fault to be disabled and I would say that if we are human or we are practicing 'umundu' and 'umundu' is in us we would consider every one as a human being and we would give each other respect regardless of their physical challenges. I put emphasis in the Constitution of Kenya Chapter (4 Article (27) clause 4. Which says "*the state shall not discriminate directly or indirectly against any person or any ground including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, and I will repeat that disability, religion, conscience, belief, culture, dress, languages or birth*". I would say that if we walk the Constitution which is the supreme land law we shall be very respected people. So I will strongly support this Motion. Thank you.

**Hon. Speaker:** Thank you. I think the Hon. Members I would ask the Committee on Empowerment of People with Disability chaired by Hon. Mwango who also the Mover of the Motion to take a stock of the areas that he is referring to both in the Assembly and in the Executive and produce a comprehensive Report showing the percentages that are awarded by these Members in all the sectors that are required by law and I think that will assist this House to make a better resolution on this. Otherwise I just want to put the question on the Motion. As we are aware Motions are just meant to compel the Members. It is a way of asking Members to act; a Motion does not actually have legal power. It is important that we get the data on what we are talking about. Whether these people are really in all the jobs, whether they are also employed and that is very important. Let the Chair of that Committee move fast and get that data for us so this Assembly can make a well informed decision based on data. That will assist us now push and ensure the law is followed.

*(Question put)* Otherwise I want now put the question **THAT**, aware that it is a mandatory according to the Persons with Disabilities Act No. 14 of 2003 that all Public and Private Organizations should endeavor to reserve 5% of all casual emergency and contractual positions in employment to persons with disabilities and that the County Executive and the County Assembly are not exceptional. Further, aware that subject to the Employment Act, 2007 Persons with disabilities shall be eligible for engagement as apprentices or learners where their disability is not such to impede to their performance in particular occupations for periods for which they are hired; This **ASSEMBLY URGES** the Government of Makueni

to award at least 5% of all jobs and apprenticeship opportunities to the persons with disabilities based on academic qualifications where their disability is not such as to impede their performance.

*(Question put and agreed to).*

*(Hon. Martin Mutuku rises on a Point of Order).*

**Hon. Speaker:** Yes.

**Hon. Member for Mavindini Ward** (Martin Mutuku): Thank you Mr. Speaker. I am rising on a Point of Order number 83 which is on Content of Speeches. Mr. Speaker as we refer to this Order it says *It shall be out of order to use offensive and insulting language whether in respect to a Member of a County Assembly or other persons* and I also stand on another Standing Order 87 on the Responsibility of Statements of facts. Mr. Speaker if you look at these two Orders it says *A Member shall be responsible for the accuracy of any facts which a Member alleges to be true and may be required to substantiate any such facts instantly*. Mr. Speaker I have referred to these orders because on 18 to 24 April I goggled the *Nairobi* and I went through the story it contained about the Makueni County Assembly and the story content was from the Hon. Deputy Speaker who has just left from the seat of Deputy Speaker. Mr. Speaker when I went back to my home my young boy asked me about the content that stated if you are not given any money you are given some things. Being the father of that House and an Honourable Member of this House and also of the Speaker's Panel I feel very abused. Mr. Speaker as you can tell from the mood of this House we cannot proceed in this House unless we get clarification on whether it is in order for us to be in this House when we don't have clarification. Mr. Speaker can you give Members of this House the way forward. Thank you Mr. Speaker I beg to leave.

**Hon. Member for Thange Ward** (Hon. Martin Masila): On a Point of Information.

**Hon. Speaker:** The House is not ready to be informed. The Member can now take his seat. The House is not ready.

**Hon. Martin Mutuku:** Mr. Speaker I do not need any information. The matter is very urgent.

*(Loud consultations)*

**Hon. Member for Mulala Ward** (Cosmus Kaleli): On a Point of Order.

**Hon. Speaker:** Order!

**Hon. Cosmus Kaleli:** Thank you Mr. Speaker. I understand we have a Majority Leader in this House and a Minority Leader in this House. Mr. Speaker I request to be informed whether Hon. Mwenze is no longer the Minority Leader of this House because Hon. Martin is seated at the seat of the Minority Leader is supposed to be seated. Thank you.

**Hon. Speaker:** Thank you. Hon. Masila the House says that you are purporting to be a Leader of the Minority Party which has not come to notice to this Assembly or to the Chair so please can you leave the seat because it has an owner and the owner is not Martin Masila.

**Hon. Martin Masila:** I would wish to respond---

**Hon. Speaker:** No, no, you that one you don't respond Hon. Member. You just leave the seat because it is not yours--- (*Hon. Masila moves to the Deputy Leader Minority seat*). Even the seat you are going to is also not yours --- (*Laughter*). Hon. Member take your normal seat. The sitting arrangements in the House are stipulated well in the Standing Orders so it is not an issue of a discussion Hon. Member. Just take the normal seat for the back benchers. --- (*Hon. Martin Masila interjects*) No, no, no I have not given you permission to talk, just take a seat.

*(Laughter)*

**Hon. Martin Masila:** Mr. Speaker this side is full.

**Hon. Speaker:** The House is not full, there so many seats --- (*Hon. Masila crosses the Floor without bowing*) and when you are crossing the floor, you bow Hon. Member. That is procedural. (*Hon. Masila sits on the seat of the Majority Chief Whip*). Those ones are also reserved seats. You don't take the reserved seats and you know that.

**Hon Martin Masila:** Thank you.

**Hon. Speaker:** That's okay, thank you. Hon. Members. I want to respond to the Point of Order raised by Hon. Martin as regards a press; the *Nairobi* newspaper and the information that was given there regarding the County Assembly of Makueni. As much as an Assembly we don't very much rely on the press but we don't take issues of press and wish them away. Serious allegations have been made there by the former Deputy Speaker of the House. Procedurally when issues of such statements arise in the House it is now the work of Powers and Privileges Committee to take note of that and summon the Member to a meeting and the Member substantiates what he or she had meant and then that Report generated from a Committee is tabled in this House for discussion. So as regards that Hon. Members I just want to direct that the Committee on Powers and Privileges take up the matter with immediate effect, constitute a meeting today, summon the Member to substantiate and a Report be tabled in this House by tomorrow Thursday in the afternoon. So ordered, thank you. Next.

*(Applause)*

**Hon. Member for Makindu Ward** (Hon. Bernard Musau): On a Point of Order.

**Hon. Speaker:** Point of Order Hon. Musau.

**Hon. Bernard Musau:** Thank you Mr. Speaker. Mr. Speaker as much as I respect your advice and the directive that you have given, the matter that was raised by Hon Martin is not a matter that should be taken lightly. All what is contained in that paper Mr. Speaker has led to defamation of the names of the Members of this Honourable House. Mr. Speaker again I think Members are aware and I think it is also in the public domain that the matter on the Deputy Speaker is in court. Mr. Speaker discussing this matter outside and even publishing it in these newspapers is equivalent to even going public on a matter that is already in court. Mr. Speaker we also need your direction because this is a government entity, it can be sued and it can sue and in respect to this House and the Honourable Members and in respect to your office Mr. Speaker, we deserve respect as Government entity. This is a matter that I would wish is not taken lightly and it should be taken with the seriousness that it deserves because the law is very clear on anything that happens like the way this issue has gone. This is contempt of court and I think Mr. Speaker the law is very clear on this matter. I would also want to get your direction as far as this issue is concerned Mr. Speaker. Immediately I highlighted from Dubai in the airport the first information that I

got was about this newspaper from people who are not Members of this House Mr. Speaker. So Mr. Speaker this is an Honourable House and we need your further advice as the Speaker of this Honourable House on how we should treat such matters because if this issue is left and taken lightly Mr. Speaker, other Members will start following suit and this Honourable House will not be respected. So Mr. Speaker we need your further direction as far as this matter that is concerned. I have no issues and I have no problems with the direction you have taken but Again I think we should go beyond this so that this becomes a lesson to that Honourable Member who went ahead and took this issue to the public domain --- (*Applause*) defaming the names of these Honourable Members Mr. Speaker.

Also this should also serve as a lesson to others who will follow suit in future Mr. Speaker. So Mr. Speaker I stand here to ask you to give us further direction as far as this matter is concerned, because in this Assembly we have our own legal service. We have our lawyers who can defend this House Mr. Speaker and if a Member decides to defame this Honourable House then to me I think it will not be in order to have that Legal Office in place if it will not do its work. So, legal action should be taken Mr. Speaker against that Member. Thank you, Mr. Speaker.

**Hon. Speaker:** Honourable Member, Honourable Musau can we get the content of that paper for record purposes. Can you read it through for record purposes in this House? What it reads.--- (*Hon. Christant Keli stands on a point of order*) No, he was on a Point of Order. I have directed him to read the contents he is referring to ---(*Hon. Christant Keli insists on his Point of Order*) Order! Orders! Order!

**Hon. Bernard Musau:** I need your protection Mr. speaker.

*(Hon. Keli Continues to talk)*

*(Loud consultations)*

**Hon. Speaker:** I have not given you permission to talk.

**Hon. Bernard Musau:** Mr. Speaker I need your protection.

**Hon Speaker:** Hon. Keli can you walk out? Sergeant –at- Arms, I order Hon Keli out of the House. I have ordered Hon. Keli you are becoming disorderly, I order you out of the

House. I have ordered. Sergeant –at- Arms take Keli out of the House. I have ordered. That is an order, walk out.

*(Hon. Keli walks out of the House in the company of the Sergeant –at- Arms)*

*(Loud consultations)*

**Hon. Bernard Musau:** Mr. Speaker the heading of the paper is “Am unseated for not being nice”--- *(Loud consultations)* The inherent hunting nature of a man perhaps fuelled by the down fall of Makueni Deputy Speaker who fought for....

*(Hon. Paul Malinda rises on a Point of Order).*

**Hon. Speaker:** I have not given permission to talk. When a Member is standing you do not stand.

*(Loud consultations)*

**Hon. Bernard Musau:** Mr. Speaker I need your protection.

**Hon Speaker:** Hon. Malinda you are becoming disorderly. Honourable Malinda out of the House you are becoming disorderly. Can you walk out of the House? Sergeant-at –Arms out of the House.

*(Hon. Malinda leaves the House)*

*(Applause)*

**Hon. Bernard Musau:** Mr. Speaker I wish to continue. *'Hon. Caroline Munanie Musee feels the female gender is in constant trouble. That is despite never being the sort of a person to compromise on principles. Her steadfast position and core values may cost her a career in politics after men voted for her only to turn the sword against the iron lady of Makueni County Assembly politics. Munanie is the embattled Deputy Speaker and the Assembly dominated by male Ward Representatives otherwise known as Members of County Assemblies (MCA's). On march 25, 2014 the MCA'S staged a coup dethroning Hon. Munanie from her seat. Her only crime allegedly was that she had been discussing matters of the Assembly in public. THAT the Deputy Speaker of this County Assembly has been discussing issues of the Assembly in the media thereby bringing into disrespect this honourable House, I*

*urge this House discusses the contact of hon. Caroline Munanie the Deputy Speaker of this House" read a Motion that eventually led to the ouster of Kiimakiu/Kalanzoni Ward Rep. Ironically the Mover of the Motion was Jane Ndila, a female nominated MCA. Munanie however, believes that the troubles are far from allegations raised in the Assembly'. Now there is a small heading on (???). 'I refused to be nice they the men told me for me to survive I have to be nice but I am married and born again Christian and my dignity is not for sale she says during an interview while relating experience on how women leaders might find it tough balancing between family and job as they attempt to ward off male colleagues who view them as sex objects first and contemporaries second. Munanie is the only female elected MCA. She vied on National Vision Part of Kenya before successfully conversing for a Deputy Speakers position. The Assembly has 30 elected MCA'S and 17 nominated Members who include women. The inherent hunting nature of a man perhaps fuelled the downfall of Munanie who fought off numerous bids to lure her into a trap. Men can be very vindictive if a woman stands her ground. You know these things. She hints but prefers not to divulge further saying the matter is in court.'*

Mr. Speaker as I pause the Honourable Member knew that this matter is in court but discussed it with media group, even despite the information she had given, she knew the matter was in court so that was a deliberate move. Mr. Speaker I beg to continue. *'She went to court obtaining a temporary injunction pending the hearing and determination of the case. Hon. Munanie who believes her rights have violated vows to remain firm and will not be intimidated. The MCA'S trip to Mombasa which was attended by President Uhuru Kenyatta was the last straw that broke the camel's back. Colleagues at the Makueni Assembly were allegedly not happy with her giving an interview to a local TV station. The interview was used as a basis of deposing the mother of three. They should have counter checked what I said. To me it is discrimination. In Makueni women are nowhere; the men are dominating everything she asserts blaming fellow women MCA'S for not being on her side in regard to feminine issues. As an elected leader the 37 year old argues that she had every right to articulate in public issues within and outside the Assembly. For any Motion to be passed or killed money has to exchange hands. If don't have money you have to give other things which I don't have --- (Hon. Masila rises.) I beg your protection Mr. Speaker. 'I blame women, before the nominated ones came in I was working well with the men but things changed. If some gave in then that is their problem.'*

Mr. Speaker let me repeat that because out of a lot of curiosity the Members want clarification. *'I blame women, before the nominated ones came in I was working well with the men but things changed. If some gave in then that is their problem.'* Mr. Speaker that is the information that is contained in this paper and if you have not seen this paper we have the photographs of the Hon. Member taken posing in different positions displaying herself. Mr. Speaker I think this is the information that is contained in this newspaper. This has now become public information and Mr. Speaker the content of this information as you have heard it is defaming us. Both the men Hon. Members and female Hon. Members, Mr. Speaker I beg to sit. Thank you.

*(Applause)*

**Hon. Speaker:** Thank you, more contribution on that?

**Hon. Rose Wavinya:** Asante Mheshimiwa Spika. Bwana asifiwe House. Mahali tumefikia naona ni shetani anafanya kazi. Sioni Assembly kunafaa kuwa mambo chafu kama hii. Hapa tulikuja kufanya kazi. Hatukuja hapa kwa mambo ya upuzi na ndio mimi nasema Waheshimiwa kwa hakika kama hii ni kweli na kweli juu ni wewe, hii ni kitendo mbaya na haifai. Hatutaendelea kama hii ndio tunafanya hapa na kwa niamba ya wa mama na wewe ni mama nataka nikuambie wa wanaume wakisikia hatukuja hapa kwa usherati hii. Nasema hiyo ni njia unaweza kuwa mmoja wa hii kazi, sisi tuko mbali na hiyo kazi --- *(Applause)* Tukija hapa na hawa Waheshimiwa wenzetu wanaume, tunawatambua kama mandugu. Sijui hii ni kiwango gani? Tumefikia kiwango gani hii? Hii ni kiwango mbaya. Namimi namkemea Mheshimiwa Munanie. Hakika Munanie kama umeona utudharau hivi ni mbaya. Hata mimi nashangaa waheshimiwa wengine wakiamba wanasema Point of Order. Point of Order kitu gani? Nini sasa? Mnaweza kukaa chini muongee mambo ya utoto kama hii? Mr. Speaker umesema ati kesho, mimi sioni ifike kesho. Saa nane hii mambo tumalize. Asante.

**Hon. Speaker:** Hon. Members since I have already ordered let the issue go to the Powers and Privileges Committee today in a meeting and tomorrow they finalize and then it is tabled in the afternoon. You will then ventilate on it later when it is tabled here and I also just ask Members to be humble as they wait for the Report, for her to substantiate whether she is the one who did that or not. Whether it's the newspaper or whatever, then from there the Assembly will make a determination on the way forward of that issue since

is a very serious issue. So Hon. Members can we move to the next order, --- (*Honourable John Kilonzo interjects*) what is it Honourable Kilonzo? Are you on a Point of Order or a contribution?

**Hon. Member for Masongaleni Ward** (John Kilonzo): Mr. Speaker I would like request that before we come to deliberate on the same can we be availed with some copies so that we internalize because I think what is contained there is very serious allegations. Mr. Speaker unless now we read for ourselves internalize and make analysis we my just rumble here and may not be able to come up with clear cut points.

**Hon. Speaker:** Thank you. The copies will be availed to you by the Clerks today; immediately after this. So can we move to Order number 7 Clerk?

## STATEMENTS

### STATEMENT RESPONSE ON – BURSARY ALLOCATION.

**Hon. Speaker:** I call upon Hon Jackson Wambua to give a Statement on bursaries.

**Hon. Member for Tulimani** (Jackson Wambua): Thank you Mr. Speaker. I am giving responses on the Statement that was requested by Hon. Malinda and this time Mr. Speaker I presume every Member has all the documents that are required for the Statement. Mr. Speaker sir, I hereby rise to give a response to the Statement requested 27 March, 2014 by Hon. Paul Malinda MCA Kasikeu Ward on the bursary allocations.

Mr. Speaker sir, the Honourable Member had requested clarification on:

The total amount of money allocated for bursaries in all categories of institutions.

1. Beneficiaries in each ward and the amount allocated.
2. Detailed analysis of issued cheques by institutions and the list of beneficiaries.
3. Policies used to allocate the 5% special fund and the 10% meant for persons with disability. The list of beneficiaries per ward and the amount allocated.
4. The administration and operational costs of the bursary fund and the list of staff contracted to manage the fund, their qualifications and terms of reference.

5. Control measures put in place is to ensure no misappropriation of Bursary Funds and the decision made the Ward Bursary Committees are not altered.

Mr. Speaker sir, the County Executive Committee member for County Education was notified on the above writing and did present a detailed document addressing the bursary allocations to the Committee. Mr. Speaker sir, the following are the responses as requested by the Honourable Member.

- i. **The total amount of money allocated for bursaries for all categories of institutions.**

Mr. Speaker sir the total amount allocated or budgeted was two 50,200,000kshs.

- ii. **Beneficiaries in each Ward and amount allocated.**

Mr. Speaker before I go through this paragraph I want to request Members to delete the last line starting with 'However Members can also access'. That line is supposed to be deleted because every Member has a copy of the students in their Ward. So, if that is deleted I want to continue. Mr. Speaker sir, the list of the Wards were adopted and filed for reference by the Department of County Education. Each Member has been provided with a list of all beneficiaries from his or her Ward and I believe Members you have that copy in front of you.

- iii. **Detailed analysis of issued cheques per institution and list of beneficiaries.**

Mr. Speaker sir, the cheques were only issued per institution. This means that such a cheque constituted beneficiaries drawn from all Wards. Some had been recalled since they were addressed to multiple institutions e.g. a cheque had been addressed to Mwaani, Mukameni and Iiani Secondary Schools. The anomalies are still being dealt with by recalling the cheques and re-issuing them afresh. Members you can look at the details of the list of the cheques that were issued in the document that is issued to all of us.

**iv. Policies used to allocate 5% special fund and 10% meant for persons with disability, a list of beneficiaries per Ward and amount allocated.**

Mr. Speaker sir, the same guidelines used to allocate the other funds was used. The list of beneficiaries for persons with disability was availed and was detailed enough. However no list of beneficiaries was given to Mukaa Ward, Kasikeu Ward, Ivingoni Ward and Kako/Waia Ward. Mr. Speaker sir, a total of 3,794,302 kshs. was allocated to persons with disability. A total of 5,020,000 kshs had been budgeted for this kitty. That is 10% of 50,200,000 kshs. Looking at that one Mr. Speaker I want to notify the Members that there is a balance in that kitty. Mr. Speaker sir, from the Governor's kitty a total of 2,586,000 kshs. was allocated to 206 beneficiaries from across all the Wards. This amount exceeds the 5% budgeted by 76,000 shillings. The list did not indicate the Ward where the beneficiaries come from.

**v. The administration and operation cost of the Bursary Fund and the list of staff contracted to manage the fund, their qualifications and terms of reference.**

Mr. Speaker sir, the Department of County Education headed by the CEC member for County Education was responsible for the administration of the Bursary Fund and where it sought for assistance it was inter-departmental. It was there after delegated to the Director ECDE and Learner Support Programmes. Mr. Speaker sir, administration costs were incurred by Ward Bursary Allocation Committees as sitting allowances totaling to 990,000 kshs. That is 30 Wards times 11 Members times three days and postage charges amount to 9,435 shillings. It is necessary to note that the three days constitute two days for form 2 to university bursary allocation and no. (b) one day for form 1 bursary allocation.

**vi. Control measures put in place to ensure no misappropriation of bursary funds and the decisions made by the Ward Bursary Allocation Committee are not altered.**

Mr. Speaker sir, the policy guidelines had been formulated and circulated to members to guide on the bursary allocations. Mr. Speaker allow me to repeat that, the policy guidelines had been formulated and circulated to members to guide on the bursary allocations. The

bursaries were to be shared equally among the 30 Wards in Makueni County. Mr. Speaker sir, the list provided by Ward Bursary Allocation Committee were adopted as they were and filed for reference purposes in the County Department. Mr. Speaker sir, the bursary cheques were clustered per institution pulling students from various Wards to reduce postage charges and also ensure the funds were paid directly to schools. Thank you Mr. Speaker sir.

Mr. Speaker allow me to inform the Members that every Ward has been given a list of their beneficiaries and it is important that Members go through these records very carefully because as I have said in the response to the Statement there are some anomalies, for instance, I am giving my own example, in Tulimani the total amount for which students were given cheques is 1,133,888 kshs. It is indicated there but according to me I had allocated from form 2 to university 1,333,333 kshs. In this particular case there is a deficit of 199,445kshs implying that are some students who were not allocated the bursary. I took trouble and I went through my notes and I realized one full location whose students were left out. I want to request Members to go through these records very carefully and if you find such anomalies as I did the Minister and his personnel are waiting for that information and cheques will be written when you present this information to them and the cheques will be given to you for disbursement in your Wards. So kindly Members do find out where mistakes may have occurred and let the Minister know immediately so that cheques may be prepared for your students before schools open. Thank you Mr. Speaker.

**Hon. Speaker:** Thank you. Members who want to ventilate on that Statement. Yes Honourable Mutua.

**Hon. Jonathan Mutua:** Thank you Mr. Speaker. First I want to thank the Honourable Chairman of the Department of Education for that long Statement he has issued regarding the bursary allocation which has been quite a sensitive issue within our electorate. Mr. Speaker the issue of bursary within our County has to be taken with a lot of seriousness as far as this Statement requested by Hon. Malinda is concerned and any other Statements which we have not requested because I am sure as time goes by there will very many questions. Mr. Speaker, I would like the Hon. Member; Chairman of Education to take in account that some of the issues he has given here are not very clear and even if they are

clear still they need some clarification. Firstly, Mr. Speaker there is the Governors bursary of 2,000,000kshs. plus as indicated in this list here but the policy or criteria that is used to award this bursaries is wanting Mr. Speaker and I can say so because as time passes it will come to be realized that it is wanting.

If you look at page with Governor Bursary there is one student who was given 70,000 shillings; that's number 89. I would like the Chairman and Hon. Member to clarify why this student was given 70,000 yet the other students were given a maximum of 20, 000 shillings. when you go according to that list. Mr. Speaker I think that should be explained and why Mukaa, Kasikeu, Ivingoni and the other Wards that are mentioned there why their lists were not presented. Mr. Speaker the Governors Bursary if you look at it I am afraid it might have some manipulation in future because I don't think this number of students who were given this bursaries, the Governor himself was directly involved or not though they are quite a few. You remember Mr. Speaker and if you don't remember it was mentioned that- I stand to be forgiven if am wrong, I don't know whether it was in Kamukunji or on this Honourable House - cheques were being dished in that office randomly. Someone comes with the form, presents the form and bursary is given and the parent goes with the cheque to pay that school.

I believe that was happening in this kitty of Governors Bursary. Mr. Speaker to send by point clear I will ask the Chair to give us analysis according to Wards of the Governor's Bursary in which case we will know that it was really dished fairly because it was not analyzed according to Wards. So that is my humble request Mr. Speaker. Another thing is that earlier on we had bursary that was supposed to come from LATF and it was disbursed by the County Government. I think that was around the month of July last year. Mr. Speaker there were schools who were given 100,000kshs. each to disburse to the needy students. Up to now we have not been informed on how this 100,000kshs. given to the schools through the Principals how it was disbursed. We need a list to see whether it was really given to the needy students or not. We have been issuing these lists (the one we issued) we have been placing them on the notice boards to show which students were awarded these bursaries.

Mr. Speaker I want the same to be done for the 100,000kshs. given to these schools and be given to us so that we can place on notice boards so that public can access them together

with this one of the Governor's Bursary. Mr. Speaker lastly the Hon. Member says the Committee or the policy on allocation of this bursary it is clear it was not through this House and it is high time that the bursary policy that governs this kitty is formulated through this House because when we were handling this matter we used to get very conflicting statements. One is issuing or receiving these bursaries and out of the blue an instruction comes from the CEC Member of Education saying that one has been changed, it is not this way it is supposed to be this way. These are public resources and I feel that when you get instructions from CEC member it is not the right procedure to run public resources. It should be guided by the wishes of the public, there should be a Bill to that effect, and the public should participate and indicate how they want their resources to be utilized. Mr. Speaker with that contribution I beg to sit.

**Hon. Speaker:** Thank you. I think Hon. Chair you are taking note that Hon. Mutua is suggesting that the 2 point something million indicated here for Governor Bursary, it should be indicated the Wards from which the beneficiaries are coming from. I think that is what he is requesting and he is also requesting for the bursary for last financial year that was awarded also and is also asking for a guideline that can be approved by this Assembly on how the bursaries should be run and I think those are very critical issues that you are supposed to come with for this House to adopt. Yes Hon. Musau.

**Hon. Bernard Musau:** Thank you Mr. Speaker. I would wish to start by thanking the Chairman Education for the good work that is doing in his docket and the follow up that he is making as far as the requests of Members are concerned. Mr. Speaker I want to say that we have policy guidelines that were used in the disbursement of these bursaries. I would wish to state that the first anomaly was that these guidelines were supposed to be approved by this House something that did not happen. Mr. Speaker even following the guidelines that were not approved here Members just decided to co-operate with Executive and stuck to those guidelines. Mr. Speaker we would wish to know because out of the entire kitty of the bursary and bursary that was allocated to the Governor's office I expect a proper balance of the total fund that was allocated to the Governor's office to have benefited the 30 Wards even following the guidelines that were not approved because Mr. Speaker if these guidelines were also used in the allocation of the bursary that was in the Governor's office I know Members would not have complaints.

Mr. Speaker I would want to know - and I want to urge Mr. Chairman through you Mr. Speaker - like for example in Makindu, how many students benefited from that bursary and what were the criteria that was used to award those Members who benefited and were they in consultation with Ward Bursary Committee that was formed because this could have resulted to double allocation; Students that have benefited out of the Ward allocation benefiting from other end. We would also like to know the Membership of this Committee that sat and awarded this bursary because I would say that Members; I included are smelling a rat. Mr. Speaker if there is any issue that needs to audited it is this issue of bursary because I cannot understand how a particular candidate or a student could get a bursary of 70,000 shillings at the expense of very many poor who did not even access that fund Mr. Speaker. So we would wish to know this Committee that was awarding and the Membership of this Committee because I expect the one was touching on the Governor's Fund, it should have been a good representation of the entire County. I want know Mr. Speaker from Makindu Ward who represented Makindu or further to this who represented Makindu District or even further who represented Kibwezi West sub-county Mr. Speaker because that is the only way that we can know that justice was done.

Mr. Speaker there was another mistake that was done and I wish that Mr. Chairman gets this. When these cheques were drawn, they were taken to specific areas/centres and teachers were asked come and get those cheques from there. Mr. Speaker I want to thank you that we have established offices at the ward level, offices that can be accessed by Members of public. I thought the best place to place these cheques, the best place to place this list of the beneficiaries is the Ward level where it be controlled by the representative of that Ward who is elected by people in that Ward and is the Member of County Assembly. We have staff that can issue these cheques; we have staff that can even distribute these cheques Mr. Speaker if we have to be involved in this particular exercise. Mr. Speaker the cheques that were supposed to benefit students that were outside the Ward were left at the headquarters office here and they were supposed to be sent to the respective colleges. Mr. Speaker this has caused a lot of delay. Students that are in Kenyatta University, Moi University, Nairobi University name them the polytechnics outside this County some up to now as I speak -and think the chairman can attest to this-some have not received this money.

Mr. Speaker that has not been the effective way of sending these cheques to the beneficiaries. Again I want to say this; these Members should have been given those cheques because those beneficiaries are disturbing us from day today. Even these Members here have put off their phones, if you look at their phones you will also find messages asking for these cheques because these Members have not benefited. Again there is also another problem. We have schools that have similar names. I want to give example of Makindu and may be a school in Kilome I don't whether it is Malinda's place. my school is called Nduluni Secondary School and there is another one Nduluni Secondary School. Mr. Speaker the pronunciation is different but the spelling is the same. So, as we sit now here I have a cheque written Nduluni and I don't which Nduluni secondary school and when I looked at the beneficiaries these are not students from ward meaning that was a mistake done by the office especially when they were collecting the applicants from the respective Wards. Mr. Speaker I have several schools in my Ward Makindu, Kisingo and Moi that have not received their cheques. If I look at this list of beneficiaries Mr. Speaker it is very clear that these schools benefited; they benefited from this bursary but up to now they have not received these cheques. I think and I presume this is not happening to Makindu alone it has happened to other places Mr. Speaker. So I would urge the sentiments that are given by the Members be taken serious.

Again for some of the students their names were taken to other schools. I will give an example. There are some students that I gave bursary in Nguumo Mixed Secondary School and the names were sent to Nguumo Boys. Mr. Speaker if you look at Nguumo Boys it is a boys school and then Nguumo Girls it is a girls school. Mr. Speaker whoever was awarding and writing this cheque it means that he was not keen to even see the names because if it is a girl's school you expect the name to be feminine. So, Mr. Speaker that is a mistake that was not supposed to be done. Mr. Speaker as I just thank the Chairman on the follow up and the speed that he has been responding to issues that raised on education matters I would wish to ask the Minister to pull up his socks so that his staff that is working with they can articulate issues the way Members want. Lastly I would wish to ask we have the PAC, they should also go deeper and give us the final details on what has been happening in the allocation of these bursaries. Thank you, Mr. Speaker.

**Hon. Speaker:** Hon. Martin.

**Hon. Martin Mutuku:** Thank you Mr. Speaker. I thank you for giving this golden chance to deliberate on the issue pertaining Mavindini Ward where I was elected by those people who had trust in me. Mr. Speaker I would like to talk about what is contained in this Report. First Mr. Speaker I would like to inform this House that what is happening in this Department we suspect corruption has taken place within the Department. Mr. Speaker I want to mention the student by the name Jonathan Mbithi Mbuva from Mavindini. Mr. Speaker the same student was awarded 3,500 shillings bursary. Mr. Speaker when we adjourned this House and went to our Wards I faced a lot of challenges in my residence. Mr. Speaker the same student was sent home over the last fourteen days. Mr. Speaker the same Jonathan Mbithi Mbuva came to my office and wanted to know why he was not given the cheque of 3500 shs. and now he cannot attain his basic education at Rural Aid Kenya Training Institute.

Mr. Speaker I instructed the student himself to present the case to the Executive Member Hon. Wambua Kawive and Mr. Speaker the student went to the Executive member and he was advised by the personnel at the Department that the cheque was written and they were not aware who picked the cheque. Mr. Speaker this is a case of Jonathan Mbithi Mbuva and one case for Mavindini. Mr. Speaker was suspecting many cheques from this department were picked by ghost workers who are always seen in that Department. Mr. Speaker as we are talking now Jonathan Mbithi Mbuva is outside waiting for his justice to be fought for and also to be paid 3500 shillings. Mr. Speaker I prove this Department has incompetent and most ghost workers who are surrounding that Department are picking cheques of these students.

Mr. Speaker I want to refer case of Iiani Secondary School. Iiani secondary school is in Mavindini. Mr. Speaker when these cheques were taken to different schools immediately the principals of those schools received these cheques in Mavindini where I was elected and sworn in in this House the principals who received the cheque for Iiani gave receipts to other students from his school. Mr. Speaker as the Chairman has said the money will be refunded it cannot because the money was paid to other students who promised to sell maize during this season and refund money to that school. Mr. Speaker, this proves incompetence of duties as pertains County Government Act. Mr. Speaker when we go to the compositions of the guidelines issued by the same Executive Member on the way the bursary are being allocated first the guidelines are not signed by the Executive Member.

They are signed by somebody else who we are suspecting to be ghost workers and it is known as 'for'. I refer to the guidelines Hon. Members, as we go to the guidelines instead of the Executive Member signing the Report somebody somewhere signs the Report and writes 'for', this proves to us there is somebody working for this Executive Member and the same somebody were are suspecting to be ghost workers. Mr. Speaker as we go to regulations of (???) given to this ghost worker (???) they have issued 70,000 kshs. to a student and Mr. Speaker according to their guidelines there is no where they saying a student a student will benefit 70,000 kshs. or above or they are not given any vacuum for the law to be broken.

Mr. Speaker this shows incompetence, this shows this Department has ghost workers, this shows this Department has a lot of problems and Mr. Speaker I am requesting through your Chair it shows the sort of incompetence, a lot of corruption and Mr. Speaker as I beg I request you give guidelines on the fate of Jonathan Mbithi Mbuva who is outside the Assembly premises waiting to know his fate. He has not reported to school for the last fourteen days. Mr. Speaker also you are supposed to inform Members of this House and also give us guidelines the cheques that belonged to Iiani Secondary School and were given to other schools or the cheques which are given to some students who are not beneficiaries and now the report we are getting from those schools where they were told when they sell their maize they return the money. When will Iiani benefit from the funds which were allocated constitutionally? Mr. Speaker I beg to leave and I beg to request assistance from this House. Thank you.

**Hon. Speaker:** Thank you. Hon. Mwango.

**Hon. Gideon Mwango:** The Hon. Speaker sir, I am joining my colleagues; Hon Members who have said that most of the cheques even for persons with disability they have not benefited them simply because they have not gone to the intended schools. For example we have Munyao Mumo who comes of Makindu from Kamboo and the cheque was supposed to be sent to Machakos Teachers College. When I tried to find out from the Executive I was told all the cheques were taken to the Directors Office in Jogoo and I was surprised as to why and wondered if the Director know these schools. So I had to make a follow up myself. I went to Jogoo and I only found they were only given a Report how many children have been given bursary. Only that and the director signed the Report and

returned it here. So he gave me a copy. I went again back to the Minister and said this is you what you had sent and not the cheques. Where are the cheques? Then he told me the cheques were registered by mail.

I had to follow again. There are several cheques that were supposed to Kenyatta University, there cheques which are supposed to go to Nairobi University and I was forced Hon. Speaker to pay some amount for a student on a wheel chair who had been sent away because the bursary had not arrived there as we were claiming. I had to pay 20,000 shillings for this boy to go back to school. In fact several students are out, they have been chased and I wonder why these things were being confused because Mr. Speaker if you saw my hard copy I had even indicated the Wards thinking that when these cheques are ready they will be given to Hon. Members from those Wards because they know their people better than Mwangi. But it did not happen that way. Neither were the cheques given to me so that I could take them Hon. elected Members in the Ward. So there is a big problem and Mr. Speaker before I sit down I want to request the few Members here I have some cheques which I cannot do anything about because I have a cheque for Katulani Secondary and this Katulani Secondary is indicated Kikumbulyu North and the other part is indicated Mulala/Emali. So I can't know. I have several cheques in my car. So if you follow me and check you will assist to identify where these cheques are supposed to be. So Mr. Speaker sir, we have a problem in those bursary cheques. Thank you.

**Hon. Speaker:** Thank you. Hon Mwalali

**Hon. Member for Kitise/Kithuki Ward (Julius Mwalali):** Thank you Mr. Speaker. Mr. Speaker I am happy to stand before these Honourable Members to share my concerns on the topic which is being discussed. Initially the awarding of these bursaries was aimed at assisting our children who are in schools but as we talk Mr. Speaker we have been receiving a lot of calls from the electorate and more so from the students whom we had allocated this money and we had given out a list of beneficiaries. Mr. Speaker by big concern here is looking to the future not mostly to the past. We have students whom we allocated some money for form ones and we are heading to opening date. I would like the Chairman of the Committee to take this concern because we are the only people receiving the calls once the students go to school and learn that there is no money.

Mr. Speaker let the Chairman as he endeavors to handle the problems which have mentioned by colleagues; Hon. Members put into consideration that there those students who joined Form one this year and were awarded some bursaries as they report back to school come next month it is our plea that they find that money has been channeled to schools so that they may get safe landing and continue with their normal school routine.

Mr. Speaker in my area that I represent that is Kitise/Kithuki Ward is a case similar to those of some of the Members. There is a case in Rural Aid Kenya where by a student has been calling me day in day out and once I enquired from the office where the cheques were being disbursed the instructions I have been getting is that the cheques were disbursed but it is like that they have not landed where they were meant to. Mr. Speaker I tend to understand that most of the cheques are lying in the office opposite where we are. May I request the Chairman of this Department to go and liaise with relevant officer in that office for those cheques to be brought to Hon. Members so that they may direct them to the relevant beneficiaries as soon as possible for this complaints to end once and for all. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Hon. Mutunga.

**Hon. Member for Emali/Mulala Ward (Cosmas Mutunga):** Let me begin by thanking the Hon. Member who is the Chair of Education for the timely response. Mr. Speaker several questions were put across by Hon. Malinda in form of a Statement and many have been answered. Mr. Speaker however, I am happy to realize that the Minister has agreed there a lot of anomalies in that Department. I wonder whether the Constitution was followed to the latter. To begin with I would like to state Article (183) of Constitution and Mr. Speaker if you allow I will read. Article 183 concerns The Legislation power of the Assembly and the policy making. It states, *The County Executive Committee may prepare, propose legislation for consideration by the Assembly.* Aware that this is a House of procedures and where laws should be adhered to Mr. Speaker there is violation. These guidelines, these policies were prepared by the Executive Member but were not brought to the Assembly for approval. That is one Mr. Speaker.

Two, concerning the 5% allocation in the Governor's Office. Article (176) states very clearly and I would also wish to read. Article (174) (g) *To ensure equitable sharing of national and local resources throughout Kenya.* If this Report does not state from where the beneficiaries

of this 5% from the Governor's Office come from, Mr. Speaker will Members of this Hon. House be sure of equitability of those resources?

It being allocated to the Governor's Office, There are also some policies or guidelines which should be followed in the allocation. I think again that has been violated. Again Mr. Speaker I think we passed a budget here. I wonder where the 76,000ksh budget increment from that 5% came from because for any change to made appropriation has to pass through this House again. With those remarks Mr. Speaker, I want forget to mention time. This is a budget which was passed last year. The bursaries should have benefited our learners, our students and pupils' long time ago. It's the month of April approaching the end and still some of the beneficiaries have not received that money. I wonder why the Department is talking a lot time to work on this important issue since last year June when the budget was passed and appropriation was made on September. Mr. Speaker it is taking a lot of time for little specific objectives of the Department. I wonder when they will do other duties if a simple thing like allocation of money is taking more than six months. Mr. Speaker I think the Chair through you must request further elaboration of the same. I beg to take my seat.

**Hon. Speaker:** Thank you. Hon Ilima.

**Hon. Member for Ilima Ward** (Hon. Stephen Mutiso): Thank you Mr. Speaker for giving the opportunity to contribute. Mr. Speaker as I congratulate the Committee Members for the work well done, I wish to state that the issuance of these bursaries was a total embarrassment to us Members. Mr. Speaker the on ground we perceived as if we didn't know what we were doing. Mr. Speaker as we await the Report; the additional report for this issuance of bursary I would also request this Hon. House to be furnished with a list of all staff working in this Department with their respective positions. Thank you, Mr. Speaker.

**Hon. Speaker:** Thank you. Hon. Mwangangi.

**Hon. Member for Kako/Waia** (Hon. Mwangangi Mutinda): Asante sana Bwana Speaker. Huku nikishukuru Mwenyeketi wa mambo ya Elimu Bwana Spika, ningependa niseme katika Ripoti yake amesema wazi kwamba watu wa upande wa Executive walifuatilia list ambayo ilitoka katika Ward Bursary Committee Bwana Spika. Nataka

niseme kwangu Kako/Waia Wadi ni kinyume na ni kinyume kabisa Bwana Spika. Kwa mfano Bwana Spika, shule ya kwangu inayoitwa Mukuku Kamati ilikuwa imepatia watoto kumi na sita na ni kweli hao watu wa Executive walipena watu kumi na sita ksh 32,000. Chakushangaza ni kwamba ni watu ama ni watoto nane ambao wametoka kwa hiyo shule wengine hawana majina. Majina yao hayaambatani na ile shule; sio watoto wa hiyo shule. Niseme kwamba katika Wadi ya Waia/Kako hakuna shule hata moja ambayo iliambatana na record ambayo ilitolewa na Kamati ambayo ni ya bursary Bwana Spika. Nilipopata hiyo Bwana Spika, mimi nilijipeleka mwenyewe Executive mahali ambapo nilipeana ile halisi. Bwana Speaker nashangazwa mno kuona wamerudisha ile orodha ambayo ilitolewa na watu wa Bursary Committee na vile vile Bwana Spika wao walichukua maana niliwasindikiza nikawaambia kwa kuwa ile orodha tulipeana ya halisi watoe na walitoa hiyo ambayo ilikuwa halisi. Kwa hiyo Bwana Spika mimi na shindwa ni vipi iwapo nilipeka hiyo na bado wananirudishia tu ile ambao nilipinga. Kwa hivyo ningepomba Bwana Spika niseme wale watu wa Executive na pande ya elimu wametuangusha mno na kwa kweli warekebishe na walete orodha ambayo inafaa Bwana Spika. Ahsante.

**Hon. Speaker:** Thank you. Hon. Maneno.

**Hon. Deputy Minority Leader** (Hon. Timothy Maneno): Thank you Mr. Speaker let me start by congratulating the Committee of Education that actually did some good work. I think some of the lapses are coming from the wing of the Executive because we not actually operating from one particular print. Mr. Speaker I think I want to imagine that we have feelings. This bursary exercise really had many damages even in our Wards. I am relating myself to the time when I was a Councilor and this time when I am a Member of County Assembly. I was dispersing kshS.200, 000 for my ward and there was a lot of balance harmony and there was a lot of peace. This time I am doing over kshs. 1.340,000 but the Ward is so hostile because it is like we are doing it in a very funny way.

I want to recommend Mr. Speaker that as we travel let it come here and let us be very much involved in formulation of the Committee that actually goes into the field. Mr. Speaker there was a case I want to mention where the wing of Governor they were giving the cheques as special and as special in this way. That we cannot have rest in the Wards because some people who are given in the Wards have not received cheques while others

were just coming there and were given the cheques there and then. That was making the work very difficult because others would think if somebody came to the office and was given a cheque while others who are given the route through the Wards and they were nominated to be given some money, how comes that particular person got in one day and others wait for two months. There arose a question Mr. Speaker.

There is another thing .This bursary from the Governors kitty. We must also give these bursaries. I think if it was made in good faith it should go to the marginalized and the populated. We must have a way how this money is made. It cannot be money that is made for those who come and to those who know one another because it means those who are given. I am worried and would want to know who got it from Nguu and Nguu/Masumba is one of the marginalized regions. Mr. Speaker even in the way they were disbursing these cheques there was a big loophole. For example, if Hon. Mwango has some cheques and that is on the wing of disability cases. I am revealing to Members I went to the office and those people had not even a cheque register. A cheques register would show the person who came for the cheque, at what time that person took the cheque, what the ID number is for that particular individual, the mobile number and the signature so that in case somebody comes to enquire you can track that particular person through a mobile phone and actually say that cheque was received.

Another loophole was if you remove the schedule behind the cheque you can definitely make your own list and award people who are given five thousand fifty thousand. The one who took the cheque can manipulate the schedule which is attached to the cheque which is carrying the list of the students and can give different amounts from there. I think Mr. Speaker let this case be brought to the Committee of Education where proper formulation including the Committees in the Wards. Mr. Speaker my ward has five locations. Unless it is broken down so that bursaries are given in those particular locations I will never admire the bursaries to be brought into my hands. I better say let them give it because it is also beating twice. That stick is going beating me it also coming beating me.

I think what is there is that we have a big concern and we want to say this is not a toss in the air where you toss and whoever is tall like me will touch it before the others. This is public funds and I am urging Members that we participate 100% in these particular committees in

our levels and if we have to go or if we have to get peace let's get many cheques that are written per Ward. It is better if that is what will give us balance and harmony. Let all the ones for Nguu/Masumba Ward be given and the same for the other ones. Unless we do that by writing one cheque will not go anywhere Mr. Speaker. that is why we are saying like for example I had my cheque for my school which was written Tithi instead of Thithi and when that cheque came that story went and it seems like it is too difficult to trace and even to generate another one cause the way they were actually issuing these cheques it's like when they do it a return journey will never get your seat. So Mr. Speaker this is of big concern and we want to say if we have to be careful. This also giving us a lot of problems in our Wards and so Mr. Speaker I recommend the work that was done by the Education Committee is wonderful but I think where we are getting lapses is on the other wing. I rest my case.

**Hon. Speaker:** Hon. Kilonzo

**Hon. John Kilonzo:** Thank you Mr. Speaker. I would like to quash some recommendations that are coming from my fellow Hon. Members that this work is wonderful. One thing that we must note Mr. Speaker is that I am one Hon. Member who followed keenly what happened and Mr. speaker what I was given back is a list which I sent there and I found out that what I required is per what Mheshimiwa Mr. Malinda is requesting here. Secondly Mr. Speaker one thing the statement is asking for is beneficiaries in each Ward but what were are given in this Report is a bunch of names which Mr. Speaker I believe and I know what am saying at the end of the day is that we are not going to use 50.2 million. I am sure the amount if well calculated will be more than 300 million at the end of the day, I am very sure that is exactly what is going to happen. Mr. Speaker. Thirdly, the statement is asking for detailed analysis of issued cheques. Mr. Speaker what we are getting here is dispatch numbers. How can you follow a cheque with a dispatch number? Mr. Speaker we have I case here which is raising a lot of eye brows. I gave one student who is in Mtito Andei Bible School. Here I can see dispatch number 481 which does not indicate the amount or even the cheque number. Mr. Speaker I doubt whether all these names are correct or they are from air. I say so because I am having this cheque. I went to that office and I was given cheques for college students and this cheque is there yet here it shows it has already been dispatched.

Mr. Speaker there is a lot to be unearthed in that office. There is one school Ndauni Secondary School and actually cheques were supposed to be sent there, names were taken there with cheques but still in this ward which is being commended I don't see the names of the students from Ndauni. So this Report Mr. Speaker I would say is a sham. I feel it should be taken back, we be given a proper Report with all the schools down from Masongaleni if it is Mbitini but what we were are given here is nothing but total confusion for reasons best known to those who are writing down this names. These are just names anybody even in a bar can sit and write these names. These are figures without any justifiable justification Mr. Speaker. So I feel we need comprehensive information as per each Ward with cheque numbers not dispatch numbers Mr. Speaker. I believe there is a lot. Students are about to open schools but yet cheques are not there. I tried to press I got mine for college students. I got 19 cheques which were purported to have been dispatched to Nairobi but still I got them Mr. Speaker and I am issuing them to the beneficiaries. So Mr. Speaker I believe that it is not for Hon. Members to go there and claim but we need proper information, the cheque numbers and may be when the cheques were dispatched as Mheshimiwa Maneno said. So Mr. Speaker we have a serious problem and I don't think this is what we required from the Statement. This is something else; I don't think this is what was requested from you Mr. Speaker. We want a detailed analysis of issued cheques not dispatch numbers. Thank you Mr. Speaker we have a serious problem.

**Hon. Speaker:** Thank you Hon. Member. I think in front of me here am seeing there is a list which shows the cheque numbers and the amount dispatched. I think Hon. Wambua Chairman that copy is supposed to go to the Members. There is a copy I have here showing the institutions the cheque numbers and the amount given. What is not there is the total amount dispatched. It is not given to know whether it is matching with what was budgeted. So I think that list should also go to Members today. --- (*Hon. Speaker consults with Jackson Wambua*) is it there? It's there. Okay thank you. Before you respond there was another member to respond so that you are the last one to respond. Hon. Bensley then Wambua will respond.

**Hon. Majority Chief Whip** (Hon. Bensley Mathuku): Thank you Mr. Speaker for this opportunity. Mine is small. As my fellow MCA Maneno said when we were Councilors last time we were giving out little monies and we had no problems. Now we are giving a lot of

money and people are complaining. Money would go to universities and colleges. For the secondary schools there were little problems that we could sort. But the students of the university are calling us now requesting for their cheques, we tell them the cheques were disbursed and yet when they go to the universities they don't get them. Mr. Speaker I want the Chairman to note that when these cheques go to universities, for example the University of Nairobi has branches all over the country, there are branches in Mombasa, Samburu, others in Kibwezi and everywhere. Now when you send one Cheque to University of Nairobi and the cheque goes to the main campus, even in Nairobi we have very many campuses we have lower Kabete, upper Kabete and all that. Now when the cheque goes there how will the student in the campus in Mombasa get the cheque?

So my suggestion was that as we used to do that all the cheques be prepared in the Wards. If it is Kikumbulyu North if we have a student in the University of Nairobi or any other university let that cheque be written for that particular child or if they are three let Cheque be written according to the Ward so that when we have this cheque we can actually trace the students and give them their cheques. This will even save money for sending because we send cheque and the cheque is lost, the students come to us complaining, others are coming to the office complaining. So Mr. Speaker sir, that could solve us a lot of issues and these cheques will not have problems because the Committees who are doing it and the CEC Member and I was with him in a function in my Ward when people were complaining and they were calling me and I asked him why didn't you write these cheques per Ward? He said this will amount so many cheque books. I even told him if the problem is cheque book I can give also give money to buy more cheque books so that I can get my own cheque books in the right time and the right place so that the students who come home on holidays they can come and pick their cheque in the office, sign a delivery and that is done and we bring the results back. Mr. Speaker sir mine was just to advise that next time can these cheques be written per Ward. Thank you.

**Hon. Speaker:** Thank you. Hon. Wambua now do you have some comments?

**Hon. Jackson Wambua:** Thank you Mr. Speaker. From the look of things and from what we have noted here this is a very important Department. Important in the sense that it impacts either negatively or positively for our electorate and our children who are in

school. Allow me to thank all Members who have contributed so well and those who have commented, the department of Education and the Committee for the job that we have done. Mr. Speaker allows me to react without defending anybody for the sentiments that have been raised here by Members. But before I do so Mr. Speaker, allow me to point out that we also contribute to some problems we are talking about here.

Firstly Mr. Speaker, with regard to the time factor we gave a deadline to give a Report of the work that was done by our Committees in the Ward level. The deadline was extended and once again extended and as later I believe at almost end of January some of us had not given their Report to the executive. This therefore brought about the delay that we are talking about in the disbursement of the cheques. So Mr. Speaker and I believe --- (*Hon. Mutunga interjects*) I want protection. Mheshimiwa Mutunga had talked and I believe he may have been one of those who delayed because I believe he called me very late in January. So Mr. Speaker gives me some protection. Mr. Speaker that is one area I want to request my colleagues to ensure that when a deadline is given and ensure work that we have given to the executive is done within time limits that we have given then let us also cooperate.

With regard to the 70,000 shillings that has been mentioned here, I have personally seen it and as it is stated in the responses that I have given Mr. Speaker these are serious anomalies and I want to give another case in my own ward where a student number 44 in Tulimani Ward has been allocated 50,000 shillings. I took this Report to the Minister and to the Directors in his office and I was told this is printing error. I also want believe this 70,000 is a printing error because if a student can be given 70,000 another one 50,000 and another one is given 3,000 as it is given in the response that I have given. Thirdly, it is an anomaly that the office accepts has occurred and has vowed to make a correction. They are recalling back some of this cheques that had been written wrongly and they are making the necessary corrections and I want appeal to the Members at individual levels kindly make a follow up. I am also going to help make these follow ups. We want to thank the Speaker for the offices he has given us for the personnel in the offices, I did so and I think my case is being sorted out to avoid any further delays in the disbursement these cheques to the students. I have already stated there is one full location with more than 30 students who have not been given this money. Kindly Members let us assist, let us make a follow up and I

am sure that the necessary corrections will be made because it is already split water and I promise to do my best, work very closely with the Minister to ensure that what has been raised here by Members is corrected.

The June/July bursary Mr. Speaker especially the 100,000 that were told by the Minister was given to schools inform of motivation. I want to thank the Member in this Assembly who has brought out this matter because we discussed it at the Committee level and we did point out to the Minister that we want a breakdown of this money that was given to schools in form of motivation and we were categorical we said this was a very big mistake. Schools could not be allocated 100,000. It was done hastily as though money was being dished out. So Members I promise I will make a follow up and we shall demand a Report from the Minister with regard to what happened to the 100,000 and whether Head teachers brought a Report on what they did with this money.

Something about the policy guidelines Mr. Speaker I do remember very clearly Members that we were called as a Committee to attend some meetings that were called by the Minister to come up with policy guidelines and I was advised to invite all the Members of this House something which I did but unfortunately Mr. Speaker there were some fixtures elsewhere where Members were in attendance and could not attend these meetings. Indeed they were three and I want to thank those Members who attended those meetings with me. We travelled all the way from Nairobi, we came to Acacia Resort where we attended the meeting where these policy guidelines were being formulated and we participated. The only mistake Mr. Speaker that I want to agree with a Member that was committed is the mistake of not having those policy guidelines brought to this House for approval. So Members I am not apologizing on behalf of anybody but I want to demand this time round that the Minister follows the right procedures that require the House to approve any policy Guidelines that they come up with. So Members I will forward those sentiments to the Minister and I want to be believe that the necessary action will be taken because as Members have said the Minister in the Ministry of Education is cooperative and he has not let us down. So I believe this time round he is also going to cooperate and give us the necessary information. Policy Guidelines must be approved by this House.

Something about the Governors kitty Mr. Speaker. I know and I want to concur with the Members that it is very true that there was no balance at all and I may request to exonerate the Governor from any mistakes that may have been committed because in his position he is supposed to delegate some work to his people. This work of giving bursaries from the Governors kitty it is called the Special Fund that went to the Governor. I believe it was not kept on the Governors table for him to dish out. He delegated that exercise. So, whoever was given this duty by the Governor, is the one to blame and I want to forward this same information to the Minister to find out what really happened and whether there was a balance as Mheshimiwa Musau has said with regards to the issuance or allocation of this bursaries to the Wards. So Members allow me to promise that I will take up this matter because I have seen it is like money was issued out first come first served. Mr. Speaker I want to promise I will make a follow up and report to this House what was done. One member of this House has clearly indicated we want to know the Committee that met to award bursaries from Governors kitty and Members I want to be very open here I don't believe there is any Committee that was appointed, but I want to believe the Governor delegated that duty to somebody who should have done it very well. May be some parameters were not put into consideration. Parameters like how much have we given to Tulimani, how much have given to Kako/ Waia this is something that must have been done and if it was done may be as one of us has said correction will be done in future.

Double allocation has been mentioned here and that is very true Mr. Speaker. These people sat somewhere and dishing out money issuing cheques. The same students may have being given money at the ward level. This is something we want to report to the minister and ensure that doesn't happen again, anything they do they should liaise with very closely with this Assembly. I want to concur with one member who has said the best place to issue the cheque once they were ready would have been Ward offices which we thank Mr. Speaker for. We also want to request the executive to ensure they liaise with us when it comes to issuance of bursary because I was one person who was making frequent visits to the office and requesting that to be done only to be told you have done your part, you have approved this amount it is our duty now to implement and were are now seeing loopholes that we want to request that they be corrected. Concerning some cheques still lying in the office is very true Mr. Speaker. I have been and there is an envelope that bears a quite number of cheques. Members these cheques bear names of schools that may not have been identified.

If there some of us whose schools have not got these cheques, may I request Members to kindly just go to the office or we request that those cheques brought to the Clerk for us to identify from close quarters. The method used was not the best to send the cheques. There is this document that we have been given that is containing information on how these cheques were given out to the institutions for which they were written. Mr. Speaker I want to concur with Members that the method may not have been the best. We have this record on postage charges, it is important that the executive works very closely with the Assembly when this cheques are written to avoid these mistakes with the regards to names of the schools; they liaise with us. So Members allow me to promise that I will also convey the same message to the executive for correction to be done.

Mr. Speaker there is one very important information that Mheshimiwa Maneno has brought. You go to the office and indeed there is absolutely no record of the cheques that were issued out. Some of the cheques that may have been issued to our institutions did not have records of the students to benefit from those cheques. So Members and particularly those of us who are in Education Department, let us work together. It is not the Chairman's work alone it is for all us because we are in that Committee and anything that comes to the floor of this House we must be ready to defend it together. So Mr. Speaker I want to thank Mheshimiwa Maneno for that information that he has given to us --- (*Hon. Martin Masila interjects*) Mr. Speaker defend me that I can finish my information because Mheshimiwa Martin had his time. May be finally Mr. Speaker on form one bursary cheques I want to report to the Members the delay has been caused by what the Minister agrees are anomalies. They wanted to call some of the cheques which had mistakes back, before they could prepare the other ones for form ones. Last week I went there and I was told those cheques will be ready either by the end of week that ended over the weekend or in the course of this week. I will rush there before we come for the afternoon session and I will find out what so far has happened. But am very sure Mr. Speaker before the schools open form one cheque will be ready and we will be able to give them to our schools.

I want to thank Mheshimiwa Mutunga for the information that he has brought to this House, it is very important about the approval guidelines put in the Constitutions, equal sharing, we want to forward this information to the Department particularly to the Executive for their necessary action. Mr. Speaker there so many things that have been

brought forth but I want finally very finally if you allow me to say that the responses that have given to this House some Members have said they are not the best but we have tried to closely go by what has been requested and we are trying to be a bit articulate and this information is accompanied with this volume that we have given to every member. So those of us are saying we have not done a good job and A B C D I want to promise a good future and a bright future of this Department. it is a Department that is very sensitive, I know what has been raised here we want to do some of the work with the Executive that is something we are going to request for our survival and for the good of our electorate and for the good of our children who are in school. Thank you so much Mr. Speaker.

**Hon. Speaker:** Thank you Hon. Chair we really appreciate your work, you are doing it to your best knowing that in the new dispensation we don't have the cabinet or CEC'S to respond because of the system we are in. All in all, your responses have been taken seriously by the Members and being a very sensitive Department as you are saying, financial prudence must also be observed, if you look at our Constitution it talks alot about financial management, we also have Public Finance Management Act talking about issues of managing public funds. The 50,200,000kshs. is a public funds and it is the responsibility of the Department to be accountable to the people of Makueni and people of Kenya in general how they have used that money. Hon. Chair I still believe the Members need more from your side as they have pointed out and it is good that you have taken a note of most sensitive issues that they have raised, that means the Members are not comfortable with whatever they have been given, if you take case studies of what you are referring to as Governors fund, if a Fund according to our Constitution and our County Government Act is created then it has also to be approved by this Assembly and that is the law. So if there is a Fund that was created as a Governors Fund I believe by the CEC Finance, the fund should have been brought to this House for approval.

Number two the Policy Guidelines that were used in the disbursement of funds were also supposed to be brought to this House for approval and that is the law. Anybody going against that is misappropriation of funds and this Assembly will stand firm and those who think that the Assembly will not stand firm, they are just cheating themselves. The Assembly will be firm on oversight and that why we are saying, and that's why Members are articulating their points. So Hon. Chair Members have said that the so called Governors

Fund or whatever it is they need the beneficiaries per Ward that's very critical and also need the Committee that was disbursing the Fund. There are no public funds that can be given in form of a bursary without a Committee and the law is very clear on how such funds should be disbursed. So the Committee is also required in this House and also very important is the acknowledgement letters from the institutions that received the cheques because these cheques are landing to institutions in this country or in this world. This Assembly requires the acknowledgement letters from those institutions back to the executive showing they received these cheques worthy this amount of money and this money went to these beneficiaries. That one has no option it has to be there because that is where the oversight is so this Assembly requires that.

Also a Member has raised issue that the list he gave as a MCA Waia is not what was given so it went contrary. A Committee awarded from the Ward level and another Committee awarded different and I think that it is not prudence and I believe Hon. Members will counter check the list you have been given today and the list you gave out and counter check with the beneficiaries whether they are the same beneficiaries. I am saying this because I want to direct the Chair. This House also needs the total budgeted amount of money for the bursary was 50,200,000 and the Assembly requires seeing an accounted format reaching a total of 50,200,000 at the end showing this was what budgeted and this is what has been dispatched so far and I think that also is very important and that's why now Hon. Chair with all respect this House needs a more comprehensive Report regarding all those all issue have raised here and because this is a matter of urgency I direct that you prepare a Report that is capturing all those sentiments that Members have made here and liaise with the CEC and the Department and submit the same Report to this House in 10 days. That will be next week so that the Members can be satisfied with your response, so ordered.

## COMMUNICATION FROM THE CHAIR

### CONDUCT OF MEMBERS IN THE HOUSE

**Hon. Speaker:** Hon. Members I want to refer to Standing Order (104) because am just watching some Members here who want to practice what they can do in an Assembly

and I want to put a stern warning now that this Assembly will not be used as a demonstration ground where people want to show how they can talk and how they can jump up and down. To that regard Standing Order (104) which I will now follow sub-section (2) states clearly it is an issue of Grossly Disorderly Conduct in the House. Sub section (2) says, *The Speaker or the Chairperson of a Committee shall order any Member whose conduct is grossly disorderly to withdraw immediately from the precincts of the County Assembly:-* and the precincts are anything within the fence of this Assembly

a) On the first occasion if Member has done that one first like for example a Member standing knowingly on false Point of order and a Member who is acting in a way he wants to detriment the dignity of this House or a Member persists making allegations that are not substantiated in this House and many more others. If a Member makes such for the first time the speaker will order that Member out of the precincts for the remainder of the sittings. In this regard I have ordered Hon. Malinda to withdraw from the precincts of this Assembly for the remainder of today's sitting.

b) On the second or subsequent occasion during the same session, if a Member continuously continues to disrupt this House and thinks that he can run away with it. I now order Hon. Keli to immediately withdraw from the precincts of this Assembly for a maximum of three sitting days including the day of suspension and that is so ordered. Next Order.

## ADJOURNMENT

**Hon. Speaker:** Hon. Members being no other business to be transacted in the House the House adjourns to 2.30 pm today.

*(House rose at 12.15p.m).*