



Approved
SNA
13/11/24

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – THIRD SESSION – 2024

DEPARTMENTAL COMMITTEE ON EDUCATION

PARLIAMENT
OF KENYA
LIBRARY

REPORT ON:

THE UNIVERSITIES (AMENDMENT) BILL, 2023

(National Assembly Bill No. 38 of 2023)

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 13 NOV 2024	DAY: WED
TABLED BY:	MAJORITY PARTY WHIP HON. NADMI KHAQO MP
CLERK-AT THE-TABLE:	MS. MERG CHUMD

NAIROBI

NOVEMBER 2024

NATIONAL ASSEMBLY
RECEIVED
13 NOV 2024
SPEAKER'S OFFICE
P. O. Box 41842, NAIROBI.

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LIST OF ABBREVIATIONS AND ACRONYMS

ANC	-	Amani National Congress
DAP-K	-	Democratic Action Party Kenya
IND	-	Independent
JP	-	Jubilee Party
KUCCPS	-	Kenya Universities and Colleges Central Placement Service
KNCHR	-	Kenya National Commission on Human Rights
NAPUK	-	National Association of Private Universities in Kenya
ODM	-	Orange Democratic Movement

ANNEXURES

- 1 Report adoption Schedule
2. Minutes
3. Copy of the newspaper advertisement on public participation
4. Letter inviting stakeholders for meetings with the Committee
5. Stakeholder submissions

CHAIRPERSON'S FOREWORD

The Universities (Amendment) Bill, 2023 (National Assembly Bills No.38) sponsored by Hon. Wanami Wamboka, M.P was read a First Time on 18th October, 2023 and committed to the Departmental Committee on Education for consideration and reporting to the House, pursuant to Standing Order 127(1).

The object of the Bill is to amend the Universities Act to provide a framework on the exclusive placement of government sponsored students in public universities. The Bill further seeks to remove private universities board representation in the Board of management of Kenya Universities and Colleges Central Placement Service (KUCCPS) to safeguard the Universities Fund in line with the constitutional principles of public finance.

Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the "Daily Nation" and the "Standard" newspapers on 20th October, 2023 inviting interested members of the public to submit any representations they may have on the Bill. The Committee received representations from National Association of Private Universities in Kenya (NAPUK) and the Kenya National Commission on Human Rights (KNCHR). All the submissions were considered by the Committee.

Further, in considering the Bill the Committee held a total of four (4) meetings to receive and consider submissions.

The Committee having considered the Bill clause by clause and taking into consideration views and recommendations of the stakeholders pursuant to Standing Order 127(3A) made observations and recommendations contained in section 4.0 and 5.0 of this Report.

Acknowledgement

The Committee is grateful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings.

On behalf of the Committee, and pursuant to Standing Order 127(4), it is my pleasant duty to table the Report of the Departmental Committee on Education on its consideration of the Universities (Amendment) Bill, 2023 (National Assembly Bill No. 38) sponsored by the Hon. Wanami Wamboka, M.P.



HON. JULIUS MELLY, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION

PART I

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Education was constituted pursuant to the provisions of Standing Order No. 216(1) of the National Assembly Standing Orders. Pursuant to the Standing Order 216 (5) read together with the Second Schedule to the Standing Orders, the functions of the Committee are to: -

- (i) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the Ministry of Education;*
- (ii) *study the programme and policy objectives of Ministry and the Departments of the Ministry, and the effectiveness of the implementation;*
- (iii) *study and review all legislation referred to it;*
- (iv) *study, assess and analyze the relative success of the relevant Ministry as measured by the results obtained as compared with their stated objectives and,*
- (v) *investigate and inquire into all matters relating to the as may be necessary, and as may be referred to the Committee by the House;*
- (vi) *to vet and report on all appointments where the Constitution or any law requires the National Assembly and by extension, the Committee to approve;*
- (vii) *make reports and recommendations relating to the functions of the relevant Ministry to the House as often as possible, including recommendation of proposed legislation;*
- (viii) *make recommendations to the House as often as possible, including recommendation of proposes legislation;*
- (ix) *consider reports of the relevant commissions and independent offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
- (x) *examine any questions raised by Members on a matter within the mandate of the Committee.*

1.2 Subjects

2. The Committee, according to the Second Schedule of the Standing Orders, examines the following subjects:
 - i) Education;
 - ii) Training; and
 - iii) Research.
3. The Committee oversees the following government entities: -
 - (a) Ministry of Education comprising the following State Departments:
 - (i) State Department for Basic Education
 - (ii) State Department for Higher Education and Research
 - (iii) State Department for Technical, Vocational Education and Training
 - (b) The Teachers Service Commission.

1.3 Committee Membership

4. The Committee comprises of the following Members: -

1. Hon. Julius Kibiwott Melly, CBS, MP

Chairperson
Tinderet Constituency
UDA

2. Hon. Moses Malulu Injendi, MP

Vice Chairperson
Malava Constituency
ANC

3.Hon. Dr. Christine Ombaka, MP

Siaya County
ODM

10.Hon Julius Taitumu M’Anaiba, MP

Igembe North Constituency
UDA

4.Hon. Eve Akinyi Obara, MP

Kabondo Kasipul Constituency
ODM

11.Hon. Nabii Nabwera Daraja, MP

Lugari Constituency
ODM

5.Hon. Jerusha Mongina Momanyi, MP

Nyamira County
JP

12.Hon. Peter Ochieng Orero, MP

Kibra Constituency
ODM

6.Hon. Abdul Ebrahim Haro, MP

Mandera South Constituency
UDA

13.Hon. (Prof.) Phylis Jepkemoi Bartoo

Moiben Constituency
UDA

7.Hon. Anne Muratha, MP

Kiambu County
UDA

14.Hon. Rebecca Noonaiishi Tonkei, MP

Narok County
UDA

8.Hon. Clive Gisairo, MP

Kitutu Masaba, Constituency
ODM

15. Hon. Timothy Toroitich, MP

Marakwet West Constituency,
IND

9.Hon. Dick Oyugi Maungu, MP

Luanda Constituency
DAP-K

1.4 Committee Secretariat

5. The Committee secretariat comprise of: -

**Mr. Mohamed Boru
First Clerk Assistant**

**Mr. Clive Onyancha
Clerk Assistant II**

**Mr. Eric Kanyi
Fiscal Analyst II**

**Ms. Fiona Wanjiru
Legal Counsel**

**Dr. Mburu Maina
Research Officer III**

**Mr. Jared Onyancha
Public Relations Officer III**

**Mr. Richard Sang
Serjeant-At-Arms**

**Mr. Nimrod Ochieng'
Audio Recording Officer**

**Ms Pauline Njuguna
Hansard Officer II**

PART II

2.0 BACKGROUND

2.1 Introduction

6. The introduction of the Bill was driven by concerns over the allocation of public funds to private universities, which are not governed by the same stringent regulatory frameworks as public institutions. While private universities play a role in addressing the increasing demand for higher education, critics argued that the government's financial support for these institutions was not being used effectively. Public funds were perceived as being misallocated to profit-driven private universities, leading to calls for more transparent and accountable management of taxpayer money.
7. Additionally, the Bill seeks to address the lack of oversight in the financial management of private universities. The provisions aim to safeguard public funds by restricting KUCCPS placements to only public universities and removing private university representation on the KUCCPS board. This move is intended to ensure that public resources are used exclusively for the benefit of public institutions, aligning with national priorities and improving accountability in the higher education sector.

2.2 Memorandum of Objects and Reasons for the Bill

8. The object of the Bill is to amend the Universities Act to provide a framework on the exclusive placement of government sponsored students in public universities. The Bill further seeks to remove private universities board representation in the Board of management of Kenya Universities and Colleges Central Placement Service (KUCCPS) to safeguard the Universities Fund in line with the constitutional principles of public finance.
9. The functions of the Sub-County Education Board shall include, the establishment of a data bank of all education and training institutions in the sub-county and assessment of the budgetary requirements of all education and training institutions in the sub-county and developing allocation programmes including programmes for allocation to institutional lunch programmes.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

9. The Bill does not delegate legislative powers to the Cabinet Secretary nor does it limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

10. The Bill does not affect the functions of the county governments in terms of Article 109 (5) of the Constitution as it does not contain provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

11. The Universities and other institutions of higher learning are functions of the national government as provided in Part 1 of the Fourth Schedule to the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

12. The enactment of the Bill shall not occasion additional expenditure of public funds.

PART III

3.0 CONSIDERATION OF THE BILL BY THE COMMITTEE

3.1 Committal of the Bill

13. The Universities (Amendment) Bill, 2023 (National Assembly Bill No. 38) sponsored by the Hon. Wanami Wamboka, MP was read a First Time on 18th October, 2023 and committed to the Departmental Committee on Education for consideration and reporting to the House, pursuant to Standing Order 127(1).

3.2 Public Participation on the Bill

14. Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the “Daily Nation” and the “Standard” newspapers on 20th October, 2023 inviting interested members of the public to submit any representations they may have on the Bill. (Annexure 3). The Committee received representations from National Association of Private Universities in Kenya (NAPUK) and the Kenya National Commission on Human Rights (KNHCR) which were considered by the Committee.

15. In considering the Bill the Committee held a total of three meetings to receive and consider submissions from the stakeholders.

3.3 Meeting with the Sponsor of the Bill

16. Hon. Wanami Wamboka, M.P, the sponsor of the Universities (Amendment) Bill, 2023 appeared before the Committee on 22nd October 2024 and submitted as follows:

17. The principal object of the bill is to provide a framework for the exclusive placement of government-sponsored students in Public Universities.

18. It further seeks to remove Private Universities’ board representation in the Board of Management of Kenya Universities and Colleges Central Placement Service (KUCCPS) to safeguard the Universities Fund in line with the Constitutional Principles of Public finance. The implication is to remove the two Vice- chancellors representing private universities membership in the Board of KUCCPS.

19. The Bill also seeks to amend Section 56(1) of the Universities Act in paragraph (a) by inserting the word “public” immediately after the words “government-sponsored students to ensure that the functions of Kenya Universities and Colleges Central Placement Service are the coordination and placement of Government-sponsored students to public Universities and Colleges.

20. The provisions of this Act shall come into force six months after its commencement. The Kenya Universities and Colleges Central Placement Service shall, within thirty days of the Commencement of this Act, publish and publicize the changes in the placement of Government-sponsored students as established by this Act.

PART IV

4.0 COMMITTEE OBSERVATIONS

23. Upon reviewing the Bill and the submission received, the Committee made the following observations:

- i. The mandate of KUCCPS is not limited to placement of students in Universities. The Service also acts as a database related to University and College placement, disseminates information on available programmes in Universities and advises the Government on student placement.
- ii. The removal of the two Board members representing private Universities would disadvantage private Universities since KUCCPS also acts as a database related to University and College placement, disseminates information on available programmes in Universities, among other functions.
- iii. Under the New Funding Model for higher education, the Kenya Universities and Colleges Central Placement Service has not placed government-sponsored students in private Universities for the last two academic years.

PART V

5.0 COMMITTEE RECOMMENDATION

The Committee, having considered the Universities (Amendment) Bill, 2023 and the submissions from stakeholders and the sponsor of the Bill, recommends that the House approves the Bill with amendments contained in the Schedule of Amendments forming part six.


PART VI


6.0 SCHEDULE OF AMENDMENTS

The Committee having considered the Bill clause by clause and considering views and recommendations of the stakeholders pursuant to Standing Orders 127 (3A) recommends that the amendments contained in the Bill should be deleted in their entirety.

The Committee considered all clauses of the Bill and recommended as follows;

- i. Clause 1 – Deletion
- ii. Clause 2 – Deletion
- iii. Clause 3 – Deletion
- iv. Clause 4 – Deletion

SIGNED  DATE 12/11/2024
HON. JULIUS MELLY, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON EDUCATION

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 13 NOV 2024	
	DAY: WED
TABLED BY:	MAJORY PAKIT WATIP Hon NAOMI WAQO MP,
CLERK-AT THE-TABLE:	Ms MERCY CHUMO

ANNEX 1:

REPORT ADOPTION SCHEDULE



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
13TH PARLIAMENT – THIRD SESSION – 2024
DEPARTMENTAL COMMITTEE ON EDUCATION

ADOPTION SCHEDULE

AGENDA: REPORT ON THE UNIVERSITIES (AMENDMENT)
BILL, 2023 BY HON. WANANI WAMBOKA, MP

NO.	NAME	SIGNATURE
1.	Hon. Julius Melly, MP Chairperson	-
2.	Hon. Malulu Injendi, MP Chairperson	-Vice
3.	Hon. Dr. Christine Oduor Ombaka, MP Member	-
4.	Hon. Eve Obara, MP Member	-
5.	Hon. Jerusha Momanyi, MP Member	-
6.	Hon. Abdul Haro, MP Member	-
7.	Hon. Anne Muratha, MP Member	-
8.	Hon. Clive Gisairo, MP member	-
9.	Hon. Dick Maungu MP Member	-
10.	Hon. Julius Taitumu M'Anaiba, MP Member	-
11.	Hon. Nabii Daraja, MP Member	-
12.	Hon Peter Orero, MP Member	-
13.	Hon. (Prof.) Phylis Bartoo, MP Member	-
14.	Hon. Rebecca Tonkei, MP Member	-
15.	Hon. Timothy Toroitich, MP Member	-

ANNEX 2:

MINUTES

MINUTES OF THE 50TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON TUESDAY, 15TH OCTOBER, 2024, IN THE COMMITTEE ROOM 26, 5TH FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 10:00 AM.

PRESENT

1. Hon. Julius Melly, CBS, M.P. - Chairperson
2. Hon. Moses Malulu Injendi, M.P. - Vice-Chairperson
3. Hon. Eve Obara, MBS, M.P.
4. Hon. Jerusha Momanyi, M.P.
5. Hon. Clive Ombane Gisairo, M.P.
6. Hon. Dick Maungu Oyugi, M.P.
7. Hon. Nabii Nabwera Daraja, M.P.
8. Hon. Anne Wanjiku Muratha, M.P.
9. Hon. Julius Taitumu M'Anaiba, M.P.
10. Hon. Prof. Phylis Jepkemoi Bartoo, M.P.
11. Hon. Timothy Kipchumba Toroitich, M.P.

ABSENT WITH APOLOGIES

1. Hon. Dr. Christine Oduor Ombaka, M.P.
2. Hon. Rebecca Noonaiishi Tonkei, M.P.
3. Hon. Peter Ochieng Orero, M.P.
4. Hon. Abdul Ebrahim Haro, M.P.

SECRETARIAT

1. Mr. Mohamed Boru - Clerk Assistant I
2. Mr. Clive Onyanicha - Clerk Assistant II
3. Mr. Maina Mburu - Research Officer
4. Ms. Fiona Wanjiru - Legal Counsel
5. Mr. Jared Onyanicha - Protocol Officer
6. Ms. Pauline Njuguna - Hansard Officer
7. Mr. Nimrod Ochieng - Audio Officer

MIN. NO. 273/NA/EDUC/2024: PRELIMINARIES

The Chairperson called the meeting to order at eighteen minutes past ten o'clock with a prayer by Hon. Prof. Phylis Bartoo, M.P followed by self-introductions.

MIN. NO. 274/NA/EDUC/2024: ADOPTION OF AGENDA

The agenda for the meeting was adopted having been proposed by Hon. Dick Oyugi Maungu, M.P and seconded by Hon. Prof. Phylis Jepkemoi Bartoo, M.P.

MIN. NO. 275/NA/EDUC/2024: CONFIRMATION OF MINUTES

1. Minutes of the 42nd sitting held on 6th August, 2024 were adopted having been proposed by Hon. Moses Malulu Injendi, M.P and seconded by Hon. Prof. Phylis Jepkemoi Bartoo, M.P.

2. Minutes of the 43rd sitting held on 8th August, 2024 were adopted having been proposed by Hon. Nabii Nabwera Daraja, M.P and seconded by Hon. Prof. Phylis Jepkemoi Bartoo, M.P.
3. Minutes of the 44th sitting held on 13th August, 2024 were adopted having been proposed by Hon. Moses Malulu Injendi, M.P and seconded by Hon. Prof. Phylis Jepkemoi Bartoo, M.P.
4. Minutes of the 45th sitting held on 12th September, 2024 were adopted having been proposed by Hon. Moses Malulu Injendi, M.P and seconded by Hon. Clive Ombane Gisairo, M.P.

MIN. NO. 276/NA/EDUC/2024: MATTERS ARISING

1. **Placement of Students in Funding Bands:** The Committee noted that the issue of placement of students in the wrong bands was experienced by more than 50% of the applicants and the Ministry of Education and Kenya Universities and Colleges Central Placement Services (KUCCPS) ought to review its own systems at the point of analysis. It was also noted that the High Court had granted orders suspending the implementation of the New Funding Model.
2. **Bills and legislative proposals pending before the Committee:** The Committee resolved to invite the Ministry of Education to submit bills being drafted by the Ministry so that the same can be adopted as Bills by the Committee as this would enable expeditious processing of the same. The Committee further resolved to hold a retreat to consider bills referred to from the House.
3. **Transition to Grade 9:** The Committee queried the level of preparedness in terms of infrastructure and personnel for the transition to grade 9. It was resolved by the Committee that the Cabinet Secretary, Ministry of Education should share a report on the status of infrastructure development to be tabled before the National Assembly.

**MIN. NO. 277/NA/EDUC/2024: BRIEFING BY THE LEGAL OFFICER ON THE
UNIVERSITIES (AMENDMENT) BILL, 2023
SPONSORED BY HON. WANAMI WAMBOKA, MP**

The Legal Officer apprised the Committee as follows;

1. The principal object of the bill is to provide a framework for the exclusive placement of government-sponsored students in Public Universities. It further seeks to remove Private Universities' board representation in the Board of Management of Kenya Universities and Colleges Central Placement Service (KUCCPS) to safeguard the Universities Fund in line with the Constitutional Principles of Public finance.
2. Section 55 of the Universities Act, 2012 in this Act referred to as the "Principal Act", is amended by deleting subsection (3) and substituting therefore with the following new subsection:

“(3) The Service shall be governed by the Placement Board which shall consist of eleven members appointed by the Cabinet Secretary as follows;

(a) The Chairperson, (b) the Secretary of the Commission, (c) the Chief Executive Officer of the Higher Education Loans Board, (d) the Chief Executive Officer of the TVET Funding Board, (e) the Chief Executive of TVETA, (f) two Vice- Chancellors representing Public Universities, (g) two representatives of the Kenya Association of Technical Institutions, (h) The Principal Secretary in the Ministry responsible for Higher Education; and (i) The Principal Secretary in the Ministry responsible for Finance”

The implication is to remove the two Vice- chancellors representing Private Universities membership in the Board of KUCCPS.

3. Section 56(1) of the Principal Act is amended in paragraph (a) by inserting the word “public” immediately after the words “government-sponsored students to”,

This ensures that the functions of Kenya Universities and Colleges Central Placement Service are the coordination and placement of Government-sponsored students to public Universities and Colleges.

4. The provisions of this Act shall come into force six months after its commencement. The Kenya Universities and Colleges Central Placement Service shall, within thirty days of the Commencement of this Act, publish and Publicize the changes in the placement of Government-sponsored students as established by this Act.

The implication is that it provides for the commencement date and provides for KUCCPS to publish and publicize proposed amendments within thirty days, highlighting the new changes in placement of Government-sponsored students.

Committee Observations

The Committee made the following observations:

1. The Committee was in support of the Bill noting that private Universities are profit-making entities and should not benefit from public resources or be managed using public funds.
2. The Committee raised concern over KUCCPS placing students in Private Universities and the government paying examination fees for students in private institutions with no accountability.

Committee Resolution

The Committee resolved to invite the Sponsor of the Bill, Hon. Wanami Wamboka, MP to further deliberate on the Bill.

MIN. NO. 278/NA/EDUC/2024:

ANY OTHER BUSINESS

The Committee resolved to invite the Chief Executive Officer, Teachers Service Commission to a meeting on 22nd October 2024, to shed light on the following matters;

- a. The status report on the recruitment of 46,000 teachers as per the TSC advertisement of October 2024;
- b. The status of the 46,000 interns who were in service and were expected to be permanently recruited;
- c. The level of preparedness for transition to Grade 9 with regards to number of teachers and the requisite training of the teachers; and
- d. The status of promotion of various cadres of teachers who are due for promotion.

MIN. NO. 279/NA/EDUC/2024: ADJOURNMENT

There being no other business the meeting was adjourned at five minutes past twelve O'clock. The next meeting will be held on Notice.

SIGNED:  DATE: 12/11/24

**HON. JULIUS MELLY, CBS, MP,
CHAIRPERSON**

MINUTES OF THE 53RD SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON TUESDAY, 22ND OCTOBER, 2024, IN THE COMMITTEE ROOM 18, 3RD FLOOR, BUNGE TOWER, PARLIAMENT BUILDINGS AT 2:30 PM.

PRESENT

1. Hon. Julius Melly, CBS, M.P. - Chairperson
2. Hon. Moses Malulu Injendi, M.P. - Vice-Chairperson
3. Hon. Dr. Christine Oduor Ombaka, M.P.
4. Hon. Rebecca Noonaishi Tonkei, M.P.
5. Hon. Peter Ochieng Orero, M.P.
6. Hon. Eve Obara, MBS, M.P.
7. Hon. Clive Ombane Gisairo, M.P.
8. Hon. Dick Maungu Oyugi, M.P.
9. Hon. Julius Taitumu M'Anaiba, M.P.
10. Hon. Jerusha Momanyi, M.P.
11. Hon. Abdul Ebrahim Haro, M.P.
12. Hon. Prof. Phylis Jepkemoi Bartoo, M.P.
13. Hon. Anne Wanjiku Muratha, M.P.
14. Hon. Timothy Kipchumba Toroitich, M.P.

ABSENT WITH APOLOGIES

1. Hon. Nabii Nabwera Daraja, M.P.
2. Hon. Abdul Ebrahim Haro, M.P.

SECRETARIAT

- | | | |
|------------------------|---|---------------------|
| 1. Mr. Mohamed Boru | - | Clerk Assistant I |
| 2. Mr. Clive Onyancha | - | Clerk Assistant III |
| 3. Mr. Maina Mburu | - | Research Officer |
| 4. Ms. Fiona Wanjiru | - | Legal Counsel |
| 5. Mr. Jared Onyancha | - | Protocol Officer |
| 6. Ms. Pauline Njuguna | - | Hansard Officer |
| 7. Mr. Nimrod Ochieng | - | Audio Officer |

MIN. NO. 295/NA/EDUC/2024: PRELIMINARIES

The Chairperson called the meeting to order at fifty five minutes past two o'clock with a prayer by Hon. Moses Malulu Injendi, M.P followed by self-introductions.

MIN. NO. 296/NA/EDUC/2024: ADOPTION OF AGENDA

The agenda for the meeting was adopted having been proposed by Hon. Moses Malulu Injendi, M.P and seconded by Hon. Rebecca Tonkei, M.P.

MIN. NO. 297/NA/EDUC/2024: CONSIDERATION OF THE UNIVERSITIES (AMENDMENT) BILL, 2023

Hon. Wanami Wamboka, M.P, the sponsor of the Universities (Amendment) Bill, 2023 appeared before the Committee and made submissions on the Bill as follows:

1. The object of the Bill is to amend the Universities Act to provide a framework on the exclusive placement of government sponsored students in public universities.
2. The Bill further seeks to remove private universities board representation in the Board of management of Kenya Universities and Colleges Central Placement Service (KUCCPS) to safeguard the Universities Fund in line with the constitutional principles of public finance.
3. The effect of this amendment is to remove the two Vice Chancellors representing private universities membership in the board of the Kenya Universities and Colleges Central Placement Service (KUCCPS).
4. Among the functions of Kenya Universities and Colleges Central Placement Service (KUCCPS) is the co-ordination and placement of government sponsored students to public universities and colleges. This amendment seeks to limit the functions of the board to placement of government sponsored students to public universities.
5. The provisions of this Act shall come into force six months after its commencement.

Committee Observation

The Committee made the following observation

1. The Bill seeks to have public Universities absorb all government-sponsored students. The main aim is to ensure no government-sponsored student can be placed in a private University when there is a vacancy in a public University.
2. Public Universities are operating under capacity as is the case at Moi University which has seen the student population reduce from approximately 35,000 students to 11,000 students.
3. It is difficult to audit and account for students who are placed in private Universities. Some students don't report to the private University they've been placed to yet the government continues to remit fees to the Universities.
4. KUCCPs has two Members in the Board representing private Universities. The sponsor of the Bill seeks their removal from the Board via an amendment to the principal Act.
5. The sponsor of the Bill was submitting it on behalf of the Public Investments Committee on Education and Governance. In their consideration of audited accounts of Universities, the Committee observed that most public Universities have been declared 'technically insolvent' and are struggling financially. Their continued operation is reliant on revenue that is generated from school fees payments.
6. Under the New Funding Model, the Kenya Universities and Colleges Central Placement Service has not placed government-sponsored students in private Universities for the last two academic years.

7. The mandate of KUCCPS is not limited to placement of students in Universities. The Service also acts as a database related to University and College placement, disseminates information on available programmes in Universities and advises the Government on student placement.

Committee Resolutions

The Committee made the following resolutions:

1. The Committee is not in agreement with the provisions of the Bill which seeks to remove the two Boards Members representing private Universities at KUCCPS. The mandate of KUCCPS goes beyond placement of students in institutions of higher learning.
2. The removal of the two Board members representing private Universities would disadvantage private Universities since KUCCPS also acts as a database related to University and College placement, disseminates information on available programmes in Universities, among other functions.

MIN. NO. 298/NA/EDUC/2024: ANY OTHER BUSINESS

No other business arose.

MIN. NO. 299/NA/EDUC/2024: ADJOURNMENT

There being no other business the meeting was adjourned at fifteen minutes past four O'clock. The next meeting will be held on Notice.

SIGNED:  DATE: 12/11/24

**HON. JULIUS MELLY, CBS, MP,
CHAIRPERSON**

MINUTES OF THE 58TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON FRIDAY, 1ST NOVEMBER, 2024, IN BARAZA CONFERENCE ROOM, SAROVA WHITESANDS HOTEL, MOMBASA AT 3:00 PM.

PRESENT

- | | |
|---|--------------------|
| 1. Hon. Julius Melly, M.P. | - Chairperson |
| 2. Hon. Moses Malulu Injendi, M.P. | - Vice-Chairperson |
| 3. Hon. Dr. Christine Oduor Ombaka, M.P. | |
| 4. Hon. Eve Obara, MBS, M.P. | |
| 5. Hon. Abdul Ebrahim Haro, M.P. | |
| 6. Hon. Dick Maungu Oyugi, M.P. | |
| 7. Hon. Nabii Nabwera Daraja, M.P. | |
| 8. Hon. Peter Ochieng Orero, M.P. | |
| 9. Hon. Prof. Phyllis Jepkemoi Bartoo, M.P. | |
| 10. Hon. Rebecca Noonaihi Tonkei, M.P. | |
| 11. Hon. Clive Ombane Gisairo, M.P. | |
| 12. Hon. Timothy Kipchumba Toroitich, M.P. | |

APOLOGIES

1. Hon. Anne Wanjiku Muratha, M.P.
2. Hon. Jerusha Momanyi, M.P.
3. Hon. Julius Taitumu M'Anaiba, M.P.

SECRETARIAT

- | | |
|-----------------------|----------------------|
| 1. Mr. Mohamed Boru | - Clerk Assistant I |
| 2. Mr. Clive Onyancha | - Clerk Assistant II |
| 3. Dr. Mburu Maina | - Research Officer |
| 4. Ms. Fiona Wanjiru | - Legal Counsel |
| 5. Mr. Nimrod Ochieng | - Audio Officer |

MIN. NO. 322/NA/EDUC/2024: PRELIMINARIES

The Chairperson called the meeting to order at three O'clock. The Chairperson informed members that the meeting was a continuation of the morning meeting whose agenda was adoption of Committee reports on various Bills under consideration by the Committee.

MIN. NO. 323/NA/EDUC/2024: CONSIDERATION OF REPORTS ON VARIOUS BILLS AND LEGISLATIVE PROPOSALS BEFORE THE COMMITTEE

1. Report on the Basic Education (Amendment) Bill, 2023 sponsored by Hon. Mary Wamaua, M.P

The Committee having considered the report on the Basic Education (Amendment) Bill, 2023 sponsored by Hon. Mary Wamaua, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon. Nabii Nabwera Daraja, M.P, and seconded by Hon. Dr. Christine Oduor Ombaka, M.P.

CLAUSE 2

THAT, clause 2 of the Bill be amended—

- (a) by deleting the proposed new section 18A and substituting therefore the following paragraph—

There is established a Sub-County Education Board.

Justification

To safeguard the independence of the Sub-County Education Board.

- (b) by deleting the words “through an open and competitive process” immediately after the words “the Cabinet Secretary” in the proposed new section 18C (1).

Justification

The members constituting the board have standing offices and therefore appointment through an open and competitive process does not apply.

- (c) by deleting in the proposed new section 18C (2)(a).

Justification

A Member of Parliament provides oversight to the Board and can therefore not form part of its membership.

- (d) by deleting in the proposed new 18C (2)(f) and inserting the following new subclause—

two professionals with at least five years of experience based in the sub-county nominated by the Parents Teachers Association in the Sub-county.

Justification

This is to ensure the Sub-County Education Board benefits from knowledge and experience of professionals from various professional backgrounds.

- (e) in the proposed new 18C (2) by inserting the following new paragraph immediately after paragraph (f)-

(fa) two persons nominated by the dominant religious affiliations form the following bodies—

- (i) a joint forum of the National Council of Churches of Kenya and the Evangelical Fellowship of Kenya;
- (ii) the Kenya Episcopal Conference; or
- (iii) the Muslim Education Council.

Justification

This is to ensure representation of faith-based organizations in the membership of Sub-County Education Board.

(f) by deleting the proposed new section 18 E (1) and substituting therefore the following new sub-clause—

(1) A Sub-county Education Board shall hold such number of meetings at such places and at such times as the Sub-county Education Board shall consider necessary for the proper discharge of its functions.

(2) Notwithstanding subsection (1) of the Sub-county Education Board shall meet not less than four times in each financial year.

(3) At least a seven-day notice shall be given prior to any meeting of the Sub-county Education Board.

Justification

To ensure provide for the independence of the Sub-county Education Board in the conduct of its business and provide for procedure on the same.

(g) Amend clause 18 F by deletion and inserting the following new sub-clause

The Sub-county Education Board shall pay its members such remuneration or allowances as may be approved by the Cabinet Secretary in consultation with the Salaries and Remuneration Commission.

Justification

This is to facilitate a realistic system of remuneration for members serving in the Sub-County Education Board as the system of payment by the organizations they represent may encounter implementation challenges.

(h) by deleting in the proposed new section 18G.

Justification

The Sub-County Education Board has in its proposed membership, professionals with at least five years of experience nominated by the Parents Teachers Association in the

Sub-county, who would therefore fulfil the need of any specializations required by Sub-County Education Board curing the need for co-opting further members.

2. Report on the Universities (Amendment) Bill 2023 by Hon. Wanami Wamboka, M.P

The Committee having considered the report on the Universities (Amendment) Bill 2023 by Hon. Wanami Wamboka, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon.Rebecca Noonaiishi Tonkei, M.P, and seconded by Hon. Eve Obara, MBS, M.P.

The Committee having considered the Bill clause by clause and considering views and recommendations of the stakeholders pursuant to Standing Orders 127 (3A) recommends that the amendments contained in the Bill should be deleted in their entirety.

The Committee considered all clauses of the Bill and recommended as follows;

- i. Clause 1 - Deletion
- ii. Clause 2 - Deletion
- iii. Clause 3 - Deletion
- iv. Clause 4 - Deletion

3. Report on the Universities (Amendment) (No.3) Bill, 2023 (National Assembly Bill No. 64) by Hon. Christopher Aseka Wangaya, M.P

The Committee having considered the report on the Universities (Amendment) Bill, 2023 by Hon. Christopher Aseka, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon. Nabii Nabwera Daraja, M.P, and seconded by Hon. Eve Obara, MBS, M.P.

The Committee resolved to amend the Bill as follows:

CLAUSE 2

THAT clause 2 of the Bill be amended by deleting the proposed new clause.

Justification

Government grants provided to private universities are intended to support research and. development initiatives that benefit the public. Consequently, these grants should be maintained to continue fostering advancements that serve the public good.

CLAUSE 3

THAT clause 3 of the Bill be amended by deleting the proposed new clause.

Justification

Government grants provided to private universities are intended to support research and development initiatives that benefit the public. Consequently, these grants should be maintained to continue fostering advancements that serve the public good.

4. Report on the Universities (Amendment) Bill, 2023 (National Assembly Bill No. 79) by Hon. Benjamin Gathiru, M.P

The Committee having considered the report on the Universities (Amendment) Bill, 2023 (National Assembly Bill No. 79) by Hon. Benjamin Gathiru, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon. Rebecca Noonaisi Tonkei, M.P, and seconded by Hon. Dr. Christine Oduor Ombaka, M.P.

The Committee resolved that the House approves the Bill.

5. Report on the Universities (Amendment) Bill, 2024 (National Assembly Bill No. 16) by Hon. Owen Baya, M.P

The Committee having considered the report on the Universities (Amendment) Bill, 2024 (National Assembly Bill No. 16) by Hon. Owen Baya, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon. Abdul Ebrahim Haro, M.P, and seconded by Hon. Eve Obara, MBS, M.P.

CLAUSE 2

THAT, Clause 2 of the Bill is amended by deleting the proposed new paragraph and substituting therefor the following paragraph—

Six months before the expiry of the term of a serving Chancellor of a public university, the Chancellor of the University shall notify the Senate of the upcoming vacancy. 1A.

The Senate of that university shall, in consultation with key stakeholders, identify suitable persons for appointment.

Justification

The amendment aims to establish reasonable timelines to prevent undue delays in filling vacancies within the Office of the Chancellor.

6. Report on the Technical and Vocational Training (Amendment) Bill, 2023 by Hon. Joshua Oron, M.P

The Committee having considered the report on Technical and Vocational Training (Amendment) Bill, 2023 by Hon. Joshua Oron, M.P, unanimously resolved to adopt the report as an accurate representation of the Committee's deliberations. The motion for adoption was proposed by Hon. Timothy Kipchumba Toroitich, M.P, and seconded by Hon. Rebecca Noonaishi Tonkei, M.P.

MIN. NO. 324/NA/EDUC/2024: ANY OTHER BUSINESS

There was no other business

MIN. NO. 325/NA/EDUC/2024: ADJOURNMENT

There being no other business the meeting was adjourned at six minutes past five O'clock. The next meeting will be held on Notice.

SIGNED:  DATE: 12/11/2024

**HON. JULIUS MELLY, CBS MP,
CHAIRPERSON**

ANNEX 3:

NEWSPAPER ADVERTISEMENT ON PUBLIC PARTICIPATION

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAKAMEGA
ELC SUIT NO. E025 OF 2022
COUNTY GOVERNMENT OF KAKAMEGA PLAINTIFF
VERSUS
ALEX NJOROGE MWANGI DEFENDANT

SUBSTITUTED SERVICE BY ADVERTISEMENT

[Order 5, rule 17]
[Pursuant to the court order issued by Hon. Justice Dalmias Dhungo on 30th June 2023]

To: ALEX NJOROGE MWANGI

TAKE NOTICE that a plaintiff has been filed in the Environment and Land Court at Kakamega in Environment and Land Court Suit No. E025 of 2022, in which you are named as defendant. Service of the summons has been ordered by means of this advertisement. A copy of the summons and the plaint may be obtained from the court at the Environment and Land Court at the Kakamega Law Courts or from the Office of the County Attorney, County Government of Kakamega, Kakamega County Headquarters Annex, Room 112. Email: kakamegalegal@gmail.com

And further take notice that, unless you enter an appearance within twenty-one (21) days, the case will be heard in your absence.

DATED at KAKAMEGA this ... 13th ... day of ... October ... 2023

VIVIANNE MIMBAKA KOMWONYO
COUNTY ATTORNEY
ADVOCATE FOR THE PLAINTIFF

DRAWN AND FILED BY:

Vivianne Mimbaka Komwonyo, Advocate,
County Government of Kakamega,
Office of The County Attorney,
County Headquarters Annex, First Floor, Door 112,
P.O. Box 36-50100, KAKAMEGA.
Email: kakamegalegal@gmail.com

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAKAMEGA
ELC SUIT NO. E029 OF 2022
COUNTY GOVERNMENT OF KAKAMEGA PLAINTIFF
VERSUS
CHARLES MWAURA NGUGI DEFENDANT

SUBSTITUTED SERVICE BY ADVERTISEMENT

[Order 5, rule 17]
[Pursuant to the court order issued by Hon. Justice Dalmias Dhungo on 9th October 2023]

To: CHARLES MWAURA NGUGI

TAKE NOTICE that a plaintiff has been filed in the Environment and Land Court at Kakamega in Environment and Land Court Suit No. E029 of 2022, in which you are named as defendant. Service of the summons has been ordered by means of this advertisement. A copy of the summons and the plaint may be obtained from the court at the Environment and Land Court at the Kakamega Law Courts or from the Office of the County Attorney, County Government of Kakamega, Kakamega County Headquarters Annex, Room 112. Email: kakamegalegal@gmail.com

And further take notice that, unless you enter an appearance within twenty-one (21) days, the case will be heard in your absence.

DATED at KAKAMEGA this ... 13th ... day of ... October ... 2023

VIVIANNE MIMBAKA KOMWONYO
COUNTY ATTORNEY
ADVOCATE FOR THE PLAINTIFF

DRAWN AND FILED BY:

Vivianne Mimbaka Komwonyo, Advocate,
County Government of Kakamega,
Office of The County Attorney,
County Headquarters Annex, First Floor, Door 112,
P.O. Box 36-50100, KAKAMEGA.
Email: kakamegalegal@gmail.com

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAKAMEGA
ELC SUIT NO. E023 OF 2022
COUNTY GOVERNMENT OF KAKAMEGA PLAINTIFF
VERSUS
HELLEN MORAA CHWEYA DEFENDANT

SUBSTITUTED SERVICE BY ADVERTISEMENT

[Order 5, rule 17]
[Pursuant to the court order issued by Hon. Justice Dalmias Dhungo on 9th October 2023]

To: HELLEN MORAA CHWEYA

TAKE NOTICE that a plaintiff has been filed in the Environment and Land Court at Kakamega in Environment and Land Court Suit No. E023 of 2022, in which you are named as defendant. Service of the summons has been ordered by means of this advertisement. A copy of the summons and the plaint may be obtained from the court at the Environment and Land Court at the Kakamega Law Courts or from the Office of the County Attorney, County Government of Kakamega, Kakamega County Headquarters Annex, Room 112. Email: kakamegalegal@gmail.com

And further take notice that, unless you enter an appearance within twenty-one (21) days, the case will be heard in your absence.

DATED at KAKAMEGA this ... 13th ... day of ... October ... 2023

VIVIANNE MIMBAKA KOMWONYO
COUNTY ATTORNEY
ADVOCATE FOR THE PLAINTIFF

DRAWN AND FILED BY:

Vivianne Mimbaka Komwonyo, Advocate,
County Government of Kakamega,
Office of The County Attorney,
County Headquarters Annex, First Floor, Door 112,
P.O. Box 36-50100, KAKAMEGA.
Email: kakamegalegal@gmail.com

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAKAMEGA
ELC SUIT NO. E018 OF 2022
COUNTY GOVERNMENT OF KAKAMEGA PLAINTIFF
VERSUS
JONATHAN MAGOVE MACHINI DEFENDANT

SUBSTITUTED SERVICE BY ADVERTISEMENT

[Order 5, rule 17]
[Pursuant to the court order issued by Hon. Justice Dalmias Dhungo on 30th June 2023]

To: JONATHAN MAGOVE MACHINI

TAKE NOTICE that a plaintiff has been filed in the Environment and Land Court at Kakamega in Environment and Land Court Suit No. E018 of 2022, in which you are named as defendant. Service of the summons has been ordered by means of this advertisement. A copy of the summons and the plaint may be obtained from the court at the Environment and Land Court at the Kakamega Law Courts or from the Office of the County Attorney, County Government of Kakamega, Kakamega County Headquarters Annex, Room 112. Email: kakamegalegal@gmail.com

And further take notice that, unless you enter an appearance within twenty-one (21) days, the case will be heard in your absence.

DATED at KAKAMEGA this ... 13th ... day of ... October ... 2023

VIVIANNE MIMBAKA KOMWONYO
COUNTY ATTORNEY
ADVOCATE FOR THE PLAINTIFF

DRAWN AND FILED BY:

Vivianne Mimbaka Komwonyo, Advocate,
County Government of Kakamega,
Office of The County Attorney,
County Headquarters Annex, First Floor, Door 112,
P.O. Box 36-50100, KAKAMEGA.
Email: kakamegalegal@gmail.com



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
13TH PARLIAMENT-SECOND SESSION 2023

IN THE MATTER OF ARTICLE 118 (1)(B) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2023);
2. THE MINING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2023);
3. THE GOLD PROCESSING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2023); AND
4. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2023)

INVITATION FOR PUBLIC PARTICIPATION AND SUBMISSION OF MEMORANDA

WHEREAS Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders require Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees:

AND WHEREAS, the Mining (Amendment) Bill (National Assembly Bill No. 51 of 2023) was read a First Time on **Thursday, 12th October 2023** while the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 50 of 2023), the Universities (Amendment) Bill (National Assembly Bill No. 38 of 2023) and the Gold Processing Bill (National Assembly Bill No. 46 of 2023) were read a First Time on **Wednesday, 18th October 2023** and thereafter referred to the relevant Departmental Committees for consideration and reporting to the House:

IT IS NOTIFIED that:

1. **The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 50 of 2023)** is a Bill sponsored by **Hon. Mwangi Kiunjuri, MP** with the principal object being to amend the Independent Electoral and Boundaries Commission Act, 2011 to ensure equal franchise amongst constituencies and ensure the use of other non-population criteria considerations in review of Electoral Boundaries is in line with the principles of fair representation and equality of vote;
2. **The Mining (Amendment) Bill (National Assembly Bill No. 51 of 2023)** is a Bill sponsored by **Hon. David Gikaria, MP** seeking to amend the Mining Act No. 12 of 2016 in order to provide for separate implementation of the three key functions in the Act: policy formulation, administrative and dispute resolution functions; and
3. **The Gold Processing Bill (National Assembly Bill No. 46 of 2023)** is a Bill sponsored by **Hon. Benard Shinali, MP** with the principal object being to provide for the establishment, composition, functions and management of the Gold Processing Corporation; provide for application, cancellation and renewal of a gold processing license; and for connected purposes.
4. **The Universities (Amendment) Bill (National Assembly Bill No. 38 of 2023)** is a Bill sponsored by **Hon. Wanani Wamboka, MP** which seeks to provide a framework on the exclusive placement of government sponsored students in public universities. Further, it seeks to remove private universities board representation in the Board of Management of Kenya Universities and Colleges Central Placement Service (KUCCPS) to safeguard the Universities Fund in line with the constitutional principles of public finance.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the following Departmental Committees invite the public and stakeholders to submit Memoranda on the Bills as follows:

SCHEDULE

S/NO.	BILL	COMMITTEE
1.	The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 50 of 2023)	Justice and Legal Affairs
2.	The Mining (Amendment) Bill (National Assembly Bill No. 51 of 2023)	Environment, Forestry and Mining
3.	The Gold Processing Bill (National Assembly Bill No. 46 of 2023)	Environment, Forestry and Mining
4.	The Universities (Amendment) Bill (National Assembly Bill No. 38 of 2023)	Education

The Memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Monday 7th November, 2023** at **5.00 p.m.**

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings or on www.parliament.go.ke/the-national-assembly/house-business/bills

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
20th October 2023

"For the Welfare of Society and the Just Government of the People"



A bulldozer demolishes a house on land that belongs to the East African Portland Cement Company in Athi River on Monday. [Peterson Githaiga, Standard]

Court declines to stop Portland land house demolitions

▶ Judge says Aimi ma Lukenya society had not proved that they bought the land in 2019.

▶ Court also says the society continued selling the land to third party buyers.

KAMAU MUTHONI, NAIROBI

The Environment Court has declined to block ongoing demolitions at the East Africa Portland Cement Company's land in Mavoko.

Justice Annet Nyukuri in her ruling yesterday said a group claiming to be squatters, Aimi ma Lukenya, had not proved that they had legitimately bought the land in 2019.

She observed that despite Aimi producing the title document, the group did not attach vitals evidence to show how it acquired the document.

Aimi had filed a fresh application seeking to stop the demolitions.

But Justice Nyukuri observed that Aimi's conduct after it got temporary orders in 2015 was against its plea for fresh orders.

She said there was evidence to show the group went ahead to sell the contested property to third-party buyers, even as late as this year.

At the same time, she said the group on the other hand never served the court papers as ordered, despite enjoying the court's shield.

The judge allowed objections filed by East Africa Portland Cement, Kenya Railways Corporation, Grain Bulk Handlers, Superior Homes Limited, Chief Land Registrar, and the National Land Commission.

Not only did Justice Nyukuri decline to intervene, she ordered Aimi to shoulder the cost of the application.

"There is absolutely no merit in the application filed on October 11, 2023, and I dismiss the same with costs to the defendants," ruled Justice Nyukuri.

In the case, Superior Homes lawyer Phillip

Nyachoti argued that the application was incompetent and an abuse of the court process. According to Nyachoti, Aimi never revealed to the court that they had filed a similar case in Nairobi. At the same time, he said, the second case filed before the same court in Machakos was struck out by the court.

"The application is gravely misconceived, grossly misplaced, mischievous, frivolous, scandalous, vexatious, and therefore an abuse of the process of this honourable court and should be dismissed forthwith. The application as drawn, filed, and served is hopelessly incompetent in so far as a title known as L.R 10424 Athi-River and the fourth respondent's interest therein is concerned and or related," argued Nyachoti.

While seeking the court's intervention, Aimi argued the demolitions were against United Nation's convention on eviction.

They asserted that demolishing the properties built on the contested land was heartless and had rendered the occupants homeless without adequate notice.

According to them, their case on whether the title was valid, has never been determined. However, Portland, argued that Aimi and third-party buyers should leave as they hindered it from enjoying its right to property.

Two weeks ago, Justice Nyukuri struck out the case filed 10 years ago for failing to comply with the court orders.

The judge observed that the court had accommodated Aimi officials several times but they never served their court parties to all the parties in the case.

On May 17, 2023, a dispute was mentioned before the same judge. She directed the squatters to physically serve the court papers to all the parties who they had listed, failure to which, the court would strike out the case.

The judge set October 9 as the mention date to confirm whether Aimi officials had obeyed the orders. When they appeared on the 9th, Aimi informed the court that they were unable to serve the court papers.

jmuthoni@standardmedia.co.ke



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

13TH PARLIAMENT-SECOND SESSION 2023

IN THE MATTER OF ARTICLE 118(1)(b) OF THE CONSTITUTION
AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:

1. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 50 OF 2023);
2. THE MINING (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 51 OF 2023);
3. THE GOLD PROCESSING BILL (NATIONAL ASSEMBLY BILL NO. 46 OF 2023); AND
4. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 38 OF 2023)

INVITATION FOR PUBLIC PARTICIPATION AND SUBMISSION OF MEMORANDA

WHEREAS Article 118(1) (b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders require Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS, the Mining (Amendment) Bill (National Assembly Bill No. 51 of 2023) was read a First Time on **Thursday, 12th October 2023** while the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 50 of 2023), the Universities (Amendment) Bill (National Assembly Bill No. 38 of 2023) and the Gold Processing Bill (National Assembly Bill No. 46 of 2023) were read a First Time on **Wednesday, 18th October 2023** and thereafter referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED THAT:

1. **The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 50 of 2023)** is a Bill sponsored by **Hon. Mwangi Kiunjuri, MP** with the principal object being to amend the Independent Electoral and Boundaries Commission Act, 2011 to ensure equal franchise amongst constituencies and ensure the use of other non-population criteria considerations in review of Electoral Boundaries is in line with the principles of fair representation and equality of vote;
2. **The Mining (Amendment) Bill (National Assembly Bill No. 51 of 2023)** is a Bill sponsored by **Hon. David Gikaria, MP** seeking to amend the Mining Act No. 12 of 2016 in order to provide for separate implementation of the three key functions in the Act: policy formulation, administrative and dispute resolution functions; and
3. **The Gold Processing Bill (National Assembly Bill No. 46 of 2023)** is a Bill sponsored by **Hon. Benard Shinali, MP** with the principal object being to provide for the establishment, composition, functions and management of the Gold Processing Corporation; provide for application, cancellation and renewal of a gold processing license; and for connected purposes.
4. **The Universities (Amendment) Bill (National Assembly Bill No. 38 of 2023)** is a Bill sponsored by **Hon. Wanami Wamboka, MP** which seeks to provide a framework on the exclusive placement of government sponsored students in public universities. Further, it seeks to remove private universities board representation in the Board of Management of Kenya Universities and Colleges Central Placement Service (KUCCPS) to safeguard the Universities Fund in line with the constitutional principles of public finance.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the following Departmental Committees invite the public and stakeholders to submit Memoranda on the Bills as follows:

SCHEDULE

S/NO.	BILL	COMMITTEE
1.	The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 50 of 2023)	Justice and Legal Affairs
2.	The Mining (Amendment) Bill (National Assembly Bill No. 51 of 2023)	Environment, Forestry and Mining
3.	The Gold Processing Bill (National Assembly Bill No. 46 of 2023)	Environment, Forestry and Mining
4.	The Universities (Amendment) Bill (National Assembly Bill No. 38 of 2023)	Education

The Memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Monday 7th November, 2023** at **5.00 p.m.**

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings or on www.parliament.go.ke/the-national-assembly/house-business/bills

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
20th October 2023

"For the Welfare of Society and the Just Government of the People"

ANNEX 4:

**LETTER INVITING
STAKEHOLDERS
FOR MEETINGS
WITH THE
COMMITTEE**



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref. NA/DDC/EDUC/2023/ (180)

19th December, 2023

Ms. Christine Gakii Nkonge
Executive Director
Katiba Institute, House No. 5
The Crescent, Off Parklands Road
NAIROBI

Dear *Ms Nkonge*

RE: INVITATION TO SUBMIT VIEWS ON THE UNIVERSITIES
(AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 38 OF 2023) TO
THE DEPARTMENTAL COMMITTEE ON EDUCATION

The Departmental Committee on Education is established under National Assembly Standing Order 216 (5) (c) which amongst others, mandates amongst others to "*study and review all legislation referred to it*".

The Universities (Amendment) Bill (National Assembly Bill No. 38 of 2023), sponsored by Hon. Wanami Wamboka, MP (*copy attached*), seeks to provide a framework on the exclusive placement of government sponsored students in public universities. Further, it seeks to remove private universities board representation in the Board of Management of Kenya Universities and Colleges Central Placement Service (KUCCPS) to safeguard the Universities Fund in line with the constitutional principles of public finance. The Bill was read a First Time on 18th October, 2023, and thereafter committed to the Committee for consideration and reporting to the House in line with the provisions of Standing Order 127(1).

Article 118 of the Constitution and Standing Order 127 (3) require Parliament and its Committees to facilitate public participation and involvement in the consideration of business before them. In line with these provisions, the Committee requests you to present your written submissions in a matrix format that indicates the section of the Act, specific clause, proposed amendment and justification for consideration during the review of the Bill.

The Committee further requests that you submit twenty (20) hard copies of the submissions to the Office of the Clerk, Main Parliament Buildings and a soft copy emailed to cna@parliament.go.ke and copied to the additional emails of the liaison officers provided below by Friday, 5th January, 2024 at 5.00pm.

A copy of the Bill is available from the Parliamentary website: www.parliament.go.ke/the-national-assembly/house-bills.

The liaison officers on this subject are Ms. Grace Wahu who may be contacted on Tel No. +254711591359 or by email: grace.wahu@parliament.go.ke and Ms. Rose Natecho, Tel: +254714899040 or by email: rose.natecho@parliament.go.ke.

Yours



JEREMIAH W NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: Hon. Wanami Wamboka, MP
Bumula Constituency
Parliament Buildings
NAIROBI



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref. NA/DDC/EDUC/2023/ (180)

19th December, 2023

Ms. Christine Gakii Nkonge
Executive Director
Katiba Institute, House No. 5
The Crescent, Off Parklands Road
NAIROBI

Dear

**RE: INVITATION TO SUBMIT VIEWS ON THE UNIVERSITIES
(AMENDMENT) BILL, (NATIONAL ASSEMBLY BILL NO. 38 OF 2023) TO
THE DEPARTMENTAL COMMITTEE ON EDUCATION**

The Departmental Committee on Education is established under National Assembly Standing Order 216 (5) (c) which amongst others, mandates amongst others to "*study and review all legislation referred to it*".

The Universities (Amendment) Bill (National Assembly Bill No. 38 of 2023), sponsored by Hon. Wanami Wamboka, MP (*copy attached*), seeks to provide a framework on the exclusive placement of government sponsored students in public universities. Further, it seeks to remove private universities board representation in the Board of Management of Kenya Universities and Colleges Central Placement Service (KUCCPS) to safeguard the Universities Fund in line with the constitutional principles of public finance. The Bill was read a First Time on 18th October, 2023, and thereafter committed to the Committee for consideration and reporting to the House in line with the provisions of Standing Order 127(1).

Article 118 of the Constitution and Standing Order 127 (5) require Parliament and its Committees to facilitate public participation and involvement in the consideration of business before them. In line with these provisions, the Committee requests you to present your written submissions in a matrix format that indicates the section of the Act, specific clause, proposed amendment and justification for consideration during the review of the Bill.

The Committee further requests that you submit twenty (20) hard copies of the submissions to the Office of the Clerk, Main Parliament Buildings and a soft copy emailed to cna@parliament.go.ke and copied to the additional emails of the liaison officers provided below by Friday, 5th January, 2024 at 5.00pm.

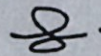
A copy of the Bill is available from the Parliamentary website: www.parliament.go.ke/the-national-assembly/house-bills.

The liaison officers on this subject are Ms. Grace Wahu who may be contacted on Tel No. +254711591359 or by email: grace.wahu@parliament.go.ke and Ms. Rose Natecho, Tel: +254714899040 or by email: rose.natecho@parliament.go.ke.

Yours

JEREMIAH W NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Hon. Wanami Wamboka, MP**
Bumula Constituency
Parliament Buildings
NAIROBI

A handwritten signature in black ink, appearing to be a stylized 'J' or similar character, followed by a period.



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DDC/EDUC/2024/ (27)

8th April, 2024

Dr. Beatrice Inyangala,
Principal Secretary
State of Department for Higher Education
Ministry of Education
Jogoo House
NAIROBI

Dear

**RE: REQUEST FOR SUBMISSIONS FROM STAKEHOLDERS ON VARIOUS
BILLS BEFORE THE DEPARTMENTAL COMMITTEE ON EDUCATION**

The Departmental Committee on Education is established under Standing Order 216 of the National Assembly Standing Orders and is mandated to *inter alia*, study and review all legislation referred to it.

We make reference to our letters Ref. No. NA/DDC/EDUC/2023/(173) and Ref. No. NA/DDC/EDUC/2023/(175) both dated 4th December 2023

As you are aware, the Committee is in receipt of the following Bills: -

1. The Universities (Amendment) Bill (National Assembly Bill No 38 of 2023) sponsored by Hon. Wanami Wamboka, MP. The Bill was Read a First Time on 18th October, 2023. It seeks to provide a framework on the exclusive placement of Government sponsored students in public universities and further to remove private universities board representation in the Board of Management of Kenya Universities and Colleges Central Placement Service (KUCCPS).
2. The Universities (Amendment) Bill, 2023 sponsored by Hon. Christopher Aseka, MP was Read a First Time on 15th November, 2023. The Bill seeks to amend the Universities Act No. 42 of 2021 to abolish funding of private universities using public funds and to bar the Kenya Universities and College Central Placement Service (KUCCPS) from placement of students to private universities.

Additionally, the Committee is in receipt of other Bills which were committed to it for consideration and reporting back to the House for which it is seeking stakeholders' submissions. These include:-

3. The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023) is sponsored by Hon. Benjamin Gathiru, MP. The Bill was read a First Time on 21st February 2024. It seeks to amend the Universities Act, 2012 to end the practice of universities offering certificate and diploma courses.

4. The Learners with Disabilities Bill (Senate Bill No. 4 of 2023) is co-sponsored by Sen. Margaret Kamar, MP and Sen. Crystal Asige, MP. The Bill was Read a First Time on 27th February 2024. It seeks to provide a proper legal framework in order to ensure the actualization of the right to basic education for learners with disabilities in Kenya at all the three levels of education. It seeks to obligate the National and County Governments through the Ministry of Education to bring the special needs education of learners with disabilities to parity with normal learners and to end the exclusion of learners with disabilities from the education cycle.

The purpose of this letter is therefore to request you to submit your views to be received on or before **Friday 12th April, 2024**.

Kindly provide twenty (20) copies of your submission and send a soft copy to the Office of the Clerk via email: cna@parliament.go.ke

Copies of the Bills are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills.

Our liaison officers for this activity are **Ms. Rose Wanjohi**, who may be contacted on **Tel No. 0722864516** or email: rose.wanjohi@parliament.go.ke and **Mr. Timothy Kimathi**, who may be contacted on **Tel. No. 0725650878** or email: timothy.kimathi@parliament.go.ke

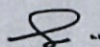
Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copies to:

Hon. Ezekiel Machogu Ombaki, CBS
Cabinet Secretary
Ministry of Education
Jogoo House B, Harambee Avenue
NAIROBI

Dr. Agnes Mercy Wahome
Chief Executive Officer
Kenya Universities and Colleges Central Placement Services
ACK Gardens, 1st Avenue, UpperHill
NAIROBI



ANNEX 5:

STAKEHOLDER SUBMISSIONS

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STAKEHOLDER SUBMISSIONS

**STAKEHOLDERS' SUBMISSIONS ON THE UNIVERSITIES ACT (AMENDMENT)BILL
NO. 38 OF 2023 BY HON. WANAMI WAMBOKA**

1.0 Submissions by the National Association of Private Universities in Kenya

Section	Principal Act	Proposed Amendment	Justification for the amendment	NAPUK'S Proposal	Rationale
Section 55 (3) (g)	Two Vice Chancellors representing Private Universities.	Delete 55 (3)(g)	<p>-Provide framework for exclusive placement of government sponsored students to public universities.</p> <p>-Remove private universities Board representative from the Board of Management of KUCCPS so as to safeguard the universities fund in line with the constitutional principles of public finance.</p>	Do not delete Section 55 (3)(g)	<p>-Section 56 envisions an institution whose functions encompasses more than placement of government sponsored students to include dissemination of information, data collection and retention, adviser of government, development of career guidance in relation to universities and colleges regardless of sector classifications.</p> <p>-The new universities and TVET colleges students' financing model separates placement of students from funding by introducing scholarships which are to be determined by family economic background. Therefore,</p>

					the Board of students' placement will have no effect on the constitutional principles of public finance but will play a pivotal role of supporting the Board in its expansive mandate that address all students seeking universities TVET colleges placement.
Section 56	56 (1) The functions of the Board shall be to Co-ordinate the placement of the government sponsored students to universities and colleges.	Section 56(1) of the principal act is amended in Paragraph (a) by inserting the word "public" immediately after the words "government sponsored students to"	To provide that the functions of KUCCPS is the co-ordination and placement of government sponsored students to public universities and colleges.	Not to be amended	The new universities and TVET colleges students' financing model introduced scholarships, loans, and households' contribution in place of sponsorship. Therefore, the mandate of KUCCPS including co-ordination of placement of universities and TVET colleges students' cut across the sector boundaries. Amending the paragraph by inserting the word "public" will not only be discriminative but but will go against the grains of the

					new financing model of scholarships, loans and households' contribution supporting equity and access to higher education across the sectors.
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(NAPUK).

2.0 Submissions By Kenya National Commission on Human Rights (KNCHR) on the Universities [Amendment] Bill No. 38 of 2023

KNHCR submitted that the Bill seeks to provide a framework on the exclusive placement of government sponsored students in public universities.

The Bill further seeks to remove Private Universities Board representation in the Board of Management of Kenya Universities and Colleges Placement Service (KUCCPS) to safeguard the Universities Fund in line with the constitutional principles of public finance.

The submission focused on the following key issues;

a) Supports exclusive placement of government sponsored students in public universities

KNHCR submitted that Private universities were established to meet a certain need and targeted a particular market but along the way government sponsored students were also admitted. Some private universities especially those that began as theological colleges opened up offering most courses which the public universities aptly offer.

KNHCR submitted that since the private universities do not offer anything special that the public universities do not offer there is no merit for government sponsored students to be placed in the private universities. With the graduated support from the government, students from well to do families can comfortably afford fees charged by the private universities, since the difference is now minimal between what they pay with little or no government support and what the private universities charge. They further indicated that some universities like Strathmore University and the United States

International University do not admit government sponsored students and yet their enrolment keep going up.

b) Suggestion on cushioning of private universities which may face imminent closure

KNHCR submitted that most private universities placed heavy reliance on the revenues they received from government sponsored students and thus withdrawal of government sponsored students leaves these universities staring at imminent closure.

These universities may be encouraged to merge with others and the government could support such mergers including financing the processes and settling the severance pay for those especially at the top including VCs, DVCs and Deans.

c) Government to carry out a survey on courses offered to confirm continuing relevance

KNHCR submitted that it is in the interest of the government that courses offered by both public and private universities support the economic landscape of the country. These courses must therefore speak to the needs of the job market, from the perspective of employees and entrepreneurs. There is need for the government through the relevant body to go beyond conducting audits in universities on the different courses but to extend surveys to ensure the objectives of these courses in meeting market needs are achieved.

These surveys should also check the enrollment of students in accredited courses and note cases of low enrollment. A time frame should also be given when such courses should be withdrawn unless they meet the minimum enrolment threshold. The Committee was further informed that Universities are known to have many such courses that do not attract students yet lecturers for those courses are still on the pay roll.

d) Recommended mode of strengthening management in the universities

The Committee was informed that the practice of those who manage universities in Kenya is that VCs and DVCs are sought from people who have published and supervised masters and doctorate students. Occasionally a requirement of having sought grants and funding is added.

However judging by the performance of universities where most if not all public universities in Kenya are technically insolvent notwithstanding the many explanations given justifying the insolvency, a conversation needs to be held whether indeed including managers who have managed successfully non-academic institutions and may lack some requirements should not be encouraged to take up VC and DVC roles in public universities.

e) Quality of teaching

KNHCR submitted that the strength of a country is correlated with the quality of its citizenry derived from the quality of the graduates churned out at the different levels.

Some universities have had classes of upto 1,000 students especially first years taking a common course.

Limits must therefore be prescribed of the maximum size of the classes depending on the subject being taught to guarantee quality teaching. Capacity of CUE to offer this vital check needs to be evaluated and if need be, consider creating another body to monitor quality of university education.

f) Regulation to protect part time lecturers

The Committee was informed that some universities take advantage of part time lecturers, the most common being delayed payment even upto two years. Such lecturers do not give their best and the students bear the brunt.

There is need to ensure that universities provide information on their part-time lecturers' pay status.

g) Board of Management of Kenya Universities and Colleges Placement Service (KUCCPS) to recruit Board members through a competitive process.

KNCHR submitted that effective Boards of Directors are critical to the success of any organisation. Clear, strategic and focused leadership that meets (or exceeds) the expectations of stakeholders is therefore imperative.