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THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT – THIRD SESSION – 2024

DEPARTMENTAL COMMITTEE ON EDUCATION

PARLIAMENT OF KENYA LIBRARY

REPORT ON:

THE UNIVERSITIES (AMENDMENT) BILL (No. 5) 2023

(National Assembly Bill No. 79 of 2023)

CLERKS CHAMBERS

DIRECTORATE OF DEPARTMENTAL COMMITTEES E:

PARLIAMENT BUILDINGS

THE NATIONAL ASSEMBLY
PAPERS LAID

MITTRESTE: 13 NUV 2024

DAY.

TABLED MASORITY PARTY WHIP
BY: HON NAOMI HAGO, MP

CLERK-AT MS. MERCY CHUMO.

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

CUE - Commission for University Education

DAP-K - Democratic Action Party Kenya

IND - Independent

JP - Jubilee Party

KUCCPS - Kenya Universities and Colleges Central Placement Service

NAPUK - National Association of Private Universities in Kenya

ODM - Orange Democratic Movement

TVETA - Technical Vocational and Educational Training Authority

ANNEXURES

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

CHAIRPERSON'S FOREWORD

The Universities (Amendment) Bill 2024 sponsored by Hon. Mejjadonk Benjamin Gathiru, MP was read a first time on 21st February, 2024 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, Cap. 210 to end the practice of universities offering certificate and diploma courses. This is informed by the fact that currently there are two bodies certifying certificate and diploma courses, that is, the Technical and Vocational Education and Training Authority for technical and vocational colleges and the Commission for University Education for the universities, leading to inconsistencies in the content and duration of the courses.

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 7th March, 2024 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 Nutritionist and Dieticians Institute. All the submissions were considered by the Committee.

Further, in considering the Bill the Committee held a total of three (3) 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) (No.5) Bill, 2023 (National Assembly Bill No. 79) sponsored by the Hon. Mejjadonk Benjamin Gathiru, MP).

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 oversights 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
<u>UDA</u>

2. Hon. Moses Malulu Injendi, MP

Vice Chairperson Malava Constituency <u>ANC</u>

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 Noonaishi 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 Kanyı

Fiscal Analyst II

Ms. Fiona Wanjiru Dr. Mburu Maina
Legal Counsel Research Officer III

Mr. Jared Onyancha Mr. Richard Sang
Public Relations Officer III Serjeant-At-Arms

Mr. Nimrod Ochieng' Ms Pauline Njuguna
Audio Recording Officer Hansard Officer II

PART II

2.0 BACKGROUND

2.1 Introduction

- 6. The Bill was introduced to address the overlapping roles of Kenyan universities and technical institutions in offering diploma and certificate courses, a situation that has led to inconsistencies in course quality, content, and duration. Currently, both the Technical and Vocational Education and Training Authority (TVETA) and the Commission for University Education (CUE) are responsible for certifying diploma and certificate courses, creating regulatory challenges and confusion in the education sector.
- 7. As universities were initially established to focus on degree and research programs, this overlap has also drawn concerns about mission drift, where universities increasingly venture into areas designated for technical and vocational institutions.
- 8. The Bill aims to streamline the education system by restricting universities to degree and postgraduate courses, leaving diploma and certificate programs to technical and vocational colleges. This reallocation is intended to boost enrollment in technical institutions, which have struggled to attract students despite substantial government investment.
- 9. By clarifying institutional roles, the Bill seeks to enhance the quality and relevance of education at all levels, ensuring that students receive focused training tailored to either academic or technical pathways. This legislative move aligns with the government's broader goal to strengthen technical and vocational education as a means of addressing skill gaps and promoting economic development.

2.2 Memorandum of Objects and Reasons for the Bill

- 10. The principal object of the Bill is to amend the Universities Act, Cap. 210 to end the practice of universities offering certificate and diploma courses. This is informed by the fact that currently there are two bodies certifying certificate and diploma courses, that is, the Technical and Vocational Education and Training Authority for technical and vocational colleges and the Commission for University Education for the universities leading to inconsistencies in the content and duration of the courses.
- 11. Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms
- 9. The Bill delegates legislative powers to the Cabinet Secretary. It does not 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) (No.5) Bill, 2023 (National Assembly Bill No. 79) sponsored by the Hon. Mejjadonk Benjamin Gathiru, MP, was read a first time on 21st February, 2024 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 7th March, 2024 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 Nutritionist and Dieticians Institute which were considered by the Committee.
- 15. In considering the Bill the Committee held a total of three (3) meetings to receive and consider submissions from the stakeholders.

3.3 Meeting with the Sponsor of the Bill

- 16. Hon. Mejjadonk Benjamin Gathiru, M.P, the sponsor of the Universities (Amendment) Bill, 2023 sent written submissions to the Committee as follows:
- 17. The principal objective of this Bill is to amend the Universities Act, 2012 to end the practice of universities offering certificate and diploma courses. This is informed by the fact that currently there are two bodies certifying certificate and diploma courses and this leads to inconsistencies in the content and duration of the courses.
- 18. The Universities (Amendment) (No 5) Bill 2023 seeks to prohibit universities from offering diploma and certificate courses, reserving these programs for technical and vocational colleges. Further the Kenya Universities and Colleges Central Placement Service (KUCCPS) should be barred from placing students in university to undertake diploma or certificate courses.
- 19. The proposed legislation marks a significant shift in the role of universities, emphasizing their function as institutions of higher learning and academic research. By limiting certificate and diploma courses to technical and vocational colleges, proponents aim to streamline educational pathways and increase enrolment in these institutions.
- 20. To mitigate immediate disruptions, the proposed legislation includes transitional measures allowing current students enrolled in diploma and certificate courses to complete their studies under the existing arrangement. This transitional period provides stability for affected students and institutions while allowing for a smooth transition to the new regulatory framework.

- 21. Beyond restricting universities from offering diploma and certificate courses, the bill empowers the Commission for University Education (CUE) to enhance the recognition of international qualifications. By equating postgraduate certificates and diplomas conferred by foreign universities, the proposed regulatory changes aim to facilitate academic mobility and international collaboration, enriching the academic landscape and fostering global partnerships. Per the new bill, Chancellors of any university will only award postgraduate certificates and postgraduate diploma courses and not the basic certificate and diploma courses.
- 22. Further, it is necessary to remove certificate and diploma courses from universities since there are two bodies certifying certificate and diploma courses. These are the Technical and Vocational Education and Training Authority for technical and vocational colleges and the Commission for University Education (CUE) for universities.
- 23. There is confusion and inconsistencies in the content and duration of the courses and if the bill is approved, CUE will have the function to recognise and equate postgraduate certificates and postgraduate diplomas conferred by foreign universities and institutions as opposed to basic certificates and diplomas.
- 24. The proposal is in tandem with the recommendations contained in the report submitted last year by the Presidential Working Party on Education Reforms (PWPER), a task force to address the challenges that had for long years bedevilled the country's education sector. In their report, PWPER members sanctioned that universities be barred from offering certificates and diplomas noting that the institutions needed to focus on degree programmes for optimum quality.
- 25. The Universities (Amendment) Bill, 2023 represents a pivotal moment in Kenya's higher education sector, signalling a strategic shift in educational priorities and institutional roles. The proposed legislation will enhance the quality of higher education and strengthen tertiary institutions. Also, the legislation will promote inclusivity, excellence, and innovation in Kenya's tertiary education system.

PART IV

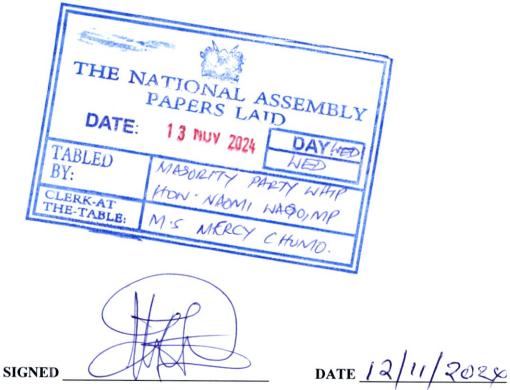
4.0 COMMITTEE OBSERVATIONS

- 23. Upon reviewing the Bill and the submission received, the Committee made the following observations:
 - i. Section 20(1)(e) of the University Act, authorizes chartered universities to award degrees, including honorary degrees. Subsequently, the Statute Law (Miscellaneous Amendment) Act of 2012 broadened this mandate of universities, to include offering of diploma courses, and certificates. Pursuant to the aforementioned amendment, universities in Kenya have the mandate to provide diplomas, and certificates which is also a mandate of the Technical Vocational Training Colleges.
 - ii. There however, have been several challenges arising from permitting both universities and Technical Vocational and Educational Training colleges to offer certificates and diploma courses. Some of these challenges include: duplication of roles, congestion in universities, under-utilization of resources among others.
- iii. This amendment is in line with the recommendations in the Report of the Presidential Working Party on Education Reform, 2023.

PART V

5.0 COMMITTEE RECOMMENDATION

The Committee, having considered the Universities (Amendment) Bill, 2023 (National Assembly Bills No.79), the submissions from stakeholders and the sponsor of the Bill, recommends that the House approves the Bill.



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

ANNEX 1:

REPORT ADOPTION SCHEDULE



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

ADOPTION SCHEDULE

AGENDA: REPURT ON THE UNIVERSITIES (AMENDMENT)
BILL, 2023 BY HOW. BENJAMIN GATHIRU MEJJADONK, MP

NO.	NAME		SIGNATURE
1.	Hon. Julius Melly, MP - Chairperson		
2.	Hon. Malulu Injendi, MP -Vid Chairperson	e	
3.	Hon. Dr. Christine Oduor Ombaka, MP Member	-	Chabaka.
4.	Hon. Eve Obara, MP Member	-	Faren-
5.	Hon. Jerusha Momanyi, MP Member	-	
6.	Hon. Abdul Haro, MP Member	-	(femilia)
7.	Hon. Anne Muratha, MP Member	-	U.A.
8.	Hon. Clive Gisairo, MP member	-	GA.
9.	Hon. Dick Maungu MP Member	-	
10.	Hon. Julius Taitumu M'Anaiba, MP Member	-	00
11.	Hon. Nabii Daraja, MP Member	-	Eum E
12.	Hon Peter Orero, MP Member		
13.	Hon. (Prof.) Phylis Bartoo, MP Member	-	Bris
14.	Hon. Rebecca Tonkei, MP Member	-	Rtenadu
15.	Hon. Timothy Toroitich, MP Member	-	Oww 2

ANNEX 2:

MINUTES

MINUTES OF THE 46TH SITTING OF THE DEPARTMENTAL COMMITTEE ON EDUCATION HELD ON TUESDAY, 17TH SEPTEMBER, 2024, IN THE COMMITTEE ROOM, 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10:00 AM.

ChairpersonVice-Chairperson

PRESENT

- 1. Hon. Julius Melly, CBS, M.P.
- 2. Hon. Moses Malulu Injendi, M.P.
- 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.

ABSENT WITH APOLOGIES

- 1. Hon. Timothy Kipchumba Toroitich, M.P.
- 2. Hon. Nabii Nabwera Daraja, M.P.
- 3. Hon. Prof. Phylis Jepkemoi Bartoo, M.P.
- 4. Hon. Anne Wanjiku Muratha, M.P.

SECRETARIAT

Mr. Mohamed Boru
 Mr. Clive Onyancha
 Mr. Maina Mburu
 Ms. Fiona Wanjiru
 Mr. Jared Onyancha
 Ms. Pauline Njuguna
 Mr. Nimrod Ochieng
 Clerk Assistant III
 Research Officer
 Legal Counsel
 Protocol Officer
 Hansard Officer
 Audio Officer

MIN. NO. 248/NA/EDUC/2024:

PRELIMINARIES

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

MIN. NO. 249/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. Peter Orero, M.P.

MIN. NO. 250/NA/EDUC/2024:

BRIEFING ON THE LEARNERS WITH DISABILITIES BILL, 2023

The Committee was briefed by the Legal Counsel on the Learners with Disabilities Bill, 2023, as follows:

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- 1. Clause 1 provides for the short title of the Bill.
- 2. Clause 2 provides for definition of terms used in the Bill.
- 3. Clause 3 sets out the objectives of the Act which includes the provision of a framework for the realization of the right to education for learners with disabilities, establishment of a comprehensive education system for the provision of education to learners with disabilities and ensure equal access to education for learners with disabilities among others.
- 4. Clause 4 provides for the principles in performing duties under the Act.
- 5. Clause 5 provides that learners with disability will be entitled to access to quality education and information through use of Kenya sign language, braille and other medium of instruction. As well as provision of access to facilities, free basic education, equal access to play, recreation and equal treatment with other learners.
- 6. Clause 6 provides responsibility of parents or guardians of learners with disability are mandated to ensure that these learners are admitted in school and they attend school regularly. Failure to fulfil the obligation, the parent or guardian shall be liable on conviction, to a warning in the first instance and a fine not exceeding five thousand shillings for any subsequence offence.
- 7. Clause 7 provides for the National and County Government shall be responsible for promoting the development and implementation of education for learners with disability. The Cabinet Secretary for Education is obligated to put in place measures and develop a national strategy for the fulfilment of this obligation. In doing so, the Cabinet Secretary shall cooperate with the County Governments.
- 8. Clause 8 mandates the County Governments to ensure the implementation and effective and efficient delivery of special needs education in learning institutions falling within their mandate under the Constitution.
- Clause 9 mandates the county executive member responsible for education to keep a register of special needs educational institutions and the members of public may inspect the register and obtain a copy of, or an extract from the register upon payment of prescribed fee.
- 10. Clause 10 requires the registration of any person offering special needs education services or establishment or maintenance of a special needs educational institution unless such person is registered in accordance with the Basic Education Act, the Technical and Vocational Education and Training Act and the Universities Act.
- 11. Clause 11 provides for the procedure of deregistration and closure of special needs educational institutions.
- 12. Clause 12 provides for the procedure of admission of a learner with disability in an early childhood education or technical and vocational training centres, which includes an assessment by a licensed medical practitioner or an educational

- assessment centre to determine the nature and the severity of the disabilities to enable appropriate educational placement
- 13. Clause 13 provides for the constitution of the board of management of an educational institution for learners with disabilities.
- 14. Clause 14 provides for the functions of the board of management.
- 15. Clause 15 mandates the educational institution to establish a parents and guardians association to assist the board of management by, among others, advising the board on matters relating to the welfare of learners and staff at the institution.
- 16. Clause 16 requires the County Education Board to ensure provision of resources or facilities required for the delivery of education to learners with disabilities where the resources are not available.
- 17. Clause 17 provides for the facilities in institutions providing for special needs education. It further provides for delegated authority, that the Cabinet Secretary shall prescribe the architectural and building standards in the construction of education facilities for learners with disabilities.
- 18. Clause 18 mandates the Cabinet Secretary or a County Education Board to arrange the provision of special education outside of an educational institution where they are satisfied that such education institution is not appropriate for them.
- 19. Clause 19 provides the qualifications for a person to be registered as a special service provider and mandates the Special Needs Education Advisory Board to establish and maintain a register of special service providers qualified to provide services to learners with disabilities.
- 20. Clause 20 obligates the County Education Board to keep a register of all learners receiving domestic, medical, institutional or other special education services outside of regular school programmes as well as, special needs learners who are not receiving special education services.
- 21. Clause 21 gives the County Education Board the mandate to examine children attending an educational institution within its area of jurisdiction for the identification of children with disabilities.
- 22. Clause 22 provides that where a County Education Board may identify a child with special needs within its jurisdiction, they shall inform the child or guardian of the child of their intent to assess the learner and determine a suitable educational provision.
- 23. Clause 23 establishes the Special Needs Education Advisory Board, its composition and functions.
- 24. Clause 24 provides for the establishment of the special needs education resource centre in every county by the Cabinet Secretary, provides for its purpose and functions.

- 25. Clause 25 mandates the Cabinet Secretary to ensure the provision of adequate infrastructure, facilities, amenities and transport to school for learners with disabilities in special needs schools.
- 26. Clause 26 gives the Cabinet Secretary power to establish a unit for development, production, procurement and distribution of special equipment, material, supplies and devices for use in the education of learners with special educational needs.
- 27. Clause 27 requires the Cabinet Secretary to create mechanisms for the co-ordination of the activities of County Education Boards to enable the fulfilment of their functions.
- 28. Clause 28 mandates the special needs education institution to ensure that the non-teaching staffs are qualified in their area of specialty.
- 29. Clause 29 requires the Cabinet Secretary to ensure equitable funding of registered educational institutions so as to ensure the proper exercise of the rights of learners with disabilities to education and the redress of fast inequalities in the promotion of education.
- 30. Clause 30 mandates the Cabinet Secretary to determine the funding procedures, provisions and minimum standards of the funding or provision of subsidies to special educational institutions and the proportion of the budget to be allocated between public and private special educational institutions. The Cabinet Secretary may terminate or reduce the funding or subsidy for failure to comply with conditions attached to the funding.
- 31. Clause 31 mandates the governing body of educational institution to take measures to supplement the funding in order to improve the quality of education provided by the institution.
- 32. Clause 32 obligates the governing body of an educational institution to keep financial records and statements.
- 33. Clause 33 provides for disqualification of private educational institution from receiving funding for failing to comply with guidelines set out by the Cabinet Secretary.
- 34. Clause 34 delegates legislative authority to the Cabinet Secretary to issue guidelines for the levying of fees for learners with disabilities attending or intending to attend by universities and other tertiary education institutions.
- 35. Clause 35 obligates the Cabinet Secretary to appoint officers to ensure quality assurance in special needs education.
- 36. Clause 36 mandates the county executive committee member to ensure that special needs education is delivered as per the standards prescribed by the Cabinet Secretary or county legislation. In doing so, the member shall collaborate with the County Education Board, the Education Standards and Quality Assurance Council established under section 64 of the Basic Education Act and the Technical and Vocational Educational and Training Authority.

- 37. Clause 37 provides that the principal manager or head of an educational institution may require a person attending or applying for admission to undergo an assessment by a licensed medical practitioner or an educational assessment centre to determine the nature and the severity of the disabilities and assign appropriate education statement.
- 38. Clause 38 gives special educational institution established on Government land including land held in trust by Counties the right to occupy and use the land for educational purpose without interference
- 39. Clause 39 prohibits the alienation of land occupied by a public special education institution without prior approval of the Cabinet Secretary.
- 40. Clause 40 gives individuals power to establish private education institution.
- 41. The Cabinet Secretary is empowered by Clause 42 to enter into an agreement with the governing body of a private education institution or research or training centre for it to be eligible to receive funding or be declared as a public special education institution.
- 42. Clause 43 provides for the application for registration of a learner with disability to receive home based education and which application shall be made to the Cabinet Secretary.
- 43. Clause 43 provides for application of Government Funding for purposes of education of learners with disabilities or the furnishing of transportation
- 44. Clause 44 gives the Cabinet Secretary powers to make delegated legislation.
- 45. Clause 45 makes it an offense to, among others, manage and maintain unregistered special education institution and hinder or obstruct an officer in the performance of his duty
- 46. Clause 4 deletes section 52 of the Technical and Vocational Education and Training Act, 2013 and substitutes it with a new section 52 which provides for admission of students into technical and vocational education institutions to be conducted by the Service established under the law relating to universities.

Committee Observation

The Committee made the following observation

The Report of the Presidential Working Party on Education Reform, 2023 recommends that the Ministry of Education should provide for a framework for collaboration between Kenya Institute of Special Education (KISE), County Education Board and county governments in operations of Education Assessment Resource Centres (EARC's).

Committee Resolution

The Committee resolved to schedule a meeting with the National Disabilities Forum to receive submissions on the Learners with Disabilities Bill, 2023

MIN. NO. 251/NA/EDUC/2024:

CONSIDERATION OF STAKEHOLDERS' SUBMISSIONS ON THE UNIVERSITIES (AMENDMENT) BILL, 2023 BY HON. BENJAMIN GATHIRU, M.P

The Committee was briefed on the submissions received from stakeholders on the Universities (Amendment) Bill, 2023 sponsored by Hon. Benjamin Gathiru as follows:

- The principal object of this Bill is to amend the Universities Act, Cap. 210 to end
 the practice of universities offering certificate and diploma courses. This is informed
 by the fact that currently there are two bodies certifying certificate and diploma
 courses, that is, the Technical and Vocational Education and Training Authority for
 technical and vocational colleges and the Commission for University Education for
 the universities, leading to inconsistencies in the content and duration of the
 courses.
- 2. The Committee had received submissions from the National Association of Private Universities in Kenya (NAPUK) and the Kenya Nutritionists & Dieticians Institute.
- 3. The National Association of Private Universities in Kenya was against most of the provisions of the Bill. The submissions by the Kenya Nutritionists and Dieticians Council fell outside the scope of the Bill.

Committee Observations

The Committee made the following observations:

- The provision of quality education as a basic constitutional and human right for all citizens is a major priority of the Kenyan Government. In a bid to safeguard the right, essential laws were enacted to establish an expansive legal framework for various levels of education. These include the Universities Act, Cap. 210, the Technical Vocational Training (TVET) Act, Cap. 210A, and the Kenya National Qualifications Authority Act, Cap. 214.
- 2. Section 20(1)(e) of the University Act, authorizes chartered universities to award degrees, including honorary degrees. Subsequently, the Statute Law (Miscellaneous Amendment) Act of 2012 broadened this mandate of universities, to include offering of diploma courses, and certificates. Pursuant to the aforementioned amendment, universities in Kenya have the mandate to provide diplomas, and certificates which is also a mandate of the Technical Vocational Training Colleges.
- 3. There however, have been several challenges arising from permitting both universities and Technical Vocational and Educational Training colleges to offer certificates and diploma courses. Some of these challenges include: duplication of roles, congestion in universities, under-utilization of resources among others.
- 4. This amendment is in line with the recommendations in the Report of the Presidential Working Party on Education Reform, 2023.

MIN. NO. 252/NA/EDUC/2024:

CONSIDERATION OF STAKEHOLDERS' SUBMISSIONS ON THE UNIVERSITIES (AMENDMENT) BILL, 2024 BY HON. OWEN BAYA, M.P

The Committee was briefed by the Legal Counsel on the Universities (Amendment) Bill, 2024 by Hon. Owen Baya, M.P., as follows:

- 1. The principal object of this Bill is to amend the Universities Act to provide for the President to appoint Chancellors of Public Universities devoid of the current lengthy procedures set in the Act.
- 2. The Bill provides a ninety-day timeline for the filling of a vacancy in the office of the Chancellor.
- 3. The Bill further proposes for the removal of Public Service Commission in the appointment process of Chancellors and provide for forwarding of names by the senate to the president.
- 4. The Committee had received submissions from the Ministry of Education. The Ministry was in support of the proposal to remove the Public Service Commission from the appointment process but opposed the proposed timeline of ninety days noting that it is short and may not be adequate for an inclusive and participatory process.

Committee Observations:

The Committee made the following observations:

- The Committee was in agreement with the provisions of the Bill, noting the need to have definitive timelines and a structured process that allows for smooth transition in leadership of Universities.
- 2. The proposed six-month timeline by the Ministry of Education provides adequate time for the appointment of the Chancellors of Universities.
- 3. The Committee agreed with the proposal to change the procedure of appointment and removing the role of the Public Service Commission in the appointment of Chancellors.

MIN. NO. 253/NA/EDUC/2024:

ANY OTHER BUSINESS

No other business arose.

MIN. NO. 254/NA/EDUC/2024:

ADJOURNMENT

There being no other business the meeting was adjourned at thirty 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

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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.
- 2. Hon. Moses Malulu Injendi, M.P.
- 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 Noonaishi 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

Mr. Mohamed Boru
 Mr. Clive Onyancha
 Dr. Mburu Maina
 Ms. Fiona Wanjiru
 Mr. Nimrod Ochieng
 Clerk Assistant II
 Research Officer
 Legal Counsel
 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

- Chairperson

-Vice-Chairperson

 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 prosper discharge of its functions.
- (2) Not withstanding 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 Noonaishi 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 Noonaishi 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:

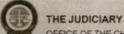
DATE: 12/11/2024

HON. JULIUS MELLY, CBS MP, CHAIRPERSON

ANNEX 3:

ADVERTISEMENT ON PUBLIC PARTICIPATION





OFFICE OF THE CHIEF REGISTRAR OF THE JUDICIARY

TENDER NOTICE

Tender Humber	Description	Tender Security [Kshs.]	Pre Bid Conference	Tender Opening Date
JUD/0T/051/2023-2024	Provision of Cleaning Services for the Judiciary under a Framework Contract for a period of three (3) years (Reserved for Youth)	Declaration Form	13th March 2024 at 10.00am Vide the link: https://shorturl.at/cehs0	25" March, 2024 at 10.00 a.m.
JUD/0T/052/2023-2024	Proposed Completion of Amagoro Law Courts	Kenya Shillings One Million Only (Kshs. 1,000,000.00)	13th March, 2024 at 2.00pm Vide the link: https://shorturl.at/cehs0	26th March, 2024 at 10.00 a.m.
JUD/0T/053/2023-2024	Facilities under a framework	Kenya Shillings	14th March, 2024 at 10:00am Vide the link: https://shorturl.at/cehs0	27 th March, 2024 at 10.00 a.m.

Interested and eligible candidates may view or obtain tender documents from the Judiciary's websites www.judiciary.po.ke and from the Public Procurement information Portal (PPIP) websites www.tenders.go.ke. Any request for clarifications must be made in writing at least five [5] days prior to the tender closing date. All clarifications and addended will be posted on the Judiciary and PPIP websites. Tenderers are encouraged to attend virtual pre-bid conferences as reducibled above. Tenderers are also encouraged to visit the sites to familiarize with the scope of the works and Services as applicable.

Prices quoted shall be inclusive of all taxes and must be expressed in Kenya Shillings that shall remain valid for one hundred and twenty (120) days from date of the tender closing. Tenders must also be accompanied with a Tender Security Belation Form or a Tender Security as indicated above valid for a period 150 days from the date of tender closing and in the form of a guarantee from Institutions approved by the Public Procurement Regulatory Authority (PPRA) addressed and payable when the Chief Registrar of the Judiciary. Tenderers MUST ensure ALL pages of the tender documents are duly paginated juentially.

Completed tender documents are to be enclosed in a plain sealed envelope, clearly marked with the respective tender number and description and deposited in the Tender Box located at the Main Gate, Supreme Court Building Entrance, City Hall Way, Nairobi or addressed and posted to:

CHIEF REGISTRAR OF THE JUDICIARY ATT: SUPPLY CHAIN MANAGEMENT SERVICES
P.0 BOX 30041-00100,
NAIROBI, KENYA
to be received on or before the dates indicated above.

Tenders will be opened immediately thereafter in the presence of the designated tenderers representatives at the Boardroom located at the 2nd floor, Room 74, Supreme Court Building or as may be advised. Late tenders shall be rejected.

PAUL N. MAINA, OGW, 'NDC' (K)
Ag. DEPUTY CHIEF REGISTRAR OF THE JUDICIARY



KENYA NATIONAL ASSURANCE COMPANY (2001) LIMITED

SALE OF 1413 PLOTS DERIVED FROM PLOT L.R MN/397/1 BAMBURI - (KWABULO)

Kenya National Assurance Company (2001) Limited and Kencent Holdings Limited are offering for sale 1413 Plots derived from L.R Number MN/397/1 Bamburi (Kwa Bulo) through competitive bidding. This offer is open to everyone including those to whom the offer had been made earlier but for whatever reason failed to take up the offer.

The bidding procedure

Interested parties can obtain bid documents from the company office situated in Social Security House, Mombasa 1st Floor Room 103, upon payment of a non-refundable fee of Kshs 1000/=. The form will describe the Plot and indicate the reserve price.

The Bid for each plot must be made in a separate bid form clearly indicating the plot number, the name of the bidder and the amount offered. Incomplete bid forms will be rejected.

Completed bid forms should be enclosed in a sealed envelope addressed to the Principal Officer, Kenya National Assurance Company (2001) Limited and shall be deposited in the Tender
Box at the KNAC (2001) Limited Offices situated in Social Security House, Mombasa, 1st
Floor, Room 103 Reception Area. All bids should be received on or before 2nd April, 2024 at
10.00 A.M. Any submission received after the deadline will be disqualified.

(d) Opening of Bids

Bidders and their representatives who may choose to attend are invited to witness the opening of the bids at the company offices situated at Social Security House, Mombasa, 1st Floor, Room 103 at 10.00 a.M on the 2st April 2024. The Company reserves the right to accept or reject any bid.

NB: Those who responded to the earlier offer and have fully paid for their plots are invited to collect their titles.



REPUBLIC OF KENYA THIRTEENTH PARLIAMENT-THIRD SESSION (2024) THE NATIONAL ASSEMBLY

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

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF

- 1. THE UNIVERSITIES (AMENDMENT) (NO. 5) BILL (NATIONAL ASSEMBLY BILL NO. 78 OF 2023);
 2. THE PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2024;
 3. THE INDEPENDENT ELECTORAL AND BOUNDANIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2024);
 4. THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILL NO. 12 OF 2022);
 5. THE MUNG BEAMS BILL (SENATE BILL NO. 14 OF 2022);
 6. THE START-UP BILL (SENATE BILL NO. 14 OF 2022);
 7. THE LEARNERS WITH DISABILITIES BILL (SENATE BILL NO. 4 OF 2023);
 6. THE FRESONS WITH DISABILITIES BILL (SENATE BILL NO. 7 OF 2023);
 9. THE KENYAN SIGN LANGUAGE BILL (SENATE BILL NO. 9 OF 2023);

INVITATION TO SUBMIT MEMORANDA

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

Standing Unders requires House committees considering mile to racultate public participations, AND WHEREAS the Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023); the Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024); the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024); the Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022); the Murag Beans Bill (Senate Bill No. 13 of 2022); the Start-up Bill (Senate Bill No. 14 of 2022); the Learners with Disabilities Bill (Senate Bill No. 4 of 2023); the Persons with Disabilities Bill (Senate Bill No. 4 of 2023); the Persons with Disabilities Bill (Senate Bill No. 7 of 2023); and the Kenyan Sign Language Bill (Senate Bill No. 9 of 2023) have been read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED THAT:

- ne Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023) is a Bill sponsored by Hon.

 In a sembly Bill No. 79 of 2023 is a Bill sponsored by Hon.

 In a sembly Bill No. 79 of 2023 is a Bill sponsored by Hon.

 In a sembly Bill No. 79 of 2023 is a Bill sponsored by Hon.
- The Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024) is a Bill sponsored by the Leader of the Majority Party, Hon. Kimani Ichung wah, EGH, MP, The purpose of the Bill is to amend the Public Audit Act, 2015 to align it with the Constitution as per the decision rendered in Transparency. International (TI Kenye) y Attorney General & 2 others [2018] ekl.R declaring sections 4(2), 8, 12, 17(1), 18, 27, 40, 42, and 70 of the Public Audit Act 2015 unconstitutional. The Bill further seeks to update the provisions of the Public Audit Act, 2015 to enhance efficiency in the performance of the Auditor's duties.

 The Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024) is a Bill co-sponsored by the Leader of the Majority Party, Hon. Kimani Ichung wah, EGH, MP, and the Leader of the Minority Party, the Non. Opiny Wandays, EGH, MP that seeks to give effect to some of the recommendations and views of the public that were submitted during the recent national dialogue discourse facilitated by the National Dialogue Committee (NADCO). The Bill seeks commission for the Schedule to the Independent Electoral and Boundaries Commission Act, 2011 to increase the membership of the selection panel from seven to nine to accommodate a wide spectrum of stakeholders and interest groups;

- interest groups;
 (b)amend section 6 of the Act to include additional professional qualifications for appointment as a member of the
- Independent Electoral and Boundaries Commission;

 [c] amend section 10 of the Act to provide that the secretary of the IEBC shall hold office for a term of three years that (d)replace the current Fifth Schedule to the Act to provide for the procedure for delimitation of boundaries in an
- (g) replace the current Fifth Schedule; and
 (e) delete obsolete provisions and make consequential amendments intended to align the Act to the decision of the
 court in Katiba Institute & 3 Others v Attorney-General & 2 Others (2018) ekl.R.
 The Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022) is a Bill sponsored by Sen.
 Maureen Tabitha Mutinda, MP that seeks to provide for agricultural and livestock extension services; and to establish

- Maureen Tabiths Mutinds, MP that seeks to provide not agricultural and investigations that Agricultural and Livestock Extension Service.

 5. The Mung Beans Bill (Senate Bill No. 13 of 2022) is a Bill sponsored by Sen. Enoch Kilo Wambus, MP that seeks to provide for the development, regulation and promotion of the mung beans sector.

 6. The Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish a framework to encourage growth and sustainable technological development, entrepreneurship, employment; create

- a framework to encourage growth and sustainable technological development, entrepreneurship, employment; create a favourable environment for innovation; and attract Kenyan talent and capital.

 7. The Learners with Disabilities Bill (Senate Bill No. 4 of 2023) is a Bill co-sponsored by Sen. Margaret Kamar, MP and Sen. Crystal Asige, MP that seeks to provide a legal framework for the actualization of the right to education for learners with disabilities at all levels of education.

 8. The Persons with Disabilities Bill (Senate Bill No. 7 of 2023) is a Bill sponsored by Sen. Crystal Asige, MP that seeks to provide the institutional framework for protecting, promoting and monitoring the rights of persons with disabilities and to provide incentives and reliefs that give effect to Article 54 of the Constitution.

 9. The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023) is a Bill is sponsored by Sen. Crystal Asige, MP that seeks to give effect to Article 7 (3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign Language. The Bill provides for the inclusion of sign language in the education curriculum and the use of sign language in legal proceedings.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3) the Clerk of the National Assembly hereby invites the public and stakeholders to submit memorande on the Billis to the respective Departmental Committees listed belo

NO.	BILL	COMMITTEE
1.	The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023)	Education
2	The Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024)	Finance and National Planning
3.	The Independent Electoral and Boundaries Commission (Amendment) Bill (Na- tional Assembly Bill No. 10 of 2024)	Justice and Legal Affairs
4.	The Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022)	Agriculture and Livestock
5.	The Mung Beans Bill (Senate Bill No. 13 of 2022)	Agriculture and Livestock
6.	The Start-up Bill [Senate Bill No. 14 of 2022]	Trade, Industry and Co-operatives
7.	The Learners with Disabilities Bill (Senate Bill No. 4 of 2023)	Education
8.	The Persons with Disabilities Bill (Senate Bill No. 7 of 2023)	Social Protection
9.	The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023)	Sports and Culture

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@perliament.go.ke to be received on the Petror Thursday, 21* March 2024 at 5.00 at 100 days.

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

S. NJOROGE, CBS CLERK OF THE NATIONAL ASSEMBLY

8th March 2024

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

National News

Noble Women governors caucus to focus on mentorship

Ruto: Let's make two-thirds gender principle a reality



President William Ruto during the launch of the G7 strategy at Safari Park Hotel in Nairobi yester day. PHOTO IPCS

He says women should be effectively represented in dership positions across the board

BY NDUBI MOTURI

esident William Ruto has said his administration is committed to achieving the two-thirds gender principle. He said he is doing this through constitutional amendments to ly represented in leadership positions in various arms of government

Dr Ruto, who joined the seven elected women governors at the launch of the G7 strategy in Nairo-bi, urged MPs to support the proposals aimed at making the prin-

In the Bill that will be tabled in Parliament, we will ensure that more women are elected to Parliament for representation. This will be the official position of the Kenya Kwanza coalition and all MPs are expected to support the Bill. We have spoken to many leaders, including men, and for the first time they are committed to this cause,"he said. The Head of State has also called

on political parties to support women leaders, revealing that the United Democratic Alliance (UDA) is planning to introduce new rules in its constitution to alternate gender when fielding candidates for governorship and the presidency in the upcoming elec-

"We have to lead from the front as a party and we have to make rules that when Deputy President Rigathi Gachagua and I have de-cided on our line-up, we must also agree that if a man is the presidential candidate in our party, a woman must be the deputy and if a woman is the candidate, the running mate must be a man. And we have to cascade it down to the governors. We must be conscious and deliberate about it, otherwise it

will not happen, "Dr Ruto said. The seven women governors, led by Council of Governors Chairperson Anne Waiguru, said the caucus will focus on mentorship programmes. The caucus is currently focusing on increasing the number of women governors to at least 16 in the 2027 polls.

Ms Waiguru also called on the Head of State to support women in various capacities, especially in winning the presidential seat.

"We fully support the President to achieve his 10-year develop-ment vision and immediately after his two terms, there is no oth-

We must also agree that if a man is the presidential candidate in our party, a woman must be the deputy... President William Ruto

er promise to support anyone else. We urge him to hold the hand of a woman so that she can also clinch the top seat in this country because as women we are ready, said Ms Waiguru.

Previous legislative attempts to implement the two-thirds gender principle have stalled due to lack of support from MPs.

In 2020, former Chief Justice Da-vid Maraga recommended that Parliament repeal the law be-cause it did not meet the two-

thirds requirement.
The National Dialogue Commit-tee report adopted by Parliament has recommended the imple-mentation of the two-thirds rule as a way of ensuring gender pari-ty in electoral processes.

A multi-sectoral working group on the two-thirds gender principle, led by Gender Cabinet Secre-tary Aisha Jumwa, last week submitted a report, which is currently before Parliament, with a number of recommendations on how to achieve gender parity.

The report recommends a con-

stitutional amendment to ap-point 53 more women to the National Assembly and two more to the Senate to meet the constitutional threshold.

It also proposes the amendment of the Political Parties Act 2011 to establish the Women's Inclusion and Political Participation Fund to finance the training, mentor-ing and empowerment of women

seeking elective positions.
The team also recommended that the Electoral Act 2011 be amended to provide for the submission of party lists that meet



REPUBLIC OF KENYA THIRTEENTH PARLIAMENT- THIRD SESSION (2024) THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF-

1. THE UNIVERSITIES (AMENDMENT) (NO. 5) BILL (NATIONAL ASSEMBLY BILL NO. 79 OF 2023);

2. THE PUBLIC AUDIT (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 3 OF 2024;

3. THE INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 10 OF 2024);

4. THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES BILL (SENATE BILL NO. 12 OF 2022);

5. THE MUNG BEANS BILL (SENATE BILL NO. 13 OF 2022);

6. THE START-UP BILL (SENATE BILL NO. 14 OF 2023);

7. THE LEARNERS WITH DISABILITIES BILL (SENATE BILL NO. 4 OF 2023);

8. THE PERSONS WITH OISABILITIES BILL (SENATE BILL NO. 7 OF 2023);

9. THE KENYAN SIGN LANGUAGE BILL (SENATE BILL NO. 9 OF 2023);

INVITATION TO SUBMIT MEMORANDA

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

AND WHEREAS the Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 76 d'2023); the Public Audit (Amendment) Bill (National Assembly Bill No. 10 of 2024); the Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 2024); the Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022); the Agricultural and Livestock Extension Services Bill (Senate Bill No. 13 of 2022); the Patricultural and Livestock Extension Services Bill (Senate Bill No. 10 of 2022); the Patricultural and Livestock Extension Services Bill (Senate Bill No. 10 of 2022); the Persons with Dissibilities Bill (Senate Bill No. 76 d'2023); the Persons with Dissibilities Bill (Senate Bill No. 76 d'2023); and the Kenyan Sign Language Bill (Senate Bill No. 8 d'2023) have been read a First Time and referred to the relevant Departmental Committees for consideration and reporting to the House;

IT IS NOTIFIED THAT:

The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023) is a Bill sponsored by Hon. Benjamin Gathiru, MP, that seeks to amend the Universities Act, 2012 to limit universities from offering certificate

and diploma courses. The Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024) is a Bill sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah, EGH, MP, The purpose of the Bill is to amend the Public Audit Act, 2016 to align it with the Constitution as per the decision rendered in Transporency International (TIL Kenya) v Attorney General & Zothers (2018) eXIL declaring sections 4(2), 8, 12, 17(1), 18, 27, 40, 42, and 70 of the Public Audit Act 2015 unconstitutional. The Bill further seeks to update the provisions of the Public Audit Act, 2015 to enhance efficiency in

onstitutional. The Bill further seeks to update the provisions of the Public Audit Act, 2015 to enhance efficiency in performance of the Auditor's duties.

Independent Electoral and Boundaries Commission (Amendment) Bill (National Assembly Bill No. 10 of 24) is a Bill co-sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'weh, EGH, MP, and the Leader he Minority Party, the Hon. Only to Wandayi, EGH, MP that seeks to give effect to some of the recommendations views of the public that were submitted during the recent national dialogue discourse facilitated by the National logue Committee (NADCO). The Bill seeks to— amend the First Schedule to the Independent Electoral and Boundaries Commission Act, 2011 to increase the membership of the selection panel from seven to nine to accommodate a wide spectrum of stakeholders and interest remove.

the Agricultural and Livestock Extension Service.

The Mung Beans Bill (Senate Bill No. 13 of 2022) is a Bill sponsored by Sen. Enoch Kilo Wambus, MP that seeks to provide for the development, regulation and promotion of the mung beans sector.

The Ming Beans Bill (Senate Bill no. 1 or 2002) provide for the development, regulation and promotion of the mung beans sector. The Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige, MP. The Bill seeks to establish the Start-up Bill Senate Bill No. 14 of 2022 is a Bill sponsored by Sen. Crystal Asige (Senate Bill No. 14 of 2022) is a Bill sponsored by Sen. Crystal Asige (Senate Bill No. 14 of 2022) is a Bill sponsored by

The Learners with Disabilities Bill (Senate Bill No. 4 of 2023) is a Bill co-sponsored by Sen. Margaret Kamar, MP and Sen. Crystal Asige, MP that seeks to provide a legal framework for the actualization of the right to education for

and Sen. Crystal Asige, are that seeks to provide a legal transmission the excellent expensions. The learners with disabilities at all levels of education.

The Persons with Disabilities Bill (Senate Bill No. 7 of 2023) is a Bill sponsored by Sen. Crystal Asige, MP that seeks to provide the institutional framework for protecting, promoting and monitoring the rights of persons with disabilities and to provide incentives and reliefs that give effect to Article 54 of the Constitution.

The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023) is a Bill is sponsored by Sen. Crystal Asige, MP that seeks to give effect to Article 7(3)(b) of the Constitution on the promotion and development of the use of Kenyan Sign Language. The Bill provides for the inclusion of sign language in the education curriculum and the use of sign language.

OW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3) the Clerk of the

NO.	BILL	COMMITTEE
1.	The Universities (Amendment) (No. 5) Bill (National Assembly Bill No. 79 of 2023)	Education
2	The Public Audit (Amendment) Bill (National Assembly Bill No. 3 of 2024)	Finance and National Planning
3.	The Independent Electoral and Boundaries Commission (Amendment) Bill (Na- tional Assembly Bill No. 10 of 2024)	Justice and Legal Affairs
4.	The Agricultural and Livestock Extension Services Bill (Senate Bill No. 12 of 2022)	Agriculture and Livestock
5.	The Mung Beans Bill (Senate Bill No. 13 of 2022)	Agriculture and Livestock
6.	The Start-up Bill (Senate Bill No. 14 of 2022)	Trade, Industry and Co-operative
7.	The Learners with Disabilities Bill (Senate Bill No. 4 of 2023)	Education
8.	The Persons with Disabilities Bill (Senate Bill No. 7 of 2023)	Social Protection
9.	The Kenyan Sign Language Bill (Senate Bill No. 9 of 2023)	Sports and Culture

The memoranda may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairr delivered to the Office of the Clerk, Main Parliament Buildings, Nairob; or emailed to cna@parliament.4 received on or before Thursday, 21st March 2024 at 5.00 p.m.

ills are available at the National Assembly Table Office, Main Parliament Buildings and on: ent.go.ke/the-national-assembly/house-business/bills.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

8th March 2024

ANNEX 4:

LETTER INVITING STAKEHOLDERS FOR MEETINGS WITH THE COMMITTEE

P. O. Box 41842-00100 Nairobi, Kenya Main Parliament Buildings Telephone: +254202848000 ext. 3500
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: -

- 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. Rece Wanjohi, who may be contacted on Tel No. 0722864516 or email: rose.wanjohi@parliament.go.le 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:

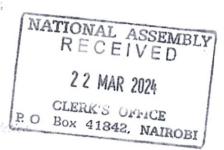
Hon. Ezekiel Machogu Ombaki, CBS
Cabinet Secretary
Ministry of Education
Jogoo House B, Harambee Avenue
NAIROBI

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

ANNEX 5:

STAKEHOLDER SUBMISSIONS





Mavoko Sub-county, Sabaki area, opposite Kenchic Farm; Adjacent to valley view hospital, Miolongo

P.O BOX 20436-00100, NAIROBI +254 738 608 882 +2540112514865

www.kndi.institute

Official Email:

Chief Executive Office

Cap 253B
An Act of Parliament to provide for the training, registration and licensing of nutritionists and dieticians; to provide for the regulation of the standards, and practice of the profession: to ensure their effective participation in matters relating to nutrition and dietetics, and for connected

[Act No. 18 of 2007, L.N. 130/2008.]

Sector: Health

When replying please quote;

OUR REF: KND1/PARLIAMENT/CLERK//21/03/2024/V01

21st March 2023

THE CLERK OF NATIONAL ASSEMBLY NATIONAL ASSEMBLY PARLIAMENT BUILDING NAIROBI, KENYA

Dear

Sir

Rose way she gachtate

RE: SUBMISSION OF MEMORANDA OF UNIVERSITY (AMENDMENT) BILL NO. 5; 2023

Kenya Nutritionists and Dieticians Institute is created by a statute Cap 253B to set standards for professional practice of Nutritionists and Dieticians. This includes; standards of training professionals who are pursuing degree level at a university. The institute wishes to take this opportunity to propose amendment to the principal Act to remove unconstitutionality of section 5A paragraph in the Principal Act of CUE.

This will allow for professional regulation to strengthen quality of professional programs touching on human health. The institute has realized that since the enactment of the section 5A (1); (2); (3) & (4), the Commission for University Education has made it difficult for professionals' regulations to check on the quality of training standards at the university during pre-service, leading to a high risk in the health sector and health systems human resources strengthening. This is evidenced by deteriorating standards.

Please find a detailed proposed Amendment in Annex 1.

Thank You and looking forward to be invited for oral submission. KENYA, CAP 253B

Dr. David Omondi Okeyo, MSc. PhD, MPH, RPHNS

CHIEF EXECUTIVE OFFICER

Al-Submission: KENYA, CAP 253B REPUBLIC OF KENYA, CAP 253B KENYA NUTRITIONISTS AND DISTICIANS INSTITUTE

2 1 MAR 2024

P. O. BOX 20436 - 00100, NAIRO3I

Annex 1: Proposed Further Amendment to University (Amendment) Bill No. 5. 2023

SECTION	CURRENT PROVISION IN	PROPOSED AMENDMENTS	REMARKS
Section 5A (1) & (2)	THE ACT (1) If there is a conflict between the provisions of this Act and the provisions of any other Act in matters relating approval or accreditation of academic programmes offered by universities, the provisions of this Act shall prevail. (2) Despite the provisions of any other law, the recognition, licensing, student indexing, approval or accreditation of any academic programme including postgraduate degrees, diplomas including postgraduate diplomas and other academic certificates offered at a university shall be the exclusive mandate of the Commission to be exercised in accordance with this section at the	KERVA NUTE DISTICATE 2.1 I F. O. BONG	Section 5A (1) to be deleted to avoid criminalization of other statutes. The 5A (1) and (2) as it is in current principal Act is bringing conflicts with other parliamentary statutes with constitution obligations to ensure quality training standards for public good.
	exclusion of any other person or body.		
Section 5 A (3)	The Commission may, before approving any academic programme consult with any relevant body established by written law to regulate the profession to which the academic	Replace the third word "may" with "shall"	This will strengthen collaboration and enable input of professional regulators. Use of the word "May" has led to abuse by Some universities where

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SECTION	CURRENT PROVISION IN THE ACT	PROPOSED AMENDMENTS	REMARKS
	where such law empowers the professional body to approve or accredit courses offered at any university or colleges.		from by CUE from implementing the required set standards of professional training.
Section 5 (4)	Pursuant to section 5(2), the Commission <u>may</u> engage—	Amended to read: - Pursuant to section 5(2), the Commission <u>shall</u> engage—	Professional bodies with statutes have expertise which the commission does not have to set standards. This will enhance the effectiveness of the commissions 'accreditation of programmes.





NATIONAL ASSOCIATION OF PRIVATE UNIVERSITIES IN KENYA (NAPUK)

Union Tower, Moi Avenue, 11th Floor Tel: +254 709 153 320 P.O Box 13495-00100 NAIROBI Email:napuk.kenya@gmail.com

OFFICE OF THE SECRETARY GENERAL OF THE NATIONAL ASSOCIATION OF PRIVATE UNIVERSITIES IN KENYA (NAPUK)

MEMORANDUM ON THE MATTER OF: -

THE UNIVERSITIES (AMENDMENT) (No. 5) BILL (NATIONAL ASSEMBLY BILL NO. 79 OF 2023)

Preamble:

The proposed Bill come in the wake of a Ministry of Education initiated proposal dubbed; The Universities Bill, 2024. The said proposal seeks to repeal the entire Universities Act No. 42 of 2012. Therefore, the proposed Universities (Amendment) No. 5 Bill of 2023 overrides the Repeal of the Act as proposed.

However, if the two must run concurrently, NAPUK feels duty bound to present the Memorandum stated below.

Suffice to say, NAPUK submitted a comprehensive Memorandum to the invitation for participation in the Ministry of Education proposed Universities Bill, 2024.

Preview of the Proposed Universities (Amendment) No. 5 Bill of 2023

The spirit of the Bill is to legislate Universities in Kenya as institutions of Higher Learning focusing on Bachelor and Post-graduate trainings only.

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That Universities in Kenya should therefore, be outlawed from teaching basic certificate and diploma courses.

By amending the various sections highlighted in the proposed Bill, Universities and regulator (the Commission for University Education-CUE) are restricted to focus in higher learning and academic research; akin to degree and post-graduate training.

Further, the Bill perceives a case of inconsistency where Technical and Vocational Education and Training Authority (TVETA) regulates basic diplomas and certificates while CUE regulates Universities. For this reason, the Bill envisages a need to domicile training of diplomas and certificates to TVETA jurisdiction, while CUE remains within the University space.

On a patriotic and affirmations persuasion, the Bill wishes to amend the Universities Act on the basis of low enrolment in technical and vocational training institutions despite the governments' heavy investment in them.

Memorandum of Objects and Reasons

Having perused the proposed Bill, NAPUK objects to the amendments on the following basis:

 Section 29 of The Universities Act No. 42 of 2012 underscores the importance of academic freedom. While performing its functions, a University is obliged in 29 (b) to promote and preserve equality of opportunity and access.

The spirit of the proposed Bill, therefore, inevitably goes against the tenets of academic freedom by intentionally denying citizens of the county seeking to benefit from resources endowed in the Universities by virtual of their preferred training.

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By wishing to refuse citizens seeking University access on basis of their qualification at the Basic education level or by their preference of training is not only discriminative by tantamount to profile students on class basis.

Universities worldwide remain open to all who seek to benefit from such resources. Denying Universities to training diploma and certificate programmes at the purview of classification of status irreversibly makes Universities return to the ivory towers analogy which removes their principle mandates, particularly community service.

Therefore, in the spirit of academic freedom captured under promotion and preservation of equality of opportunity and access, NAPUK opposes the proposed amendments.

2. Seeking to amend the Universities Act No. 42 of 2012 to outlaw teaching of diploma and certificate by Universities on the basis of low enrolment in the technical and vocational Institutions is not only narrow and simplistic but also unreasonable.

The choice of seeking to train in a TVET institution is not factored by the level of heavy investment by the government but by return in students satisfaction and experience. TVET institutions should be supported to make good their governance and management in order to attract choices not by forcing candidates for lack of alternatives in the Universities. Make TVET institutions competitive to attract preference.

3. An imagined inconsistency in regulating programmes at the University whether diplomas and certificates or degrees and above is

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misguided. A chartered University is by essence a recognized and accredited player mandated to teach, conduct academic research and community service. Therefore, all qualifications offered in such accredited Universities are of quality to address the required National development needs and the qualifications serve the growth and prosperity of graduating candidates.

Conclusion

Honorable Clerk of the National Assembly, it is the desire of NAPUK to remain actively involved in making University space equitable and accessible to all who seek to enjoy the endowed resources therein.

Yours sincerely,

DR. VINCENT G. GAITHO, PHD *

SECRETARY GENERAL, NATIONAL ASSOCIATION OF PRIVATE

UNIVERSITIES IN KENYA (NAPUK)

Tel: +254722536902

Email: ggaitho.foundation@gmail.com

napukkenyasg@gmail.com