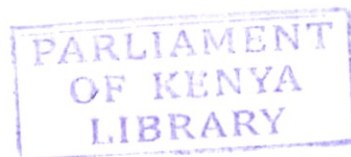




Approved
SNA
13/11/24

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – THIRD SESSION – 2024


DEPARTMENTAL COMMITTEE ON EDUCATION



REPORT ON

THE UNIVERSITIES (AMENDMENT) BILL, 2024

(National Assembly Bill No. 16 of 2024)

 THE NATIONAL ASSEMBLY PAPERS LAID			
DATE: 13 NOV 2024	<table border="1"> <tr><td>DAY.</td></tr> <tr><td>WED</td></tr> </table>	DAY.	WED
DAY.			
WED			
TABLED BY:	DEPUTY MAJORITY PARTY WHIP HON. NAOMI WARD MP		
CLERK-AT THE-TABLE:	MS. MERCY CHOMO		

CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS

NAIROBI

NOVEMBER 2024



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LIST OF ABBREVIATIONS AND ACRONYMS

ANC	-	Amani National Congress
DAP-K	-	Democratic Action Party Kenya
IND	-	Independent
JP	-	Jubilee Party
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, 2024 (National Assembly Bills No.16 of 2024) sponsored by Hon. Owen Baya, M.P was read a first time on Thursday 2nd May, 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 provide for the President to appoint Chancellors of Public Universities devoid of the current lengthy procedures set in the Act.

Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the newspapers on 16th May, 2024 inviting interested members of the public to submit any representations they may have on the Bill. The Committee received representations from Ministry of Education and the Policy and Governance Institute. All the submissions were considered by the Committee.

Further, in considering the Bill the Committee held a total of two 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, 2024 (National Assembly Bill No. 16) sponsored by the Hon. Owen Baya, 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 Bill seeks to streamline the process of appointing Chancellors to public universities in Kenya. Currently, the procedure for selecting a Chancellor involves multiple steps, including the submission of candidates to the Public Service Commission, shortlisting, and ranking before forwarding the names to the President for final selection.
7. This lengthy process, as outlined in the Second Schedule of the Universities Act, has been seen as a barrier, particularly for eminent personalities who are often considered for the position but may be deterred by the time-consuming procedure.
8. The Bill proposes amendments to expedite this process by allowing the Senate of a public university to directly forward three names of suitable candidates to the President for appointment within a specified timeframe.
9. The amendment also introduces a requirement to ensure gender balance in the selection process, reflecting a commitment to promoting inclusivity. This change aims to attract high-profile candidates who may be reluctant to undergo the prolonged procedure, thereby enhancing the efficiency of leadership appointments in public universities.

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 provide for the President to appoint Chancellors of Public Universities devoid of the current lengthy procedures set in the Act.
11. **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**
 8. The Bill does not delegate legislative powers nor does it limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

9. 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.
10. 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

11. 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

12. The Universities (Amendment) Bill, 2024 (National Assembly Bill No. 16) sponsored by the Hon. Owen Baya, MP was read a first time on 2nd May, 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

13. Pursuant to Article 118(1) (b) of the Constitution and Standing Orders 127(3), adverts for request for submission were placed in the newspapers on 16th May, 2024 inviting interested members of the public to submit any representations they may have on the Bill.
14. The Committee received representations from the Ministry of Education and Policy and Governance Institute which were considered by the Committee.
15. In considering the Bill the Committee held a total of two (2) meetings to receive and consider submissions from the stakeholders.

3.3 Meeting with the Sponsor of the Bill

16. Hon. Owen Baya, M.P, the sponsor of the Universities (Amendment) Bill, 2024 appeared before the Committee on 22nd October, 2024 and submitted as follows:
17. The principal object of the Bill is to amend the Universities Act, CAP 210 to provide for the President to appoint Chancellors of Public Universities devoid of the current lengthy procedures set in the Act.
18. The Bill provides a ninety-day timeline for the filling of a vacancy in the office of the Chancellor.
19. The Bill also seeks for the removal of Public Service Commission in the appointment process of Chancellors and provides for forwarding of names by the Senate to the president.
20. Up to twenty six public universities currently do not have Chancellors, a situation that can be partly attributed to the protracted process of appointment.
21. The amendment is in line with the recommendations of the Presidential Working Party on Education Reforms which called for the removal of the Public Service Commission in the process of appointing University chancellors.

PART IV

4.0 COMMITTEE OBSERVATIONS

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

- i. The Bill provides for definitive timelines and a structured process that allows for smooth transition in leadership of Universities. Public Universities have found it difficult to attract suitable candidates for the position of Chancellor due to the protracted recruitment process in place.
- ii. The proposed six-month timeline by the Ministry of Education provides adequate time for the appointment of the Chancellors of Universities.
- iii. The proposal to change the procedure of appointment and removal of the role of the Public Service Commission in the appointment of Chancellors would streamline the process and attract suitable candidates. Chancellors of Universities do not undertake day-to-day activities of public service to necessitate inclusion of the Public Service Commission in the recruitment process.

PART V

5.0 COMMITTEE RECOMMENDATION

The Committee, having considered the **Universities (Amendment) Bill, 2024 (National Assembly Bills No.16)** 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

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.


SIGNED _____



DATE

12/11/2024

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

 THE NATIONAL ASSEMBLY PAPERS LAJD	
DATE: 13 NOV 2024	
DAY: WED	
TABLED BY:	MAJORITY PARTY WHIP HON. NAOMI WAQA MP
CLERK-AT THE-TABLE:	MS MERCI 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, 2024 BY HON. OWEN BAYA, 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 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.

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^a 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

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. 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:

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 subsequent 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.
9. 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 past 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:

1. 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:

1. 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:

1. 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

MINUTES OF THE 52ND 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 10:00 AM.

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. Clive Ombane Gisairo, M.P.
7. Hon. Dick Maungu Oyugi, M.P.
8. Hon. Jerusha Momanyi, M.P.
9. Hon. Abdul Ebrahim Haro, M.P.
10. Hon. Timothy Kipchumba Toroitich, M.P.
11. Hon. Prof. Phylis Jepkemoi Bartoo, M.P.
12. Hon. Anne Wanjiku Muratha, M.P.
13. Hon. Julius Taitumu M'Anaiba, M.P.
14. Hon. Eve Obara, MBS, M.P.

ABSENT WITH APOLOGIES

1. Hon. Nabii Nabwera Daraja, M.P.

SECRETARIAT

1. Mr. Mohamed Boru - Clerk Assistant I
2. Mr. Clive Onyancha - Clerk Assistant II
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 286/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. 287/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. Jerusha Momanyi, M.P.

MIN. NO. 288/NA/EDUC/2024:

CONFIRMATION OF MINUTES

The agenda item was deferred.

MIN. NO. 289/NA/EDUC/2024:

**CONSIDERATION OF THE UNIVERSITIES
(AMENDMENT) BILL, 2023 BY HON.
CHRISTOPHER ASEKA WANGAYA, MP**

The Legal Counsel took the Committee through the provisions of the Universities (Amendment) Bill, 2023 by Hon. Christopher Aseka Wangaya, MP.

The principal objective of the Bill is to amend the Universities Act. No. 42 to abolish funding of private universities using public funds and to bar the Kenya Universities and Colleges Central Placement Service (KUCCPS) from placement of students to private universities.

The Bill further seeks to safeguard public funds from misuse by private entities which have not been brought under the regulatory framework of the Public Finance Management Act, 2015 and the regulations thereunder.

MIN. NO. 290/NA/EDUC/2024:

**SUBMISSION BY HON. CHRISTOPHER ASEKA
WANGAYA, MP, THE SPONSOR OF THE
UNIVERSITIES (AMENDMENT) BILL, 2023**

Hon. Christopher Aseka, M.P took the Committee through clause by clause consideration of the Universities (Amendment) Bill and informed the Committee that the intention of the amendments is to safeguard public resources by preventing funding of private Universities using public funds and to bar placement of government sponsored students in private universities.

Committee Observations

The Committee made the following observations:

The Committee observed as follows: -

1. Public Universities have idle capacity and can absorb all government-sponsored students.
2. Funds channeled to private Universities cannot be accounted for as provided by the Public Finance Management Act.
3. The bill seeks to -
 - i. amend 53 (4) (b) of the Act to provide that payment of any expenditure approved by the Universities Fund trustees shall be made to only public universities;
 - ii. amend section 54 (4) (b) of the Act to provide that the Trustees will develop criteria for allocation of funds to only public universities;
 - iii. amend section 54(4) (c) of the Act, to provide that the Trustees will only apportion funds to public universities;

- iv. amend 56 (1) (a) of the Act, to ensure that KUCCPS places government sponsored students only in public universities
4. The Bill should provide for saving and transitional provisions to cater for students who are in private institutions and are presently benefitting from government and provide for mechanisms of the management of monies granted to private institutions.

MIN. NO. 291/NA/EDUC/2024:

**SUBMISSION BY HON. OWEN BAYA, MP, THE
SPONSOR OF THE UNIVERSITIES
(AMENDMENT) BILL, 2023**

Hon. Owen Baya, M.P took the Committee through the clause by clause consideration of the Universities (Amendment) Bill and informed the Committee that;

1. The principal object of the Bill is to amend the Universities Act, CAP 210 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 also seeks for the removal of Public Service Commission in the appointment process of Chancellors and provides for forwarding of names by the Senate to the president.
4. The amendment is in line with the recommendations of the Presidential Working Party on Education Reforms which called for the removal of the Public Service Commission in the process of appointing University chancellors.

Committee Observations

The Committee made the following observations:

1. The Committee agreed 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. Up to twenty-six public universities currently do not have Chancellors, a situation that can be partly attributed to the protracted process of appointment.
3. The Committee noted that the proposed six-month timeline by the Ministry of Education provides adequate time for the appointment of the Chancellors of Universities.
4. The Committee agreed with the proposal to change the procedure of appointment and removal of the role of the Public Service Commission in the appointment of Chancellors.

Amb. (Prof.) Julius K. Bitok, CBS (Principal Secretary, State Department for Immigration and Citizen Services) appeared before the Committee to present submissions on delays in the issuance of Maisha number identity Cards for University funding applications

The Committee was briefed as follows:

- i. On the reported delays in the issuance of Maisha Cards to students which has hindered them from applying for scholarships and loans;
 - a. Whereas there were notable delays in the issuance of National ID cards across the country when the issue was reported in June, the delays had been resolved. These delays followed the roll-out of the new generation National ID card, the Maisha Card, on November 1, 2023. On December 5, 2023, the High Court issued *ex-parte* orders halting the production of these cards, which were lifted on February 23, 2024. This two-and-a-half-month stoppage caused a backlog of approximately 600,000 ID cards, as the old 2nd Generation ID printers had already been decommissioned.
 - b. The State Department faced a fresh legal challenge on 25th July, 2024, when the High Court again issued another Conservatory Order staying the further and continued implementation of the Maisha Card (HCCHRPET/E524/2023 Haki na Sheria Initiative VS. State Law and Cabinet secretary Interior and Coordination of National Government).
 - c. The State Department in conjunction with the State Law office was however able to convince the court to lift the conservatory order on 12th August, 2024. This second conservatory order would not have affected those prospective students who had already made ID applications since their ID cards had already been processed.
 - d. Due to limited budgetary allocation, the State Department adopted a phased roll-out of the Maisha Card, installing only one specialized security printing machine. While this machine met the daily demand of 10,000 ID cards, it could not handle the additional demands caused by the backlog. When the restriction was lifted, the State Department was unable to clear the production backlog immediately because the production center on average receives the same number of ID applications daily. Further, having only one

machine meant that there was no production of IDs when the machine needed maintenance.

- e. To address the production backlog, the State Department adopted a 24-hour shift production strategy. To ensure fairness and avoid supersession in the production order, ID cards were produced on a first in-first out basis except in cases where applicants could provide justifiable reasons for prioritizing production of their ID cards. e.g. HELB applications and medical emergencies. The State department also prioritized the production of initial (fresh) applications since these were the ones that affected prospective University students.
 - f. In July, 2024 the State Department procured and installed an additional ID printer. This measure increased the production capacity, conclusively resolved the ID production backlog and added production redundancy with each specialized printer acting as a fail-safe for the other printer in case of equipment failure or scheduled maintenance.
 - g. The State Department has also removed vetting process which used to take a long time before applications for ID cards were approved. This mostly affected applicants who live in border, cosmopolitan and settlement areas or counties
 - h. Despite the aforementioned challenges, the department has issued over 1.8 Million Maisha Cards and over 1 million have been collected. However, 569,914 Cards remain uncollected and the Ministry has implemented an SMS system to keep applicants updated on the processing status.
- ii. On the reported Complaints that the funding application portal does not recognize the 14-digit Maisha Number:**
- a. The number on the Maisha Card is a nine-digit random lifetime Unique Personal Identification Number (UPI) codenamed Maisha Namba. Currently, the nine-digit number has been assigned to all first time ID applicants. When fully implemented, the number will be assigned to individuals at birth. 2nd generation ID holders retain their current ID number as their UPI.
 - b. The UPI is tagged to all the documents of registration and identification such as National ID, Passport and Certificate of Birth. Once a person is assigned

the UPI at birth, it is linked to other government documents and services issued during the life time of the individual, including education loans and Scholarship applications.

- c. The Ministry of Education is represented in the membership of the National Digital Identity Technical Committee, which is overseeing the technical implementation of the Maisha card.

Committee Observations

The Committee made the following observations:

1. The delay in issuance of IDs had been resolved. On December 5, 2023, the High Court issued ex-parte orders halting the production of these cards, which were lifted on February 23, 2024. This two-and-a-half-month stoppage caused a backlog of approximately 600,000 ID cards
2. The State Department adopted a 24-hour shift production strategy.
3. The State Department has also removed vetting process which used to take a long time before applications for ID cards were approved.
4. The department has issued over 1.8 Million Maisha Cards and over 1 million have been collected. However, 569,914 Cards remain uncollected.
5. The number on the Maisha Card is a nine-digit random lifetime Unique Personal Identification Number (UPI) codenamed Maisha Namba. Currently, the nine-digit number has been assigned to all first time ID applicants.
6. The UPI is tagged to all the documents of registration and identification such as National ID, Passport and Certificate of Birth. Once a person is assigned the UPI at birth, it is linked to other government documents and services issued during the life time of the individual, including education loans and Scholarship applications.
7. The personal data collected for Maisha Number registration is safely kept by the State Department with encryption used to safeguard the data. The card has a chip which has information on the holder and is integrated with police, health and education systems.
8. Second generation ID cards have been phased out and replaced by the Maisha Namba card. The Maisha Card has an expiry date of ten years in line with ICAO regulations and international standards.
9. There is need to **review** the fee charged for acquisition and/or replacement of Identity cards as **some** applicants are unable to afford it.
10. There is need to resolve the issue of delays, particularly as universities had begun the intake of new students and it was necessary for the students to expeditiously register so as to access financial support.
11. The Citizen Registration Service has sought to enhance the uptake of IDs through the school roll out programme to ensure eligible students acquire IDs before they leave Secondary School.
12. The Citizen Registration Service intends to open offices in all 290 constituencies for efficiency of service.

13. The Ministry of Interior is working on a code for the Nubian community to ensure they are able to access ID cards. The code will be ready by end of October, 2024.

Committee Resolutions

The Committee made the following resolutions:

1. The State Department should expedite the issuance of Maisha Cards as any delays could severely impact access by Learners to Higher Education Funding.
2. There is need to open more offices for registration and issuance of Birth Certificates as there are not enough registries and this ultimately impacts the process of acquisition of Identity Cards.
3. The State Department should vigorously engage in roll out of the school registration program to increase uptake of identity Cards.

MIN. NO. 293/NA/EDUC/2024: ANY OTHER BUSINESS

No other business arose.

MIN. NO. 294/NA/EDUC/2024: ADJOURNMENT

There being no other business the meeting was adjourned at thirty minutes past one 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 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

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 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 Noonaihi Tonkei, M.P.

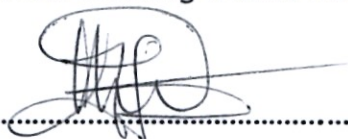
MIN. NO. 324/NA/EDUC/2024: ANY OTHER BUSINESS

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
13TH 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 PUBLIC RELATIONS AND COMMUNICATION MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2024);
2. THE BREASTFEEDING MOTHERS BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2024);
3. THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2024)

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 National Assembly Standing Order 127(3) requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Public Relations and Communication Management Bill (National Assembly Bill No. 17 of 2024); the Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024); the Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024); were Read a First Time on 25th April 2024 and 2nd May 2024 respectively and thereafter referred to the relevant Departmental Committees for consideration and reporting back to the House;

IT IS NOTIFIED THAT:

1. **The Public Relations and Communication Management Bill (National Assembly Bill No. 17 of 2024)** is a Bill sponsored by the **Leader of Majority, Hon. Kimani Ichung'wah, EGH, MP** that seeks to provide a legal framework for the promotion, development and regulation of the public relations and communication management profession. The Bill seeks to promote professionalism within the public relations and communication management sector and to provide mechanisms for training, registration and licensing.
2. **The Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024)** is a Bill sponsored by the **Hon. Sabina Chege, MP** that seeks to provide a legal framework for mothers who may wish to breastfeed their children at their work place. The Bill provides for the right of a mother to breastfeed at the work place and requires employers to provide breastfeeding employees with lactation rooms to either breastfeed or express milk for their children.
3. **The Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024)** is a Bill sponsored by the **Hon. Yaa Owen Baya, MP** that seeks to amend the Universities Act 2012 to allow the President to appoint Chancellors of Public Universities devoid of current provisions of the Act. The current procedures in the second schedule of the Act discourages persons from applying for the position of Chancellor as it is long and time consuming especially for targeted persons who are normally eminent personalities in the country who may not have time to go through the entire procedure

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 memoranda on the Bills to the respective Departmental Committees as listed below:

BILL	COMMITTEE
1. The Public Relations and Communication Management Bill (National Assembly Bill No. 17 of 2024)	Communication, Information and Innovation
2. The Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024)	Social Protection
3. The Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024)	Education

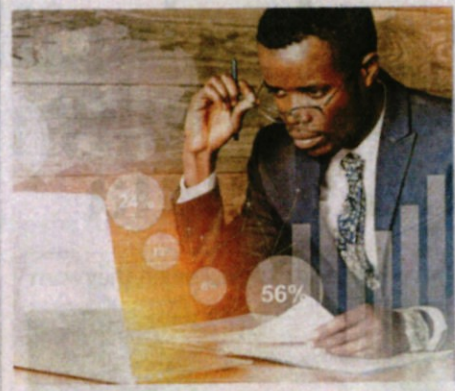
Copies of the Bill are available at the National Assembly Table Office, Main Parliament Buildings and on the parliamentary website www.parliament.go.ke/the-national-assembly/house-business/bills.

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 3rd June, 2024 at 5.00 p.m.**

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
21st May 2024

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

Growth The economy grew by 5.6 per cent last year



Top selected monthly average wage earnings per employee (Sh)

Activities of extraterritorial institutions	339,273
Electricity, gas, steam and air conditioning supply	193,833.9
Financial and insurance activities	190,150.1
Administrative and support service activities	157,455.8
Transportation and storage	140,993
Professional, scientific and technical activities	139,718.3

Where to get the best paying jobs

Highest earners work for global bodies, NGOs, but most Kenyans still taking home low pay

BY PATRICK ALUSHULA

Multilateral bodies and non-governmental organisations such as the World Bank and United Nations offer the best paying jobs with dominant sectors like real estate and agriculture among the least rewarding.

Kenya Bureau of Statistics (KNBS) data released Monday showed extraterritorial organisations and bodies such as the UN were last year paying workers an average of Sh339,274 per month, making them the highest payers despite seeing one of the slowest jumps (1.6 per cent) in pay rise during the period under review.

In the private sector, jobs in electricity, gas, steam and air conditioning supply sector, were fetching workers an average of Sh202,680 per month, becoming the second highest paying, followed by financial and insurance activities (Sh190,151).

Top three highest paying jobs in the public sector were in accommodation and food service activities (Sh234,698), transport and storage (Sh202,680) and financial and insurance services where workers averaged Sh176,275 a month.

The lucrative jobs are in contrast with those where monthly pay is below Sh50,000, including those in water supply, sewerage, waste management and remediation (Sh27,635), real estate activities (Sh29,339), agriculture, forestry and fishing (Sh33,790), accommodation and food services (Sh40,028) and mining and quarrying (Sh45,350).

This means that many of the job-rich sectors such as agriculture, which accounted for 344,300 jobs or 10.97 per cent of the total 3.13 million people in wage employment, were fetching less pay. Kenya's economy relies on farm-

ing, which contributes more than a fifth of annual economic output, and abundant rains after years of drought helped the sector to recover from contractions in the previous two years.

The sector is also the largest employer and its low wages relative to extraterritorial organisations, which hires a measly 1,500 workers, has egged on Kenya's widening income inequality.

About 83,200 people work in financial and insurance services.

The economy last year grew by 5.6 per cent compared with 4.9 per cent in the previous year, powered by a recovery in the agricultural sector, creating 848,100 new jobs even as the economy struggled to create quality formal jobs.

The informal sector, which accounts for more than three quarters of all employment in the country, accounted for 720,900 new openings, helping take the country's total employment to 19.99 million from 19.14 million previously.

New formal sector jobs stood at 122,900 up from 109,300 recorded in 2022, a blow to the more than one million young people who graduate from colleges and secondary schools. Workers search for high paying jobs has become more pressing, given that public and private sector employees collectively, for the past four years, failed to cushion workers from inflation.

Latest data shows real wages—earnings adjusted for inflation, fell 4.1 per cent last year, continuing the trend that started in 2020.

KNBS data also puts jobs in the fi-

Sh339,274
Average monthly salary for employees of multilateral bodies such as the UN in 2023

ancial sector, administration, information technology, transport and storage, electricity, gas, steam and air conditioning and human health as among those where workers take home at least Sh100,000 a month—an earning that was by end of 2022 enjoyed by just under 372,000 workers or 12.3 per cent of those in wage employment.

Jobs in the public sector's transport and storage activities and those in private firms in the electricity, gas, steam and air conditioning supply sector were fetching workers an average of Sh202,680 and 193,834 respectively last year, according to KNBS.

Financial and insurance activities in the private sector, including banking, insurance and fund management were paying workers an average of Sh190,151, a 4.6 per cent rise from the previous year. Workers engaged in the same activities in the public sector were taking home about Sh176,275 a month, making them the fifth highest earners.

The average pay of workers in administrative and support service activities saw a 4.4 per cent jump in average monthly pay to Sh157,456, making it the sixth highest paying category of jobs.

Public sector workers involved in human health and social work activities, including doctors and nurses, were earning about Sh153,759 a month, compared with those serving in similar roles in the private sector where the pay averaged Sh101,470 in the same period.

Private sector professional, scientific and technical activities such as management consultancy, architecture, law and accounting ranked as the eighth highest with a monthly pay averaging Sh139,718, marking a 6.6 per cent growth from the previous year. Other workers earning monthly pay of at least Sh100,000 include those working in corporations controlled by the government, including parastatals (Sh116,485) and those in private firms in the ICT sector (Sh107,491).



HOMA BAY COUNTY ASSEMBLY

HOMA BAY COUNTY COMMUNITY PARTICIPATION IN PUBLIC PROCUREMENT FOR THE CONSTRUCTION OF EARLY YEARS EDUCATION CLASSROOMS UNDER THE COUNTY WARD BASED PROJECTS PROGRAMME POLICY

PUBLIC PARTICIPATION

Pursuant to Article 10(2), Article 196(1) of the Constitution of Kenya 2010 and Section 87 of the County Governments Act, 2012, the Homa Bay County Assembly Education, Human Capital Development and Vocational Training Committee invites the members of the Public, Private Sector organizations, interested parties and all stakeholders to submit any representations they may have on the Homa Bay County Community Participation in Public Procurement for the Construction of Early Years Education Classrooms under the County Ward Based Projects Programme Policy.

The representations may be made orally or by written memorandum in the following manner:

- Written memorandum may be forwarded to the Clerk, Homa Bay County Assembly, P.O. Box 20-40300, Homa Bay, or hand delivered to the office of the Clerk, Homa Bay County Assembly Building in Homa Bay Town or emailed to info@homabayassembly.go.ke to be received on or before **Tuesday 28th May, 2024**.
- Public hearings to be held from 9.00am to 5.00pm in the County Assembly Committee Room on **Tuesday 28th May, 2024**.

Members of the public can get copies of the document from the Office of the Clerk, Homa Bay County Assembly during official working hours.

APUKO F.A
THE CLERK
HOMA BAY COUNTY ASSEMBLY

KISII COUNTY GOVERNMENT



KISII COUNTY ASSEMBLY THIRD ASSEMBLY-THIRD SESSION

COMMITTEE ON BUDGET AND APPROPRIATIONS

**IN THE MATTER OF CONSIDERATION OF THE KISII COUNTY BUDGET ESTIMATES, 2024-2025
PUBLIC HEARING / RECEIPT OF MEMORANDA**

Pursuant to the provisions of Article 196 (1)(b) of the Constitution of Kenya, 2010, Section 87(a),(b) of the County Governments Act, 2012 the Select Committee on Budget and Appropriations invites members of the General Public, the Business Community, Civil Society Organizations, Professionals and Special Interest Groups to give their views and submit presentations that they may have on the above document.

The presentations may be made orally or by submissions of written memoranda in the following manner:-

- Public hearing shall be held from 4th June, 2024 to 6th June, 2024 from 11:00 am at centres and venues listed in the table below.
- Memoranda may be hand delivered to the Kisii County Ward and Sub-County Administrators' Offices, Office of the Clerk-County Assembly Buildings, Kisii or addressed to Kisii County Assembly P.O. Box 4552-40200, Kisii.
- Electronic Submissions to be e-mailed to info@kisiiassembly.go.ke. The submissions above should be received on or before 4:00pm, Friday, 7th June, 2024.

NO.	SUB - COUNTY	VENUE	DATE	TIME
1.	Bonchari	Suneka	04/06/2024	11.00 AM
2.	Bobasi	Nyamache	04/06/2024	11.00 AM
3.	Kitutu Chache North	Marani	04/06/2024	11.00 AM
4.	Nyaribari Chache	Keumbu	05/06/2024	11.00 AM
5.	Nyaribari Masaba	Masimba	05/06/2024	11.00 AM
6.	South Mugirango	Nyamarambe	05/06/2024	11.00 AM
7.	Bomachoge Chache	Ogembo	06/06/2024	11.00 AM
8.	Bomachoge Borabu	Kenyanya	06/06/2024	11.00 AM
9.	Kitutu Chache South	Mosocho	06/06/2024	11.00 AM

The Kisii County Budget Estimates, 2024-25 may be accessed on the Kisii County Assembly Website, www.kisiiassembly.go.ke.

Iacob M. Onkeo
AG. CLERK, KISII COUNTY ASSEMBLY



REPUBLIC OF KENYA 13TH 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:

- THE PUBLIC RELATIONS AND COMMUNICATION MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2024);**
- THE BREASTFEEDING MOTHERS BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2024);**
- THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2024)**

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 National Assembly Standing Order 127(3) requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Public Relations and Communication Management Bill (National Assembly Bill No. 17 of 2024); the Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024); the Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024); were Read a First Time on 25th April 2024 and 2nd May 2024 respectively and thereafter referred to the relevant Departmental Committees for consideration and reporting back to the House;

IT IS NOTIFIED THAT:

- The Public Relations and Communication Management Bill (National Assembly Bill No. 17 of 2024)** is a Bill sponsored by the **Leader of Majority, Hon. Kimani Ichung'wah, EGH, MP** that seeks to provide a legal framework for the promotion, development and regulation of the public relations and communication management profession. The Bill seeks to promote professionalism within the public relations and communication management sector and to provide mechanisms for training, registration and licensing.
- The Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024)** is a Bill sponsored by the **Hon. Sabina Chege, MP** that seeks to provide a legal framework for mothers who may wish to breastfeed their children at their work place. The Bill provides for the right of a mother to breastfeed at the work place and requires employers to provide breastfeeding employees with lactation rooms to either breastfeed or express milk for their children.
- The Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024)** is a Bill sponsored by the **Hon. Yaa Owen Baya, MP** that seeks to amend the Universities Act 2012 to allow the President to appoint Chancellors of Public Universities devoid of current provisions of the Act. The current procedures in the second schedule of the Act discourages persons from applying for the position of Chancellor as it is long and time consuming especially for targeted persons who are normally eminent personalities in the country who may not have time to go through the entire procedure.

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 memoranda on the Bills to the respective Departmental Committees as listed below:

NO.	BILL	COMMITTEE
1.	The Public Relations and Communication Management Bill (National Assembly Bill No. 17 of 2024)	Communication, Information and Innovation
2.	The Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024)	Social Protection
3.	The Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024)	Education

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

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 3rd June, 2024 at 5.00 p.m.**

S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
21st May 2024

"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/2024/ (039)

24th May, 2024

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

Dear *Dr. Inyangala*

**RE: REQUEST FOR SUBMISSIONS FROM STAKEHOLDERS ON THE
UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.
16 OF 2024).**

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.*

As you are aware, the Universities (Amendment) (National Assembly Bill No. 16 of 2024) was read for the first time on Thursday, 2nd May 2024, and committed to the Departmental Committee on Education for consideration and reporting back to the House pursuant to Standing Order 127(3). The Bill seeks to amend the Universities Act, of 2012 to allow the President to appoint Chancellors of Public Universities devoid of the current procedures in the Act.

The purpose of this letter is therefore to request you to submit your views to be received on or before **Monday 3rd June, 2024 at 5:00 p.m.**

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 Bill 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



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/ (040)

24th May, 2024

Ms. Christine Nkonge,
Chief Executive Officer
Katiba Institute
House No. 5, The Crescent, off Parklands Road
NAIROBI

Dear *Ms Nkonge*

**RE: REQUEST FOR SUBMISSIONS FROM STAKEHOLDERS ON THE
UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO.
16 OF 2024).**

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.*

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The purpose of this letter is therefore to request you to submit your views to be received on or before **Monday 3rd June, 2024 at 5:00 p.m.**

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Yours

JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY



HOMA BAY COUNTY ASSEMBLY

HOMA BAY COUNTY COMMUNITY PARTICIPATION IN PUBLIC PROCUREMENT FOR THE CONSTRUCTION OF EARLY YEARS EDUCATION CLASSROOMS UNDER THE COUNTY WARD BASED PROJECTS PROGRAMME POLICY

PUBLIC PARTICIPATION

Pursuant to Article 10(2), Article 196(1) of the Constitution of Kenya 2010 and Section 87 of the County Governments Act, 2012, the Homa Bay County Assembly Education, Human Capital Development and Vocational Training Committee invites the members of the Public, Private Sector organizations, interested parties and all stakeholders to submit any representations they may have on the Homa Bay County Community Participation in Public Procurement for the Construction of Early Years Education Classrooms under the County Ward Based Projects Programme Policy.

The representations may be made orally or by written memorandum in the following manner:

1. Written memorandum may be forwarded to the Clerk, Homa Bay County Assembly, P.O. Box 20-40300, Homa Bay, or hand delivered to the office of the Clerk, Homa Bay County Assembly Building in Homa Bay Town or emailed to info@homabayassembly.go.ke to be received on or before **Tuesday 28th May, 2024**.
2. Public hearings to be held from 9.00am to 5.00pm in the County Assembly Committee Room on **Tuesday 28th May, 2024**.

Members of the public can get copies of the document from the Office of the Clerk, Homa Bay County Assembly during official working hours.

APUKO F.A
THE CLERK
HOMA BAY COUNTY ASSEMBLY

KISII COUNTY GOVERNMENT



KISII COUNTY ASSEMBLY THIRD ASSEMBLY-THIRD SESSION

COMMITTEE ON BUDGET AND APPROPRIATIONS

IN THE MATTER OF CONSIDERATION OF THE KISII COUNTY BUDGET ESTIMATES, 2024-2025 PUBLIC HEARING / RECEIPT OF MEMORANDA

Pursuant to the provisions of Article 196 (1)(b) of the Constitution of Kenya, 2010, Section 87(a),(b) of the County Governments Act, 2012 the Select Committee on Budget and Appropriations invites members of the General Public, the Business Community, Civil Society Organizations, Professionals and Special Interest Groups to give their views and submit presentations that they may have on the above document.

The presentations may be made orally or by submissions of written memoranda in the following manner:-

1. Public hearing shall be held from 4th June, 2024 to 6th June, 2024 from 11:00 am at centres and venues listed in the table below.
2. Written memoranda may be hand delivered to the Kisii County Ward and Sub-County Administrators' Offices, Office of the Clerk-County Assembly Buildings, Kisii or addressed to Kisii County Assembly P.O. Box 4552-40200, Kisii.
3. Electronic Submissions to be e-mailed to info@kisiiassembly.go.ke. The submissions above should be received on or before 4:00pm, Friday, 7th June, 2024.

NO.	SUB - COUNTY	VENUE	DATE	TIME
1.	Bonchari	Suneka	04/06/2024	11.00 AM
2.	Bobasi	Nyamache	04/06/2024	11.00 AM
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Iacob M. Onkeo
AG, CLERK, KISII COUNTY ASSEMBLY



REPUBLIC OF KENYA 13TH 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 PUBLIC RELATIONS AND COMMUNICATION MANAGEMENT BILL (NATIONAL ASSEMBLY BILL NO. 17 OF 2024);**
2. **THE BREASTFEEDING MOTHERS BILL (NATIONAL ASSEMBLY BILL NO. 8 OF 2024);**
3. **THE UNIVERSITIES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 16 OF 2024)**

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 National Assembly Standing Order 127(3) requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the Public Relations and Communication Management Bill (National Assembly Bill No. 17 of 2024); the Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024); the Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024); were Read a First Time on 25th April 2024 and 2nd May 2024 respectively and thereafter referred to the relevant Departmental Committees for consideration and reporting back to the House;

IT IS NOTIFIED THAT:

1. **The Public Relations and Communication Management Bill (National Assembly Bill No. 17 of 2024)** is a Bill sponsored by the **Leader of Majority, Hon. Kimani Ichung'wah, EGH, MP** that seeks to provide a legal framework for the promotion, development and regulation of the public relations and communication management profession. The Bill seeks to promote professionalism within the public relations and communication management sector and to provide mechanisms for training, registration and licensing.
2. **The Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024)** is a Bill sponsored by the **Hon. Sabina Chege, MP** that seeks to provide a legal framework for mothers who may wish to breastfeed their children at their work place. The Bill provides for the right of a mother to breastfeed at the work place and requires employers to provide breastfeeding employees with lactation rooms to either breastfeed or express milk for their children.
3. **The Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024)** is a Bill sponsored by the **Hon. Yaa Owen Baya, MP** that seeks to amend the Universities Act 2012 to allow the President to appoint Chancellors of Public Universities devoid of current provisions of the Act. The current procedures in the second schedule of the Act discourages persons from applying for the position of Chancellor as it is long and time consuming especially for targeted persons who are normally eminent personalities in the country who may not have time to go through the entire procedure.

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 memoranda on the Bills to the respective Departmental Committees as listed below:

NO. BILL	COMMITTEE
1. The Public Relations and Communication Management Bill (National Assembly Bill No. 17 of 2024)	Communication, Information and Innovation
2. The Breastfeeding Mothers Bill (National Assembly Bill No. 8 of 2024)	Social Protection
3. The Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024)	Education

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

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S. NJOROGE
CLERK OF THE NATIONAL ASSEMBLY
21st May 2024

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

ANNEX 5:

STAKEHOLDER SUBMISSIONS

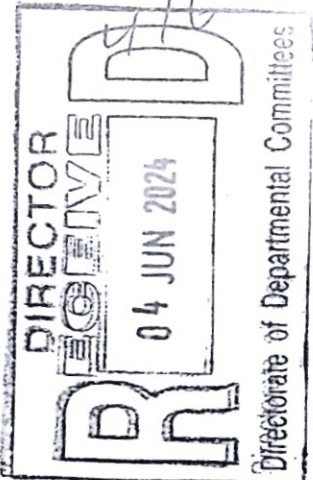
NATIONAL ASSEMBLY
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 J.W.N
 P. O. Box 41842 - 00100, NAIROBI

Rose Wangohi
to faculty
4/6/24

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 P. O. Box 41842, NAIROBI

COMMENTS ON THE UNIVERSITIES (AMENDMENT) BILL, 2024- (NATIONAL ASSEMBLY BILL NO.16 OF 2024) BY HON. OWEN YAA BAYA

S/No.	Second Schedule to the Universities Act (No. 42 of 2012)	Clause	Proposed amendment	Submissions/Comments by the Ministry
1.	Appointment of Chancellor Paragraph 1	Paragraph 1 of the Second Schedule to the Universities Act provides that where a vacancy occurs in the office of Chancellor of a public university, the Senate of that university shall, in consultation with the key stakeholders, identify suitable persons for appointment.	The proposed amendment seeks to set a timeline of ninety days within which, upon the occurrence of a vacancy in the office of the Chancellor, the Senate of a university shall identify suitable persons for appointment as a Chancellor. 1	It is noted that the Universities Act, 2012 does not provide timelines for the appointment of Chancellors of public universities. The proposed time limit of ninety days is short and may not be adequate for an inclusive and participatory process. Proposal- It is proposed that the Senate of a public university should be notified of a vacancy in the office of a Chancellor six months before the expiry of the term of a serving Chancellor. The Ministry proposes the following provision: <i>"Six months before the expiry of the term of the Chancellor of</i>

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 DIRECTOR
 04 JUN 2024
 Directorate of Departmental Committees

				<i>a public university, the Vice Chancellor of the University shall notify the Senate”.</i>
2.	Paragraph 2	Paragraph 2 of Schedule 2 to the Universities Act provides for five names to be proposed to the Senate and submitted to the Public Service Commission for shortlisting and identification of three suitable candidates-ranked in order of merit.	(a)The Bill proposes to delete paragraph 2 so that persons qualified to be appointed as Chancellors of public universities do not have to be subjected to interviews by the Public Service Commission. The Bill proposes to substitute this with a new provision requiring the Senate to identify suitable persons and forward three names of the persons so identified to the President who shall appoint one of them as the Chancellor within twenty-one (21) days.	(a) The Ministry appreciates the fact that the current law where persons qualified to become Chancellors of public universities have to be subjected to interviews by the Public Service Commission has led to problems. It supports the proposal to delete the provision requiring persons qualified to be appointed as Chancellors of public universities to be interviewed by the Public Service Commission. (b) It is important for the Council, the governing body of a public university to be involved in identification of persons to be appointed as Chancellor. The

				<p>proposal by Hon. Baya does not recognize the role of the Council in the appointment of a Chancellor.</p> <p>Proposal - The Ministry proposes the following:</p> <p>(i) <i>The Senate shall, in consultation with key stakeholders and following a set criterion, identify five suitable persons for appointment.</i></p> <p>(ii) <i>The names of the five persons shall be submitted to the Council to identify three suitable candidates and forward their names to the Cabinet Secretary.</i></p> <p>(iii) <i>The names of the candidates, in order of preference, shall be forwarded by the Cabinet Secretary to the President, who shall within the 30 days, appoint one of the three candidates</i></p>
--	--	--	--	--

				<i>as the Chancellor.</i>
3.	Paragraph 3	Paragraph 3 of the Second Schedule provides that the Public Service Commission shall forward the names of the top three candidates to the Cabinet Secretary for onward transmission to the President who shall pick one of the persons for appointment as the Chancellor.	The Bill proposes the deletion of Paragraph 3.	The Ministry supports the proposed deletion of paragraph 3 which provides for the involvement of the Public Service Commission in the shortlisting, interviewing and identification of persons to be appointed as Chancellors of public universities.
4.				N.B It is noted that the Ministry is carrying out comprehensive review of the Universities Act pursuant to the recommendations of the Presidential Working Party on Education Reform. The Ministry is requesting to be accorded more time to complete the comprehensive review of the Act.

COMMENTS ON THE UNIVERSITIES (AMENDMENT) BILL, 2024- (NATIONAL ASSEMBLY BILL NO.16 OF 2024) BY HON. OWEN YAA BAYA

S/No.	Second Schedule to the Universities Act (No. 42 of 2012)	Clause	Proposed amendment	Submissions/Comments by the Ministry
1.	<p>Appointment of Chancellor</p> <p>Paragraph 1</p>	<p>Paragraph 1 of the Second Schedule to the Universities Act provides that where a vacancy occurs in the office of Chancellor of a public university, the Senate of that university shall, in consultation with the key stakeholders, identify suitable persons for appointment.</p>	<p>The proposed amendment seeks to set a timeline of ninety days within which, upon the occurrence of a vacancy in the office of the Chancellor, the Senate of a university shall identify suitable persons for appointment as a Chancellor.</p> <p>1</p>	<p>It is noted that the Universities Act, 2012 does not provide timelines for the appointment of Chancellors of public universities. The proposed time limit of ninety days is short and may not be adequate for an inclusive and participatory process.</p> <p>Proposal- It is proposed that the Senate of a public university should be notified of a vacancy in the office of a Chancellor six months before the expiry of the term of a serving Chancellor. The Ministry proposes the following provision: <i>“Six months before the expiry of the term of the Chancellor of</i></p>

				<i>a public university, the Vice Chancellor of the University shall notify the Senate”.</i>
2.	Paragraph 2	Paragraph 2 of Schedule 2 to the Universities Act provides for five names to be proposed to the Senate and submitted to the Public Service Commission for shortlisting and identification of three suitable candidates-ranked in order of merit.	(a)The Bill proposes to delete paragraph 2 so that persons qualified to be appointed as Chancellors of public universities do not have to be subjected to interviews by the Public Service Commission. The Bill proposes to substitute this with a new provision requiring the Senate to identify suitable persons and forward three names of the persons so identified to the President who shall appoint one of them as the Chancellor within twenty-one (21) days.	(a) The Ministry appreciates the fact that the current law where persons qualified to become Chancellors of public universities have to subjected to interviews by the Public Service Commission has led to problems. It supports the proposal to delete the provision requiring persons qualified to be appointed as Chancellors of public universities to be interviewed by the Public Service Commission. (b) It is important for the Council, the governing body of a public university to be involved in identification of persons to be appointed as Chancellor. The

				<p>proposal by Hon. Baya does not recognize the role of the Council in the appointment of a Chancellor.</p> <p>Proposal - The Ministry proposes the following:</p> <ul style="list-style-type: none"> (i) <i>The Senate shall, in consultation with key stakeholders and following a set criterion, identify five suitable persons for appointment.</i> (ii) <i>The names of the five persons shall be submitted to the Council to identify three suitable candidates and forward their names to the Cabinet Secretary.</i> (iii) <i>The names of the candidates, in order of preference, shall be forwarded by the Cabinet Secretary to the President, who shall within the 30 days, appoint one of the three candidates</i>
--	--	--	--	---

				<i>as the Chancellor.</i>
3.	Paragraph 3	Paragraph 3 of the Second Schedule provides that the Public Service Commission shall forward the names of the top three candidates to the Cabinet Secretary for onward transmission to the President who shall pick one of the persons for appointment as the Chancellor.	The Bill proposes the deletion of Paragraph 3.	The Ministry supports the proposed deletion of paragraph 3 which provides for the involvement of the Public Service Commission in the shortlisting, interviewing and identification of persons to be appointed as Chancellors of public universities.
4.				N.B It is noted that the Ministry is carrying out comprehensive review of the Universities Act pursuant to the recommendations of the Presidential Working Party on Education Reform. The Ministry is requesting to be accorded more time to complete the comprehensive review of the Act.



P.6
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 J.W.
 P.O. Box 41842 - Nairobi



PARLIAMENT
OF KENYA

DDC
 8/16/24
 4/16/24

Memorandum for the Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024)

The Clerk of the National Assembly
 Parliament Buildings
 P.O. Box 41842 – 00100,
 Nairobi

Rose Wanjohi
 to note and facilitate
 4/16/24

NATIONAL ASSEMBLY
 RECEIVED
 04 JUN 2024
 CLERK'S OFFICE
 P.O. Box 41842, NAIROBI

Collins Michael Njuguna
 Chief Executive Officer
 Policy and Governance Kenya
 Nairobi, Kenya

3rd June 2024

Subject: Comments on the Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024)

Dear S. Njoroge,

I am submitting my comments on the Universities (Amendment) Bill (National Assembly Bill No. 16 of 2024). This bill is crucial for addressing the current challenges faced by universities in Kenya and enhancing the quality of higher education. I have reviewed the bill and propose the following comments and suggestions.

General Comments:

1. **Quality Assurance:**
 - o The bill should prioritize measures to ensure the quality of education provided by universities, including regular assessments and accreditation processes.
2. **Research and Innovation:**
 - o There should be provisions to promote research and innovation within universities, including funding opportunities and support for collaborations with industry.

Specific Comments:

1. **Section 4: University Governance:**
 - o The governance structure of universities should be outlined clearly, with provisions for the inclusion of diverse stakeholders, including students, faculty, and external experts, in decision-making processes.
2. **Section 10: Funding and Resources:**
 - o This section should address the funding mechanisms for universities to ensure they have adequate resources to provide quality education and facilities. There should also be transparency in the allocation and use of funds.
3. **Section 15: Student Support Services:**
 - o Universities should be required to provide comprehensive support services for students, including mental health services, career counseling, and academic advising.
4. **Section 20: Collaboration and Partnerships:**
 - o The bill should encourage universities to establish partnerships with other educational institutions, both locally and internationally, to enhance learning opportunities and resource sharing.

RECEIVED
 05 JUN 2024
 Page 1 of 2



The Universities (Amendment) Bill is a significant step towards improving higher education in Kenya. The above comments and suggestions aim to strengthen the bill and ensure it addresses the needs of students, faculty, and the broader community. I hope the National Assembly will consider these recommendations.

Regards,

Collins Michael N

Policy and Governance Kenya

A handwritten signature in black ink, appearing to read 'Collins Michael N', written over a circular stamp or seal.