

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

DAILY HANSARD

WEDNESDAY 11TH MAY, 2022

Morning Sitting

COUNTY ASSEMBLY OF BUNGOMA

HANSARD OFFICIAL REPORT

WEDNESDAY 11TH MAY, 2022

The House met at 9:30 p.m.

(Mr. Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

STATEMENTS

PURSUANT TO THE PROVISIONS OF STANDING ORDER 41 (2) (C)

A RESPONSE FROM THE COUNTY EXECUTIVE DEPARTMENT OF EDUCATION AND VOCATIONAL TRAINING TO A STATEMENT SOUGHT BY HON. HENRY MAJIMBO ON THE IMPLEMENTATION OF THE BUNGOMA COUNTY EDUCATION SCHEME REGULATION, REVISED 2018 AND THE MANAGEMENT OF BUNGOMA COUNTY EDUCATION SUPPORT SCHEME

Mr. Speaker: Honourable members as you are all aware, there was a statement sought by Hon. Majimbo which led to a motion that was discussed here formally inviting the CECM and Chief Officer for the Department of Education and Vocational Training to appear before the Whole House and shed light on the issue of Bungoma County Education Support Scheme Programme; Honourable Members you can confirm on your gadgets that the Records Department has send out a response from the concerned Department of Education and Vocational Training. Basically the letter is self-explanatory and will allow members to ventilate over the same. As per the election calendar, we are likely to adjourn this House *sinedie* on 2nd of this month because we expect on the 29th of this month to have the gazettelement of the official campaign period.

You cannot have sittings going on and at the same time have Honourable Members in the House while they should be going around soliciting for votes. They are proposing to come before this House on 2nd of June, 2022. It is you to make a decision; I seek for your input before I guide the House.

Any member from the Committee on Education? Hon. Makari, I know you are a senior Member of that Committee.

Hon. George Makari: Chair, I'm a Member. I expected the chairperson of this committee to be around but unfortunately he is not around.

Mr. Speaker: Hon. Makari, all Members of that Committee are equal to the task. We don't require a Chairperson to be present because it is a small issue. Proceed and give us a proper guidance from the Department of Education.

Hon. George Makari: I don't have the contents of response.

Mr. Speaker: You will have a privilege of having the Speaker's copy. You are a messenger, deliver the message then members will ventilate.

Hon. George Makari: Mr. Speaker I should not be attacked on the basis of this response. It is a response from the Department of Education and Vocational Training addressed to the Clerk, Bungoma County Assembly. Reference to request postponement of appearance before the County Assembly in relation to the implementation status of the Bungoma County Education Support Scheme. She says; this is to acknowledge receipt of your letter dated 4th May 2022 summoning both CECM and Chief Officer to appear in person on Wednesday May 11th 2022 at the County Assembly in regard to the implementation status of the Bungoma County Education Support Scheme Regulations, Revised 2018.

The department is currently ensuring that both new and continuing scholarship students have comfortably reported and settled in their respective schools. This includes preparation and disbursement of cheques. As a result, we shall not have humble time to prepare a comprehensive report on the issues raised in the letter. In addition, a number of organizations have and still are awarding scholarships in our County; we need more time to compare notes with them to identify students who have been awarded elsewhere before compiling our report. Therefore, the purpose of this letter is to request you to postpone the date of appearance from May 11th 2022 to 2nd June 2022. Signed by Betty Mayeku, CECM - Educational and Vocational Training.

Mr. Speaker: Members you have heard the request from the CECM, I will give you time to give your views so that we find a best way forward.

Hon. Tony Barasa: Thank you Mr. Speaker. This is why in yesterday's response in the PAC motion that some of the State Officers we vetted in this House are insensitive on county matters. We took this decision as an issue of County importance and remember if the whole nation can award a total 9,000 scholarship, why should a county exceed the nation and award 10, 600 scholarships and yet we don't have a budget. We were supposed to have a discussion as a County so that we look for the best way forward for our kids. It was the indulgence of this House that for us to invite the Department of Education led by the CECM and the Chief Officer; it was reported

in social media by goons that the CECM or officers will not appear in that House called the Assembly. Indeed, it is coming to pass. This is public relations and a decision has been made and they listened to the goons...

Mr. Speaker: Hon. Tony who are these 'goons'? You know when you say goons I am wondering who are these goons.

Hon. Tony Barasa: Mr. Speaker, we live in the 21st century so we are the internet informed people. This thing was circulated last week by some of the known 'goons' by the name undercover, the duke of Luuya Bwake posting that these officers will not appear in the House and remember as we speak today, they are not here... we are now getting a letter reporting to be a public relations exercise.

Hon Rosemary Khisa: Honourable Speaker thank you for giving me this opportunity. I have just come in and I am hearing the word Luuya Bwake Ward. It is not fair for somebody to mention somebody's Ward when he's not aware. I better know what is the content of all this is because if we are talking about what is being done in the county. Let it be addressed as a concern but not mentioning some Wards if its only in Luuya Bwake Ward. Let it be discussed in Bwake Ward and not in the House .

Mr. Speaker: Hon. Rosemary did you hear what he said about Luuya Bwake? Let me assist you. He said somebody on social media trades as the Duke of Luuya Bwake, it is not you, it is somebody using Luuya Bwake as a name on his social media profile.

Hon. Tony Barasa: Hon. Rosemary sorry for that but am saying it was posted on social media forums and some of the goons who posted one by the name Duke of Luuya used to be known as "sipper" but he changed his name to the Duke of Luuya that is why I am saying they posted long time ago, I am not saying Luuya Bwake. Luuya Bwake is a special ward led by a very respectable Honourable Member called Rosemary Khisa ... I have great respect for Luuya Bwake, but I am saying some of the goons who posted about the Chief Officer and *Waziri* (CECM) not appearing in the House is called undercover and another person is called the Duke of Luuya. They are the ones who posted a week ago that the officers will not appear in this House and indeed it has come to pass. Honourable Speaker it is very unfortunate that the Executive want to control our calendar by giving us this letter that we reschedule to 6th of June and telling us that additionally some of the organizations are still awarding scholarships. The request was very clear...can you come to this House and explain on the issues of scholarship touching on 7000 students that are going to benefit from the scholarship? They were not told to compile lists of all organizations that are going to give scholarships in Bungoma County. Where I sit, some of the State Officers whom we vetted in this House are not even fit to hold any public office. I submit.

Hon. James Mukhongo: Thank you Mr. Speaker for the opportunity. This is a morning that I will not forget because when I came, I was sure the Executive will appear in this House. We want to be on record; none of us is against the program. If there is anybody in this House who is against, then it is unfortunate. Arising from the statement that was raised by Hon. Majimbo, it touched on issues of implementation of the program. As a House we have always appropriated funds towards programmes in the Executive. That is why we wanted to know how the executive is undertaking this program.

Let me share some information with my colleagues here; last Saturday I went for a funeral in my Ward and the so called aspirants from other political parties and some who are independent were keen on the issue of scholarships. They raised so many issues, little did I know that some of them who were pointing fingers to the Honourable Members who are also the beneficiaries. I later came to learn that they are also beneficiaries. The aspirants are being rewarded by the same Executive so that they can talk ill of this House. Hon. Majimbo's mission was to seek for information because 7,000 students is not a small figure, it is a big number. We wanted to know how they are going to sustain this programme because the same department has written to the offices of Ward Administrators that we shall have a number of beneficiaries on the scholarship programme, others on bursaries and they also mentioned something to do with special bursary which I don't know.

Some of these students are being awarded Kshs. 5,000/=, others are awarded, Kshs. 10, 000/=, others are awarded maybe full scholarship. Yet they are going out purporting to say that they are giving 7,000 scholarships but the majority of these beneficiaries are getting Kshs. 5,000/=. I wonder how a child of a poor farmer or parent will sit in class for a whole year with Kshs. 5,000/= or Kshs. 10, 000/= giving the example of Chebukaka.

The school fee in Chebukaka is Kshs. 32, 000/= and they are giving Kshs. 10,000/=. When they move around the county, they are saying that they have given scholarships. We are the advocates of the poor farmers and it is for this reason that we said let them come out and be clear and on record so that as we do the budgeting... Since we are now preparing our budget; as we exceed, we have set things in order so that whoever will come in whether we are there or not things will be okay.

But this is a government that thinks they can do it all alone. They have demeaned this House on many occasions; we have invited them to come here and have not honored even summons and you know what it means. I propose Hon. Speaker because of the behavior of the County Government of Bungoma, we now summon them to appear before the House. If they will fail they will face the consequences Hon. Speaker. It has become to be like a campaign tool. The other day a Deputy Governor of a County coming to a small Ward like Kabuchai to see who is ahead of whom for the competition that is ahead of us Hon. Speaker. A Deputy Governor wasting resources of the County Government of Bungoma; look at that, it is unfortunate Hon. Speaker!

Some of us are speaking with pain because we were born from poor families; the programme is good but the manner in which they are implementing is wanting. To the Honourable Members who sit in this House, don't use this opportunity to gain mileage with the executive. None of us here is refusing this programme but you will find a member who is not even in the House today and they will be in public forums addressing people saying the Ford Kenya MCAs... yes I am a member and I'm proud to be in that Party. Even the Governor who is speaking is still a member of Ford Kenya. I don't know if they changed but he is still in office. They are beneficiaries of Ford Kenya *na wakienda kwa matanga wanalialia tu* (their work is to lament at funerals)... that is wrong. We need to put this county on the right track. Hon. Speaker, I understand and I am sorry for that. I rest my case.

Hon. Ben Kipkut: Thank you Mr. Speaker. First I want to thank the owner of the statement Hon. Majimbo. I was not present but I saw it on social media. Mr. Speaker, the Ford Kenya government came up with the scholarship issue fully supported by my colleagues. I am in Jubilee and this is a Ford Kenya government which initiated the scholarship. During Lusaka era we only had bursaries; now Ford Kenya is finishing on a high note with 7,000 students. Actually the whole county is excited. I want to admit this that there is a lot of impact on the issue of scholarships. The question raised by my senior is genuine; 7,000 students you never know how it will be sustained. Even some of us on the ground are really thinking how it can be sustained.

That is why it is necessary for these people to come and I don't want us to water it down by just saying they have refused. We need these people here! Therefore the best thing we have to do is to re-schedule to allow them come before us because we have to ensure that we go back when we begin our campaigns with a real answer from these people. Otherwise, let us support the program; it is a noble thing.

My only worry is that is it going to be sustained because it is not a simple thing? I think the way people have perceived outside there is that the Ford Kenya team which came up with the scholarship is against it. Give us solutions by saying how the whole programme is supported and how it will be sustained because if you tell people in my Ward now that the scholarship is useless, you will get a lot of resistance but how are we going to sustain it is the issue. The issue of discussing goons, people who read social media, doesn't bring those things. There are so many things written by our people in the Wards. Suppose I also bring mine here and if you call my people goons, I think we could have differed here. Thank you Mr. Speaker.

Hon. Jane Ingo: Thank you Hon. Speaker. I am standing in support of the statement raised by my Senior Hon. Majimbo. I wish to share with this Honorable House that it is actually our mandate that should be followed by this House and one key area of focus is on the sustainability of this particular programme.

My concern also is touching on the numbers- the 7,000 beneficiaries. The 7,000 when you make reference to the needy in this county according to me, if we have resources, that number is even

smaller. There are many needy cases in our communities. How I wish that that number can even be raised if we have resources. I can see the women who are actually supported like in Kapsokwony town, the women who are selling tomatoes for Kshs.200, *Sukumawiki* (Kales) for Kshs. 300 and those are the cases that have been captured.

We wish the executive to appear before this House so that they can actually tell us some of the strategies that have been put in place for the sustainability of this programme so that come next year, the programme can be sustained and these beneficiaries are not harassed in schools. That is our area of concern. Otherwise the programme is changing lives of the Bungoma people. I wish that this House supports the programme and even come next year, it can grow and have more beneficiaries.

On the issue of Political Parties, those ones can be handled outside this House because I know when it comes to political championing, people can handle the issues of party championing outside this House, but we want to be honorable in this House and handle issues in a more Honorable manner. I want to ask the members to support the programme and even wish on how to increase the numbers because so many needy cases are just dying at home. That is my presentation and maybe some of the terms that we use in this Honorable House like goons and others... social media can mention anything but let us be honorable and handle ourselves in an honorable manner because that is our mandate. I rest my case.

Hon. Tony Barasa: *(On a point of Information):* I want to remind this House that when I was attacked in Tuuti/Marakaru, I was attacked by these same guys I have mentioned here. I don't see why Honorable Members will feel agitated by me using the term 'goon', because I know them. They are the ones who attacked me at Tutui/Marakaru, so if you attack me, who are you if not a goon? They are goons, people who are supposed to be in jail, and you remember the case is even in court. I was attacked and they have been protected by these god-fathers and so if you want to protect them, I don't have any better word to use than the word 'goon'.

Hon. George Makari: I don't know why colleagues from the other political divide jitter when we mention goons. When we were at a funeral at Mwireri's place; one person was stabbed with a knife from the same goons and so there are things we should not shy from. A goon is an English word and it means somebody who is... can I use Kiswahili? Some members also referred to me as a goon but I don't find myself to be a goon. So we should not shy away from speaking as it is... because these people exist and most of them are the ones that are getting used to attack people in funerals and what have you.

The subject matter here is the issue of scholarship, 7,000 beneficiaries; as much as we want to bury our heads in the sand, and my senior colleague Hon. Kipkut said, we look at the sustainability of the programme. How sustainable is this 7,000, add on to around 3,600 that are already on going. Even if I am a Member of the Education Committee, I would have wished that we fast-track this issue. This CECM should not appear before us at a time she has allocated

herself. She is saying she will come on 2nd of June. She should not dictate to us when she will appear! The House must make her appear, in fact sooner than the 2nd of June.

Hon. Stephen Wafula: Thank you Honorable Speaker for giving me this opportunity to contribute on this very important matter of the County. First of all, I find it very interesting when we discuss the issue of goons here because as much as maybe some people feel it is something that we should not be brought to the House, it has been happening. Today, those of us who feel we should not mention this word here when you are attacked tomorrow, you will feel it necessary for us to mention the word. As it is, a goon is just a silly person, in fact a foolish person but who is very violent. This person is aggressive and purposely hired to intimidate or harm other people. Just because the person is foolish or silly and is hired to do that very dirty work. It is a word that we have to realize and accept that indeed in Bungoma, Bungoma is known in the whole country as a County of goons especially in funerals and other fora that some other people feel they can harass others into submission.

That aside, no one is going to surrender because of goons. In fact, some of us are very slender and small but we are prepared for them when they come, because they are there and we know them.

The issue at hand raised by Hon. Majimbo is something sensitive. We cannot wish it away. I want to request this Honorable House that let us not put partisan politics into these very important issue. Each one of us has a responsibility as an elected Member; because we are here as elected members. Some of us are specially elected. What we call nomination is a special election, and some of us are here courtesy of the salvage election and cannot just take this issue and discuss it in a partisan manner. It has very adverse effects on the economy and development of this County, we appreciate that we want our brothers and sisters, our children to go to school of their choices because they have worked hard and achieved the slots in those schools, and it is a measure and indicator of encouragement. Apart from that, it is an appreciation incentive for learners to work hard so that they know that tomorrow the burden will be taken off from their parents when they work hard and smart in their schools so they can be taken to the schools of their choice and that their dreams are valid.

On this issue, I thought the entire House will be in agreement that indeed these are very pertinent questions that we want to get answers for because tomorrow, just as Hon. Kipkut the good Commissioner said that Ford Kenya government was excited and it is the one that introduced the scholarship and maybe where you are Honorable Commissioner, you are in a comfort position that you feel you can apportion blame on Ford Kenya. Tomorrow, history never forgets. You may find yourself...

Mr. Speaker: Hon. Opwora, do you want some punitive action to be taken against you? Now that you already have a problem with your hand, more punishment will be very severe for you. Proceed Hon. Wafula!

Hon. Stephen Wamalwa: Thank you Sir. Tomorrow you may find yourself at a point where you want to address this issue and maybe the circle is moving round. You will now have the same responses which are not good. We want to encourage each one of us that this is not a political issue taken in a partisan manner. It is an aspect of economy of this County. It is going to affect each one of us, every ward and every part of this County so let us all in unity, one voice and one accord accept and say we need proper answers, planning and explanation on how we are going to sustain this program and two, the other questions raised by Hon. Henry Majimbo we cannot wish them away. We will want to have proper responses and answers to these issues raised in good faith.

I want to believe that Hon. Majimbo did not raise these issues because of other reasoning. It is just for the purpose of streamlining the running of this County and proper management of resources of this County. Therefore all of us in one accord, let us treat this issue as non-partisan but as a House, where we stand to oversight and maybe correct the mistakes. Let us do it in one accord so that our County can move forward for us all.

Mr. Speaker: Thank you Hon. Wafula.

Hon. Luke Opwora: Thank you Honorable Speaker. I want to thank my senior Hon. Okumu Majimbo for raising this statement. I have the following submissions to make. First, this is a rude and rogue Government. Why I say that is this Government almost turned me to be a goon. I want to thank God for enabling me see the light. If you all know, I was arrested, taken to court because of defending this same Government. The same Government sent me to Kamusinga to take out the Principal and it was a very bad experience and I want to thank God that finally I saw light.

Mr. Speaker: Were you in the company of Hon. Stephen Wafula?

Hon. Luke Opwora: As we are discussing about this issue of the CECs and C.Os disrespecting this Honorable House, we must have a stand as a House. I say so because I brought here a report on BUCOYEF, BUCODEF and BUCOWEF. These monies were eaten by the same department. This House pronounced itself, we said we are going to summon the CEC and the CO to give us a status report on those funds, funds that when the Government came in had some monies in the account but which cannot be accounted for to date. Monies which when you question, they say you are bad, you are not supporting the Government and yet what they are doing is wrong.

I brought the report to this House. We had ward games where we allocated money as an Assembly...

Mr. Speaker: Hon. Opwora just go back to the issue at hand.

Hon. Luke Opwora: No, I am building my case Honorable Speaker because the two issues are...

Mr. Speaker: Hon. Tony and Mukhongo, kindly allow him proceed!

Hon. Luke Opwora: Yes, because the two issues are what I am trying to say. Reports from several wards and Sub counties were never received and we have never concluded that report to date. We said here in this House and on HANSARD that we are summoning the CEC and the C.O; they never appeared, so I am not surprised. As I have started my statement, this is a rude and rogue Government. They cannot respect this House unless you pronounce yourselves. They say you are *Ugali Kuku* MCAs. They do not respect you, whether elected or nominated .The people of this Government do not respect either of you. They can only use you when they want to. That is my position because I have been there, I have seen it and I am not going back there.

Mr. Speaker: Thank you Hon. Opwora.

Hon. Franklin Simotwo: Thank you Mr. Speaker. Allow me also to have my submission.

(Loud Consultations)

Mr. Speaker: Order members! Allow Hon. Simotwo to proceed!

Hon. Franklin Simotwo: On the issue of scholarship, I also agree with most of the members who have come out clearly on how this programme will be sustained because we are not only living for today, we are projecting the future so there is a quick need that the Government which is responsible should come and explain how they think this program should be sustained. I was really making a lot of comparison with other scholarships across the country. If you look at the scholarship maybe like the Elimu scholarship, there is a lot of streamlined programs. This is why it is important for all of us as the people of Bungoma to know how this program would be sustained so that in the near future, we may not have problems with our children because looking at the 7000, this is not a small number. It's big and we must look for funds which may be incorporated to the same program.

Secondly, I was also looking at the normal bursaries. As we speak, even the Elimu scholarship, there are some areas where scholarship programmes are given to pupils who scored 200 marks so I wonder why this Government is taking only those with 350 and above when we have children who have 200 marks and they come from very vulnerable families. It should be a well-defined program. As we speak, in Chepyuk where the schools are not well facilitated, it's not like a pupil learning in DEB here and so it is not fair for denying a child in Chepyuk whose marks are 250 and you want to equate with a pupil in DEB or Maraka. That is why we are saying this thing should be looked into.

I need the Government to give the children of Chepyuk who scored 200 and 250 marks scholarship because that is an area which is still very remote and that child has really toiled to get 250 marks. Otherwise it is not fair, it is inhuman and it should be revisited so that these children from Chepyuk and Chepkitale where I feel it is still very remote should be given an equal opportunity so that they can also get the scholarship and go to school.

Secondly, as you look at Elimu scholarship, the students who have been granted this scholarship are given the items because it is a full scholarship so the Government should provide because the parents to these kids cannot afford the mattresses, boxes etc. So it is a full scholarship program where the Government should have all the items for these children. Why are we moving away? They should tell us where these kids will get these boxes and uniforms because they are needy, they cannot get those items. They are still at home; they are saying they have not gone to school because they do not have boxes and those other items. So it is a serious issue that must be addressed. Whoever came up with this statement, I think it is not that we are fighting the Government but this is a House that needs to know what the people of Bungoma should get.

Mr. Speaker: Thank you Hon. Simotwo.

Hon. Henry Majimbo: Mr. Speaker, I am the originator of this statement and I was guided by the spirit of the Constitution especially Article one of the Constitution that states that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution.

Sub article two says the People may exercise their sovereign power either directly or through their democratically elected representative and I think I was democratically elected to represent the people of Khalaba. It beats logic that a section of the County Executive has taken this matter casually and sort of politicized it by claiming that we are fighting this program. I gain more if this program is a success but I, my people of Khalaba and the entire County stand to lose if it flops.

As a member of an oversight institution, I am under obligation to manage risks. This is one way of managing a risk. We have many needy and bright children who require assistance from us and when I raised this statement, I was also guided by the provision of Section 9 Subsection 1(d) that states,

“a Member of the County Assembly shall provide a linkage between the County Assembly and the electorate on public service delivery.”

I do not see any malice there because I have the correct information to send back to my people.

Section 39 of the County Governments act states as follows; Accountability of members of the Executive Committee that is the County Executive Committee Member. That,

“Members of the County Executive Committee are individually...” sorry let me go to subsection two; That *“a committee of the County Assembly may require a member of the executive committee to attend or appear before the committee and answer any question relating to the members responsibilities.”*

And that is what this Honorable House did. It invoked the provisions of section 39(2) (a) and (b).When I read the request from the CECM requesting that we allow them to be here on 2nd of

June and having read what was posted on social media pages for the past one week, I ask myself whether indeed we are doing the right thing or we are trying to play monkey games. Every Kenyan has a right to information and it is enshrined in our Constitution under Article 35. So on behalf of Khalaba people, I have a right under Article one and two and under article 35 of the Constitution, the right to information.

That is what informed me to come up with the following statement. This statement, I don't know whether the level of understanding by the executive is wanting or I don't know what is wrong with them.

I used the simplest English, most basic English to raise the following and it beats logic to see the CEO of this County meandering in the County and giving people false information that we want to go to Court to stop this programme. Shame on him and his cronies for misleading the public!

I don't know where in this statement I have threatened to go to court, neither has this House threatened to go to court over the same matter. My statement was very clear. I asked, has the CECM - Education complied with the provision of regulation eight? I want to read regulation eight and I asked further, if so, avail the breakdown of the allocation as stated in 8(1) (a), (b), (c), (d), (e) for the financial year 2019/2020.

I want to read and go on record and see whether by me asking this statement I was malicious, fighting the Government, whether I'm sabotaging Government programme or not because they have contravened the same regulations they brought here for us to pass. It is here! This is the regulation that we passed here; the initial capital of the scheme shall be allocated as follows:

An amount not exceeding 3% of the total fund shall be allocated for the fund administration purposes.

(i) (b), states that an amount not less than 20% and not exceeding 40% of the fund shall be disbursed as grants for vocational training programmes.

c) that an amount not less than 30% and not exceeding 50% of the fund shall be disbursed as Ward bursaries to needy students.

d) an amount not less than 10% and not exceeding 25% of the fund shall be disbursed as grants for pre-primary Education programmes and

e) an amount not exceeding 8% and not exceeding 16% of the fund shall be disbursed as Scholarship targeting outstanding Secondary Schools students.

That is what I wanted them to come and tell us. How much have they disbursed to pre-primary programmes? How much have they disbursed to the Vocational training Centres, Scholarships and how much have they disbursed to bursaries as per this Regulation? I did not go outside what was passed here.

If someone moves around and says Majimbo and others are fighting this programme, shame on that person. Some people go to school but instead of even getting skills to manage people, they go to school to even become more stupid because they cannot even interpret these simple regulations. On top of that, I also want to blame ourselves as a House because we have been passing budgets here but we have not been pronouncing ourselves on these regulations.

I think even the buck stops with us especially the Committee on Education. Shame on them because they could have given guidance. This is the guiding document that we have appropriated 400 million for and for instance in this proposal for this financial year 2022/2023, there is a proposal for 400 million.

They should come out and say that out of 400 million, this percentage should go to administration, this percentage should go to Vocational Training Centre, this percentage should go to the ECDE and this percentage should go to the bursaries and this percentage should go to scholarship but when they sit and they don't oversight and all of us here, the 60 of us plus the Speaker, then I think the buck stops with us.

I mean, we can't run away from this problem and in fact we ourselves are part of the problem. We have cases of students who have finished form four and that is why I said, let's get the list of ongoing students and the status of the school fees. It is in my status here and Hon. Magudah will attest to it. I had asked in this statement, very simple English that submit the scholarship fee payment status report and list of ongoing students per each ward.

We have information. One student from one of our Wards who completed his form four studies in Friends School Kamusinga has a fee balance of Ksh.92, 000/= and he comes from a poor background. That is just an isolated case.

Suppose we have other students from other schools and no one wants to give us a status report on fee balances in this case and we call ourselves leaders, we are supposed to oversight and someone, because you fear that when you say it, he will go and malign you in public.

I'm like that animal called *Khisi*, which has evaded so many *misukunis*...

Mr. Speaker: Is it the Antelope?

Hon. Henry Majimbo: When you see one of my age mates you will ask this antelope has evaded so many *Misukunis*. It is called *Misukunis* in English, So I'm not scared of anyone telling me that I'm out for some mischief for I have had so many of those things before but I'm guided by the spirit of telling people the truth.

In my statement, I also asked them whether they had complied with the provisions of Regulation 1s and this 18 talks of Management of the Scholarship Scheme and they say; they shall establish a scholarship scheme to be managed by the County Education Support Scheme Committee and it goes ahead and says, all submissions, listen to this, "*all applications of scholarship shall be*

made to the County Education Support Scheme through the Ward Education Support Scheme Committee in form prescribed by the first schedule.”

The Ward Education Support Scheme Programme Committee shall receive the applications and submit all the applications with the recommendations to the County Executive Support Scheme Committee. Why am I raising this? We have seen photos being flushed on social media parading these needy and bright students, with their families. That is demeaning! A human being needs some dignity.

The people who have been doing this are not even members of the Committees, I mean the statutory committees of education. The members who have been doing this, visiting needy cases are members of executive who are not members of the Committee. It is only the Committees who have been mandated to vet and not anyone else. So I was asking whether they can submit evidence to the effect that indeed these committees are still active.

Allow me as I almost come to the end of my submission just to share some information which is very interesting and it touches on the submission made by Hon. Barasa Mukhongo. That the County Executive, if it is not hoodwinking the residents of Bungoma County, then I don't know what it is doing. The County Government of has gone ahead to say, we are going to offer scholarships to 7,000 students. That is commendable.

To anyone who is a stranger to Bungoma County and who is not privy to this information; some of us might think Bungoma is Canaan - Land of honey and bread. Now there is this issue of students who have been vetted by the so called the vetting Committees. These committees have gone further and given scholarships to a School called Mukhaweli High. I have googled, but I only know Mukhaweli Primary School in my Ward.

I'm shocked in one of the list here that a good Samaritan send to me in one of the Wards. Mukhaweli is captured as one of the beneficiary Schools. Mukhaweli High School. That is why we want to verify these schools. That is why we have requested for them because that is oversight. If it is not oversight, then what is it for it is not witch hunt?

You find on this list, some students have been awarded scholarships. Others have been recommended for normal bursaries. They have not indicated the amount but I'm told it is Kshs. 5000/=.

Why should you hoodwink, and why should you lie to the Public that you are paying Scholarship to 7,000 students when the list here shows that some students have been recommended for normal bursary and we have the Ward bursary Committees that are supposed to undertake this.

To make this one even more interesting, if you go through some of the schools that have been given scholarships, and some of the schools that have been given normal bursaries, you will start

asking, what was the parameter used because you find a school that is not even an Extra County School being given Scholarship and a School like Kibabii Boys, a student is being given normal bursary.

That is the kind of information we wanted to get and we go out with this information. We want to be good ambassadors for these programmes. As I end, I want to make a proposal that we can't wait up to the 2nd of June. I want to ride on what Hon. Kipkut proposed that we can't wait for that date; we bring it a little bit earlier. Let us give them a fair administrative hearing then we can give them seven or ten days from now so that we can be within the time that we can proceed for *sine die*.

I want to call upon my colleagues seated here, please don't misconstrue whatever some of us say to be mischief. You are friends of the Executive because some of you think that when Hon. Majimbo speaks, he is being programmed from some quarters. If I have been in this game for over 25 years, and these fellows made you think they are programming me, when you were not even buddies with them and I'm doing what I'm doing. I've never changed and I will never change.

(Applause)

I will never change! This is me. When someone stands up and says, this is a FORD Kenya resolution to undermine this programme. A whole State Officer, a man who says he has a Master's degree in some funny field before a microphone in Tongaren, saying that this political outfit has taken me to Court sixty times, and when you ask him what are these sixty suits? Can you bring the list of those sixty suits that you have been subjected to, he can't do it.

This is the person who still wants to be given another term of five years with the goons. I was looking at the dictionary that a goon is a violent, aggressive person who is hired to intimidate or harm people. Are we going to endure these intimidations for another five years? These intimidations for five years again! We will run to Uganda.

I have no home in Uganda. My home is in Khalaba here. I'm sticking to the point. If you want you can talk. I told you the other day that you are political novice. So keep quiet. When we are talking serious matters, you are saying stick to the point. Can you have a point to say? I can sit down and surrender some of my time. I sit down. Say, we are in serious business! I don't want Hon. Everton to take these things for granted.

Mr. Speaker: Hon. Kipkut I'm trying to get your number.

Hon. Ben Kipkut: Mr. Speaker, we are discussing a very serious issue and I don't want us to end it on a very bad note the way I'm seeing. My senior is speaking his minds and the truth is that this thing is going to help all of us and I want to urge my other colleagues. We have people

who have been goons and have been baptized. For example my colleague there has been a goon and people change.

(Applause)

He is admitting he was hired...

Mr. Speaker: I agree with you he confessed before this House that he was once a goon.

Hon. Ben Kipkut: I was really listening to my senior, let him finish and let us be patient.

Mr. Speaker: My time runs up to 1:00 p.m. so this is the only Motion I'm having here. If you want even to speak up to one, I have no problem.

Hon. Henry Majimbo: As I finish, I just want to share with my colleague that these public officers are subject to the provisions of the Constitution. Article 226 of the Constitution says;

If the holder of a public office including a political office directs or approves the use of public funds contrary to law or instructions, the person is liable for any laws arising from that use and shall make good the laws whether the person remains the holder of the office or not.

This should be a wakeup call to those accounting officers. That they should not take these things for granted. Whether they will be in office or not, Article 226 is very clear on that. I just want to plead with my colleagues who are friendly to them to go and advise them accordingly that they can run, but they will never hide.

When you run away from a problem, you are not solving that problem; you are yet creating another problem. I just want to plead. Let them just come and respond to this statement for I came up with this statement without any malice and without any mischief but in good faith for the people of Bungoma.

I like education and I have passion for education but we cannot leave a programme to be mismanaged to the point of when people will ask us, what remedial measures did you put in place to salvage this programme and we have no answers. We have an opportunity as Honorable Members to salvage this programme. Thank you for giving me the opportunity.

(Applause)

Mr. Speaker: Thank you Hon. Majimbo. Hon. Nganga, do you want to speak?

Hon. Opwora, I don't want to take action against you, just have some respect for your colleagues.

Honourable Members, having heard your contributions and your submissions, and in view of the County Assembly's calendar, the request by the CECM and by the Chief Officer Education has

been considered but declined the proposed dates. Invoking article 105(iii) which I will be able to quote for you;

'A county Assembly while respecting the principle of separation of powers, may exercise the powers of County Executive Committee and any other executive organ,'

And equally, invoking Article 195 (i);

'The County Assembly or any of its Committee has powers to summon any person to appear before it for the purposes of giving evidence or providing information,

For the purposes of clause

- (i) an Assembly has the same powers as of the high court;*
- (ii) a) enforce attendance of the witness and examining them on oath, affirmation or otherwise*
b) compel the production of documents and;
c) issue a commission or request to examine the witness abroad."

Invoking the two articles, The CECM and the Chief Officer for the department of Education and Vocational Training are hereby summoned to appear on 19th of May 2022 in our 2:30 p.m. sitting to respond to issues raised by Hon. Majimbo so that as the House handles the financial estimates 2022/2023, it will have full information because it may be a factor.

Members, from our calendar, we are projecting that the week starting from 24th, 25th and 26th we will be handling the budget. So when we take the summons to the 2nd of June, then we want same issues raised before, it becomes mischievous.

The summonses are hereby issued to appear on 19th May 2022 in our 2:30 p.m. sitting. So let them come before this House and we handle them just like any other witnesses so that we clear these issues. It is meant for all of us, nothing like politics here. Even where I come from, we have those issues.

(Applause)

Honorable Members, looking at our Order Paper, that was the main item. We will adjourn our sitting and resume at 2:30 p.m.

(House adjourns)