

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 4<sup>th</sup> June, 2019**

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Lusaka) in the Chair]*

### PRAYER

### COMMUNICATION FROM THE CHAIR

#### CONSULTATIVE RETREAT BETWEEN THE SENATE AND THE CRA

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I rise to support the Petition. However, from the onset, I welcome the students from Bungoma. I encourage them to visit the Senate and the other House of Parliament so that they can aspire to be here in future.

Mr. Speaker, Sir, on the issue of the Petition, I am a little bit baffled. My take will be completely different. Failing an exam does not mean it is the end of the world for a person.

It will be ridiculous for us to encourage failure. When you look at the panel that marks the exams from the Council of Legal Education (CLE), it is made up of professional lawyers, people from the State Office and the Office of the Director of public Prosecution (ODPP).

There is a big problem which came in a few years ago when people were talking about taking away the mandate of KSL and giving it to private institution so that it can spread. Consequently, any person can go to the UoN, go to a similar arrangement like KSL then go out to practise. What we need to look at when we are looking at this Petition is how true the issue of money is. They are talking about Kshs15000 being paid to re-sit an exam.

How was that student performing when he or she was at the University of Nairobi (UoN) or any other university in this country before they went to the Kenya School of Law (KSL)?

Personally, I feel that there has to be a different entity that sets examinations. If the petitioners argue that they started failing when examinations started being set by the Council of Legal Education, then we have to find out if the examinations that used to be set by the KSL were accurate or if there was any favouritism.

We also went to colleges and sat for examinations. Even the examinations done in primary and secondary schools are not set by the same schools. There is an entity tasked with setting examinations. So, we have to be careful.

I know there are issues being raised by the petitioners in terms of auditing the finances but that is the work of the Auditor-General. I am also aware that there is an audit being carried out after the former Director of the KSL, Prof. PLO, left and the new director took office. They invited people to carry out a forensic audit of the finances. So, we have to separate the two. Are the students failing because they did not prepare or are they failing because there is some sort of a cartel movement that wants to be responsible for who should practise law? We have to interrogate this.

Mr. Speaker, Sir, I urge Members of the committee that you will task with this Petition, which is likely to be the Committee on Justice, Legal Affairs and Human Rights, to look at the issues critically. Let them audit the process of carrying out the examinations. They should find out if the process is fair and sound or if it should be carried out by the KSL.

I support.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I rise to welcome the students from Maasai Girls Secondary School to this great House. Last Saturday, we hosted the 56<sup>th</sup> Madaraka Day celebration in Narok and the students from Maasai Girls Secondary School played a big role on that day. I am happy that they have come here to see how we debate. I want to encourage them to pick ideas from the Senators who will speak here. If they listen keenly, they will realise that we view things from different perspectives.

The Petition that is being discussed at the moment is an example of the things that come here. I hope that they will aspire to be in this House so as to bring change. The future of this country depends on these young girls. Maasai Girls Secondary School is a great school. This school is directly opposite Narok Boys High School where I went to school and I have good stories about the two schools but those are stories for another day.

I want to remind them that I will be visiting their school and I hope that some of these Senators and the Speaker will accompany me.

I welcome them to the Senate and I hope that they will enjoy their time here.