

Approved for tabling *Pat SNA*

*1/12/2020*

REPUBLIC OF KENYA




THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – FOURTH SESSION

DEPARTMENTAL COMMITTEE ON EDUCATION AND RESEARCH

REPORT ON THE PETITION REGARDING IMMINENT CLOSURE OF JOMO KENYATTA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY, KAKAMEGA CAMPUS BY HON. TITUS KHAMALA, MP

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 01 DEC 2020	DAY: TUE
TABLED	HON FLORENCE MUTUA (CHAIRPERSON)
	M. MOBO

Published by:-  
Directorate of Departmental Committees  
Clerk's Chambers  
National Assembly  
Parliament Buildings  
NAIROBI

DECEMBER, 2020



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## **CHAIRPERSON'S FOREWORD**

This Report contains the Committee's proceedings on the consideration of the Petition regarding closure of the Jomo Kenyatta University of Agriculture and Technology Kakamega Town Campus.

The Petition was submitted to the National Assembly by the Member of Parliament for Lurambi Constituency, Hon. (Bishop) Titus Khamala Mukwana, MP, on behalf of concerned students of JKUAT Kakamega Town Campus on Thursday 15<sup>th</sup> October, 2020. The Petition was subsequently committed to the Departmental Committee on Education and Research for consideration and reporting pursuant to Standing Order 227.

The closure of the Campus was bound to adversely affect the lives and disrupt studies of about 800 students. This was despite plans by the County Government of Kakamega which had already secured land for the Campus approximately 3.5 acres with lecture rooms in Lurambi Constituency and another 50 acres in Likuyani Constituency.

Before the process of fully acquiring land for the Campus was completed, the management of JKUAT Kakamega Campus issued a short notice for permanent closure of the Kakamega Campus by 30<sup>th</sup> August 2020 and directed student to either opt for online classes or relocate to other JKUAT campuses in Kitale, Kisii or Nakuru.

### **The Petitioner specifically prayed that the National Assembly through the Departmental Committee on Education and Research:**

- a) Inquires into the issues raised in the Petition with a view to establishing the circumstances leading to the abrupt issuance of a memo for closure Jomo Kenyatta University of Agriculture and Technology, Kakamega Campus, despite the progress made in providing land for permanent establishment of the facility at its own premises;
- b) Recommends to the Ministry of Education and the Commission for University Education to reverse the decision to close the Campus so as to secure the interest of students whose studies are at the risk of being shattered by the abrupt closure;
- c) Makes other recommendations it deems necessary in addressing the plight of the Petitioners.

In considering the Petition the Committee held a total of three (3) sittings. During the Sittings the Committee received oral and written submissions from the Petitioner and the Management of Jomo Kenyatta University of Agriculture and Technology led by the Vice Chancellor, Prof. Victoria Wambui Ngumi, PhD. The Committee thereafter considered and deliberated on the prayers by the Petitioner.

The records of evidence adduced, documents and notes received by the Committee form the basis of the Committee's observations/findings and recommendations as outlined in the Report and can be obtained in the Parliament Library.

### **Acknowledgement**

The Committee wishes to record its appreciation to the Office of the Speaker and the Clerk of the National Assembly for facilitating it to fulfil its mandate.

The Committee is also grateful to all stakeholders who appeared before it to present their views on the Petition and finally the Committee Secretariat for the services rendered. It is their commitment and dedication to duty that made the work of the Committee and production of this Report possible.

On behalf of the Members of the Departmental Committee on Education and Research, it is my pleasant duty and privilege to table the **Report on the Petition regarding the imminent closure of the Jomo Kenyatta University of Agriculture and Technology Kakamega Town Campus** pursuant to Standing Order 227.

**Hon. Florence M. Mutua, MP**

## **1.0 PREFACE**

### **1.1 Establishment of the Committee**

1. The Departmental Committee on Education and Research is established under the National Assembly Standing Order 216 (5). The Committee is mandated, among others, to: -
  - (i) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
  - (ii) study the programmes and policy objectives of Ministries and departments 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 Ministries and Departments as measured by the results obtained as compared with their stated objectives;
  - (v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
  - (vi) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on Appointments);
  - (vii) examine treaties, agreements and conventions;
  - (viii) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
  - (ix) consider reports of 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 its mandate.

### **1.2 Mandate of the Committee**

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider Education, Training and Research.
3. In executing its mandate the Committee oversees the Ministry of Education and the Teachers Service Commission.

## **2.0 CONSIDERATION OF THE PETITION**

### **2.1 MEETING WITH THE PETITIONER HON. TITUS KHAMALA, MP**

During a meeting held on 12<sup>th</sup> November, 2020, Hon. Titus Khamala, MP in his Petition (ANNEX I) submitted to the Committee as follows:

- (i) That, university education is one of the critical foundations for building the necessary technical human resource capabilities needed to drive the country towards achieving the Kenya Vision 2030 as well as establishing the country as a middle class economy.
- (ii) That in furtherance of the above vision, the Government embarked on an ambitious programme of expanding places for university education by accrediting more universities and establishing new campuses;
- (iii) That in 2011, Jomo Kenyatta University of Agriculture and Technology opened up a constituent Campus in Kakamega Town at Ambwere Fraha Building with an initial enrolment of 17 students, which has grown to more than 800 undergraduate and post graduate students currently pursuing different courses;
- (iv) That from 2017, the political leadership of Kakamega and County Government of Kakamega initiated plans to secure land to relocate the campus from the rented premises and put up appropriate structures in support of permanent establishment of the Campus
- (v) That, the County Government of Kakamega has already secured land for the Campus approximately 3.5 acres with lecture rooms in Lurambi Constituency and another 50 acres in Likuyani Constituency.
- (vi) That the process of fully securing land for the Campus began on 15<sup>th</sup> June 2020, the management of JKUAT Kakamega Campus issued a short notice for permanent closure of the Kakamega Campus by 30<sup>th</sup> August 2020 and directed student to either opt for online classes or relocate to other JKUAT campuses in Kitale, Kisii or Nakuru;
- (vii) That the abrupt closure of the Campus is not in the best interest of the students given that it will adversely disrupt learning programmes for more than 800 students, some of whom had just one semester remaining to complete their undergraduate studies and occasion loss of livelihoods for staff and service providers in Kakamega town who were dependent on the university population;
- (viii) That the imminent closure has failed to take cognizant of the efforts made by the County Government of Kakamega to avail land in Lurambi and Likuyani constituencies for the permanent establishment of the Campus, hence likely to erode the gains made in expanding the opportunities for accessing university education;
- (ix) That the inconveniences and challenges associated with the imminent closure will potentially shatter the dreams of many undergraduate and postgraduate students at the affected Campus because some of them may not be able to fund the relocation or opt for online classes given that technology courses cannot be effectively delivered online.

- (x) That efforts by the local leadership and the student leadership to have the relocation halted have not yielded fruit;
- (xi) That, the matters in respect of which the Petition is made are not pending before any court of law or constitutional or legal body;

### **Prayers to the Committee**

The Petitioner, prayed to the National Assembly through the Committee to:

- d) Inquire into the issues raised in the Petition with a view to establishing the circumstances leading to the abrupt issuance of a memo for closure Jomo Kenyatta University of Agriculture and Technology, Kakamega Campus, despite the progress made in providing land for permanent establishment of the facility at its own premises;
- e) Recommends to the Ministry of Education and the Commission for University Education to reverse the decision to close the Campus so as to secure the interest of students whose studies are at the risk of being shattered by the abrupt closure;
- f) Makes other recommendations it deems necessary in addressing the plight of the Petitioners.

During the meeting, concerns were raised by Members over the mushrooming of offshoot campuses and constituent colleges some of which lacked proper facilities for conducive learning. While the Committee appreciated the rising demand for higher education, it was imperative that basic learning and accommodation infrastructure is set up before commencement of operations.

It was resolved that the Vice Chancellor of Jomo Kenyatta University of Agriculture and Technology and the Ministry of Education (State Department for University Education and the Commission for University Education) be invited to shed light on the issues highlighted in the Petition.

## **2.2 SUBMISSION BY PROF. VICTORIA WAMBUI NGUMI, THE VICE CHANCELLOR, JOMO KENYATTAA UNIVERSITY OF AGRICULTURE AND TECHNOLOGY**

Prof. Victoria Wambui Ngumi, PhD, appeared before the Committee on 17<sup>th</sup> November, 2020 to respond to the matters raised in the Petition.

She informed the Committee that the Jomo Kenyatta University of Agriculture and Technology, Kakamega Campus was already closed.

That the issue of closure of the campus is a subject of an ongoing Court Case being *Kakamega High Court Miscellaneous Civil Application No. 35 of 2020 Jomo Kenyatta University Students Association (JKUSA), Kakamega CBD Campus Vs. Jomo Kenyatta University of Agriculture CBD Campus and Commission for University Education.*


#### 4.0 COMMITTEE OBSERVATIONS

The Committee observed that:

- 1) The subject matter on which the Petition was filed is a subject of an active court case Kakamega High Court Miscellaneous Civil Application No. 35 of 2020 Jomo Kenyatta University Students Association (JKUSA), Kakamega CBD Campus Vs. Jomo Kenyatta University of Agriculture CBD Campus and Commission for University Education.
- 2) Standing Order 89 of the National Assembly Standing Orders embodies the sub-judice rule which restrains National Assembly from considering and determining matters active before the courts.
- 3) At the time of presenting the Petition to the National Assembly, Hon. Titus Khamala Mukwana, MP, had not been notified of the case filed by the students of the JKUAT Kakamega CBD Campus against the management of the Jomo Kenyatta University of Agriculture and Technology (JKUAT) and the Commission for University Education (CUE).

#### 5.0 COMMITTEE RECOMMENDATION

**In response to the Petitioner's prayers and noting that the matters in respect of which the Petition is made are pending before a court of law; the Committee recommends that further consideration and determination of the Petition should not be proceeded with.**

SIGN  DATE 11/12/2020  
HON. FLORENCE M. MUTUA, MP  
CHAIRPERSON, COMMITTEE ON EDUCATION AND RESEARCH





Approved,  
SNA  
15/10/2020

**PUBLIC PETITION**

(No. 35 of 2020)

**REGARDING IMMINENT CLOSURE OF JOMO KENYATTA UNIVERSITY OF SCIENCE AND TECHNOLOGY, KAKAMEGA CAMPUS**

I, the UNDERSIGNED, on behalf of concerned students of Jomo Kenyatta University of Science and Technology, Kakamega Campus;

DRAW the attention of the House to the following: -

1. THAT, university education is one of the critical foundations for building the necessary technical human resource capabilities needed to drive the country towards achieving the Kenya Vision 2030 as well as establishing the country as a middle class economy;
2. THAT, in furtherance of the above vision, the Government embarked on an ambitious programme of expanding places for university education by accrediting more universities and establishing new campuses;
3. THAT, in 2011, Jomo Kenyatta University of Science and Technology opened up a constituent Campus in Kakamega Town at Ambwere Fraha Building with an initial enrolment of 17 students, which has grown to more than 800 undergraduate and postgraduate students currently pursuing different courses;
4. THAT, from 2017, the political leadership in Kakamega and the County Government of Kakamega initiated plans to secure land to relocate the campus from the rented premises to its own premises and put up appropriate structures in support of permanent establishment of the Campus;
5. THAT, the County Government of Kakamega has already secured for the Campus approximately 3.5 acres of land with lecture rooms in Lurambi Constituency and another 50 acres in Likuyani Constituency;
6. THAT, the process of fully securing land for the Campus began in 2017 and the final approvals were forwarded to the National Land Commission in 2019 for allocation of allotment letters and issuance of title deeds to the Campus;
7. THAT, in a disappointing turn of events, on 15<sup>th</sup> June 2020, the management of JKUAT Kakamega Campus issued a short notice for permanent closure of the Kakamega Campus by 30<sup>th</sup> August 2020 and directed student to either opt for online classes or relocate to other JKUAT Campuses in Kitale, Kisii or Nakuru;
8. THAT, the abrupt closure of the Campus is not in the best interest of the students given that it will adversely disrupt learning programmes for more than 800 students, some of whom had just one

1. Speaker  
Submitted for your  
approval.  
14/10/2020

## PUBLIC PETITION

### REGARDING IMMINENT CLOSURE OF JOMO KENYATTA UNIVERSITY OF SCIENCE AND TECHNOLOGY, KAKAMEGA CAMPUS

semester remaining to complete their undergraduate studies and occasion loss of livelihoods for staff and service providers in Kakamega town who were dependent on the university population;

9. THAT, the imminent closure has failed to take cognizance of the efforts made by the County Government of Kakamega to avail land in Lurambi and Likuyani Constituencies for the permanent establishment of the Campus, hence likely to erode the gains made in expanding opportunities for accessing university education;
10. THAT, the inconveniences and challenges associated with the imminent closure will potentially shatter the dreams of many undergraduate and post graduate students at the affected Campus because some of them may not be able to fund the relocation or opt for online classes given that technology courses cannot be effectively delivered online;
11. THAT, efforts by the local leadership and the student leadership to have the relocation halted have not yielded fruit;
12. THAT, the matters in respect of which this Petition is made are not pending before a Court of law, constitutional or legal body;

THEREFORE, your humble Petitioners pray that the National Assembly through the Department Committee on Education and Research: -

- (a) Inquires into the issues raised in this Petition with a view to establishing the circumstances leading to the abrupt issuance of a Memo for closure of Jomo Kenyatta University of Science and Technology, Kakamega Campus, despite the progress made in providing land for permanent establishment of the facility at its own premises;
- (b) Recommends to the Ministry of Education and the Commission for University Education to reverse the decision to close the Campus so as to secure the interest of students whose studies are at the risk of being shattered by the abrupt closure;
- (c) Makes any other recommendation it deems necessary in addressing the plight of the Petitioners.

And your PETITIONERS will ever pray.

PRESENTED BY,



THE HON. (BISHOP) TITUS MUKHWANA KHAMALA, MP  
MEMBER FOR LURAMBICONSTITUENCY