

3 221

THE CLERK OF THE NATIONAL ASSEMBLY,

P.O BOX 41842-00100,

NAIROBI.

① SDC
pse process
Inland
17/4

Dear Sir, Mr. Ndombvi-BKS

pse advise if provisions
S.O. 230 (1) (a) have met
by the petitioner to enable us
process as 'per the stated S.O. Sider' 18/4/13

RE: NOTICE OF INTENTION TO PRESENT A PETITION UNDER STANDING ORDER NO. 222.

Pursuant to the Provisions of Standing Order No. 222 this is to notify issue a notice of intention to present a Petition for the removal of the Chairperson and members of the Salaries and Remuneration Commission within the meaning of Article 251(1) of the Constitution.

The intended petition is herewith attached for your perusal and examination

Thank You

Irene Souta

HON. Mr. Linturi ~~Tigania~~ East Member of Parliament.



17/4/2013

REPUBLIC OF KENYA

NATIONAL ASSEMBLY

PETITION FOR THE REMOVAL OF A MEMBER OF A CONSTITUTIONAL
COMMISSION

TO THE NATIONAL ASSEMBLY.

I **HON. Mithika Linturi** the Member of Parliament for Igembe South. A citizen of the Republic of Kenya from Meru County.

I am aggrieved by the actions of the Chairperson and the members of the Salaries and Remuneration Commission for the following reasons;

- a) The Chairperson and members of the Salaries Commission have violated, breached, infringed and/or threatened the Preamble of the Constitution.
- b) The Chairperson and members of the Salaries and Remuneration Commission have violated, infringed, breached and/or threatened the values under Article 1 (1) (2) of the Constitution.
- c) The Chairperson and members of the Salaries and Remuneration Commission have violated, infringed, breached and/or threatened the value protected by Article 2 (1) (4) of the Constitution.
- d) The Chairperson and members of the Salaries and Remuneration Commission have infringed, violated, breached and/or threatened Article 3(1) of the Constitution.
- e) The Chairperson and Members of the Salaries and Remuneration Commission have infringed, violated, breached and/or threatened Article 10 of the Constitution.
- f) The Chairperson and the members of the Salaries and Remuneration Commission have disregarded and/or ignored the provisions of Article 94 (1) (4) (5) of the Constitution.
- g) The Chairperson and members of the Salaries and Remuneration Commission have disregarded, ignored and breached Article 127(6) of the Constitution.
- h) The Chairperson and members of the Salaries and Remuneration Commission have violated, infringed, breached and/or threatened the value protected by Article 41 of the

Constitution which protects free labour relations and they cannot vary/reduce the salary of a state officer to his disadvantage

- i) The Chairperson and members of the Salaries and Remuneration Commission have violated, infringed, breached and/or threatened the value protected by Article 43 of the Constitution which protects the social security of State officers
- j) The Chairperson and members of the Salaries and Remuneration Commission have breached, infringed, violated and/or threatened the values and principles under Article 230 (4) (5) of the Constitution in the following manner,
 - (i) Misapprehended and/or misconstrued review contemplated by Article 230 (4) (a) to mean reduction, downgrading and/or removal instead of enhancing the Salaries of State Officers
 - (ii) The Commission by structurally and fundamentally distorted the salaries of the state officers
 - (iii) The Commission in execution of its Constitutional Mandate failed to take into account the principle of meritocracy protected by Article 230 (5) (b) of the Constitution
 - (iv) The Commission ignored the value of Productivity and Performance under Article 230 (5) (c) of the Constitution
 - (v) The Commission disregarded the principle of transparency and fairness. The Commission discriminated against members of the National Assembly, County Representatives, Women Representatives and Governors
 - (vi) The Chairperson and members of the Salaries and Remuneration Commission have violated, infringed, violated, breached and/or threatened the provisions of clause 32 of the sixth schedule unless the actions are favourable

The Statutory provisions that have been breached, violated, and infringed by the Chairperson and members of the Salaries and Remuneration Commission.

- (i) The Chairperson and members ignored the values and Principles under section 11 of the Salaries and Remuneration Commission

- (ii) The Chairperson and members disregarded the guiding Principles under Article 12 (1) (2) of the Salaries and Remuneration Act 2011. The Commission has treated members of the National Assembly in a degrading and discriminatory manner contrary to Article 27 and 29 of the Constitution
- (iii) The Chairperson and members ignored and disregarded the provisions of the National Assembly and Remuneration Act particularly section 2, 34 and 5.
- (iv) The Chairperson and members ignored the provisions of the Parliamentary Pensions Act particularly Part I and Part II of the first schedule and the second schedule.
- (v) The Chairperson and members violated the provisions of the Appropriation Act 2012 and 2013 which has already authorized salaries of State Officers.
- (vi) The Chairperson and members of the Salaries and Remuneration Commission ignored the provisions of the Parliamentary Service Commission Act.
- (vii) The Chairperson and members actions have antagonised the public opinion against Members of Parliament through painting a negative perception.

Prayers.

The Petitioner beseeches this Honorable House to find and hold that the Chairperson and members of the Salaries and Remuneration Commission have breached, violated, infringed and/or threatened the values and principles that underpin the Constitution.

SIGNED



HON. Mithika Linturi

M.P. Igembe South – Meru County.

17/4/2012