

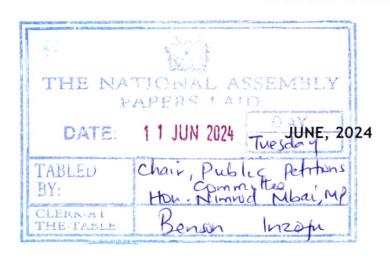
affroret SNA 116/24

THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT (THIRD SESSION - 2024) PUBLIC PETITIONS COMMITTEE



REPORT ON -

THE CONSIDERATION OF PUBLIC PETITION NO. 57 OF 2023 REGARDING THE GAZETTEMENT OF NYATIKE WEST, NYATIKE NORTH AND NYATIKE SOUTH AS HARDSHIP AREAS





DIRECTORATE OF LEGISLATIVE AND PROCEDURAL SERVICES CLERK'S CHAMBERS MAIN PARLIAMENT BUILDINGS NAIROBI

TABLE OF CONTENTS ACRONYMS	2
CHAIRPERSON'S FOREWORD	3
PART ONE	4
1. PREFACE	4
1.1. Establishment and Mandate of the Committee	4
1.2. Committee Membership	5
1.3. Committee Secretariat	6
PART TWO	7
2. BACKGROUND OF THE PETITION	. . 7
2.1. INTRODUCTION	7
2.2 PETITIONER'S PRAYERS	8
PART THREE	9
3.1 SUBMISSIONS BY THE PETITIONER	9
3.2 SUBMISSIONS BY THE MINISTRY OF PUBLIC SERVICE, PERFORMANCE & DELIVERY MANAGEMENT	
PART FOUR	
4.0 COMMITTEE OBSERVATIONS	14
PART FIVE	15
5.0 ANALYSIS OF ISSUES FOR DETERMINATION	15
PART SIX	16
6.0 COMMITTEE RECOMMENDATIONS	16
ANNEXURES	17

ACRONYMS

TSC **Teachers Service Commission** Chief of the Burning Spear Chief Executive Officer CBS CEO PTA

Parents-Teachers Association

Kenya National Union of Teachers KNUT

Kenya Union of Post-Primary Education Teachers Non-Governmental Organizations **KUPPET**

NGOs

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 57 of 2023 regarding the Gazettement of Nyatike West, Nyatike North and Nyatike South as hardship areas. The petition was presented to the House pursuant to Standing Order No. 225 (2) (b) by the Member for Nyatike Constituency, the Hon. Tom Odege, MP on 22nd February, 2023.

The Petitioner prayed that the National Assembly through the Public Petitions Committee recommends to the relevant Ministry/Agencies to gazette Nyatike West, Nyatike North and Nyatike South Sub-Counties as hardship areas.

The Committee considered the Petition and observed that the Ministry of Public Service, Performance & Delivery Management had constituted an Inter-Agency Technical Committee Constitution to address disparities regarding hardship areas across the public service and promote fairness, and ensure parity of treatment among public servants.

The Committee recommends that the Ministry of Public Service, Performance and Delivery Management fast-tracks the review of relevant policies with a view to designate all regions meeting the set-out criteria as hardship areas; and submit the report to the National Assembly within three (3) months upon tabling of this report and that the Ministry of Public Service, Performance and Delivery Management reviews the categorization and gazettement of hardship areas every ten years.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. NIMROD MBITHUKA MBAI, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date. U. b. CT

PART ONE

1. PREFACE

1.1. Establishment and Mandate of the Committee

The Public Petitions Committee is established pursuant to the provisions of Standing Order 208A and is mandated to:

- a) consider all public petitions tabled in the House;
- b) make such recommendations as may be appropriate concerning the prayers sought in the petitions;
- c) recommend whether the findings arising from consideration of a petition should be debated; and
- d) advise the House and report on all public petitions committed to it.

1.2. Committee Membership

The Public Petitions Committee was constituted in October 2022 and comprises of the following Members:

Chairperson

Hon. Nimrod Mbithuka Mbai, M.P. Kitui East Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P Turbo Constituency United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency
Wiper Democratic Movement-Kenya
(WDM-K)

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency
Wiper Democratic Movement-Kenya
(WDM-K)

Hon. Ernest Kivai Ogesi Kagesi, M.P. Vihiga Constituency Amani National Congress (ANC)

Hon. Maisori Marwa Kitayama, M.P. Kuria East Constituency United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P. Baringo Central Constituency United Democratic Alliance (UDA)

Hon. John Walter Owino, M.P.
Awendo Constituency
Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency
Independent

Hon. Bidu Mohamed Tubi, M.P. Isiolo South Jubilee Party (JP)

Hon. Caleb Mutiso Mule, M.P. Machakos Town Constituency Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency
Wiper Democratic Movement-Kenya
(WDM-K)

Hon. Peter Mbogho Shake, M.P. Mwatate Constituency Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P. Sabatia Constituency United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.

Makueni Constituency

<u>Wiper Democratic Movement-Kenya</u>

<u>(WDM-K)</u>

1.3. Committee Secretariat

The Public Petitions Committee is facilitated by the following secretariat:

Head of Secretariat Mr. Ahmed Kadhi Senior Clerk Assistant/Head of Secretariat

Ms. Miriam Modo First Clerk Assistant

Ms. Ann Shibuko First Clerk Assistant

Mr. Calvin Karingo
Media Relations Officer III

Ms. Peter Muteitha
Audio Officer

Mr. Willis Obiero Clerk Assistant III

Ms. Patricia Gichane Legal Counsel II

Mr. Martin Sigei Research Officer III

Mr. Paul Shana
Sergeant-at-Arms

PART TWO

2. BACKGROUND OF THE PETITION

2.1. INTRODUCTION

- 1. Public Petition No. 07 of 2023 regarding the gazettement of Nyatike West, Nyatike North and Nyatike South as hardship areas was presented to the House by the Member for Nyatike, the Hon. Tom Mboya Odege, MP on behalf of the residents of Nyatike Constituency on 22nd February, 2023.
- 2. The petitioner averred that harsh climatic conditions in Nyatike Constituency have become a great concern affecting the locals and even the government workers who are posted to work there.
- 3. Nyatike Constituency meets the criteria for a hardship area due to the vastness of its three sub-counties, deplorable road networks that impede movement, human-wildlife conflicts, lack of clean drinking water, food scarcity, poor communication networks and lack of basic social amenities, among other factors.
- 4. The geographical orientations of the three sub-counties are also characterized by barren sandy soils, rugged and rocky terrain, poor rainfall, perennial floods, high poverty levels and general harsh climatic conditions.
- 5. Government workers posted to Nyatike Constituency have been reluctant to take up jobs in the Constituency including those promoted to work in the region and those who take up the jobs seek transfers after a very short time.
- 6. Schools in Nyatike are extremely understaffed with the few teachers available poorly motivated due to non-payment of hardship allowances by the Government.
- 7. Teachers in the neighbouring sub-counties experiencing the same climatic and economic conditions are receiving hardship allowances for instance, Suba North, Suba South, Kuria East and Kuria West.
- 8. Basic government functions, such as the issuance of birth certificates, death certificates, and Identity cards among other government services, have severely been impeded due to a lack of government professionals to carry them out. Therefore, the Nyatike Constituency has been deprived of quality government services due to inadequate working force occasioned by harsh climatic conditions.
- Despite the Nyatike Constituency having met the criteria used to qualify and gazette it as a hardship area, the government and the relevant Ministry and/or agencies have gazetted it to date.
- 10. The Petitioner prayed that the National Assembly through the Public Petitions Committee

2.2 PETITIONER'S PRAYERS

The Petitioner prayed that the National Assembly through the Public Petitions Committee-

- Classifies and gazettes Nyatike West, Nyatike North and Nyatike South as hardship areas and awards hardship allowance to teachers and other civil servants.

PART THREE

3.0 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 SUBMISSIONS BY THE PETITIONER

On Tuesday, 27th February, 2024, the Member for Nyatike Constituency, Hon. Tom Odege, MP accompanied by two (2) teachers, one Mr. Fredrick Nyabuogi and one Mr. Samwel Orwa, appeared before the Committee and submitted as follows -

- 11. Nyatike Constituency had fulfilled the criteria for gazettement as a hardship area, owing to the vastness of its three sub-counties, dilapidated road networks impeding movements, human-wildlife conflicts, inadequate clean drinking water, food scarcity, deficient communication networks, and a lack of basic social amenities, among other challenges.
- 12. The geographical orientations of the sub-counties are characterized by barren sandy soils, rugged and rocky terrain, poor rainfall, perennial floods, and pervasive poverty, adversely affecting education standards and creating harsh climatic conditions.
- 13. Government workers posted to Nyatike Constituency exhibited reluctance in taking up jobs, and those promoted to work in the region sought transfers shortly afterwards due to the hardship nature of the area.
- 14. Public schools in Nyatike were severely understaffed, with the few available teachers poorly motivated due to the non-payment of hardship allowances by the government. In contrast, teachers in neighbouring sub-counties, such as Suba North, Suba South, Kuria East, and Kuria West, facing similar climatic and economic conditions, received hardship allowances.
- 15. Nyatike Constituency was deprived of quality government services due to an insufficient workforce caused by harsh climatic conditions.
- 16. The region grappled with health challenges, with a Malaria prevalence rate of 32%, Typhoid at 14.2%, and HIV/AIDS at 14.8%.
- 17. Nyatike was a mining area situated between River Kuja and River Migori which were contaminated by mining activities rendering the waters unsafe. Extensive mining had also interfered with arable land, contributing to food insecurity in the area.
- 18. The teacher-student ratio was 1:2 with 61 secondary schools being served by 435 teachers (an average of 7 teachers per school) and 129 primary schools served by 1065 teachers (an average of 8 teachers per school). Additionally, teachers were unable to benefit from medical schemes due to a lack of approved facilities, and the few available were distant, making it difficult to access quality medical care.

- 19. The region had poor telecommunication networks and other infrastructural challenges.
- 20. Lack of enough TSC teachers in public schools led to candidates undertaking their national exams in neighbouring schools as the schools in Nyatike cannot be made examination centres.
- 21. A team from the Ministry of Public Service visited the area to investigate its eligibility for gazettement as a hardship area and assess the conditions of workers in relation to hardship allowances. However, the report has never been released to date.
- 22. Despite Nyatike Constituency meeting the criteria for gazettement as a hardship area, the relevant Ministry has not taken the necessary steps to gazette it.

3.2 SUBMISSIONS BY THE MINISTRY OF PUBLIC SERVICE, PERFORMANCE & DELIVERY MANAGEMENT

Vide a letter dated 20th March, 2024, the Cabinet Secretary for Public Service, Performance and Delivery Management forwarded written submissions as follows -

- 23. The Government takes cognizance of the existing disparities in Designated Hardship Areas in the Public Service.
- 24. To address these disparities across the Public Service and promote fairness, ensure parity of treatment among Public Servants, the Government constituted an Inter-Agency Technical Committee comprised of representatives from the Ministry responsible for Public Service, Ministry of Interior and National Administration, Ministry of Education, The National Treasury and Economic Planning, the Judiciary, Public Service Commission, Teachers Service Commission, Salaries and Remuneration Commission, the Kenya National Bureau of Statistics (KNBS) and the Council of Governors.
- 25. The Terms of Reference for the Committee was as follows -
 - (i) Study the current policies and applicable Circulars on Designated Hardship areas and payment of Hardship Allowance in the Civil Service;
 - (ii) Undertake a comparative analysis of other existing policies on Designated Hardship Areas and payment of Hardship Allowance in the Public Service and other jurisdictions;
 - (iii) Study the issues in petitions presented to the National Assembly on the matter of Designated Hardship Areas and payment of Hardship Allowance to Public Servants;
 - (iv) Study concerns raised by the Union of Kenya Civil Servants (UKCS) regarding Designated Hardship Areas and payment of Hardship Allowance as provided in the Collective Bargaining Agreement (CBA), 2017;
 - (v) Address any other issues incidental to the matter on Designated Hardship Areas and payment of Hardship Allowance; and

- (vi) Prepare a Report on the study with recommendations and way forward on the categorization of Designated Hardship Areas and payment of Hardship Allowance.
- 26. The report on the review of designated hardship areas and rates for hardship allowances has been submitted to the Salaries and Remuneration Commission (SRC) for consideration. Once a response is received from SRC, the report will then be forwarded to Cabinet for approval.
- 27. Designated hardship areas in the Public Service for purposes of payment of hardship allowance are remote areas categorized as lacking or having inadequate basic social services, amenities and infrastructure.
- 28. Prior to 1997, the Civil and Teaching Services had similar designated Hardship Areas, which included the former North Eastern Province (Wajir, Mandera & Garissa), Samburu, Isiolo, Lamu, Marsabit, Tana River, West Pokot, Turkana and Northern area of Baringo. This comprised eleven (11) fairly distinct hardship areas.
- 29. Designation of such areas was undertaken in consultation with the Office of the President the then Directorate of Personnel Management and Provincial Administration and Internal Security.
- 30. In 1997, the Minister for Education through Legal Notice No. 534 of 11th November, 1997 Gazetted an additional twenty-five (25) Hardship Areas for the Teaching Service following a recommendation by the Teachers Service Remuneration Committee. This followed a Collective Bargaining Agreement (CBA) with the Kenya National Union of Teachers. The recommendation was based on the agreement that teachers work in more remote areas as compared to Civil Servants who are mostly posted to District and Divisional Headquarters.
- 31. In 2005, the number of designated Hardship Areas for the Teaching Service was increased from thirty-six (36) to forty-four (44) based on the CBA between TSC and the Union as indicated in Appendix I (attached).
- 32. Currently, the Civil Service (National and County Governments) have sixteen (16) Designated Hardship Areas while the Judiciary has twenty-one (21) areas designated as hardship based on the location of the law courts as indicated in Table 1 below -.

		COMPARISON OF	HARDSHIP-DESIGN	NATED	AREAS IN PUBL	IC SERVICE
Civil Service/ Parastatal	Status	Judicial Service Commission	Status	Service State	hers Service	Status
1 Tana River	Entire County	1. Daadab	Town/Centre	1	Suba	Mfangano and Rusinga Islands
2 Lamu	Entire County	2. Garissa	Town/Centre	2	Kuria	Kegonga Division
3 Garissa	Entire County	3. Garsen	Town/Centre	3	Busia	Budalangi Division
4 Wajir	Entire County	4. Habaswein	Town/Centre	4	Kajiado	Entire District
5 Mandera	Entire County	5. Hola	Town/Centre	5	Nakuru	Mbogoini and Makongeni Divisions(lower Solai
6 Marsabit	Entire County	6. Kabarnet	Town/Centre	6	Laikipia	Entire District
7 Isiolo	Entire County	7. Kakuma	Town/Centre	7	Kitui	Entire District
8 Makueni	Entire County	8. Kapenguria	Town/Centre	8	Kilifi	Ganze Division
9 Turkana	Entire County	9. Kehancha	Town/Centre	9	Keiyo	Entire District

-	West Pokot	Entire County	10. Kyuso	Town/Centre	10	Marakwet	Entire District
_	Samburu	Entire County	11. Lamu	Town/Centre	11	Kwale	Kinango and Samburu Divisions
12	Elgeyo	Entire County	12. Lodwar	Town/Centre	12	Trans Mara	Entire District
13	Laikipia	Entire County	13. Mandera	Town/Centre	13	Mwingi	Entire District
14	Baringo	Excludes Koibatek Sub-county	14. Mararal	Town/Centre	14	Tharaka	Entire District
15	Nandi	Tinderet Sub-County only	15. Marimanti	Town/Centre	15	Mbeere	Entire District
16	Taita Taveta	Manyani Area in Ngolia Ward	16. Marsabit	Town/Centre	16	Malindi	Magarini,Marafa and Kakoneni Division
	Total: 16	Areas	17. Moyale	Town/Centre	17	Machakos	Yatta and Masinga Division
			18. Mutomo	Town/Centre	18	Nyeri	Kieni Division
			19. Mwingi	Town/Centre	19	Kiambu	Ndeiya and Karai locations
			20. Taveta	Town/Centre	20	Maragwa	Makuyu Division
			21. Wajir	Town/Centre	21	Nyandarua	Nyahururu High school
			Total: 21 Areas		22	Nyandarua	Nyandarua Boarding Primary
					23	Kericho	Divisions
					24	Kisumu	Muhoroni Valley and Sondu Divisions
					25	Thika	Kakuzi Division
					26	Koibatek	Kimg'orom Divisions
					27	Narok	Eastern Mau, Osupuko, Mara, Loita and Southern Olulunga Divisions
					28	Makueni	Entire District
					29	Isiolo	Entire District
					30	Moyale	Entire District
					31	Marsabit	Entire District
					32	Garissa	Entire District
					33	Mandera	Entire District
					34	Wajir	Entire District
					35	Lamu	Entire District
					36	Tana River	Entire District
					37	Taita Taveta	Entire District
					38	Baringo	Entire District
					39	Samburu	Entire District
					40	Turkana	Entire District
					41	West Pokot	Entire District
					42	Ijara	Entire District
					43	Nandi	Tinderet Division
					44	Meru North (Nyambene)	Mutuati, Ndoleli and Igembe East Divisions; Buuri, Giika locations; Linjoka, Ankamia Sub-locations; Amung'enti, Thangatha, Mumui, Kiujuline and Akithi zones
						Total: 44 Area	

Table 1: Designated Hardship Areas

33. The Kenya National Bureau of Statistics (KNBS) identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas including food, water, transport and communication services, social services, climate and terrain, security and poverty index as indicated in Table 2 below -

S?No	Criterio	n	How to GiveFull Mark	Weight
1.	Food - U	Inavailability and Inaccessibility		25
	i.	Area on (perpetual) relief food	Yes	5
	ii.	Availability of marketplace	None	5
	iii.	Average Distance to food markets	Long	5
	iv.	Cost of food expensive	High	5
	٧.	Low agricultural productivity of the area/ supply of food	Low	5

7.	TOTAL	THISTI HIGEX	100
7	ii. Banditry/cattle rustling Poverty - Severity	High Index	5
	i. Human-wildlife conflict	Yes	2.5
6.	Security - High Possibility of Threats	Va-	5
	v. Difficult terrain (mountainous with deep gullies)	Yes	2.5
	iv. The region is semi-arid	Yes	2.5
	iii. The region is hot and dry	Yes	2.5
	ii. The area gets flooding during the rainy season	Yes	2.5
	i. The area dries with erratic rainfall	Yes	5
5.	Climate and Terrain - Harshness		15
	v. Housing for Public Servants / Availability of housing facilities	None	3
	iv. Electricity available	None	3
	iii. Availability/Distance of hospitals/health facilities	None	3
	ii. Availability/Average Distance of Bank/Postal services	None	3
	i. Schools are available/Distance	None	3
4.	Social Services - Unavailability and Inaccessibility		15
	v. Roads impassable during the rainy season	Yes	4
	iv. Availability/Reliability of mode of public transport	None	4
	iii. Mobile phone connectivity	None	4
	ii. Availability/Distance of all-weather roads	None	4
	i. Availability/Distance of tarmac roads	None	4
3.	Transport and Communication Service - Inadequacy		20
	v. Average Distance to water point	Long	3
	iv. Private water tanks/vendor supply water to the area	Yes	3
	iii. The area has a permanent river	None	3
	ii. The area gets water from seasonal rivers/boreholes/springs	Yes	3
	i. Availability of piped water	None	3

Table 2: Parameters to guide the determination and re-categorization of hardship areas

- 34. The determination of designation of the specified areas as hardship and payment of hardship allowance shall be done upon approval by the Salaries and Remuneration Commission and the Cabinet.
- 35. Currently, Nyatike West, Nyatike North and Nyatike South Sub-Counties are not designated as a hardship area for payment of hardship allowance.

PART FOUR

4.0 COMMITTEE OBSERVATIONS

Upon hearings from the Petitioner and other witnesses, the Committee observed that -

- 36. The Ministry of Public Service, Performance & Delivery Management had constituted an Inter-Agency Technical Committee to address disparities regarding hardship areas across the public service and promote fairness, and ensure parity of treatment among public servants.
- 37. The Kenya National Bureau of Statistics (KNBS) had identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas including food, water, transport and communication services, social services, climate and terrain, security and poverty index.
- 38. Nyatike West, Nyatike North and Nyatike South Sub-counties are not classified as hardship areas to enable teachers and other civil servants to receive hardship allowances.
- 39. Civil servants posted to the Nyatike Constituency are unwilling to report to their workstations in the area. As a result, schools are severely understaffed, and the few available teachers are demotivated due to non-payment of hardship allowance.
- 40. Teachers in the neighbouring sub-counties experiencing the same climatic and economic conditions are receiving hardship allowances for instance, Suba North, Suba South, Kuria East and Kuria West.

PART FIVE

5.0 ANALYSIS OF ISSUES FOR DETERMINATION

The Committee makes a determination on the issues raised in the Petition and notes that-

- 41. Article 10 of the Constitution binds all state organs, state officers, public officers and all persons to adhere to the national values and principles of governance including equity, social justice, equality, human rights, non-discrimination and protection of the marginalised.
- 42. The Ministry of Public Service, Performance and Delivery Management has established an Inter-Agency Technical to address existing disparities regarding the gazettement of hardship areas to facilitate the payment of hardship allowance for civil servants.
- 43. The designation of hardship areas in the public service for purposes of payment of hardship allowance relied on the seven (7) parameters to guide the determination and re-categorization of hardship areas including food, water, transport and communication services, social services, climate and terrain, security and poverty index as identified by Kenya National Bureau of Statistics (KNBS).
- 44. The determination of designation of the specified hardship areas and subsequent payment of hardship allowances for civil servants is concluded upon approval by the Salaries and Remuneration Commission (SRC) and the Cabinet.

PART SIX

6.0 COMMITTEE RECOMMENDATIONS

Pursuant to the provisions of Standing Order 227, the Committee recommends as follows-

In response to the prayer that the Committee recommends to the relevant Ministry/Agencies to classify and gazette Nyatike West, Nyatike North and Nyatike South Sub-Counties as hardship areas and award hardship allowance to teachers and other civil servants, the Committee recommends that -

- 45. The Ministry of Public Service, Performance and Delivery Management fast-tracks the review of relevant policies with a view to designate all regions meeting the set out criteria as hardship areas; and submit the report to the National Assembly within three (3) months upon tabling of this report.
- 46. The Ministry of Public Service, Performance and Delivery Management reviews the categorization and gazettement of hardship areas every ten years.
- 47. Pursuant to the provisions of Standing Order 208A(c), the findings arising from the consideration of this Petition be debated by the House.

Signed:	Date:	11/	6	2024	
THE HON MIMBOR MITHINA MEAL M.D.					

THE HON. NIMROD MITHUKA MBAI, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ANNEXURES

Annex 1: The Adoption List

Annex 2: Public Petition No. 57 of 2023 regarding the Gazettement of Nyatike West,

Nyatike North and Nyatike South Sub-Counties as hardship areas.

Annex 3: Minutes of the 4th Sitting held on Tuesday, 27th February, 2024.

Annex 4: Minutes of the 32nd Sitting held on Wednesday, 22nd May, 2024.

Annex 5: Letter Ref: MPSG&DM/3/7 dated 20th March, 2024 by the Ministry of Public

Service, Performance and Delivery Management vide a letter dated 20th

March, 2024.



REPUBLIC OF KENYA THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT - THIRD SESSION - 2024 PUBLIC PETITIONS COMMITTEE

ADOPTION SCHEDULE OF THE REPORT ON CONSIDERATION OF PUBLIC PETITION NO. 57 OF 2023 ON GAZETTEMENT OF NYATIKE WEST, NYATIKE NORTH AND NYATIKE SOUTH SUBCOUNTIES AS HARDSHIP AREAS

DATE 82 05 2024

We, the undersigned Honourable Members of the Public Petitions Committee, do hereby affix our signatures to this Report on the consideration of Public Petition No. 57 of 2023 on Gazettement of Nyatike West, Nyatike North and Nyatike South Sub-Counties as hardship areas to confirm our approval and confirm its accuracy, validity and authenticity:

NO.	NAME	DESIGNATION	SIGNATURE
1.	Hon. Nimrod Mbithuka Mbai, M.P.	Chairperson	HIP .
2.	Hon. Janet Jepkemboi Sitienei, M.P.	Vice Chairperson	Olen-
3.	Hon. Patrick Makau King'ola, M.P.	Member	2
4.	Hon. Joshua Chepyegon Kandie, M.P.	Member	A lo
5.	Hon. John Walter Owino, M.P.	Member	
6.	Hon. Ernest Ogesi Kivai, M.P.	Member	W.
7.	Hon. Maisori Marwa Kitayama, M.P.	Member	Alt.
8.	Hon. Edith Vethi Nyenze, M.P.	Member	Dayerse
9.	Hon. Bidu Mohamed Tubi, M.P.	Member	Michi
10.	Hon. Caleb Mutiso Mule, M.P.	Member	Mul.
11.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	Member	13Motu
12.	Hon. Peter Mbogho Shake, M.P.	Member	
13.	Hon. Suzanne Ndunge Kiamba, M.P.	Member	Dien.
14.	Hon. John Bwire Okano, M.P.	Member	
15.	Hon. Sloya Clement Logova, M.P.	Member	



REPUBLIC OF KENYA

approved SNA SNA 24/20/23

THE NATIONAL ASSEMBLY PHIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITION

(No. 57 of 2023)

REGARDING GAZETTEMENT OF NYATIKE WEST, NYATIKE NORTH AND NYATIKE SOUTH SUB-COUNTIES AS HARDSHIP AREAS

I, the **UNDERSIGNED** on behalf of the residents of Nyatike Constituency comprising of the residents from Nyatike West, Nyatike North and Nyatike South Sub Counties;

DRAW the attention of the House to the following: -

- 1. **THAT**, harsh climatic conditions in Nyatike Constituency have become a great concern affecting the locals and even the government workers who are posted to work there.
- THAT, Nyatike Constituency meets the requirements of a hardship area due to its vastness of the three sub-counties, deplorable road networks that have hampered movements, human-wildlife conflicts, lack of clean drinking water, food scarcity, poor communication networks, and lack of basic social amenities among others.
- 3. **THAT**, the geographical orientations of the said sub-counties are also characterized by barren sandy soils, rugged and rocky terrain, poor rainfall, perennial floods, and devastating poverty that continues to affect education standards in the area and general harsh climatic conditions.
- 4 **THAT**, that Government workers posted to Nyatike Constituency have been reluctant in taking up jobs in the Constituency including those promoted to work in the region and those who take up the jobs seek for transfers after a very short time.
- **THAT**, schools in Nyatike are extremely understaffed with the few teachers available poorly motivated due to non-payment of hardship allowances by the Government.

RECEIVED

SPEAKER'S OFFICE

REGARDING GAZETTEMENT OF NYATIKE WEST, NYATIKE NORTH AND NYATIKE SOUTH SUB-COUNTIES AS HARDSHIP AREAS

- 6. **THAT**, teachers in the neighboring sub-counties experiencing the same climatic and economic conditions are receiving hardship allowances for instance, Suba North, Suba South, Kuria East and Kuria West.
- 7. **THAT**, basic government services including issuance of birth certificates, death certificates and other crucial services have been greatly hampered because of non-availability of government workers to undertake them.
- 8. **THAT**, Nyatike Constituency has been deprived quality government services due to inadequate working force occasioned by harsh climatic conditions.
- 9. **THAT**, despite Nyatike Constituency having met the criteria used to qualify and gazette it as a hardship area, the government and the relevant Ministry and/or agencies have not effected to-date.
- 10. **THAT,** efforts made by the Petitioners to have the matter addressed have not been successful; and
- 11. **THAT,** the matters raised in this Petition are not pending before any Court of law, Constitutional or any other legal body.

THEREFORE, your humble Petitioners prays that the National Assembly through the Public Petitions Committee: -

- (i) Recommends to the relevant Ministry/Agencies to Gazette Nyatike West, Nyatike North and Nyatike South Sub Counties as hardship areas; and
- (ii) Makes any other appropriate recommendations it deems fit in addressing the circumstances raised in this Petition.

And your **PETITIONERS** will ever pray.

PRESENTED BY: - ////

THE HON. TOM MBOYA ODEGE, MP
MEMBER FOR NYATIKE CONSTITUENCY

	08/11	10022	
DATE.	0,8/11	1000	
DAIL.			

PDLPS

PETITION TO THE NATIONAL ASSEMBLY ON GAZETTEMENT OF NYATIKE WEST, NYATIKE NORTH AND TO SEVEN NYATIKE SOUTH SUB COUNTIES OF NYATIKE CONSTITUENCY AS HARDSHIP AND ASAL AREAS

I, the UNDERSIGNED, on behalf of the residents of Nyatike Constituency (comprising of Nyatike North, Nyatike South and Nyatike West Sub counties); DRAW the attention of the House to the following:

1. THAT, the issue of Harsh living conditions in Nyatike constituency is not only of great concern to the residents but equally to the government workers stationed in this

constituency.

2. THAT, on behalf of the government workers working and living in Nyatike constituency plead with the August house to consider the need of having Nyatike South, Nyatike North and Nyatike west sub counties of Nyatike Constituency gazzetted as Hardship and ASAL area as a matter of urgency and of public interest, to forestall the continued deprivation of quality government services due to inadequate working force occasioned by harsh climatic conditions

3. THAT, Nyatike constituency meets the parameters used to declare other parts of the country hardship areas. The vastness of the three sub-counties has made the road network deplorable due to limited funds, there are consistent reports of human wildlife conflicts, lack of clean and safe drinking water, food scarcity, perennial floods in some parts, harsh climatic conditions, lack of basic social amenities and poor communication network.

4. THAT, it can only be concluded that the government has been discriminative in paying out hardship allowance in other ASAL places in the country but ignoring

Nyatike constituency

5. THAT despite Nyatike Constituency meeting the criteria used to award other hardship regions, the government of Kenya as well as other government agencies and commissions have discriminated against Nyatike constituency.

THAT workers have been reluctant in taking up jobs in Nyatike including those promoted to work in this region and those who braye it always seek transfer and find

their way out

- 7. THAT, Schools in Nyatike Constituency are extremely understaffed, with the few teachers available poorly motivated since they feel they have been denied hardship allowanced whilst the same is being provided to their neighboring sub counties of Suba North and Suba South as well as Kuria East and Kuria West experiencing similar climatic and economic conditions
- 8. THAT, Basic government services including issuance of birth certificates, death certificates have been greatly hampered because no government officers are willing to be stationed in Nyatike

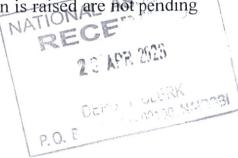
9. THAT, Nyatike Constituency has no known factory, barren sandy soil, poor rainfall, perennial floods and thus a debilitating poverty affecting the residents as well as government workers in the area.

10.THAT, the issues in respect of which this Petition is raised are not pending

NATIONAL ASSEMBLY RECEIVED

2 7 APR 2023

PROCEDURAL, RESEARCH AND JOURNALS
P. O. Box 41842, NAIROBI



before any Court of Law, Constitutional or any legal body;

THEREFORE, your humble petitioners pray that the National Assembly through the Public Petitions Committee;

- i. Recommends to the relevant government authorities to review the list of hardship areas.
- ii. Gazette Nyatike North, Nyatike South and Nyatike West Sub counties of Nyatike constituency as hardship areas to reflect the true picture faced by civil servants as well as teachers in Nyatike
- iii. To give any other order that it deems fit to ameliorate the disservice that the residents, teachers and other civil servants working in Nyatike have experienced

Sincerely,

HON .TOM MBOYA ODEGE, MP

NYATIKE CONSTITTUENCY

April 26, 2023

LIST OF PETITIONERS

	NAME	ID	ADDRESS	SIGNATURE
		NUMBER	Pro Box 20	
1	NYABUOGI PREPRICK	27266154	P-0 BX 2 BNGU P.0 BX 841 SWA	S
2	ORWA O. SAMWEL		1.0 Box 841 SWA	Sha
3	PHYLEX NYAMIBUORO		P.C BCX 29- KARUNGO	
4	MIRINDO ANTONNE	1	P.O BOX 65 - KARUNGO	Sm
5	WILSON OTIENO		P.O. BOX 145-KARUNGU	G VI
6	OKETCH SHLVESTER	33723092		
7	HTAPARA LAMOH		Pro Box 40-Muturu-	Location
8	ORATAH WALTER	-	P.O BOX 81 - 40401	Left.
9	AJIGO SAMJEL	25687214	,	
10	DAVID OSONO	27210745	BOX 62-40401	The state of the s
11	JACKSOM WASONERA	21831833		1/2
12	OTIENO ACPHONCE O.	29620604		Danger
13	L1227 7060	29904751	BOX 145 -40401	de
14	Kovin Oune	323960 n		assist
15	Milka Aketch	13605580	BOR 145-4040	
16	Winnie Belah	33320021	BOX 145-4040	808
17	Omondi Levi	31936955	BOX 145-40401	Chr.
18	FELIX OMONPI	26576379		PPE
19	Ballar Jeel	27601270	BOX 41-	Dieto.
20	HARRIET XWUOR OKOTH	30110825	BOX 14-40401	Decty
21	Isage Owango	28413506	BOX 14-40401	Tam
22	PREDRICK OTIENO	28017726	BOX 14-40 401	Aluti
23	LILIAN A- AROKA	32873184	BOX 14-40401	ALPH
24	LYDIA WAMBI	36739455	BOX 14-40401	4
25	MOSES ODIRA	33586803	BOX 14-40401	Swiff.
26	ODOYO WALTER OCHIEVE	30080224	Box 86 - 40401	ON-
27	MILLICENT ANTANGO OCHIENG	26165981	BOX 86-40401	Martin.
28	SEMPLIE MERLY AWOUR	299627180	BOX 86 -40401	Bash,
29	BELINDA AKIMYI	40107437		Sanote
30	Constand Wanjala	37309474	BOX 86-40417	an
31			BOX 86 40901	* 0
32	KENNEDY OCHTENG	28558153	BOX 86-40401	O .
33	VITALIS 0700 ONTANGO	7228298	BUX 86-40407	Street-
34	AMOS ONTANGO	29732275	0	
35	SCOVIA FRIDAY	29682174	, , ,	A.
36	JOB NYAWARA	22668602	BOX 78-40402	4.

LIST OF PETITIONERS

	NAME	ID NUMBER	ADDRESS	SIGNATURE
37	PETER S. BURALE	31952508		Retere.
38	MECYME AKINYI AWINO	30436373	185 - 4040N	A
39	MAGWANGA STEVE	23927515	78-40402	
40	SALIM OCHIENG	26620486	78-40402	
41	AMOLOH FRED	30356073	78-40402	$\alpha Q Q$.
42	ROBERT OUKO	31792736	78-40402	RAW.
43	ONGUGU DAVID	30075979		16
44	OMENDI MARK	31204979	62-40402	Mario
45	EVANS AROGO	27526048		Sterrice
46	BARBRA SIPROSE	33894488		(Info
47	HENRY JUMA	29988475		Finns
48	Maroti ANIA	37046615	3 62-40402	- And grov
49	MARANDA GEORGE	26174839	33-40402	gmins
50	MOLAH HAMISI	831662	78-40402	Que
51	PAPIPLIP ORONT NTAMBY	23650540	66-40402	party
52	0700 CHARLES	300639Sep	23-40405	Chan
53	JOSEPH OLENBO WERE	26459805	62-40402	Charmen 4
54	MESHACK TOYAH	27312157	83-40402	
55	CGADA DAVID	32023620	83-KOYO2	
56	VINCEM OKEHO	40271464		4 .
57	CHAISTURHER OPHUMAY	22259773	68-40402	CAN
58	SEKO TITUS OKELLO	29389062		
59	FREDRICK DEHIDEY	28975499	50-40402	THE STATE OF THE S
60	PRISCAH K. MUSILI	29094115	66-40402	
61	MOLINE OYUGI	29660416	50-40402	AFT.
62	TOM OSORO	32817717	13-40402	æ,
63	DENTO VICTOR	32563295	\$1-40402	W/A
64	LENNOX OREMO	21549621	30-240402	-thul.
65	SAVANI JOSEPH	32927205	62-40402	-0
66	GEORGE BITA LAWRENCE	298875E4	- 56-40409	48
67	NYABUTO JUSEPH	29362436	400 97-40402	- None
68	David ochjeng	31967210	83-40407	Jam 3
69	JOHN OTENGR	31475909	62-40402	Felt
70	JOSEPH NEWKA	31721693	38-40402	- Pro-
71		26502835	26-40402	A C
72	SIMON SAMWEL		62-40402	- THIRD
73	DICKENS ONYANGO		66-40401	D -
74	PHILIP JA OVEYS	14436088	62-40402	Oli

	NAME	ID NUMBER	ADDRESS	SIGNATURE
75	ALOKA EMMA ADHIAMBO		P. OBOX28-40409	-137
76	ABONG'O CAROLINE AKINYI	33161072	PO BOX 28-40409	CH
77	NIPHER OKEMWA		Box 28-40409	-Ne
78	VOLCA AWOUR JOSEPH		P.O. BOX 28-40409	_0_,
79	LEAH . A. OLYOCH		p.086X28	+
80	Stepiten October	30114875		Of as
81	CKORE GEORGE	31333965	P. O BOX 40-40409	Byline
82	YINCENT OKAL	31204674	P. OBOX 40-4009	- 208
83	ELISAH DOKO	20530992	P. UB 3 55-40409	Dont.
84	BELIAN OMARI	31204862	P.O BOX 16-40409	Behavi .
85	LAURA RUTH OCOD	38272856	PED 1 BOX 28-40404	tuts
86	MYANGIGE N. HATICT	27914783	P.O. BOX 1002-40409	10
87	WINHIE A. DNYANDD	28031260	P.D BOX 53-40402	Phys
88	STAMO PISTO	34698168		a FC
89	Vanessa Optento	33585009	F. O BOX 40-40409	STATES.
90	Linda Odero	29707506	PO. BOX 40-46409	
91	Beatrice Nyandara		P.O BOX 40-40409	
92	alla Omeima		R. BSKYOTA	78
93	JOSEPH OKELLO		P.O BOX 574-40+02	and 10
94	KENDEDY OKELLO		PG-BOX 136-40yer	
95	PHILIP OLOD	25474476	P.O.BOX 53 NTATIKE	Thip!
96	TACOB OKUMU	27667867	POBUX SS MUM	The state of the s
97	DERICK OTIFAD	33108290		TESALO
98	DCHIENA CHUCHU		PO BOX 426 SUNA	atag
99	DMONDI B: CLINTON	29918275	P.O BOX 7-40402	8 st
100		27504702	p. v pox 40404	The same of the sa
101	Thewish Anyango	34498859	P.OBOX 426	P
102	INET MACIBA	32898830	P. O BOX 40 44400	Brown .
103	LYDIAH GESARE		P-0 BOY 26 - MOHUR	Ludel
104	N'DOLO SAMSON OVERD	32672588	P-0 BOX 1002-SUNA	tech
105	CALVINCE OTTENO	338 (05 (3	P.O. BOX15-40469	Siff
106	ASSAM PAUL	23787868	P.O. BOXIS - 40469 P-O BOXIS6-4040D	Aca
107	TOBIAS OBADHA O.	32666122	P'D BOX SS-4040	Chrystile
108	/			W. C.
109	SAMUEL OTICNO		P-0 Box 53 40402	Oteer
110	MANGANA KNOCKRISE	26610393		+6
111	Magdajene Neula	35/17656	10 BOX 40-4040	A CONTRACTOR OF THE PARTY OF TH
112	BORNACTOR ODHIAMIBO	29601494	P. J. BSX 169 KARMED	-105
113		13384929 1	PO-BOX GO MUHURU-BAY	AL
114	Otiva Enck OPIYO	29130242	P.OBOX16 MUHURY	- 682
	•		BM	7



REPUBLIC OF KENYA THE NATIONAL ASSEMBLY

MINUTES OF THE 4TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, FEBRUARY 27, 2024, IN COMMITTEE ROOM 25, BUNGE TOWERS, PARLIAMENT BUILDINGS AT 12.00 NOON

Chairing

Chairperson

Vice Chairperson

PRESENT

- 1. Hon. Ernest Ogesi Kivai, M.P.
- 2. Hon. Joshua Chepyegon Kandie, M.P.
- 3. Hon. John Walter Owino, M.P.
- 4. Hon. Maisori Marwa Kitayama, MP
- 5. Hon. Edith Vethi Nyenze, M.P.
- 6. Hon. Suzanne Ndunge Kiamba, M.P.

APOLOGIES

- 1. Hon. Nimrod Mbithuka Mbai, M.P.
- 2. Hon. Janet Jepkemboi Sitienei, M.P.
- 3. Hon. Patrick Makau King'ola, M.P.
- 4. Hon. Bidu Mohamed Tubi, M.P.
- 5. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
- 6. Hon. Caleb Mutiso Mule, M.P.
- 7. Hon. Peter Mbogho Shake, M.P.
- 8. Hon. John Bwire Okano, M.P.
- 9. Hon. Sloya Clement Logova, M.P.

IN ATTENDANCE

Hon. Tom Odege, M. P
 Hon. Victor Koech, M. P
 Member for Nyatike Constituency
 Member for Chepalungu Constituency

3. Mr. Fredrick Nyabuogi - Teacher KUPPET, Nyatike branch

4. Mr. Samwel Orwa - Executive Secretary, KUPPET, Nyatike branch

SECRETARIAT

1. Mr. Ahmed Kadhi - Senior Clerk Assistant

2. Ms. Roselyne Njuki - Senior Serjeant-at-Arms I

3. Ms. Miriam Modo - Clerk Assistant I

4. Ms. Anne Shibuko - Clerk Assistant I

5. Ms. Patricia Gichane - Legal Counsel II

6. Mr. Martin Sigei - Research Officer III 7. Mr. Paul Shana - Serjeant-at-Arms

7. Mr. Paul Shana - Serjeant-at-Arms 8. Mr. Calvin Karung'o - Media Relations Officer III

9. Mr. Peter Mutethia - Audio Officer III

MIN./PPETC/2024/ 020: PRELIMINARIES

The Chairperson called the meeting to order at 12:00 noon and proceedings began with prayers by Hon. Joshua Kandie, M.P.

MIN./PPETC/2024/021: ADOPTION OF AGENDA

AGENDA

- 1. Prayer
- 2. Adoption of the Agenda
- 3. Confirmation of minutes of previous sittings
- 4. Matters Arising
- 5. Meeting with CS, Environment, and Forestry on:
 - Consideration of P/No. 15 of 2023 regarding the Declaration of Mukutani Forest as a Public Forest; and
 - Consideration of P/No. 04 of 2023 regarding Delayed adjudication and Settlement of Squatters after the expiry of the Lease of Macalder Mines Ltd Land.
- 6. Consideration of Public Petition regarding Gazettement of Nyatike West, Nyatike North, and Nyatike South Sub-Counties as Hardship Areas
 - Meeting with Petitioner (Hon. Tom Odege, M.P)
- 7. Consideration of Public Petition regarding Gazettement of Chepalungu Sub-County as a Hardship Area
 - Meeting with Petitioner (Hon. Victor Koech, M.P)
- 8. Any Other Business
- 9. Adjournment

The Agenda was adopted to constitute business having been proposed by having been proposed by Hon. Walter Owino, M.P and seconded by Hon. Edith Nyenze, M.P.

MIN./PPETC/2024/022:

CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

The Agenda was deferred.

MIN./PPETC/2024/023:

MEETING WITH CS, ENVIRONMENT AND FORESTRY

- Consideration of Public Petition No. 15 of 2023 regarding declaration of Mukutani Forest as a Public Forest; and
- 2. Consideration of Public Petition No. 04 of 2023 regarding delayed adjudication and settlement of squatters after the expiry of the Lease of Macalder Mines Ltd Land.

The Committee was informed that the Principal Secretary, Ministry of Environment & Climate Change and Forestry vide a letter Ref. No. MEF/ADM/16/1 dated 20th February, 2024, communicated that the Cabinet Secretary was away on official duty and had requested to reschedule the meeting.

The Committee noted with concern that the Cabinet Secretary had postponed appearance before the Committee severally. The Committee deliberated on the matter and resolved that a final invitation be sent to the Cabinet Secretary considering the statutory timelines and the urgency to conclude the said petition.

The Committee had requested report regarding the gazettement of Macalder land as forest land by the government through a Gazette Notice dated 13th June 2023, however, the Cabinet Secretary proceeded to gazette the said land while she was aware that the petition was under consideration by the Committee.

MIN./PPETC/2024/024:

CONSIDERATION OF P/NO. 57 OF 2023 REGARDING GAZETTEMENT OF NYATIKE WEST, NYATIKE NORTH, AND NYATIKE SOUTH SUB-COUNTIES AS HARDSHIP AREAS

Meeting with Petitioner, the Hon. Tom Odege, MP

The Hon. Tom Odege, MP, Member for Nyatike Constituency appeared before the Committee accompanied by two (2) teachers, one Mr. Fredrick Nyabuogi and Mr. Samwel Orwa and submitted as follows -

Background of the Petition

- i. Nyatike Constituency had fulfilled the criteria for gazettement as a hardship area, owing to the vastness of its three sub-counties, dilapidated road networks impeding movements, human-wildlife conflicts, inadequate clean drinking water, food scarcity, deficient communication networks, and a lack of basic social amenities, among other challenges.
- ii. The geographical orientations of the sub-counties are characterized by barren sandy soils, rugged and rocky terrain, poor rainfall, perennial floods, and pervasive poverty, adversely affecting education standards and creating harsh climatic conditions.
- iii. Government workers posted to Nyatike Constituency exhibited reluctance in taking up jobs, and those promoted to work in the region sought transfers shortly afterward due to the hardship nature of the area.
- iv. Public schools in Nyatike were severely understaffed, with the few available teachers poorly motivated due to the non-payment of hardship allowances by the government. In contrast, teachers in neighboring sub-counties, such as Suba North, Suba South, Kuria East, and Kuria West, facing similar climatic and economic conditions, received hardship allowances.
- v. Nyatike Constituency was deprived of quality government services due to an insufficient workforce caused by harsh climatic conditions.

Challenges in the Region

- i. The region grappled with health challenges, with a Malaria prevalence rate of 32%, Typhoid at 14.2%, and HIV/AIDS at 14.8%.
- ii. Nyatike was a mining area situated between River Kuja and River Migori which were contaminated from mining activities rendering the waters unsafe. Extensive mining had also interfered with arable land, contributing to food insecurity in the area.
- iii. The region had poor telecommunication networks and other infrastructural challenges.
- iv. The teacher-student ratio was 1:2 with 61 secondary schools being served by 435 teachers (an average of 7 teachers per school) and 129 primary schools served by 1065 teachers (an average of 8 teachers per school). Additionally, teachers were unable to benefit from medical schemes due to lack of approved facilities, and the few available were distant, making it difficult to access quality medical care.

- v. Lack of enough TSC teachers in public schools led to candidates undertaking their national exams in neighbouring schools as the schools in Nyatike cannot be made examination centers.
- vi. Due to these challenges, public officers are reluctant to be posted to Nyatike.

Efforts to resolve the issues

A team from the Ministry of Public Service visited the area to investigate its eligibility for gazettement as a hardship area and assess the conditions of workers in relation to hardship allowances. However, the report has never been released to-date.

Despite Nyatike Constituency meeting the criteria for gazettement as a hardship area, the relevant Ministry has not taken the necessary steps to gazette it.

Prayers

The Petitioners are praying that the National Assembly through the Public Petitions Committee recommends to the relevant Ministry to gazette Nyatike West, Nyatike North, and Nyatike South Sub-Counties as hardship areas. The gazettement is expected to enhance service delivery in the area by retaining and attracting government workers among other attendant matters.

Committee Concerns

- i. Regarding the expectations after gazettement of the area as a hardship area, the Petitioner indicated that the gazettement would enable workers in the region to receive hardship allowances. Therefore, the gazettement would offer an opportunity for the workers in the region to also bargain for a fair share of Equalization Fund and other benefits. The initial benefits would include addressing the understaffing in schools and other civil servants.
- ii. Regarding efforts made to address the issues raised, the Petitioner indicated that there was a distinction between issues that could be addressed by national government and county government. However, the region was marginalized as well as other caucus of natural hardship. Therefore, it was difficult to address all challenges, though gazettement as a hardship area would address the immediate problems.

MIN./PPETC/2024/025:

CONSIDERATION OF P/NO. 71 OF 2023 REGARDING GAZETTEMENT OF CHEPALUNGU SUB COUNTY AS A HARDSHIP AREA

Meeting with Petitioner

The Member for Chepalungu, Hon. Victor Koech, MP appeared before the Committee and submitted as follows -

Background of the Petition

- i. Chepalungu borders Narok West and Emurua Dikkir constituencies which were both gazetted as hardship areas. The entire constituency had black cotton soil, which was not arable thereby hindering any income generating agricultural activity. Only small-scale farming was sustainable.
- ii. There was no definite source of drinking water or for domestic use and the two sources available serve less than 20 percent of the population.

- iii. The black cotton soil was unstable for construction of buildings and roads as they are swept away during heavy rains. In the recent past, three major roads and 22 toilets were swept away. In addition, majority of the classroom blocks done in the past five years were condemned due to structural issues.
- iv. Regarding healthcare, the residents of Chepalungu relied on the County Referral Hospital in Longisa which was a distant hence occasioning maternal deaths. There were only small dispensaries for minor medical procedures.
- v. On education, the constituency had 201 primary and 97 secondary schools with shortages of teachers as many teachers posted were hesitant to come and those working in the region sought transfers due to hardship and poor working conditions. About 15 primary schools did not have substantive headteachers. Delocalisation and lack of hardship allowance had occasioned mass transfer of teachers to neighbouring areas such as Emurwa Dikir and Narok which were gazetted. This had led to low education standards and the region.
- vi. There was inadequate water infrastructure as the residents survived on two main supplies serving only 20 per cent of the population both for domestic and drinking.
- vii. The constituency faced a challenge of infrastructural development as many contractors were reluctant to take jobs due to the deep black cotton soil and constructed roads were potholed shortly after construction.

Committee Concerns

Regarding the use of alternative technology in construction in the area, the Petitioner indicated that the findings on why most projects were collapsing had occasioned the use of a different technology which required more resources. However, the NGCDF had capped the amount for construction of classrooms and toilets to amounts that could not allow for use of advanced technology. Therefore, gazettement as a hardship area would attract the attention of other development partners who can avail the resources for alternative technology.

MIN./PPETC/2024/026: ANY OTHER BUSINESS

Regarding meeting with the Speaker, the Committee discussed on when the meeting would take place to discuss the directive raised by the Speaker on Wednesday, 21st February 2024. In light of the fact that the Chairperson and Vice-Chairpersons were indisposed, the Committee would consult further on when to meet the Speaker.

MIN./PPETC/2024/027: ADJOURNMENT AND DATE OF NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 01:50 p.m. The next meeting will be held on Thursday, 29th February, 2024 at 12.00 noon.

Sign:	Jan		ر 		•••••	.
(CHAIR	PERSON	l)				
Date	07-	03	_	20	24	1



MINUTES OF THE 32ND SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, MAY 22, 2024, IN GARDEN SUITE 1, HILTON GARDEN INN HOTEL, MACHAKOS AT 10.00. A.M

PRESENT

- 1. Hon. Nimrod Mbithuka Mbai, M.P.
- 2. Hon. Janet Jepkemboi Sitienei, M.P.
- 3. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
- 4. Hon. Maisori Marwa Kitayama, MP
- 5. Hon. Ernest Ogesi Kivai, M.P.
- 6. Hon. Joshua Chepyegon Kandie, M.P.
- 7. Hon. Bidu Mohamed Tubi, M.P.
- 8. Hon. Suzanne Ndunge Kiamba, M.P.
- 9. Hon. Edith Vethi Nyenze, M.P.
- 10. Hon. Caleb Mutiso Mule, M.P.
- 11. Hon. John Bwire Okano, M.P.
- 12. Hon. Peter Mbogho Shake, M.P.

Chairperson

Vice Chairperson

APOLOGIES

- 1. Hon. Patrick Makau King'ola, M.P.
- 2. Hon. John Walter Owino, M.P.
- 3. Hon. Sloya Clement Logova, M.P.

SECRETARIAT

1.	Mr. Samuel Kalama	Principal Clerk Assistant 1
2.	Ms. Roselyne Ndegi	Senior Serjeant-at-Arms 1
3.	Ms. Miriam Modo	Clerk Assistant I
4.	Ms. Anne Shibuko	Clerk Assistant I

5. Ms. Patricia Gichane6. Mr. Isaac NabiswaLegal Counsel IILegal Counsel II

7. Ms. Abdinasir Moge Yussuf Fiscal Analyst II
8. Mr. Willis Obiero Clerk Assistant III

9. Mr. Martin Sigei Research Officer III
10. Ms. Nancy Akinyi Research Officer III

11. Mr. Calvin Karungo Media Relations Officer III

12. Ms. Felistus Muiya Protocol Officer 13. Mr. Cosmas Akhonya Audio Officer

MIN./PPETC/2024/ 202: PRELIMINARIES

The Chairperson called the meeting to order at 10:00 a.m. and proceedings began with prayers by Hon. Joshua Kandie, M.P.

MIN./PPETC/2024/203: ADOPTION OF AGENDA

AGENDA

- 1. Prayer
- 2. Adoption of the Agenda
- 3. Confirmation of minutes of previous sittings
- 4. Matters Arising
- 5. Consideration of Report on Public Petition No. 7 of 2023 on Gazettement of Rachuonyo North as a Hardship Area
- Consideration of Report on Public Petition No. 57 of 2023 on Gazettement of Nyatike West, Nyatike North and Nyatike South Sub-Counties as hardship areas
- 7. Consideration of Report on Public Petition No. 70 of 2023 on Hardship allowance and affirmative action for teachers in Chonyi, Sub-County
- 8. Consideration of Report on Public Petition No. 71 of 2023 on Gazettement of Chepalungu Sub-County as hardship areas
- 9. Any Other Business
- 10. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Bidu Mohamed, M.P. and seconded by Hon. Caleb Mutiso Mule, M.P.

MIN./PPETC/2024/204:

CONFIRMATION OF MINUTES OF PREVIOUS

<u>SITTINGS</u>

The Agenda was deferred.

MIN./PPETC/2024/205:

CONSIDERATION OF REPORT ON PUBLIC PETITION NO. 7 OF 2023 REGARDING GAZETTEMENT OF RACHUONYO NORTH AS A HARDSHIP AREA

The Committee reviewed the draft Report and made the following observations:

i. The Ministry of Public Service, Performance & Delivery Management had constituted an Inter-Agency Technical Committee to address disparities regarding hardship areas across the public service to promote fairness and ensure parity and equal treatment among public servants.

- ii. The Kenya National Bureau of Statistics (KNBS) had identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas including food, water, transport and communication services, social services, climate and terrain, security and poverty index.
- iii. Rachuonyo North Sub-County has high levels of poverty, poor infrastructure, low access to clean water, low connectivity to electricity, inadequate teacher staffing and has prevalence of human-wildlife conflict among others.
- iv. Rachuonyo North Sub-County is not classified as a hardship area yet the neighbouring sub-counties sharing common demographics with it are receiving hardship allowances.

The Committee made the following recommendations:

Prayer: Classify and Gazette Rachuonyo North Sub-County as a hardship area and award hardship allowance to teachers and other civil servants.

- i. The Committee recommends that the Ministry of Public Service, Performance & Delivery Management fast-tracks the review of relevant policies with a view to designate all regions meeting the set-out criteria as hardship areas; and submit the report to the National Assembly within three (3) months upon tabling of this report.
- ii. The Committee further recommends that the Ministry of Public Service, Performance & Delivery Management reviews the categorization and gazettement of hardship areas every ten years.
- iii. Pursuant to the provisions of Standing Order 208A(c), the Committee recommends that the findings arising from the consideration of this Petition be debated by the House.

MIN./PPETC/2024/206

CONSIDERATION OF REPORT ON PUBLIC PETITION NO. 57 OF 2023 REGARDING GAZETTEMENT OF NYATIKE WEST, NYATIKE NORTH AND NYATIKE SOUTH SUB-COUNTIES AS HARDSHIP AREAS

The Committee reviewed the draft Report and made the following observations:

i. The Ministry of Public Service, Performance & Delivery Management had constituted an Inter-Agency Technical Committee to address disparities

regarding hardship areas across the public service and promote fairness, and ensure parity of treatment among public servants.

- ii. The Kenya National Bureau of Statistics (KNBS) had identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas including food, water, transport and communication services, social services, climate and terrain, security and poverty index.
- iii. Nyatike West, Nyatike North and Nyatike South Sub-counties are not classified as hardship areas to enable teachers and other civil servants to receive hardship allowances.
- iv. Civil servants posted to the Nyatike Constituency are unwilling to report to their workstations in the area. As a result, schools are severely understaffed, and the few available teachers are demotivated due to non-payment of hardship allowance.
- v. Teachers in the neighbouring sub-counties experiencing the same climatic and economic conditions are receiving hardship allowances for instance, Suba North, Suba South, Kuria East and Kuria West.

The Committee made the following recommendations:

Prayer: Classify and gazette Nyatike West, Nyatike North and Nyatike South Sub-Counties as hardship areas and award hardship allowance to teachers and other civil servants

- i. The Ministry of Public Service, Performance & Delivery Management through the Inter-Agency Technical Committee fast-tracks the review of relevant policies with a view to designating all regions meeting the set-out criteria as hardship areas.
- ii. The Committee also recommends that the Ministry of Public Service, Performance & Delivery Management establish a framework for periodic review of hardship areas across the country.

MIN./PPETC/2024/207:

PUBLIC REPORT ON OF CONSIDERATION REGARDING 2023 OF PETITION NO. 70 **AFFIRMATIVE** AND **ALLOWANCE** HARDSHIP IN CHONYI, ACTION FOR TEACHERS COUNTY

The Committee reviewed the draft Report and made the following observations:

- i. The Ministry of Public Service, Performance & Delivery Management had constituted an Inter-Agency Technical Committee to address disparities regarding hardship areas across the public service and promote fairness, ensure parity of treatment among public servants.
- ii. The Kenya National Bureau of Statistics (KNBS) has identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas including food, water, transport and communication services, social services, climate and terrain, security and poverty index.
- iii. Chonyi Sub County is not among of the forty-four (44) designated as hardship areas based on the CBA between TSC and the Union.
- iv. Chonyi Sub County has various challenges that warrant its inclusion as a hardship area including poor access to medical services, housing, food, and other essential social amenities which are only available in Kilifi Town.

The Committee made the following recommendations:

- i. The Ministry of Public Service, Performance & Delivery Management fast-tracks the review of relevant policies with a view to designate all regions meeting the set-out criteria as hardship areas; and submit the report to the National Assembly within three (3) months upon tabling of this report.
- ii. The Ministry of Public Service, Performance & Delivery Management reviews the categorization and gazettement of hardship areas every ten years.
- iii. Pursuant to the provisions of Standing Order 208A(c), the findings arising from the consideration of this Petition be debated by the House.

MIN./PPETC/2024/208:

CONSIDERATION OF REPORT ON PUBLIC PETITION NO. 71 OF 2023 REGARDING GAZETTEMENT OF CHEPALUNGU SUB-COUNTY AS HARDSHIP AREAS

The Committee reviewed the draft Report and made the following observations:

- i. The Ministry of Public Service, Performance & Delivery Management had constituted an Inter-Agency Technical Committee to address disparities regarding hardship areas across the public service and promote fairness, ensure parity of treatment among public servants.
- ii. The Kenya National Bureau of Statistics (KNBS) had identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas including food, water, transport and communication services, social services, climate and terrain, security and poverty index.

- iii. Chepalungu Constituency in Bomet County is not part of the sixteen (16) designated hardship areas while the Judiciary had twenty-one (21) areas designated as hardship based on location of the law courts.
- iv. Chepalungu Sub County has various challenges that would warrants its inclusion as a hardship area including unavailability and inaccessibility of water, and harsh climatic conditions and terrain, inadequate health facilities.
- v. Chepalungu Constituency borders Narok West and Emurua Dikkir constituencies and share the same climatic conditions yet the two constituencies were gazetted hardship areas.

The Committee made the following recommendations:

In response to the prayer that the Committee recommends to the relevant Ministry/Agencies to Gazette Chepalungu Sub County, as a hardship area, the Committee recommends that—

- i. The Ministry of Public Service, Performance & Delivery Management fast-tracks the review of relevant policies with a view to designate all regions meeting the set-out criteria as hardship areas; and submit the report to the National Assembly within three (3) months upon tabling of this report.
- ii. The Ministry of Public Service, Performance & Delivery Management reviews the categorization and gazettement of hardship areas every ten years.
- iii. Pursuant to the provisions of Standing Order 208A(c), the findings arising from the consideration of this Petition be debated by the House.

MIN./PPETC/2024/209:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 01:00 p.m. The next meeting will be held on Wednesday, 22nd May 2024 at 02:00 p.m.

(CHAIRPERSON)

Date 05-06-2024



REPUBLIC OF KENYA

MINISTRY OF PUBLIC SERVICE, PERFORMANCE AND DELIVERY MANAGEMENT Office of the Cabinet Secretary

Telegraphic address: "Personnel", Nairobi

Telephone: Nairobi 2227411

Telex: 23125 Fax: 2243620

When replying please quote

Ref No: MPSG&DM/3/7

The Clerk of the National Assembly Parliament Buildings

NAIROBI

P.O. BOX 30050- 00100 NAIROBI

KENYA

20th March, 2024

RE: MEETING WITH THE PUBLIC PETITIONS COMMITTEE ON VARIOUS PUBLIC PETITIONS

Reference is made to your letter Ref. KNA/DLPS/PPETC/CORR/2024/019 dated 13th March, 2024 on the above subject matter.

The Public Petitions Committee has invited me to make a presentation and provide information regarding various Petitions before them. The Ministry of Public Service, Performance and Delivery Management takes note of the key oversight role played by Committees in the National Assembly.

In this regard, the Ministry has prepared adequate and comprehensive responses on the four (4) petitions raised. I wish to express my sincere apology for being unable to appear in person for the scheduled meeting.

It is therefore my humble request that the Committee accepts written submissions by the

Ministry.

NATIONAL ASSEMBLY RECEIVED

2 1 MAR 2024

Hon. Moses K. Kuria, HSC P. O. Box 41842, NAIROBI

Encl.

Copy to: Amos N. Gathecha, EBS, 'ndc' (K)

Principal Secretary

State Department for Public Service

NAIROBI

PECEIVED

21 MAR 2024

DEPUTY CLERK S. KIOKO

0. BOX 41842 - 00 100, NAIROBI

J.Ms. Mode

espond to this wire Committee Resolution

1/200, PRJ process

Please process

Please process

Regin

21/3/24

NATIONAL ASSEMBLY

2 1 MAR 2024 &

CLERK'S OFFICE 7

FOR BOX 41842, NAIROBI