

PARLIAMENT
OF KENYA
LIBRARY



KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION (2010)

THE DEPARTMENTAL COMMITTEE
ON
ENERGY, COMMUNICATIONS AND INFORMATION

REPORT ON
THE APPOINTMENTS OF THE KENYA BROADCASTING
CORPORATION BOARD OF DIRECTORS

INQUIRY INTO THE APPOINTMENTS OF THE KENYA BROADCASTING CORPORATION BOARD OF DIRECTORS BY THE DEPARTMENTAL COMMITTEE ON ENERGY, INFORMATION AND COMMUNICATION

PREFACE

Mr. Speaker, Sir,

1. The Committee on Energy, Communications and Information was constituted on June 17th 2009 and its membership is as follows:-

- | | |
|--|----------------------|
| 1. The Hon. (Eng.) James Rege, M.P. | Chairman |
| 2. The Hon. Maina Kamau, M.P | Vice Chairman |
| 3. The Hon. Danson Mwazo Mwakulegwa, M.P | |
| 4. The Hon. Mohamed Hussein Ali, M.P | |
| 5. The Hon. (Eng.) Nicholas Gumbo, M.P | |
| 6. The Hon. Edwin O. Yinda, M.P | |
| 7. The Hon. Emilio Kathuri, M.P | |
| 8. The Hon. Ekwee Ethuro ,M.P | |
| 9. The Hon. (Prof.) Phillip Kaloki, M.P | |
| 10. The Hon. Cyprian Omolo, M.P | |

* The Hon. Wilfred Ombui, MP ceased to be a member of the Committee on 21st April, 2010, when he was appointed Assistant Minister in the Ministry of State for National Heritage and Culture. The Committee congratulates the Hon. Wilfred Ombui for his appointment and wishes him well in his duties.

Mandate of the Committee

2. The Committee is mandated to consider:-

- Development, production, maintenance and regulation of Energy.
- Communication.
- Information.

- Broadcasting, and
- Information Communications Technology (ICT) development.

The Committee executes its mandate in accordance with the provisions of Standing Order 198 (3), which is -

- a) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;
- b) to Study the programme and policy objectives on Ministries and Departments and the effectiveness of the implementation;
- c) to Study and review all legislation referred to it;
- d) to study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- e) to investigate and enquire 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 or a Minister; and
- f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

Further, Standing Order No. 152 provides that:-

- (1) Upon being laid before the National Assembly, the Annual Estimates shall stand committed to the respective Departmental Committees according to their mandates.
- (2) Each Departmental Committee shall consider, discuss and review the Estimates committed to it under this standing order and submit its report thereon to the House within twenty one days after they were first laid before the House.

Ministries assigned

In executing its oversight mandate the Committee oversees the following Ministries:-

- i) Ministry of Energy
- ii) Ministry of Information and Communication.

The Ministry also oversees the Parastatals under these two Ministries.

Mr. Speaker Sir,

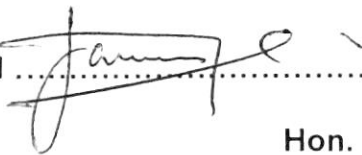
Following the Parliamentary question on 21st October, 26th October and 2nd November 2010 and subsequent responses by the Minister of Information and Communication and the interest on the matter by the House, you made a ruling from the Chair on 2nd November 2010, directing the Committee to look into the matter and report with speed within two weeks.

Mr. Speaker Sir,

On behalf of the Departmental Committee on Energy, Communications and Information, I now have the honour and pleasure to present its Report and Recommendations relating to the appointments of the Kenya Broadcasting Corporation (KBC) Board of Directors, to the House for debate and adoption.

Thank You.

Signed



Chairman
Hon. (Eng.) James Rege, MP

Date:

Nov. 15, 2010

I. BACKGROUND

1. On 21st October 2010, Hon. Charles Kilonzo, M.P asked the following question via Private Notice;

“Why did the Minister, in appointing the Kenya Broadcasting Corporation’s Board, fail to comply with the provisions of Section 4 (1) of KBC Act (Cap. 221) of the Laws of Kenya?”

2. In part of his response on 21st October 2010, the Minister stated that;

“The Constitution of the Board had met most of the requirements in that there is a member from print that is Mr. Ben Gituku, from radio and television is Miriam Kahiga and from administration we have Debora Letodo. Mr. Deputy Speaker, Sir, of the other two, one is a prominent lawyer and has some background in financial management. That is Mr. Charles Muhia. The other is a University Lecturer, Rev. Symon Kiuta. The only specialization lacking is in the areas of radio communication. There however exists a vacancy following the expiry of the term of one of the members early in the year. Once this position is filled, the Board will be fully compliant.”

3. On 26th October, 2010 the Minister tabled the Curriculum Vitae’s (CVs) of the following Directors;

- 1) Ngene B. Gituku
- 2) Rev. Symon Kiuta Lonyayo
- 3) Dibora Chepkisich Lotodo
- 4) Charles Musyoki Muoki
- 5) Charles K. Mwhia

*The Minister did not table the Curriculum Vitae of Miriam Kahiga who is now deceased.

4. During the House sitting on 2nd November, 2010, after increased interest in the matter, the Chair directed that the Committee on Energy, Information and Communication does move with speed and *“look into this matter because of its importance and urgency, in that it is a question of the law being broken...and*

report back to the House in two weeks." The Committee therefore embarked on the matter as directed.

II. INTRODUCTION

5. Kenya Broadcasting Corporation (KBC) is a state corporation established by an Act of Parliament CAP 221 of the laws of Kenya. KBC promotes the "Universal access to information for all" and contributes to the economic, educational, cultural and social well being of Kenyans. It falls under the jurisdiction of the Ministry of Information and Communication.
6. According to the KBC Act Cap 221, there are twelve (12) Directors in the KBC board if all vacancies are filled. The KBC Act Cap 221 (4) (1) states that there shall be a Board of Directors of the Corporation which shall consist of;
 - (a) A chairman of the Board appointed by the President;
 - (b) The Managing Director of the corporation;
 - (c) The Permanent Secretary for the time being responsible for information and broadcasting;
 - (d) The Permanent Secretary in the Office of the President;
 - (e) The Permanent Secretary being responsible for finance;
 - (f) Not more than seven members appointed by the Minister, not being employees of the Corporation, of whom not more than three shall be public officers and of whom-
 - i) At least one shall have specialization or experience in matters connected with radiocommunication and radiocommunication apparatus;
 - ii) At least one shall have specialization or experience in radio or television programme production
 - iii) At least one shall have specialization or experience in print media;
 - iv) At least one shall have specialization or experience in financial management and administration
7. The present Board of Directors of KBC consists of the following Members;

1. Mr. Charles Muoki - Chairman (***term currently expired***)
2. Mrs. Dibora Lotodo
3. Rev. Symon Kiuta
4. Mr. Charles Mwihia - (***term currently expired***)
5. Mr. Ben Gituku
6. Ms. Miriam Kahiga - (***deceased***)
7. Mr. Mohamed Jabane - Representative Office of the President
8. Mr. Ezekiel Mutua - Representative, Ministry of Information
9. Mr. Maina Kigaga - Representative, Ministry of Finance
10. Mr. Waithaka Waihenya- Managing Director, KBC
11. Mr. Paul Jilani -Corporation Secretary
12. Ms. Mumbi Githaiga -Representative, AG Chambers (***in-attendance***)
13. Mr. Simon Indimuli -Representative, Inspectorate of State Corporations
(in-attendance)

**The three year terms each of Mr. Charles Muoki and Mr. Charles Mwihia recently expired. Ms. Mumbi Githaiga and Mr. Simon Indimuli are ex-officio members representing the Attorney General and Inspectorate of State Corporations.*

8. The Ministers appointees are;

1. Mrs. Dibora Lotodo - appointed on 23rd July 2009
2. Rev. Symon Kiuta - appointed on 23rd July 2009
3. Mr. Charles Mwihia - appointed on 26th October 2007
4. Mr. Ben Gituku - appointed on 23rd July 2009
5. The late Ms Miriam Kahiga - appointed on 23rd July 2009

III. ***MODUS OPERANDI OF THE COMMITTEE***

9. Given that the Minister had earlier appeared in the House three times to respond to the above mentioned question the last time being 2nd November 2010 when he tabled the CVs for five of the Directors as evidence that they were all qualified as provided for under *Section 4 (1) of the KBC Act (Cap. 221) of the Laws of Kenya*, the

Committee resolved not to invite the Minister in view of the fact that the tabled evidence and proceedings of the House recorded in the Hansard were sufficient.

10. In the execution of its mandate, the Committee considered the KBC Act (Cap. 221), the Hansard recordings of 21st, 26th October, 2010 and 2nd November 2010 and the Curriculum Vitae's of five (5) Directors that were tabled by the Minister on the floor of the House on 2nd November, 2010.

IV. COMMITTEE OBSERVATIONS AND FINDINGS

11. In its sittings held on 11th and 16th November 2010, the Committee went through the Curriculum Vitae's tabled by the Minister and considered whether they met the mandatory requirements of Section 4 (1)(f) of the KBC Act Cap 221.

12. Before embarking into the inquiry the Committee was aware of the fact that the Act stipulates that the Minister may appoint seven Directors, not more than three of whom shall be public officers and four others with specialized qualifications. For that reason, the Committee was limited in investigating whether, of the Ministers appointees;

- (i) Not more than three (3) Directors were public officers
- (ii) Four (4) other Directors had the mandatory qualifications specified under Section 4 (1) (f)(i)(ii)(iii) &(iv).

The Committee made the following findings:-

1. NGENE B. GITUKU :- (*qualifies*)

Academic Qualifications:

- 'A' Levels –Thika High School
- Bsc Degree in Mathematics and Meteorology, Upper 2nd Class – University of Nairobi
- Diploma in Marketing- Cairo Egypt.

Working Experience:

- Marketing Assistant- Nation Newspapers
- Assistant Advertising Manager- Nation newspapers Ltd
- Group Circulation Manager- Standard Group of Newspapers
- Director- Kenya Pipeline Company
- Director- Kenya Broadcasting Corporation (2006-2009)

2. DIBORA CHEPKISICH LOTODO (*does not qualify*)

Academic Qualifications:

- Division IV- East African Certificate of Examination
- P.2- Mosoriot Teachers Training College

Working Experience:

- Teacher
- Head Teacher

3. REV. SYMON KIUTA LONYAYO (*does not qualify*)

Academic Qualifications:

- 'A' Levels- Kabarnet High School
- Bachelors of Theology- Scott Theological College
- Master of Divinity- Nairobi Evangelical Graduate School of Theology

Working Experience:

- Pastor
- Chaplain
- Senior Chaplain
- Lecturer- School of Theology, Kabarak University

4. CHARLES K. MWIHIA (*does not qualify*)

Academic Qualifications:

- 'A' Levels- Jamuhuri High School
- Diploma in Law- Kenya School of Law
- Admitted to the Bar as an Advocate of the High Court of Kenya

Working Experience:

- Advocate in Private Practice
- Board Member of Various High Schools

5. CHARLES MUSYOKI MUOKI (*Presidents appointee*)

Academic Qualifications:

- Bachelors of Laws (LLB)- University of Nairobi
- Diploma in Law- Kenya School of Law
- Admitted to the Bar as an Advocate of the High Court of Kenya

Working Experience:

- State Counsel- A.G Chambers
- Employed as an Advocate- M/s Gathenji & Co. Advocates
- Partner in his own Private Practice
- Board Member of Various High Schools

13. The Minister declared on the floor of the House that he appointed Rev. Symon Kiuta Lonyayo and Mr. Charles K. Mwihia according to the first limb of Section (4) (1) (f) which provides that he can appoint three Directors who are public officers.

The Interpretation and General Provisions Act (Cap 2) defines a **Public Officer** as-
“a person in the service of, or holding office under, the Government of Kenya, whether that service or office is permanent or temporary, or paid or unpaid.”

In view of this fact, upon evaluating the CVs of Rev. Symon Kiuta Lonyayo and Mr. Charles K. Mwihia, the Committee established that neither of them was a **Public Officer** within the meaning of the Law and therefore they **do not qualify** to be Directors under Section 4 (1) (f) of KBC Act Cap 221.

14. The Minister further declared in the House that he appointed Mr. Ben Gituku according to Section (4) (1) (f) (iii) which provides that the appointee must have specialization or experience in the Print Media. Upon evaluation of Mr. Ben Gituku's C.V, the Committee finds that Mr. Gituku has the necessary experience as provided

for under the Act having worked in both the Nation News Paper Ltd and the Standard Group Newspapers where he was the Group circulation manager and therefore qualifies.

15. It was the Minister's further assertion that Mrs. Diborah Lotodo was appointed under the provisions of Section (4) (1) (f) (iv) that specifies that the appointee must have specialization or experience in financial management and administration. Upon perusal of her C.V, the Committee was of the opinion that working experience as a head teacher is not equivalent to experience in financial management and administration and therefore concluded that Mrs. Diborah Lotodo DOES NOT have specialization or experience in financial management and administration and therefore does not qualify.

16. Ms Miriam Kahiga who has since passed away, was appointed by the Minister under Section 4(1) (f) (ii). However her C.V was not tabled in the House and the Committee was not able to obtain it even after requesting for the same. Though the Committee appreciates that it is difficult to obtain her CV due to her passing, the Committee drew the conclusion that she does not qualify as there is no evidence to prove otherwise.

17. Given that the appointment of the Chairman of the Board is made by the President as provided for under Section 4(1) (a) and no specific qualifications are stipulated, the Committee did not probe the appointment of Mr. Charles M. Muoki though his CV had been submitted by the Minister.

18. Currently, there are still vacancies in the Board of Management according to KBC Act Cap 221 due to the expired terms and positions which had not been filled.

19. Judging from the findings, the Committee therefore concludes that;

- i) Section (4) (1) (a) to (e) of the KBC Act Cap 221 on appointment of Executive Directors was complied with;

- ii) The Minister did not comply with the first limb of Section (4) (1) (f) in the appointment of Mr. Charles K. Mwihi and Rev. Symon Kiuta Lonyayo;
- iii) The Minister complied with Section (4) (1) (f) (iii) in the appointment of Mr. Ben Gituku;
- iv) The Minister did not comply with the mandatory provisions of Section (4) (1) (f) (iv) in the appointment of Mrs. Dibora Lotodo; and
- v) Ms. Miriam Kahiga is not qualified as the Committee did not have the benefit of scrutinising her CV.

V. RECOMMENDATIONS

17. In view of the above observations and findings the Committee therefore recommends that;

- (i) The Minister moves with speed to reconstitute the Board to ensure the appointments comply with the provisions of Section (4) (1) (f) of KBC Act Cap. 221

ANNEXURE I
(MINUTES)

MINUTES OF THE 40TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENERGY, COMMUNICATION AND INFORMATION HELD ON TUESDAY, NOVEMBER 9TH, 2010 IN THE CONTINENTAL COMMITTEE ROOM 4, PARLIAMENT BUILDINGS AT 10.00 A.M.

PRESENT

1. The Hon. (Eng.) James Rege, M.P. - Chairperson
2. Hon. Maina Kamau, M.P. - Vice Chairman
3. Hon. Danson Mwazo Mwakulegwa, M.P.
4. The Hon. Emilio Kathuri, M.P.
5. The Hon. Ekwee Ethuro, M.P.
6. The Hon. Mohamed Hussein Ali, M.P.
7. The Hon. Cyprian Omollo, M.P.
8. The Hon. (Prof) Phillip Kaloki, M.P.
9. The Hon. Edwin O. Yinda, M.P.

ABSENT WITH APOLOGY

1. The Hon. (Eng.) Nicholas Gumbo, M.P.

IN ATTENDANCE:

1. Jacob Ngwele
2. Emmy Chepkwony
3. Veronicah Kibati

NATIONAL ASSEMBLY

Third Clerk Assistant
Third Clerk Assistant
Research Officer

MIN. NO.117/2010: PRELIMINARIES

The proceedings were opened with a word of prayer from the Committee Chairperson.

MIN. NO.118/2010: ADOPTION OF THE AGENDA

The adoption of the Agenda was proposed by Hon. Emilio Kathuri, M.P and Seconded by Hon. Edwin Yinda, M.P. In reference to the meeting's main agenda. The Chair drew the meeting's attention to the provisions of the Standing Order 198 (3), which mandates the Committee to investigate and enquire 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 or a Minister;

Following the Parliamentary questions on 21st October, 26th October and 2nd November 2010 and subsequent responses by the Minister for Information and Communication and the debate on the matter by the House, you made a ruling from the Chair on 2nd November 2010, directing the Committee to look into the matter and report and make recommendations on the matter above.

The Committee made reference to the KBC Act Cap 221 (4) (1) states that there shall be a Board of Directors of the Corporation which shall consist of;

- (a) A chairman of the Board appointed by the President;
- (b) The managing director of the corporation;
- (c) The Permanent Secretary for the time being responsible for information and broadcasting;
- (d) The Permanent Secretary in the Office of the President; being responsible for finance;
- (e) Not more than seven members appointed by the Minister, not being employees of the Corporation, of whom not more than three shall be public officers and of whom-
 - i) At least one shall have specialization or experience in matters connected with radio communication and radio communication apparatus;
 - ii) At least one shall have specialization or experience in radio or television programme production
 - iii) At least one shall have specialization or experience in print media;
 - iv) At least one shall have specialization or experience in financial management and administration.

The Committee established that the Board of Management of KBC includes the following Members;

1. Mr. Charles Muoki - Chairman
2. Mrs. Deborah Lotodo
3. Rev. Symon Kiuta
4. Mr. Charles Mwihia
5. Mr. Ben Gituku
6. Mr. Mohamed Jabane - Representative Office of the President
7. Mr. Ezekiel Mutua - Representative, Ministry of Information
8. Mr. Maina Kigaga - Ministry of Finance
9. Ms. Mumbi Githaiga - Representative, Attorney General Chambers
10. Mr. Waithaka Waihenya - Managing Director, KBC
11. Mr. Paul Jilani - Corporation Secretary

The terms of Mr. Charles Muoki and Mr. Charles Mwihia recently expired. The Board presently has two unfilled vacancies while Ms. Mumbi Githaiga who is an *ex-officio* member representing the Attorney General.

1. The Ministers appointees are;

1. Mrs. Deborah Lotodo - appointed on 23rd July 2009
2. Rev. Symon Kiuta - appointed on 23rd July 2009
3. Mr. Charles Mwihia - appointed on 26th October 2007
4. Mr. Ben Gituku - appointed on 23rd July 2009
5. The late Ms Miriam Kahiga - appointed on 23rd July 2009

The Committee therefore directed the Secretariat to avail the missing CV's to be reviewed by the Committee in its next meeting.

The Committee resolved note to invite the minister to the Committee inquiry as the documents provided to the tabled in the floor of the house were sufficient for the Committee investigations.

The following Observations and findings were established by the Committee:

1. The Committee reviewed the Curriculum Vitae's tabled by the Minister and considered whether they meet the mandatory requirements of Section 4 (1) (f) of the Act. Before embarking into the inquiry the Committee was alive to the fact that the Act only confers discretion on the Minister in the appointment of three out of the Seven Directors whose qualification is not set out in the Act. For that reason, the Committee brief was limited only in inquiring whether the other four(4) Director were appointed in accordance with the mandatory provisions of Section 4 (1)(f)(i)(ii)(iii) &(iv). And for this the Committee made the following findings:-

i. **NGENE B. GITUKU :-**

Academic Qualifications:

- 'A' Levels –Thika High School
- Bask Degree Upper 2nd Class – University of Nairobi
- Diploma in Marketing- Cairo Egypt.

Working Experience:

- Marketing Assistant- Nation Newspapers
- Assistant Advertising Manager- Nation newspapers Ltd
- Group Circulation Manager- Standard Group of Newspapers
- Director- Kenya Pipeline Company
- Director- Kenya Broadcasting Corporation (2006-2009)

ii. **DIBORA CHEPKISICH LOTODO**

Academic Qualifications:

- Division IV- East African Certificate of Examination
- P.2- Mosoriot Teachers Training College

Working Experience:

- Teacher
- Head Teacher

iii. REV. SYMON KIUTA LONYAYO

Academic Qualifications:

- 'A' Levels- Kabarnet High School
- Bachelor of Theology- Scott Theological College
- Master of Divinity- Nairobi Evangelical Graduate School of Theology

Working Experience:

- Pastor
- Chaplain
- Senior Chaplain
- Lecturer - School of Theology, Kabarak University

iv. CHARLES K. MWIHIA

Academic Qualifications:

- 'A' Levels- Jamuhuri High School
- Diploma in Law- Kenya School of Law
- Admitted to the Bar as an Advocate of the High Court of Kenya

Working Experience:

- Advocate in Private Practice
- Board Member of Various High Schools

v. CHARLES MUSYOKI MUOKI

Academic Qualifications:

- Bachelor of Laws (LLB)- University of Nairobi
- Diploma in Law- Kenya School of Law
- Admitted to the Bar as an Advocate of the High Court of Kenya

Working Experience:

- State Counsel- A.G Chambers
- Employed as an Advocate- M/s Gathenji & Co. Advocates
- Partner in his own Private Practice
- Board Member of Various High Schools

2. It was the Ministers evidence on the floor of the House that he appointed Rev. Symon Kiuta Lonyayo and Mr. Charles K. Mwihiia according to the first limb of Section (4) (1) (f) which provided that he can appoint three Director whose qualification and experience is not provided for under the Act apart from the fact that shall be public officer. In view of this fact, the committee was of the view that the two appointing did not have the qualifications to be Directors since they were not public officers.
3. The Minister further alluded to the House that he appointed Mr. Ben Gituku according Section (4) (1) (f) (iii) which provided that the appointee MUST have specialization or experience the Print Media. Upon evaluation of Mr. Ben Gituku's C.V, the Committee finds that Mr. Gituku has the necessary experience as provided

for under the Act having worked in both the Nation News Paper Ltd and the Standard Group Newspapers where he was the Group circulation manager.

4. The Committee observed the Minister's assertion that Mrs. Deborah Lotodo was appointed in accordance with the provisions of Section (4) (1) (f) (iv) that specifies that the appointee must have specialization or experience in Administration and financial management. Upon perusal of her C.V, the Committee observed that Mrs. Deborah Lotodo lacks qualifications specified by the law.

The operative word in Section (4) (1) (f) (iv) is specialization **OR** experience in **and Administration and financial management**, which certainly means that the appointee must either have training in the field of **administration and financial management** or experience in that area. Working experience as a head teacher is not equivalent to experience in **administration and financial management** , and as such Mrs. Deborah Lotodo is not duly qualified for appointment under Section (4) (1) (f) (iv) of the Act.

5. The other person who was appointed by the Minister under Section 4(1) (f) (ii) was the late Ms Miriam Kahiga whose C.V was not tabled in the House. Since her C.V was not available for scrutiny, the Committee concluded that she did not qualify for appointment.
6. Given that the appointment of the Chairman of the Board of the Corporation is made by the President as provided for under Section 4(1) (a) the Committee did not make an inquiry into the appointment of Mr. Charles M. Muoki.
7. The Committee further established that there were still vacancies in the Board of Management according to KBC Act Cap 221.

The Committee therefore made the following conclusions that;

- (1) Section (4) (1) (a) to (e) of the KBC Act Cap 221 on appointment of Executive Directors was complied with;
- (2) The Minister complied with the first limb of Section (4) (1) (f) in the appointment of Mr. Charles K. Mwhia and Rev. Symon Kiuta Lonyayo.
- (3) The Minister complied with Section (4) (1) (f) (iii) in the appointment of Mr. Ben Gituku.
- (4) The Minister did not comply with the mandatory provisions of Section (4) (1) (f) (iv) in the appointment of Mrs. Deborah Lotodo, a head teacher by profession.

The Committee observed that that the documents tabled by the Minister in the floor of the house were sufficient to complete the investigations and therefore resolved to further deliberate on the same agenda in its sitting of the 16th November 2010 and make recommendations.

MIN. NO.121 /2010:

ANY OTHER BUSINESS

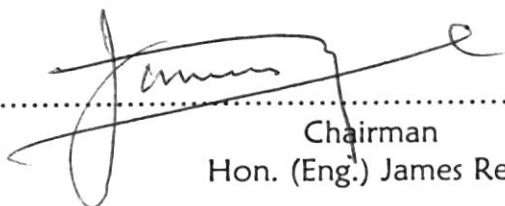
The Committee received a progress report on its Study tour to Brazil and deliberated on its retreat to Mombasa to attend the Communication for Development retreat in Mombasa a Multi- Stakeholder forum convened by the Ministry of Information and Communication.

MIN. NO.123 /2010:

ADJOURNMENT.

There being no other business, the Chair adjourned the meeting at thirty minutes past one o'clock.

Signed



Chairman
Hon. (Eng.) James Rege, MP

Date:

Nov. 18, 2010 .

MINUTES OF THE 41ST SITTING OF THE DEPARTMENTAL COMMITTEE ON ENERGY, COMMUNICATION AND INFORMATION HELD ON TUESDAY 16TH NOVEMBER, 2010 IN COMMITTEE ROOM, 4TH FLOOR, CONTINENTAL BUILDING AT 10.00 A.M.

PRESENT

- | | |
|--|---------------|
| 1. The Hon. (Eng.) James Rege, M.P. | Chairman |
| 2. The Hon. Maina Kamau, M.P | Vice Chairman |
| 3. The Hon. Mohamed Hussein Ali, M.P | |
| 4. The Hon. Edwin O. Yinda, M.P | |
| 5. The Hon. Cyprian Omolo, M.P | |
| 6. The Hon. Danson Mwazo Mwakulegwa, M.P | |
| 7. The Hon. Ekwere Ethuro, M.P | |
| 8. The Hon. (Eng.) Nicholas Gumbo, M.P | |

ABSENT WITH APOLOGIES.

1. The Hon. Emilio Kathuri, M.P
2. The Hon. (Prof) Phillip Kaloki, M.P

IN ATTENDANCE:

1. Mr. Jacob Ngwele
2. Ms. Veronicah Kibati

NATIONAL ASSEMBLY

Third Clerk Assistant
Research Officer

MIN. NO. 124/2010:

PRAYER

The proceedings were opened with a word of prayer from the Chairperson.

MIN. NO. 125/2010:

ADOPTION OF THE AGENDA.

The adoption of the Agenda was proposed by Hon. (Eng.) Nicholas Gumbo, M.P and seconded by Hon. Danson Mwanzo, M.P.

MIN. NO. 126/2010:

CONSIDERATION OF THE DRAFT REPORT ON THE APPOINTMENT OF THE BOARD MEMBERS OF THE K.B.C

Members read at length the draft report on the inquiry by the Committee into the appointment of the Board of Directors of K.B.C as per the directive given to the Committee by the Speaker on 2nd November, 2010.

Upon deliberation of the report members unanimously adopted the report with the recommendations that the following members of the Board of K.B.C were not qualified to be appointed as directors in accordance with the provisions of Section 4 (1)(f) of the K.B.C Act.

1. Mrs. Deborah Lotodo
2. Mr. Charles Mwihi
3. Rev. Symon Kiuta Lonyonyo and
4. Ms. Miriam Kahiga.

The Committee was unanimous that Mrs. Deborah Lotodo was not qualified since she did not possess the necessary specialization or experience in financial management and administration as stipulated under the Section 4 (1)(f) (iv) of the K.B.C Act.

The Committee was of the further opinion that Ms. Miriam Kahiga was also not qualified given that the committee did not have the benefit of scrutinizing her Curriculum Vitae notwithstanding the fact that the same had been request from the Corporation to no avail.

With respect to Mr. Charles Mwihi and Rev. Symon Kiuta Lonyonyo, the Committee was of the view that the same were not qualified in light of the mandatory provisions of Section 4 (1)(f) of the K.B.C Act that provided that of the Seven Directors appointed under the sub-section, three of them must be "Public Officers". The Committee was satisfied that the two appointees were not "Public Officer" within the meaning of the word "Public Officers" as defined under the provisions of the Interpretation and General Provisions Act and therefore disqualified for appointment as Directors of the Corporation.

MIN. NO. 127/2010: REVIEW AND ADOPTION OF THE REVISED COMMITTEE WORK PROGRAMME.

The Committee was taken through the revised work programme for November and December and adopted the same with necessary changes.

The Committee also resolved to visit the Malili Ranch sometimes in late January or February 2010 and gave the secretariat the go ahead to initiate the necessary preparatory works. The Committee further resolved that the visit to Malili Ranch should be made with a helicopter in order for Members to appreciate the ranch. The Secretariat was advised to obtain the survey maps and the GPS co-ordinates of the area.

MIN. NO. 128/2010: ADJOURNMENT.

There being no other business for discussion, the Chair adjourned the meeting at forty minutes past Twelve O'clock. The next meeting will be held on 18th November, 2010.

SIGNED: 
CHAIRPERSON

DATE: Nov. 18, 2010

ANNEXURE II
(HANSARD; 21st October, 2010)

11. Hon. Milly Odhiambo-Mabona, MP
12. Hon. Dr. Joyce Laboso, MP
13. Hon. Shakila Abdalla, MP
14. Hon. Boaz Kaino, MP
15. Hon. Ntoitha M'Mithiaru, MP

Mr. Deputy Speaker: Next Order!

QUESTIONS BY PRIVATE NOTICE

APPOINTMENT OF KBC BOARD

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Information and Communications the following Question by Private Notice.

Why did the Minister, in appointing the Kenya Broadcasting Corporation's Board, fail to comply with the provisions of Section 4 (1) of KBC Act (Cap. 221) of the Laws of Kenya?

The Assistant Minister for Information and Communications (Mr. Godhana): Mr. Deputy Speaker, Sir, I beg to reply.

Yes, I admit that we have not fully complied with the provisions of Section 4(1) of the KBC Act, Chapter 221 in appointing the current Board of Directors at KBC.

According to the Act, the Board should be composed of 11 members. However, currently there are ten members. Three are representatives from the Treasury, Office of the President and the parent Ministry respectively. In addition, there is the Managing Director and the Chairman who are appointed by the President. On the other hand, six directors are appointed by the Minister.

Mr. Deputy Speaker, Sir, the law requires that of the six, one should have specialization or experience in matters of radio communication apparatus and another should have specialization or experience on radio or television programme production. Another should have specialization or experience in print media while another should have specialization or experience in finance and administration.

The constitution of the Board had met most of the requirements in that there is a member from print that is Mr. Ben Gituku, from radio and television is Miriam Kahiga and from administration we have Debora Letodo.

Mr. Deputy Speaker, Sir, of the other two, one is a prominent lawyer and has some background in financial management. That is Mr. Charles Muhia. The other is a university lecturer, Rev. Symon Kiuta.

The only specialization lacking is in the area of radio communication. There, however, exists a vacancy following the expiry of the term of one member early in the year. Once this position is filled, the Board will be fully compliant.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, the Assistant Minister is partially accepting that the Board is not properly constituted. The Controller and Auditor-General who wrote a letter on 20th of May this year said as follows:-

"Verification of copies of academic and professional qualifications and CVs of the appointees to the Board of the Corporation revealed that the above section of the law was not complied with by the Minister in the appointment of the members of the Board".

Mr. Deputy Speaker, Sir, the section is about who should qualify to sit in the Board. He further says:-

"It is not clear why the appointing authority did not invoke the said section of the law while appointing Board members".

He then recommends that the appointing authority should consider reconstituting the Board membership which satisfies the requirement of Section 4(1) (f) of the KBC Act to enhance good corporate governance of the corporation.

Mr. Deputy Speaker, Sir, if the Controller and Auditor-General has seen that the Board has not been constituted according to the law, how comes the Assistant Minister sees it differently?

Mr. Godhana: Mr. Deputy Speaker, Sir, indeed, we have complied with the letter from the Controller and Auditor-General. The only area we have not complied with, and which I have mentioned, is that of radio communication. This is a very rare area to cover. We are still looking for a qualified person to fill this vacancy. It is hard to find engineers in the field of radio communication. This is the only area we did not comply with. The rest of the criteria with regard to the board members were complied with.

Dr. Khalwale: Mr. Deputy Speaker, Sir, I know for a fact that this corporation is one of the most heavily indebted to the extent that the Cabinet sat and provided a bailout to the tune of Kshs3.5 billion, which this corporation has been receiving at the rate of Kshs200 million per year. Part of the reason why this bailout was given was the inadequacies and incompetence in running this corporation. Could the Assistant Minister table the resumes, or curriculum vitas, of these appointees so as to convince us that as we keep on pumping millions of shillings into this corporation, the officers who are there are up to the task?

Mr. Godhana: Mr. Deputy Speaker, Sir, I have already highlighted the qualifications of the membership of this board in their respective areas, but the hon. Member is saying there are weaknesses. In my view, the weaknesses that were witnessed before have already been addressed. So, I do not think it is very necessary, at this point, to bring their CVs since I have already highlighted everything in my answer.

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir, If the Controller and Auditor-General has already perused the CVs, and has found them wanting and not complying with the law, is the Assistant Minister in order to say that he cannot bring them here? There is a contradiction between what the Controller and Auditor-General said and his answer? If, indeed, they are qualified, why is he holding the CVs? He should bring them here.

Mr. Godhana: Mr. Deputy Speaker, Sir, I was only saying that it may be necessary to bring them here. However, if the hon. Member insists, with your direction, I can, at a later date, avail the CVs.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir, The Controller and Auditor-General is an adviser to this House. He does his job so that this job is better informed on how the Executive performs. Therefore, if he said that he has doubts about these CVs, and we are not ignorant about what we are talking about, could he, kindly, table the resumes so that we can interrogate him further? Is he in order to refuse to lay on the Table the resumes?

Mr. Deputy Speaker: Order! He has not refused. We have not heard him refuse. He has said that he is willing to lay that on the Table at a later date. Therefore, if you are

rising on a point of order, it has to be on something else but not with regard to him refusing.

Mr. Mbadi: Mr. Deputy Speaker, Sir, the incompetence of the board of management of the Kenya Broadcasting Corporation is not in doubt. I wanted to find out from the Assistant Minister what he intends to do with some of the actions or decisions that the incompetent Board is currently involved in. I wanted to mention that the Board has advertised the position of the Managing Director, which they have obviously, and evidently, tailored to suit the current Acting Managing Director. Why have they asked for only one degree, yet in the same corporation, for a junior officer, the Human Resource Officer, he is required to have a master's degree and the current Acting MD has a degree in Education? They have pegged the age limit at not more than 45 years of age. Honestly, what is the magic about being 45 years of age? Is it just because the Acting Managing Director is 44 years old now? They tailored this advertisement to suit him! Finally, they have said that the Managing Director must have worked at a senior position in the broadcasting sector asked for, at least, three years. Why? It is because Mr. Waihenya joined KBC in 2007. That is exactly three years today.

What will the Assistant Minister do with a Board which is making incompetent advertisements to recruit a Managing Director? What will he do with the process of recruiting the Managing Director?

Mr. Godhana: Mr. Deputy Speaker, Sir, first of all, I find the question by the Member speculative. There is no position that has been advertised for somebody. I have said in my response that---

Mr. Deputy Speaker: Order! Mr. Mbadi, are you willing to lay on the Table the information that you have?

Mr. Mbadi: Mr. Deputy Speaker, Sir, while I know that newspaper cuttings are not supposed to be used, this is an advertisement. The only way that I can prove this is to lay the cutting on the Table. I am not speculating. I have explained why I think that this advertisement was tailored to suit Mr. Waihenya.

Mr. Deputy Speaker: Proceed and lay it on the Table.

(Mr. Mbadi laid the cutting on the Table)

Mr. Godhana: Mr. Deputy Speaker, Sir, I have said that the positions of the Managing Director and the Chairman are yet to be filled. The advertisement is not tailored to suit anybody. It is an open advertisement and anybody who qualifies can apply and we will do the necessary.

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir, You have heard the answer that the Assistant Minister has given and the remarks from Mr. Mbadi. We need your guidance on this matter because this is not a matter of the Member and the Assistant Minister trying to see who is better in argument. This is a serious matter and anybody can see that the advertisement was to----

Mr. Deputy Speaker: Your point has been noted.

Mr. Chanzu: Mr. Deputy Speaker, Sir, we need your guidance in this matter.

Mr. Deputy Speaker: Mr. Assistant Minister, newspaper cuttings are normally not admissible in this House. The Chair would want to get from the horse's mouth whether, indeed, you advertised for the position of a Managing Director, or whether the

information here reflects what the Board advertised. If you deny it, the Chair has no way of compelling you to do anything because this is a newspaper cutting.

Mr. Godhana: Mr. Deputy Speaker, Sir, I do not have any intention to deny it.

Mr. Deputy Speaker: Is it reflecting--

Mr. Godhana: Mr. Deputy Speaker, Sir, unless, I go and compare it exactly with what is in the office---

Mr. Mbadi: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to show ignorance about what is happening in his Ministry? This is an advertisement for recruitment of an MD of a State corporation which is under his watch; it is something he should have known. So, he does not need to be given any time to go and verify the facts.

Mr. Deputy Speaker: Fair enough. Under the circumstances, since you are asking for more time, are you asking that we defer the Question so that you can comprehensively answer it?

Mr. Godhana: Mr. Deputy Speaker, Sir, yes.

Mr. Deputy Speaker: Fair enough!

Mr. C. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I would like to ask for your direction with regard to the Assistant Minister bringing the CVs to the House. According to the Controller and Auditor-General---

Mr. Deputy Speaker: The Assistant Minister has made an undertaking and it is already reflected in the HANSARD. It is the presumption of the Chair that he will come with a comprehensive answer, meaning that the CVs will also be there.

Mr. C. Kilonzo: Mr. Deputy Speaker, Sir, give the date.

Mr. Deputy Speaker: When would you want the Question to appear on the Order Paper?

Mr. Godhana: I will lay the documents on the Table on Tuesday.

Mr. Deputy Speaker: This is a Question by Private Notice. Nonetheless, it is directed that the Question appears on the order Paper on Tuesday next week.

(Question deferred)

PREPARATION FOR KCSE EXAMINATIONS

Mr. Yakub: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice.

(a) To what extent is the Ministry prepared for the forthcoming Kenya Certificate of Secondary Education (KCSE) Examination in terms of security and other logistics to avoid leakage of the same?

(b) Could the Minister provide the number of court cases on examination leakages and cheating for the last two years and the court ruling on the case so far determined?

(c) Could the Minister consider making it a requirement for all KCPE and KCSE candidates to indicate only their index numbers on the examination papers instead of both their names and index numbers?

The Assistant Minister for Education (Mr. Mwatela): Mr. Deputy Speaker, Sir, I beg to reply.

ANNEXURE III
(CURRICULUM VITAE)



CURRICULUM VITAE (CV)

Page 1 of 1
By the Director of
Examinations -
ombuds in
Conduct - with Certificate
by private notice on
Tuesday, 2nd November, 2010

John W. Njiru
2/11/10

NAME: NGENE B. GITUKU

DATE OF BIRTH: 1955

FATHER'S NAME: Wilson Gituku Wangai

MOTHER'S NAME: Phyllis Wambui Gituku

POSTAL ADDRESS: P.O BOX 22142-00400 Nairobi, Tel 2213486
Fax 311532

RESIDENCE: GreenRidge Estate off Nairobi/Kiambu Road

MARITAL STATUS: ~~Married with four children~~

WIFE'S NAME: Jane Wangari Ngene

OCCUPATION: Businesswoman

CHILDRENS' DETAILS

- | | |
|-----------------------------|---|
| 1. IAN GITUKU
SCHOOL | Son aged 22 years
Strathmore University |
| 2. JUDY WAMBUI
SCHOOL | Daughter aged 19 years
USIU university Nairobi |
| 3. TRINA NYAMBURA
SCHOOL | Daughter aged 16 years
Makini High School |
| 4. TIDY MAINA
SCHOOL | Son aged 5 years
Muthaiga Kindergarten |

EDUCATION

PRIMARY: 1963-1969

Gathaiti Primary School: Passed with Distinction
(2 A's and 1 B)

SECONDARIES: 1970-1973

Thika High School: Passed 'O' Level- 17 Points (1st Division)

'A' LEVELS: 1974-1975

Thika High School 3 Principal Passes

- Economics-'A'
- Mathematics-'C'
- Physics-'D'

1 Subsidiary (General)

UNIVERSITY: 1976-1979

University Of Nairobi B.Sc. Degree Upper 2nd Class (Honors)

- Mathematics and Meteorology

POST-GRADUATE: 1980

Diploma in Marketing Cairo (Egypt) while working for NCR (K) Ltd.

- Sales and Marketing Management

WORKING EXPERIENCE

1979 NCR (K) Ltd. As a Marketing Representative

The job involved selling accounting machines and computers, which included installations.

1980 Nation Newspapers Ltd.- Marketing Assistant

I deputized for the Marketing Manager whose duties were to promote Nation Newspapers products e.g. Nation (Daily and Sunday), Taifa (Leo and Weekly) and other magazines.

I was directly involved in all public relations work including competitions such as "Spot the Ball", "Road Safety", "Help a sick child", etc

- 1985 Nation Newspapers- Assistant Advertising Manager
- I was the number two person in the advertising department where I was in-charge of a team of Sales Representatives who were selling space for both Nation and Taifa.
- 1987 Standard Group of Newspapers - Group Circulation Manager
- I was the head of a large department dealing with distribution of all "Standard" products, which included both local and overseas newspapers and magazines.
- I traveled extensively throughout Kenya while managing a team of Sales Managers and their assistants and also the sales representatives to ensure the highest sales of "Standard" products countrywide.
- 1991 Resigned to start own business under the company Suburban Distributors and Transporters Ltd.
- This company deals with all types of distribution including Standard Newspapers. Other companies associated with this include:-
- Tarry Supplies
 - Photocon
 - Everywhere Investments, dealing with property development and Management
 - Gene Investments- Real Estates
 - Everywhere Distributors and Transporters- Distribution of Nairobi Star Newspaper (The new Daily launched in July 2007)
- 2002 Appointed Director Kenya Pipeline Company Limited until a new board was formed in April 2003.
- 2006 Appointed Director, Kenya Broadcasting Corporation (K.B.C.)



CURRICULUM VITAE

PERSONAL DETAILS.

Name: : Rev. Symon Kiuta Lonyayo
Marital status : Married with four children
Languages : English, Kiswahili, Pokot (fluently spoken/written)
Nationality : Kenyan
Contact Address : Kabarak University
P.O Private Bag – 20157 Kabarak.
E-Mail : skiuta@yahoo.com
Mobile Number : 0721-268349

EDUCATIONAL BACKGROUND

1997 – 2000 - Nairobi Evangelical Graduate School of Theology (NEGST)
- Master of divinity (M. DIV)
1989 – 1993 – Scott Theological College – Bachelor of Theology (B.Th)
1985 – 1986 – Kabarnet High School – KACE
1981 – 1984 – Marigat Secondary School – KCE
1974 – 1980 – Churo Primary School – C.P.E

WORK AND PROFESSIONAL EXPERIENCE.

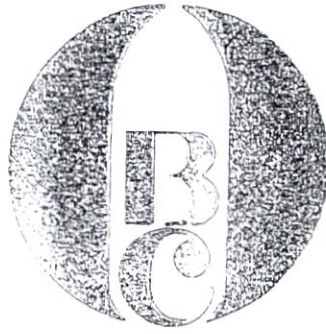
2008 up-to-date - Lecturer, School of Theology, Education and Arts – Kabarak University.
2003 -2007 - Senior Chaplain, Moi High School Kabarak
2004 – 2008 - Board Chairman A.I.C Churo Secondary School
2004 – to –date - Patron, East Pokot Pastor's Peace Initiative Fellowship.

- 2000 – 2002 - 1) Chaplain A.I.C Churo Secondary School
2) C.R.E and History & Government teacher (part-time) Churo Secondary School.
3) A.I.C Churo District Church Council Chairman
4) A.I.C Baringo Regional Church Council Vice-Chairman.

- 1993 – 1997 - 1. Pastor in charge A.I.C Churo
2. A.I.C Churo District Church Council. Chairman
3. Part-time lecturer Baringo Bible College
4. Chairman A.I.C Churo Health Centre

REFEREES.

1. Rev. Dr. Robert Langat
Kabarak University
P.O Private Bag-20157
KABARAK
CELL NO. 0723-990051
2. Mr. Henry Kiplangat
Principal Moi High School Kabarak
P.O Box 10-20157
KABARAK
CELL. NO. 0721-456088



THE BOARD OF GOVERNORS OF
ONTARIO BIBLE COLLEGE

UPON RECOMMENDATION OF THE FACULTIES OF
ONTARIO BIBLE COLLEGE AND SCOTT THEOLOGICAL COLLEGE
CONFERS UPON

Symon Riuta Lonyayo

WHO HAS SUCCESSFULLY COMPLETED THE COURSE REQUIREMENTS AT
SCOTT THEOLOGICAL COLLEGE, AND HAS EXEMPLIFIED
CONSISTENT CHRISTIAN CHARACTER, THE DEGREE

Bachelor of Theology

WITH ALL ITS RIGHTS, PRIVILEGES, AND OBLIGATIONS.

27 March 1993



APPROVED BY:

Bruce E. Soule

PRESIDENT OF OBC

hmm

PRINCIPAL OF S.T.C.

RECOMMENDED BY:

Alpha Sherman

REGISTRAR OF O.B.C.

Chloe Bismarck

REGISTRAR OF S.T.C.

3/7
3/7

CURRICULUM VITAE

DIBORA CHEPKISICH LOTODO
P.O. BOX 52566-00200
NAIROBI
MOBILE:0714-249974

PERSONAL DETAILS

DATE OF BIRTH	1/7/1948
MARITAL STATUS	MARRIED
GENDER	FEMALE
NAIONALITY	KENYAN

ACADEMIC BACKGROUND

- 7TH FEBRUARY-18TH JULY 2009 EMBULBUL COUNSELLING CENTRE
- *CERTIFICATE IN COUNCELLING*
 - INSTITUTE OF ADVANCED TECHNOLOGY (IAT)
 - *LOTUS*
 - *DBASE III+*
 - *WORD PERFECT*
 - *MS-WORD FOR WINDOWS '95*
 - *EXCEL FOR WINDOWS*
 - MOSORIOT TEACHERS TRAINING COLLEGE
 - *P 2*
 - *1975*
 - *EAST AFRICAN CERTIFFICATE OF EXAMENATION*
 - *DIVISION IV*

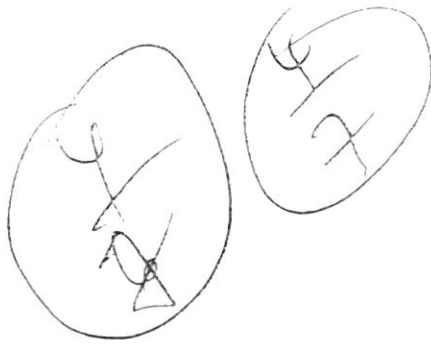
PROFESSION

- *TEACHER TSC NO.134166*
- *PROMOTION ON MERIT UP TO S 1*
- *HEADTEACHER*

ACHIEVEMENTS

- *RELIGIOUS EDUCATION AWARENESS PROGRAMME CERTIFICATE 1991*
- *WORLD FOOD DAY ORGANISATION OF THE UNITED NATION 50TH ANNIVERSARY CERTIFICATE-1995*

- *MEMBER OF DISTRICT HEALTH MANAGEMENT BOARD WEST POKOT DISTRICT 1992-2002*
- *PARTICIPANT IN AFRICAN WOMEN CONFERENCE IN DAKAR*
- *PARTICIPANT IN WORLD WOMEN CONFERENCE IN BEIJIN*
- *ORGANISED AND INITIATED SEVERAL WOMEN GROUPS IN WEST POKOT*
- *ACTIVE IN CHURCH ACTIVITIES-CHAIRPERSON OF CATHOLIC WOMEN ASSOCIATION IN KITALE DIOCESE 2005-2008*



25



CURRICULUM VITAE

FOR

CHARLES MUSYOKI MUOKI

CURRICULUM VITAE

PERSONAL DETAILS:-

NAME : CHARLES MUSYOKI MUOKI
DATE OF BIRTH : 1960
GENDER : MALE
MARITAL STATUS : MARRIED
NATIONALITY : KENYAN
CONTACT ADDRESS : P.O.BOX 41729 - 00100 NAIROBI
TELEPHONE : 0721-586010 OR 254-020- 219450/244505/244504
EMAIL : cmmuoki@hotmail.com

ACADEMIC

1985-1986 Kenya School of Law

Postgraduate Diploma in Law (Hons.)

1981-1985 University of Nairobi

Bachelor of Law (Hons)

Professional Experience-over 20 years of experience

1990-Present Managing Partner-Muoki & Co. Advocates

- Founded the firm in February, 1990 and undertakes the following:
- Supervise associate/assistant lawyers, paralegals and support staff
- Monitor and approve preparation of all briefs within the firm
- Conduct researches and prepare court briefs
- Present briefs to both subordinate and the High Courts
- Argue all the appeals that emanate from the High Court to the Court of Appeal of Kenya.

Nature of Law practiced:-

LITIGATION

We act generally on all kinds of commercial matters, banking and insurance, settlement of claims, debt collections and defamation law.

CRIMINAL LAW

Representing individuals in robberies, murder and fraud matters.

CONSTITUTIONAL LAW

- Representing individual whose rights have been violated by the state
- Election petitions
- Judicial review applications.

COMMERCIAL & COMPANY LAW:-

- Preparing commercial documents for companies and incorporating companies. These include memorandum of associations, mergers, agreements, shares and stocks transfer agreements; contract and torts.
- Representing individuals in tortuous claims and defending corporations and insurance companies in individual and common law claims.

PROPERTY LAW

Conveyancing for private commercial banks; preparation of charges and mortgage documents as well as their registration thereof; preparation of transfer of land documents under the different land registration systems in the country; representing clients in the disputes in both the registered systems and those held under the customary laws or those under trust land system.

1987-1990 ADVOCATE WITH MESSRS GATHENJI & CO. ADVOCATES

- Chief litigation Advocate in the firm and handled both criminal and civil matters.
- Prepared court briefs
- Conducted research work on all matters in court
- Prepared legal opinions to clients on commercial, business contracts and tortuous matters.
- Principal legal officer in the firm.

1986-1987 State Counsel at the Attorney General's Chambers

- Prepared court briefs conducted research work on civil matters.
- Assisted Senior and Chief State Counsel in preparation and research of court briefs/matters.
- Represented the government in court: e.g. the government being used by private firms or individuals or vice-versa and also where the government was sued for violation of civil rights etc.

ADMINISTRATION AND MANAGEMENT SKILLS

1. Director Kenya Ports Authority from 2003 to March 2006
 - i) Member of Corporation Tender Committee: Participated in streamlining the procurement procedures and implementing the recent procurement regulations.
 - ii) Member Human Resources Committee: Reorganized the human resources to allow for opening of the top positions to all qualified Kenyan so as to bring new skills while at the same time putting in place a succession plan for the corporation.

- iii) Chairman Governance Ad – Hoc Committee: Drafted the procedure guidelines to streamline and reorganize the governance structure of the corporation; clearly spelling the powers of the Board Vs – a – Vs those of the management; Drafted the Corporation Board Charter in accordance with the recommendations of the Centre of Corporate Governance.

2. Director Kenya Broadcasting Corporation from August 2006 to present.

- (i) Chairman:- Human Resource Committee:
Commenced rationalization of staff positions at the Corporation and putting in place a succession plan after retrenchment.
- (ii) Member :- Finance and Marketing Committee
- (iii) Member:- Audit Committee.

PROFESSIONAL ASSOCIATION

Active member of the Law Society of Kenya.

REFEREES

1. HON. JOHN MUTUA KATUKU
MINISTER FOR WATER AND IRRIGATION
P.O.BOX 49720
NAIROBI.
2. NZAMBA KITONGA
PRESIDENT OF THE
COMESA COURT.

NAME: CHARLES K. MWIHIA
C. K. MWIHIA & CO.,
ADVOCATES
4TH FLOOR
THIKA ARCADE
COMMERCIAL STREET
P. O. BOX 821
THIKA
TELEPHONE 067 - 21810
FAX 067 - 21492
Email: dkmwihia@yahoo.co.



CURRICULUM VITAE

I am a Kenyan of African origin by descent born in the year 1948 in Thika District of the Republic of Kenya. I am married and have a family and we are Christians.

In the year 1962, I sat for KPE and I was admitted to Mangu High School where I passed the Ordinary level in the year 1966 and was admitted to Jamhuri High School for the Advanced Level when I was admitted to the Kenya School of Law for five years where I qualified and was admitted as an advocate of the High Court of Kenya in the year 1972. I started private legal practice in the same year. We are two advocates in the firm with the able assistance of Mr. Kepha Karanja Macharia.

During this period, I have served as a board chairman of Gatanga CCM Secondary School and as a Board member of Kirwara Secondary School, Chania High School and presently I am serving as Chairman of Gatunyu Secondary and a Board member of Kenyatta Girls High School in Thika. In the years 1990-1993, I was Chairman of Moi Academy School Management Committee, a Municipal School where parents set up a model primary school in Thika.

In YMCA I am a life member and I serve in the board of Thika YMCA. In the elders service Club to the YMCA, that is, Y'smen International I am the Thika club chairman. I have served two terms as Chairman of my church in Thika.

In pursuit of the service to the community, I started the Child Welfare Society Thika branch in 1990 and was Chairman for four years. I am a family-member and I serve in its board currently. This year I have started a non-governmental organization known as Action for Children, which has started a school-feeding programme in Thika Town. I am a member of Thika Sports Club.

My highlight cases involved the Notice of Intended Prosecution, which resulted in the amendment of the Traffic Act deleting the necessity of the Notice of intended prosecution in causing death by dangerous driving traffic cases.

I prosecuted in the judicial review High court case Nos. 1700/04 and 5/05 between 3G's and Buchana Co-operative Societies vs. the Minister for Co-operative Development that held that the Minister has no legal authority to force or order the consolidation or amalgamation of Co-operative Societies.

In customary law matters, I evolved the argument and raised pregnancy compensation cases from Kshs. 20/= per goat and Kshs. 30/= per lamb to Kshs. 1,000/= per goat and Kshs. 1,500/= per lamb in the 1980s.

At the height of multipartism, I filed the first case challenging KANU'S candidate for Presidency on the constitutional provision that no person shall serve as President for more than two five terms, when the then President stood for Presidency in 1992.

My practice has been in all sphere of Civil, Criminal, Commercial, Family, Land and Traffic Cases. I am a member of International Commission of Jurists and have attended all their Seminars and Workshops and those of Law Society of Kenya.

I am ready to serve my fellow Kenyans in any capacity.

REFEREES

LT. COLONEL (DR) J.G.MWAURA (Rtd)
P. O. BOX 1593
THIKA

FATHER JOSEPH NGURE
FATHER-IN-CHARGE
ST. MULUMBA CATHOLIC PARISH
P.O.BOX 3395
THIKA

MR. SAMUEL MUTUA KIVUITU
CHAIRMAN
ELECTORAL COMMISSION
UNIVERSITY WAY
P.O.BOX 45371
NAIROBI