

Statement issued by
Hon. Member on
Wednesday (morning)
25.05.2011.

MINISTERIAL STATEMENT

ADVERTISEMENT OF SENIOR POSITIONS BY “PUBLIC COMPLAINTS COMMISSION”



Mr. Speaker Sir, you will recall that on 30th March 2011, Hon. Gitobu Imanyara rose on a point of order to seek a ministerial statement on the advertisements of senior positions in the secretariat of the public complaints standing committee (PCSC).

Specifically, the Hon. Member sought to know why the advertisements for the several positions appeared to be tailor-made to suit currently serving staff of the PCSC with a view to promoting them before the PCSC transits into a constitutional commission and whether the intention of the advertisement is to deny the new Commission on Administrative Justice the option to recruit its staff in a fair and transparent manner.

Mr. Speaker Sir, the Public Complaints Standing Committee was established on 21st June, 2007 vide Gazette Notice No. 5826 by H.E the President in exercise of powers conferred upon him under Section 23(1) of the former Constitution. The composition and

functions of the said Committee were also set out in the said gazette notice.

Following the said establishment, H.E the President vide Gazette Notice No. 5827 dated 21st June 2007 appointed a chairman and three other persons as members of the committee for a period of 3 years from 21st June 2007. Thereafter, the Minister for Justice and Constitutional Affairs vide Gazette Notice No. 6327 dated 11th July 2007 appointed the Executive Director of the PCSC for a period of 3 years with effect from 11th July 2007. ***Copies of the gazette notices are hereby tabled.***

After the appointments of the Committee Members and the Executive Director, the Ministry of Justice and Constitutional Affairs developed a draft staff establishment and forwarded the same to the Ministry of State for Public Service.

On 29th October 2007, the Ministry of State for Public Service vide their letter Ref No. DPM 10/121A/48 approved the staff establishment of the PCSC. The number of personnel for the secretariat was approved at 26. ***A copy of the said approval is hereby tabled.***

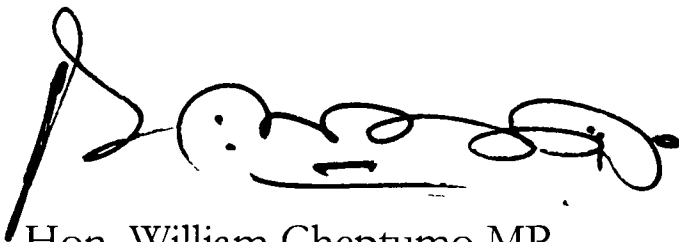
Mr. Speaker Sir, in the course of time several offices in PCSC's secretariat fell vacant due to various reasons among them resignations and expiration of contracts. It was therefore prudent to replace these officers. In so doing my Ministry made a policy decision to do so transparently and competitively.

A case in point is that of the Executive Director whose contract expired on 31st March 2011. Prior to the expiry of his contract, the Executive Director wrote to my Ministry expressing his desire to be considered for another term. The Minister acknowledged receipt of this letter and advised the Executive Director that the Ministry would advertise the position so as to ensure a competitive and transparent recruitment. The Ministry is of the view that transparent and competitive recruitment is in line with the values and principles of public service under Article 232(f) and (g) of the Constitution.

We wish to reassure Kenyans and this House that the advertisement was done procedurally and for administrative expediency and not in pursuit of self interest or to defeat debate on any Bill.

The advertisement was placed by my Ministry and not by the Public Complaints Standing Committee. The officers working in the secretariat of the Public Complaints Standing Committee are considered staff of the Ministry. If and when a new Constitutional Commission is established to succeed the Public Complaints Standing Committee, then the new Commission will be at liberty to recruit its own staff in accordance with the Constitution and the relevant Act to be enacted by this honourable house.

The positions advertised are those that have become or have remained vacant in the approved establishment of the Public Complaints Standing Committee. None of these positions have been tailor made for anyone.

A handwritten signature in black ink, appearing to read 'William Cheptumo', with a stylized flourish at the end.

Hon. William Cheptumo MP

**Assistant Minister for Justice, National Cohesion and
Constitutional Affairs**



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CORRIGENDA

IN Gazette Notice No. 3651 of 2007, *amend* the expression printed as "B. M. MARARO, for Public Trustee." to read "B. M. MARARO "Deputy Registrar."

IN Gazette Notice No. 5392 of 2007, *amend* the expression printed as "Cause No. 106 of 2003" to read "Cause No. 106 of 2007."

IN Gazette Notice No. 5160 of 2007, *amend* the petitioner's name printed as "Jane Adhiambo Ngwena" to read "Armstrong Pino"

IN Gazette Notice No. 9673 of 2005, *amend* the expression printed as "who died at Thika District" to read "who died at Kenyatta National Hospital".

GAZETTE NOTICE NO. 5826

THE CONSTITUTION OF KENYA
PUBLIC COMPLAINTS STANDING COMMITTEE
ESTABLISHMENT

IT IS notified for public information that in exercise of the powers conferred by Section 23(1) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, have today established a Standing Committee on Public Complaints Committee (hereinafter referred to as the Committee)

1. (a) The Committee shall comprise of:
 - (i) A Chairman appointed by the President;
 - (ii) A Vice-chairman elected by the members of the Committee from among its members;
 - (iii) Not more than three members appointed by the President on the recommendation of the Minister responsible for matters related to the administration of justice.
 - (iv) The Director of the Secretariat who shall be the Secretary to the Committee.
- (b) Members of the Committee:

Except for the Director who is an ex-officio member of the Committee, shall hold office for a period of three (3) years and shall be eligible for re-appointment for a further term of three (3) years only.

2. The Functions of the Committee shall be to:
 - (i) To receive, register, sort, classify and document all complaints against public officers in Ministries, Parastatals/State Corporations, Statutory Bodies or any other public institution;
 - (ii) To inquire into allegations of misuse of office, corruption, unethical conduct, breach of integrity, maladministration, delay, injustice, discourtesy, inattention, incompetence, misbehaviour, inefficiency or ineptitude, etc;
 - (iii) To help set up and build complaint handling capacity in the sectors of public service registering high incidences of complaints (including but not limited to the following areas, health, local authorities, police, lands, financial services, etc;
 - (iv) To oversee, co-ordinate, monitor and follow up specific action on channeled complaints;
 - (v) To review regulations, codes of conduct, processes and procedures in the public service and recommend changes necessary to avoid or reduce complaints;
 - (vi) To promote alternative dispute resolution through mediation;
 - (vii) To perform any other duties or tasks with regard to complaints, with a view to giving meaningful effect to the same;
 - (viii) To ascertain whether on the face of it, there is merit in a complaint, and thereafter to act on the complaint

appropriately, which may include channeling it to the responsible department of government for action;

- (ix) To recommend, where the Committee deems fit so to do, compensation or other remedial action against Government or public body or officer over any or some of the complaints the Committee attends to;
- (x) To prepare advisory opinions or proposals on appropriate remedial action to be taken by the Permanent Secretaries or Chief Executives of affected Ministries or public bodies;
- (xi) To recommend appropriate legislative reforms; and;
- (xii) To publish quarterly reports for public information the number and nature of complaints received and the action taken by the Committee.

3. In the Performance of its Functions the Committee:

- (i) Shall be responsible to His Excellency the President;
- (ii) Shall prepare quarterly reports for His Excellency the President;
- (iii) Shall hold such number of meetings in such places and at such times as the Committee shall consider necessary for the proper discharge of its functions;
- (iv) May use official reports of any previous investigations or complaint of a public nature relevant to its mandate;
- (v) May carry out or cause to be carried out such studies or research and may inform the Committee on its mandate;
- (vi) Shall have all the powers necessary or expedient for the proper execution of its mandate, including the power to regulate its own procedure;
- (vii) May create offices at Provincial or District levels to expedite the discharge of its functions;
- (viii) May make regulations for the conduct of its affairs.

4. The Secretariat of the Committee:

- (a) The Secretariat of the Committee shall consist of:
 - (i) The Executive Director appointed by the Minister responsible for matters related to the administration of justice, who shall be head of the Secretariat;
 - (ii) Such other members of staff appointed by the Committee as the Committee may deem necessary.
- (b) The Secretariat shall be responsible to the Committee for:
 - (i) The day to day management of the affairs and programmes of the Committee;
 - (ii) Providing appropriate background briefing to the Committee;
 - (iii) Preparing the Committee reports and disseminating any information deemed relevant, by the Committee to the public; and
 - (iv) Undertaking research and liaising with other relevant bodies on behalf of the Committee.

Dated the 21st June, 2007.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 5827

THE CONSTITUTION OF KENYA
PUBLIC COMPLAINTS STANDING COMMITTEE
APPOINTMENT

IN EXERCISE of the powers conferred by section 23 (1) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoint-

Amb. James Simani—(*Chairman*),
Peter Migwi Karing'u,
Grace Barbara Ngele Madoka,
Nafisa Abdurahman Abass,

to be members of the Public Complaints Standing Committee, for a period of three (3) years.

Dated the 21st June, 2007.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 5828

THE CONSTITUTION OF KENYA
THE ELECTORAL COMMISSION OF KENYA

APPOINTMENT

IN EXERCISE of the powers conferred by section 42 (1) of the Constitution of Kenya, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoint—

ANNE WAMBAA (MRS.)

to be a member of the Electoral Commission of Kenya, for a period of five (5) years, with effect from 18th June, 2007.

Dated the 21st June, 2007.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 5829

THE STATE CORPORATIONS ACT

(Cap. 446)

THE NATIONAL WATER CONSERVATION AND PIPELINE
CORPORATION ORDER, 1988

APPOINTMENT

IN EXERCISE of the powers conferred by rule 3 (a) of the National Water Conservation and Pipeline Corporation Order, 1988, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoint—

STANLEY MUSE SHITOTE (PROF.)

to be the Chairman of the National Water Conservation and Pipeline Corporation, for a period of three (3) years.

Dated the 22nd June, 2007.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 5830

THE STATE CORPORATIONS ACT

(Cap. 446)

THE CHEMELIL SUGAR COMPANY LIMITED

REVOCATION

IN EXERCISE of the powers conferred by section 6 (1) (a) of the State Corporations Act, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya revokes the appointment of—

JOHN K. ROTICH*

as the Chairman of the Board of Chemelil Sugar Company Limited.

Dated the 22nd June, 2007.

MWAI KIBAKI,
President.

*G.N. 5626/2006.

GAZETTE NOTICE NO. 5831

THE WATER ACT

(No. 8 of 2002)

WATER SERVICES REGULATORY BOARD

APPOINTMENT

IN EXERCISE of the powers conferred by section 46 (3) (a) of Water Act, I, Mwai Kibaki, President and Commander-in-Chief of Armed Forces of the Republic of Kenya, appoint—

JAYNE NYAMBOKE NJAGI

to be Chairman of the Water Services Regulatory Board, for a period of three (3) years.

Dated the 22nd June, 2007.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 5832

THE WATER ACT

(No. 8 of 2002)

WATER RESOURCES MANAGEMENT AUTHORITY

APPOINTMENT

IN EXERCISE of the powers conferred by section 7 (3) (a) of Water Act, I, Mwai Kibaki, President and Commander-in-Chief of Armed Forces of the Republic of Kenya, appoint—

MUTUKU JOHN MUTINGA (PROF.)

to be Chairman of the Water Resources Management Authority, for a period of three (3) years, with effect from 17th December, 2006.

Dated the 22nd June, 2007.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 5833

THE STATISTICS ACT

(No. 4 of 2006)

KENYA NATIONAL BUREAU OF STATISTICS

APPOINTMENT

IN EXERCISE of the powers conferred by section 5 (1) of Statistics Act, 2006, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoint—

PETER NYAMUHANGA MWITA (DR.)

to be Chairman of the Kenya National Bureau of Statistics, for a period of three (3) years.

Dated the 22nd June, 2007.

MWAI KIBAKI,
President.

GAZETTE NOTICE NO. 5834

THE KENYA ANTI-CORRUPTION AND ECONOMIC
CRIMES ACT

(No. 3 of 2003)

THE KENYA ANTI-CORRUPTION ADVISORY BOARD

APPOINTMENT

IN EXERCISE of the powers conferred by section 1 (5) of Second Schedule to the Anti-Corruption and Economic Crimes Act, 2003, I, Mwai Kibaki, President and Commander-in-Chief of Armed Forces of the Republic of Kenya, appoint—

NAOMI NYAMBURA WAGEREKA

to be a member of the Kenya Anti-Corruption Advisory Board, for a period of five (5) years, with effect from 27th April, 2007.

Dated the 22nd June, 2007.

MWAI KIBAKI,
President.

GAZETTE NOTICE No. 5835

THE KENYA INSTITUTE OF ADMINISTRATION ACT

(No. 2 of 1996)

APPOINTMENT

IN EXERCISE of the powers conferred by section 5 (1) (a) of the Kenya Institute of Administration Act, I, Mwai-Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, appoint—

HENRY MIYINZI CHAKAYA (DR.)

to be Chairman of the Kenya Institute of Administration Council, for a period of five (5) years.

Dated the 22nd June, 2007.

MWAI KIBAKI,
President.

GAZETTE NOTICE No. 5836

THE KENYA INSTITUTE OF ADMINISTRATION ACT

(No. 2 of 1996)

APPOINTMENT

IN EXERCISE of the powers conferred by section 5 (1) (g) of the Kenya Institute of Administration Act, 1996, the Minister of State for Public Service appoints—

T. Wambui Gathenya,
Mary D. Odinga,
Benjamin Munywoki Musau,
John K. Muketha,
Joseah Kimutai Sang,
Gaylord Avedi,

to be members of the Kenya Institute of Administration Council, for a period of five (5) years, with effect from 28th June, 2007.

Dated the 22nd June, 2007.

M. E. AKARANGA,
Minister of State for Public Service.

GAZETTE NOTICE No. 5837

THE POSTAL CORPORATION ACT

(No. 3 of 1998)

THE POSTAL CORPORATION OF KENYA

APPOINTMENT

IN EXERCISE of the powers conferred by section 6 (1) (b) of the Postal Corporation Act, the Minister for Information and Communications, in consultation with the Board of Directors of the Postal Corporation of Kenya, appoints—

FRED ODHIAMBO

to be Postmaster-General of the Postal Corporation of Kenya, for a period of three (3) years, with effect from 1st November, 2006.

Dated the 26th June, 2007.

MUTAH KAGWE,
Minister for Information and Communications.

GAZETTE NOTICE No. 5838

THE STATE CORPORATIONS ACT

(Cap. 446)

THE KENYA FILM COMMISSION

REVOCATION

IN EXERCISE of the powers conferred by section 6 (1) (e) of the State Corporations Act, the Minister for Information and Communications revokes the appointment* of—

FARIDA KARONEY

as a member of the Board of Kenya Film Commission, with effect from 1st November, 2006.

Dated the 26th June, 2007.

MUTAH KAGWE,
Minister for Information and Communications.

*G.N. 7505/2006.

GAZETTE NOTICE No. 5839

THE LOCAL GOVERNMENT ACT

(Cap. 265)

REVOCATION OF NOMINATION OF COUNCILLORS

IN EXERCISE of the powers conferred by section 40 (1) of the Local Government Act, the Minister for Local Government revokes the nomination of—

BULLE MOHAMMED OMAR

as a councillor for County Council of Wajir.

Dated the 16th June, 2007.

MUSIKARI KOMBO,
Minister for Local Government.

GAZETTE NOTICE No. 5840

THE LOCAL GOVERNMENT ACT

(Cap. 265)

REVOCATION OF NOMINATION OF COUNCILLORS

IN EXERCISE of the powers conferred by section 27 (2) and 40 (1) of the Local Government Act, the Minister for Local Government revokes the nomination of—

Abdi Wafula Hamisi,
James C. Rotich,

as councillors for Municipal Council of Naivasha and County Council of Koibatek, respectively.

Dated the 24th May, 2007.

MUSIKARI KOMBO,
Minister for Local Government.

GAZETTE NOTICE No. 5841

THE LOCAL GOVERNMENT ACT

(Cap. 265)

NOMINATION OF COUNCILLOR

IN EXERCISE of the powers conferred by section 39 (c) of the Local Government Act, the Minister for Local Government nominates—

HABIBA MOHAMMED OMAR

as a councillor for County Council of Wajir.

Dated the 16th June, 2007.

MUSIKARI KOMBO,
Minister for Local Government.

GAZETTE NOTICE No. 6323

THE RATING ACT
(Cap. 267)

THE COUNTY COUNCIL OF MANDERA
APPOINTMENT

IN EXERCISE of the powers conferred by section 7 of the Rating Act, the Minister for Local Government approves the appointment of—

A. W. KHAEMBA

as a valuer to prepare the Draft Valuation Roll for the County Council of Mandera.

Dated the 2nd July, 2007.

MUSIKARI KOMBO,
Minister for Local Government.

GAZETTE NOTICE No. 6324

THE RATING ACT
(Cap. 267)

THE COUNTY COUNCIL OF MANDERA
SITE VALUE RATE

IN EXERCISE of the powers conferred by section 4 (1) (b) of the Rating Act, the Minister for Local Government approves adoption by the County Council of Mandera of a "site value" for purposes of levying rates.

Dated the 2nd July, 2007.

MUSIKARI KOMBO,
Minister for Local Government.

GAZETTE NOTICE No. 6325

THE VALUATION FOR RATING ACT
(Cap. 266)

THE COUNTY COUNCIL OF MANDERA
DECLARATION

IN EXERCISE of the powers conferred by section 6 of the Valuation for Rating Act, the Minister for Local Government declares that "valuer in preparing any Draft Valuation Roll or Draft Supplementary Valuation Roll, need neither value nor include in the roll the value of the land or the assessment for improvement rate, as required by paragraphs (c) and (e) respectively of this section".

Dated the 2nd July, 2007.

MUSIKARI KOMBO,
Minister for Local Government.

GAZETTE NOTICE No. 6326

THE VALUATION FOR RATING ACT
(Cap. 266)

THE COUNTY COUNCIL OF MANDERA
TIME OF VALUATION

IN EXERCISE of the powers conferred by section 6 of the Valuation for Rating Act, the Minister for Local Government gives approval to County Council of Mandera's Resolution under Min. CCM/FC/07/07 as follows.

"That the time of valuation for County Council of Mandera's Valuation Roll shall be 1st January, 2006".

Dated the 2nd July, 2007.

MUSIKARI KOMBO,
Minister for Local Government. GAZETTE NOTICE No. 6327

GAZETTE NOTICE No. 6327

PUBLIC COMPLAINTS STANDING COMMITTEE
APPOINTMENT OF EXECUTIVE DIRECTOR

IN EXERCISE of the powers conferred by paragraph 4 (a)(i) of Gazette Notice No. 5826 of 2007, the Minister for Justice and Constitutional Affairs appoint—

JEAN NJERI KAMAU

to be the Executive Director of the Public Complaints Standing Committee Secretariat, for a period of three (3) years, with effect from the 11th July, 2007.

Dated the 11th July, 2007.

MARTHA KARUA,
Minister for Justice and Constitutional Affairs.

GAZETTE NOTICE No. 6328

THE CIVIL PROCEDURE ACT
(Cap. 21)

APPOINTMENT

IN EXERCISE of the powers conferred by section 81 (1) and (1A) of the Civil Procedure Act, and further to Gazette Notice No. 5854 of 2007, the Chief Justice appoints—

JUSTICE J. G. NYAMU

Judge of the High Court, to be a member of the Rules Committee, with effect from 27th May, 2007.

Dated the 5th July, 2007.

J. E. GICHERU,
Chief Justice.

GAZETTE NOTICE No. 6329

THE CHILDREN ACT
(No. 8 of 2001)

APPOINTMENT

IN EXERCISE of the powers conferred by section 73 (d) (ii) of the Children Act, 2001, the Chief Justice appoints—

PETER NGARE GESORA

Acting Senior Resident Magistrate, to preside over cases involving children in respect of Tawa and the whole of Eastern Province, with effect from 1st July, 2007.

Dated the 22nd June, 2007.

J. E. GICHERU,
Chief Justice.

Gazette Notice No. 6330

THE MAGISTRATE'S COURTS ACT
(Cap. 10)

INCREASE OF LIMIT OF JURISDICTION

IN EXERCISE of the powers conferred by section 5 (1) of the Magistrate's Courts Act, the Chief Justice increases the limit of jurisdiction of—

WELDON KIPYEGON KORIR

Acting Principal Magistrate, to Kenya shillings one million (KSh. 1,000,000), with effect from 1st July, 2007.

Dated the 4th July, 2007.

J. E. GICHERU,
Chief Justice.

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GAZETTE NOTICE NO. 1982

THE COMMISSIONS OF INQUIRY ACT (Cap. 102)

APPOINTMENT OF COMMISSION OF INQUIRY

IN EXERCISE of the powers conferred by section 3 of the Commissions of Inquiry Act, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, being of the opinion that it is in the public interest to do so, appoint a commission of inquiry to inquire into all the aspects of the General Election held on 27th December, 2007, in Kenya, with particular emphasis on the Presidential Election, to be headed by Johann Kriegler (Judge) as the Chairman and—

Imani Daudi Aboud (Lady Justice),
Marangu M'Marete (Prof.),
Francis Angila Aywa,
Catherine Muyeka Mumma,
Horacio Boneo,

as commissioners.

Dated the 13th March, 2008.

MWAI KIBAKI,
President.

- (b) examine the organizational structure, composition, and management systems of the Electoral Commission of Kenya to assess its independence, capacity and functioning during the preparation and conduct of the 2007 elections;
- (c) examine the public participation in the 2007 electoral process and the electoral environment, including the roles and conduct of the political parties, media, civil society and observers;
- (d) investigate the organization and conduct of the 2007 electoral operations including: civic and voter education; training; voter registration; logistics and security; polling and counting; vote tabulation and results processing and dispute resolution;
- (e) investigate the vote counting and tallying for the entire election with special attention to the presidential elections in order to assess the integrity of the results and make recommendations for improvements, adjustments or overhaul of the system;
- (f) assess the functional efficiency of the Electoral Commission of Kenya and its capacity to discharge its mandate;
- (g) perform any other tasks that the Commission may deem necessary in fulfilling the foregoing Terms of Reference;
- (h) recommend—
 - (i) electoral reform including constitutional, legislative, operational and institutional aspects, as well as on accountability mechanisms for Electoral Commission of Kenya Commissioners and staff pertaining to electoral malpractices, in order to improve future electoral processes;
 - (ii) such other legal or administrative measures as the Commission may deem necessary;

and to report this findings and any recommendations within six months.

2. The members of the Commission shall be—

Johann Kriegler (Judge)—(Chairman),
Imani Daudi Aboud (Lady Justice)
Marangu M'Marete (Prof.),
Francis Angila Aywa,
Catherine Muyeka Mumma,
Horacio Boneo.

3. In the discharge of its mandate, the Commission shall—

GAZETTE NOTICE NO. 1983

THE COMMISSIONS OF INQUIRY ACT (Cap. 102)

Citation

A COMMISSION to inquire into all the aspects of the General Election held on 27th December, 2007, in Kenya with particular emphasis on the Presidential Election.

IN EXERCISE of the powers conferred on me by section 3 of the Commissions of Inquiry Act, I, Mwai Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, direct the commissioners to hold an inquiry with immediate effect.

1. The terms of reference shall be to—

- (a) analyze the constitutional and legal framework to establish the basis for the conduct of the 2007 elections and to identify any weaknesses or inconsistencies in the electoral legislation;

- (g) receive views from members of the public and receive oral and/or written statements from any person with relevant information, and may—
- (i) use official reports of any previous investigations;
 - (ii) use any investigation report by any institution or organization;
 - (iii) carry out or cause to be carried out such studies or research in any relevant areas.
- (b) determine its own rules of procedure and develop its own work plan;
- (c) appoint a vice-chairman from among its members;
- (d) publish its rules of procedure in the *Kenya Gazette*;
- (e) summon any person or persons concerned to testify on oath and to produce any records, books, plans and documents that the commissioners may require;
- (f) hold such meetings in Nairobi or other places as it may determine;
- (g) hold meetings in public but may hold private hearings whenever it becomes necessary to instill confidence in the people appearing before it or to allay their fears of adversity or reprisal.
- (h) execute the said inquiry with all diligence and speed and make its report without undue delay.
4. The Commission shall have all the powers necessary or expedient to effectively discharge its mandate, including the power to require co-operation from public officers and relevant institutions.

5. The Commission shall produce and submit to the President and the Panel of Eminent Persons after a final report on its findings and recommendations, which shall be made public, in English and Swahili, within 14 days of submission.

6. The Commission shall be funded by the Government of Kenya and from the Trust Fund for the National Dialogue and Reconciliation.

Dated the 13th March, 2008.

MWAI KIBAKI,
President.

~~SECRET~~

GAZETTE NOTICE No. 1984

THE PUBLIC COMPLAINTS STANDING COMMITTEE

APPOINTMENT OF EXECUTIVE DIRECTOR

IN EXERCISE of the powers conferred by paragraph 4 (a) (i) of Gazette Notice No. 5826 of 2007, the Minister for Justice and Constitutional Affairs appoints—

KENNETH NYAGA MWIGE

to be the Executive Director of the Public Complaints Standing Committee Secretariat, for a period of three (3) years, with effect from 13th March, 2008.

Gazette Notice No. 6327 of 2007, is revoked.

Dated the 13th March, 2008.

MARTHA KARUA,
Minister for Justice and Constitutional Affairs.

In Gazette Notice No. 5392 of 2003, amend the expression printed as "Cause No. 105 of 2003" to read "Cause No. 106 of 2007"

In Gazette Notice No. 5160 of 2007, amend the petitioner's name printed as "Jane Adhiambo Ngweni" to read "Armstrong Pino"

In Gazette Notice No. 9673 of 2005, amend the expression printed as "who died at Thika District" to read "who died at Kenyatta National Hospital"

GAZETTE NOTICE NO. 5826

THE CONSTITUTION OF KENYA
PUBLIC COMPLAINTS STANDING COMMITTEE

ESTABLISHMENT

IT IS notified for public information that in exercise of the powers conferred by Section 23(1) of the Constitution of Kenya, I, Mwaj Kibaki, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, have today established a Standing Committee on Public Complaints Committee (hereinafter referred to as the Committee)

1. (a) The Committee shall comprise of:

- (i) A Chairman appointed by the President;
 - (ii) A Vice-chairman elected by the members of the Committee from among its members;
 - (iii) Not more than three members appointed by the President on the recommendation of the Minister responsible for matters related to the administration of justice.
 - (iv) The Director of the Secretariat who shall be the Secretary to the Committee.
- (b) Members of the Committee.

Except for the Director who is an ex-officio member of the Committee, shall hold office for a period of three (3) years and shall be eligible for re-appointment for a further term of three (3) years only.

2. The Functions of the Committee shall be to:

- (i) To receive, register, sort, classify and document all complaints against public officers in Ministries, Parastatals/State Corporations, Statutory Bodies or any other public institution.
- (ii) To inquire into allegations of misuse of office, corruption, unethical conduct, breach of integrity, maladministration, delay, injustice, discourtesy, inattention, incompetence, misbehaviour, inefficiency or ineptitude, etc.
- (iii) To help set up and build complaint handling capacity in the sectors of public service registering high incidences of complaints (including but not limited to the following areas: health, local authorities, police, lands, financial services, etc.
- (iv) To oversee, co-ordinate, monitor and follow up specific action on channeled complaints.
- (v) To review regulations, codes of conduct, processes and procedures in the public service and recommend changes necessary to avoid or reduce complaints.
- (vi) To promote alternative dispute resolution through mediation,
- (vii) To perform any other duties or tasks with regard to

appropriately, which may include referring to the responsible department of government for action.

(ix) To recommend to the Committee means for so as to ensure cooperation of other relevant government departments or public body or other institution or one of the committees the Committee has established;

(x) To prepare advisory opinions or proposals on appropriate remedial action to be taken by the Permanent Secretaries or Chief Executives of affected Ministries or public bodies,

(xi) To recommend appropriate legislative reforms, and,

(xii) To publish quarterly reports for public information the number and nature of complaints received and the action taken by the Committee.

3. In the Performance of its Functions the Committee:

- (i) Shall be responsible to His Excellency the President,
- (ii) Shall prepare quarterly reports for His Excellency the President;
- (iii) Shall hold such number of meetings in such places and at such times as the Committee shall consider necessary for the proper discharge of its functions,
- (iv) May use official reports of any previous investigations or complaint of a public nature relevant to its mandate;
- (v) May carry out or cause to be carried out such studies or research and may inform the Committee on its mandate;
- (vi) Shall have all the powers necessary or expedient for the proper execution of its mandate, including the power to regulate its own procedure;
- (vii) May create offices at Provincial or District levels to expedite the discharge of its functions.
- (viii) May make regulations for the conduct of its affairs

4. The Secretariat of the Committee:

- (a) The Secretariat of the Committee shall consist of:
 - (i) The Executive Director appointed by the Minister responsible for matters related to the administration of justice, who shall be head of the Secretariat.
 - (ii) Such other members of staff appointed by the Committee as the Committee may deem necessary
- (b) The Secretariat shall be responsible to the Committee for:
 - (i) The day to day management of the affairs and programmes of the Committee
 - (ii) Providing appropriate background briefing to the Committee;
 - (iii) Preparing the Committee reports and disseminating any information deemed relevant by the Committee to the public, and
 - (iv) Undertaking research and liaising with other relevant bodies on behalf of the Committee

Dated the 21st June, 2007

MWAI KIBAKI
President

GAZETTE NOTICE NO 5827

THE CONSTITUTION OF KENYA
PUBLIC COMPLAINTS STANDING COMMITTEE

APPOINTMENT

CONFIDENTIAL



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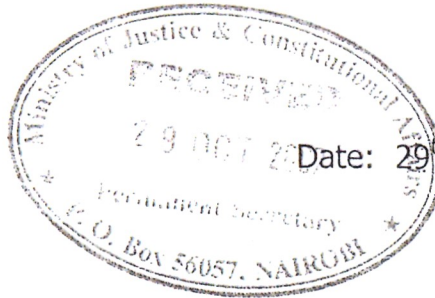
OFFICE OF THE PRESIDENT
MINISTRY OF STATE FOR PUBLIC SERVICE

Telegraphic address: "Personnel", Nairobi
Telephone: Nairobi 227411
Telex: 23125
Fax: 243620

P.O. BOX 30050 - 00100
NAIROBI,
KENYA.

When Replying please quote

Ref. No. DPM 10/121A/48



Date: 29th October, 2007

Ms. Dorothy Angote, CBS.,
Permanent Secretary,
Ministry of Justice & Constitutional Affairs,
NAIROBI.

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20/11

Dear

Dorothy

STAFF ESTABLISHMENT OF THE PUBLIC COMPLAINTS STANDING COMMITTEE (PCSC)

Reference is made to your letter Ref.No.MWR/018A/24 Vol.VII/48 dated 14th September, 2007 on the above subject.

It is noted that the above Committee has been operating without requisite personnel since its inception in July, 2007. You are therefore, seeking for approval to establish new posts and recruit officers to occupy the posts established.

I have examined your request and noted the critical need to recruit the staff at various levels to enable the Committee achieve its mandate. In this regard, the proposed establishment is hereby approved as follows:-

| Title of the Post | Proposed Grade | Civil Service equivalent Grade | No. of Posts Recomm. |
|--------------------------------|----------------|--------------------------------|----------------------|
| Executive Director | PCSC 2 | S | 1 |
| Deputy Executive Director | PCSC 3 | R | 1 |
| Assistant Executive Director | PCSC 4 | P | 4 |
| Principal Statistical Officer | PCSC 4 | P | 2 |
| Senior Legal Officer | PCSC 5 | N | 3 |
| Chief ICT Officer | PCSC 6 | M | 1 |
| Records Management Officer III | PCSC 10 | H | 2 |

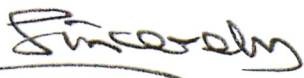
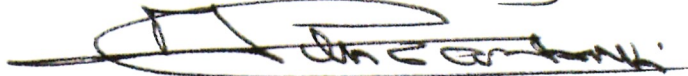
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CONFIDENTIAL

| | | | |
|-----------------------------------------|------------|-------|-----------|
| Sh. Typist I/Snr. Copy Typist | PCSC 9 | J | 2 |
| Snr. Personal Secretary | PCSC 6 | M | 1 |
| Executive Secretary | PCSC 5 | N | 1 |
| Senior/I/II/Principal Driver | PCSC 9/8/7 | G/H/J | 4 |
| Senior Support/Support Staff Supervisor | PCSC 13/14 | D/E | 4 |
| Total | | | 26 |

Equally, authority is hereby granted for you to fill the newly established posts. In filling the positions you are advised to use the job requirements for the affected cadres in tandem with those prevailing in the Civil Service. Please note that this authority is granted on the understanding that you will be able to contain the resultant expenditure within your voted budgetary provisions for the Financial Year 2007/2008.

Yours



**Titus M. Ndambuki, HSC.,
PERMANENT SECRETARY**

C.C. Amb. Francis K. Muthaura, EGH,
Permanent Secretary, Secretary to the
Cabinet and Head of Public Service,
Office of the President,
NAIROBI.

Mr. Joseph K. Kinyua, CBS.,
Permanent Secretary,
Ministry of Finance,
NAIROBI.

CONFIDENTIAL

CHAIRMAN: AMBASSADOR JAMES SIMANI
VICE CHAIRMAN: GRACE MADOKA
MEMBERS: PETER KARING'U & NAFISA ABASS
EXECUTIVE DIRECTOR: KENNETH MWIGE

CONFIDENTIAL

PC

THE
PUBLIC COMPLAINTS
STANDING COMMITTEE

16th September 2010.

5

Hon. Mutula Kilonzo, S.C, M.P.MBS, EGH

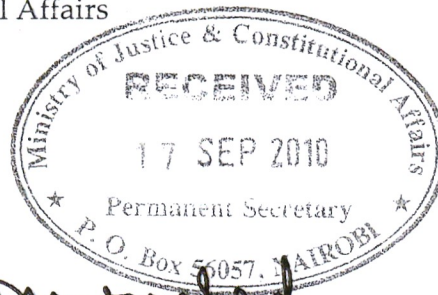
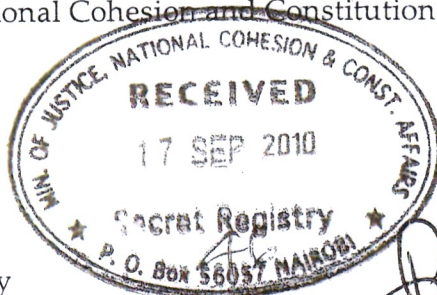
Minister for Justice, National Cohesion and Constitutional Affairs

NAIROBI

Thro'

The Permanent Secretary

Ministry for Justice, National Cohesion and Constitutional Affairs



Amended.
20/09/10

Dear Waziri,

KENYA GAZETTE NOTICE NO. 1984 OF 2008

I was appointed Executive Director of the Public Complaints Standing Committee (PCSC), and an *ex-officio* Member/Secretary of the Committee, for a term of 3 years by the Honourable Minister for Justice, National Cohesion and Constitutional Affairs through *Kenya Gazette* Notice No. 1984 of 2008 dated 14th March 2008.

In keeping with Public Service practice on Contract Service, this is to formally express my interest in serving another term as an *ex-officio* Member and Executive Director of the PCSC for the following main reasons;

- (a) I am a good and faithful steward of public funds entrusted to my care as A-I-E holder. There have been NIL audit queries regarding my financial management. I have consistently saved the Government money by negotiating better rates and obtaining free services (see annexe 1).
- (b) I have positioned PCSC as an important institution and Lead Agency in the Performance Contracting Cycle that seeks to improve Service-Delivery by more than 450 Public Sector institutions. This role has become even more important following the Promulgation of a new Constitution for Kenya with an expanded Bill of Rights and an increased raft of Citizens' expectations.

SMELL AND BP HOUSE 6TH FLOOR, HARAMBEE AVENUE
P.O. BOX 20414 - 00200 NAIROBI
TEL: 020 2303000, FAX: 020 2302666
CELL: 0710 936000; 0735 350888
EMAIL: info@ombudsman.go.ke
WEB: www.ombudsman.go.ke



A COMMITTEE OF THE
GOVERNMENT OF KENYA

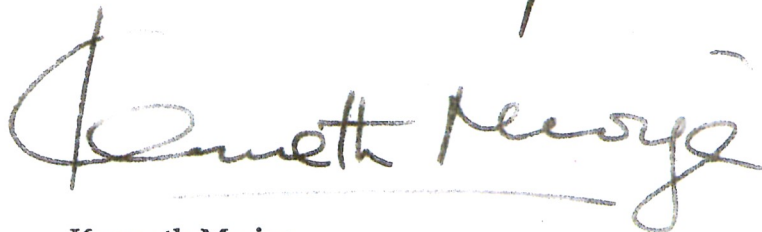
- (c) I have developed productive relationships with Development Partners. PCSC is able to attract donor support where GoK Funding is inadequate.
- (d) I am a principled and fair Manager of Human Resources. I have built the capacity and confidence of staff working with me. I have negotiated a Memorandum of Agreement for a Technical Work Exchange Training Programme with the Office of the Public Protector (OPP)/Ombudsman, South Africa, for the benefit of PCSC and OPP staff who will receive effective, job-specific training in counterpart institutions with a view to migration of best practices.
- (e) I have laid all the blocks for the conversion of PCSC into a modern, effective, IT-ready Constitutional Commission under Article 59(4) of the Constitution of Kenya.

From the point of view of the institution, the PCSC has undergone the first two institutional establishment phases of *Forming* and *Storming*, and is currently engaged in the process of *Norming* (through the assistance of the Ministry and KPMG). Once the Norming stage is complete, PCSC will be ready for the fourth stage – *Performing* – see attachment 2.

I will be grateful to receive feedback in good time for purposes of personal and institutional forward-planning, and look forward to continuing in service to the people of Kenya.

Yours

Sincerely,



Kenneth Mwigie

EXECUTIVE DIRECTOR



Ministry of Justice, National Cohesion and Constitutional Affairs
Office of the Minister

Telephone: 020-2224029
Fax: 020-316321
E-mail: minister@justice.go.ke

Co-operative House
P.O. Box 56057 - 00200
NAIROBI, KENYA

CONF/PCSC/(5)

21st February 2011

Mr. Kenneth Mwigie
Executive Director
Public Complaints Standing Committee
NAIROBI

Dear *Ken, Mwigie,*

KENYA GAZETTE NOTICE NO. 1984 OF 2008

Further to your letter of 16 September 2010 and my response of 15th October 2010, I note that your contract as Executive Director is due to expire on the 31st day of March 2011.

Consequently and with a view to ensuring a competitive and transparent recruitment process, the Ministry will in the next few weeks, put out an advertisement inviting applicants to submit their applications for the said position. Granted your experience in matters pertaining to the running of the Public Complaints Standing Committee, you are strongly encouraged to apply.

In the meantime, please liaise with the Human Resource Department in the Ministry to discuss and agree on the issue of any outstanding leave days and payment of gratuity that may be entitled to you.

Yours

Mutula Kilonzo, EGH, EBS, MCI Arb, SC, MP
MINISTER



*Ministry of Justice, National Cohesion and Constitutional Affairs
Office of the Minister*

Telephone: 020-2224029
Fax: 020-316321
E-mail: m.kilonzo@justice.go.ke minister@justice.go.ke

Co-operative House
P.O. Box 56057 - 00200
NAIROBI, KENYA

MJ/CONF/PCSC/(4)

15th October 2010

Mr. Kenneth Mwige
Executive Director
Public Complaints Standing Committee
Shell & BP House 6th Floor
Nairobi

Dear Sir,

RE: KENYA GAZETTE NOTICE NO. 1984 OF 2008

Thank you for your letter dated 16th September 2010 regarding your expression of interest in serving another term as an ex-officio Member and Executive Director of the Public Complaints Standing Committee.

I wish to inform you that action can only be taken at the expiry of your term.

Yours faithfully,

**Hon. Mutula Kilonzo, EGH, EBS, SC, MP
Minister**