




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

Approved
SNA
11/6/24

REPORT ON -

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

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 JUN 2024	
JUNE, 2024 <i>Tuesday</i>	
TABLED BY:	<i>Chair, Public Petitions Committee Hon. Nimrod Mbatia, MP</i>
CLERK-AT THE TABLE:	<i>Benson Inzaju</i>



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

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ACRONYMS

TSC	-	Teachers Service Commission
CBS	-	Chief of the Burning Spear
CEO	-	Chief Executive Officer
PTA	-	Parents-Teachers Association
KNUT	-	Kenya National Union of Teachers
KUPPET	-	Kenya Union of Post-Primary Education Teachers
NGOs	-	Non-Governmental Organizations

CHAIRPERSON’S FOREWORD

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

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

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

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

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

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



HON. NIMROD MBITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date.....11/6/2024.....

PART ONE

1. PREFACE

1.1. Establishment and Mandate of the Committee

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

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

1.2. Committee Membership

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

Chairperson

Hon. Nimrod Mbithuka Mbai, M.P.
Kitui East Constituency
United Democratic Alliance (UDA)

Vice Chairperson

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

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

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

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

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

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

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

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

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

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

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

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

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

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency
**Wiper Democratic Movement-Kenya
(WDM-K)**

1.3. Committee Secretariat

The Public Petitions Committee is facilitated by the following secretariat:

Head of Secretariat

Mr. Ahmed Kadhi

Senior Clerk Assistant/Head of Secretariat

Ms. Miriam Modo
First Clerk Assistant

Mr. Willis Obiero
Clerk Assistant III

Ms. Ann Shibuko
First Clerk Assistant

Ms. Patricia Gichane
Legal Counsel II

Mr. Calvin Karingo
Media Relations Officer III

Mr. Martin Sigei
Research Officer III

Ms. Peter Muteitha
Audio Officer

Mr. Paul Shana
Sergeant-at-Arms

PART TWO

2. BACKGROUND OF THE PETITION

2.1. INTRODUCTION

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

2.2 PETITIONER'S PRAYERS

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

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

PART THREE

3.0 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 SUBMISSIONS BY THE PETITIONER

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

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

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

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

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

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

(vi) Prepare a Report on the study with recommendations and way forward on the categorization of Designated Hardship Areas and payment of Hardship Allowance.

26. The report on the review of designated hardship areas and rates for hardship allowances has been submitted to the Salaries and Remuneration Commission (SRC) for consideration. Once a response is received from SRC, the report will then be forwarded to Cabinet for approval.

27. Designated hardship areas in the Public Service for purposes of payment of hardship allowance are remote areas categorized as lacking or having inadequate basic social services, amenities and infrastructure.

28. Prior to 1997, the Civil and Teaching Services had similar designated Hardship Areas, which included the former North Eastern Province (Wajir, Mandera & Garissa), Samburu, Isiolo, Lamu, Marsabit, Tana River, West Pokot, Turkana and Northern area of Baringo. This comprised eleven (11) fairly distinct hardship areas.

29. Designation of such areas was undertaken in consultation with the Office of the President - the then Directorate of Personnel Management and Provincial Administration and Internal Security.

30. In 1997, the Minister for Education through Legal Notice No. 534 of 11th November, 1997 Gazetted an additional twenty-five (25) Hardship Areas for the Teaching Service following a recommendation by the Teachers Service Remuneration Committee. This followed a Collective Bargaining Agreement (CBA) with the Kenya National Union of Teachers. The recommendation was based on the agreement that teachers work in more remote areas as compared to Civil Servants who are mostly posted to District and Divisional Headquarters.

31. In 2005, the number of designated Hardship Areas for the Teaching Service was increased from thirty-six (36) to forty-four (44) based on the CBA between TSC and the Union as indicated in Appendix I (attached).

32. Currently, the Civil Service (National and County Governments) have sixteen (16) Designated Hardship Areas while the Judiciary has twenty-one (21) areas designated as hardship based on the location of the law courts as indicated in Table 1 below -

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

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

Table 1: Designated Hardship Areas

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

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

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

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

34. The determination of designation of the specified areas as hardship and payment of hardship allowance shall be done upon approval by the Salaries and Remuneration Commission and the Cabinet.

35. Currently, Nyatike West, Nyatike North and Nyatike South Sub-Counties are not designated as a hardship area for payment of hardship allowance.

PART FOUR

4.0 COMMITTEE OBSERVATIONS

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

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

PART FIVE

5.0 ANALYSIS OF ISSUES FOR DETERMINATION

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

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

PART SIX

6.0 COMMITTEE RECOMMENDATIONS

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

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

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

Signed: _____



Date: _____

11/8/2024

THE HON. NIMROD MITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ANNEXURES

- Annex 1: The Adoption List
- Annex 2: Public Petition No. 57 of 2023 regarding the Gazettement of Nyatike West, Nyatike North and Nyatike South Sub-Counties as hardship areas.
- Annex 3: Minutes of the 4th Sitting held on Tuesday, 27th February, 2024.
- Annex 4: Minutes of the 32nd Sitting held on Wednesday, 22nd May, 2024.
- Annex 5: Letter Ref: MPSG&DM/3/7 dated 20th March, 2024 by the Ministry of Public Service, Performance and Delivery Management vide a letter dated 20th March, 2024.



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

ADOPTION SCHEDULE
OF THE REPORT ON CONSIDERATION OF PUBLIC PETITION NO. 57 OF 2023 ON
GAZETTEMMENT OF NYATIKE WEST, NYATIKE NORTH AND NYATIKE SOUTH SUB-
COUNTIES AS HARDSHIP AREAS

DATE.....22/05/2024.....

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

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



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITION

(No. 57 of 2023)

Approved
SNA
24/10/23

Speaker
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arapthor
24/10/23

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

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

DRAW the attention of the House to the following: -

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

NATIONAL ASSEMBLY
RECEIVED
24/10/23
SPEAKER'S OFFICE

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

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

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

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

And your **PETITIONERS** will ever pray.

PRESENTED BY: - 

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

DATE: 08/11/2023

PETITION TO THE NATIONAL ASSEMBLY ON GAZETTEMET OF NYATIKE WEST, NYATIKE NORTH AND NYATIKE SOUTH SUB COUNTIES OF NYATIKE CONSTITUENCY AS HARSHIP AND ASAL AREAS

RDLPs

To renew and advise.

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

24/4/23

*W Head PNY
TNA
Camp Kiro
26/4/23*

1. THAT, the issue of Harsh living conditions in Nyatike constituency is not only of great concern to the residents but equally to the government workers stationed in this constituency.
2. THAT, on behalf of the government workers working and living in Nyatike constituency plead with the August house to consider the need of having Nyatike South, Nyatike North and Nyatike west sub counties of Nyatike Constituency gazzetted as Hardship and ASAL area as a matter of urgency and of public interest, to forestall the continued deprivation of quality government services due to inadequate working force occasioned by harsh climatic conditions
3. THAT, Nyatike constituency meets the parameters used to declare other parts of the country hardship areas. The vastness of the three sub-counties has made the road network deplorable due to limited funds, there are consistent reports of human wildlife conflicts, lack of clean and safe drinking water, food scarcity, perennial floods in some parts, harsh climatic conditions, lack of basic social amenities and poor communication network.
4. THAT, it can only be concluded that the government has been discriminative in paying out hardship allowance in other ASAL places in the country but ignoring Nyatike constituency
5. THAT despite Nyatike Constituency meeting the criteria used to award other hardship regions, the government of Kenya as well as other government agencies and commissions have discriminated against Nyatike constituency.
6. THAT workers have been reluctant in taking up jobs in Nyatike including those promoted to work in this region and those who braye it always seek transfer and find their way out
7. THAT, Schools in Nyatike Constituency are extremely understaffed, with the few teachers available poorly motivated since they feel they have been denied hardship allowedanced whilst the same is being provided to their neighboring sub counties of Suba North and Suba South as well as Kuria East and Kuria West experiencing similar climatic and economic conditions
8. THAT, Basic government services including issuance of birth certificates, death certificates have been greatly hampered because no government officers are willing to be stationed in Nyatike
9. THAT, Nyatike Constituency has no known factory, barren sandy soil, poor rainfall, perennial floods and thus a debilitating poverty affecting the residents as well as government workers in the area.
10. THAT, the issues in respect of which this Petition is raised are not pending

NATIONAL ASSEMBLY
RECEIVED
27 APR 2023
PROCEDURAL, RESEARCH AND JOURNALS
P. O. BqX 41842, NAIROBI

NATIONAL ASSEMBLY
RECEIVED
23 APR 2023
DEPUTY CLERK
P.O. BOX 10000, NAIROBI

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

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

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

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

Sincerely,



HON .TOM MBOYA ODEGE, MP

NYATIKE CONSTITTUENCY

April 26, 2023

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

LIST OF PETITIONERS

	NAME	ID NUMBER	ADDRESS	SIGNATURE
1	NYABUOGI FREDRICK	27266154	P.O BOX 29 KARUNGU	
2	ORWA O. SAMUEL	20073431	P.O BOX 841 SONA	
3	PHYLEX NYAMBOORO	28970609	P.O BOX 29- KARUNGU	
4	MIRINDO ANTONNE	24348842	P.O BOX 65- KARUNGU	
5	WILSON OTIENO	33496054	P.O BOX 145-KARUNGU	
6	OKETCH SILVESTER	33723092	P.O BOX 36-KARUNGU	
7	HTAPARA LAMON	30922725	P.O BOX 40- ^{MUHURU} BAT	
8	ORATAH WALTER	23523590	P.O BOX 81-40401	
9	AJILD SAMUEL	25687214	BOX 31-40401	
10	DAVID OSONO	27210745	BOX 62-40401	
11	JACKSON WABINEA	21831833	POX 35-40401	
12	OTIENO AUPHONCE O.	29620604	BOX 145-40401	
13	LIZZY TOLO	29904751	BOX 145-40401	
14	Kerin Ouma	32396011	Box 145-40401	
15	Milka Aketch	12605580	BOX 145-40401	
16	Winnie Belah	83320021	BOX 145-40401	
17	Omondi Levi	31936955	BOX 145-40401	
18	FELIX OMONDI	26576379	BOX 145-40401	
19	Salleh Geck	27601270	BOX 11-	
20	HARRIET ANUOR OKOTH	30110225	BOX 14-40401	
21	Isaac Omingo	29413506	BOX 14-40401	
22	FREDRICK OTIENO	28077726	BOX 14-40401	
23	LILIAN A. AROKA	32873154	BOX 14-40401	
24	LYDIA WAMBI	30339755	BOX 14-40401	
25	MOSES ODIRA	23586803	BOX 14-40401	
26	ADYD WALTER OCHIENG	30080224	BOX 86-40401	
27	MILICENT ANYANGO OCHIENG	28165981	BOX 86-40401	
28	BEATRICE MERCY ANUOR	299627180	BOX 86-40401	
29	BELINDA AKINYI	40107437	BOX 86-40401	
30	Constand Wanjala	37309474	BOX 86-40401	
31			BOX 86-40401	
32	KENNEY OCHIENG	28558153	BOX 86-40401	
33	VITALIS OTUO ONYANGO	7228298	BOX 86-40401	
34	AMOS ONYANGO	29732275	BOX 86-40401	
35	SCOVIA FRIDAY	29682174	BOX 78-40402	
36	JOB NYAWARA	22668602	BOX 78-40402	



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

LIST OF PETITIONERS

	NAME	ID NUMBER	ADDRESS	SIGNATURE
37	PETER S. BURALE	31952508	78-40401	
38	MELVINE AKINYI AWINO	304036373	78-40402	
39	MAGWANGA STEVE	23927315	78-40402	
40	SALIM OCHIENG	26620486	78-40402	
41	AMLOTH FRED	30356073	78-40402	
42	ROBERT OUKO	31792736	78-40402	
43	ONGUGU DAVID	30075979	62-40402	
44	OMENDI MARK	31207979	62-40402	
45	EVANS ARDGO	27826048	62-40402	
46	BARBRA SIPROSE	33896488	62-40402	
47	HENRY AJUMA	29988475	62-40402	
48	MASOTI ANITA	27046615	62-40402	
49	MARANDA GEORGE	26174839	33-40402	
50	MOLAH HAMISI	2531662	78-40402	
51	PHILIP ORONT NTAMBA	23650540	66-40402	
52	OYOO CHARLES	30063989	23-40402	
53	JOSEPH OLEMO WERE	26459805	62-40402	
54	MESHACK FOYAH	27312157	83-40402	
55	OGADA DAVID	32023620	83-40402	
56	VINCENT OKEIO	40271464	23-40402	
57	CHRISTOPHER OPHUMAI	2229773	68-40402	
58	SEKO TITUS OKELLO	29889062	62-40402	
59	FREDERICK OCHIENG	28975489	50-40402	
60	PRISCILLA K. MUGLI	29094115	66-40402	
61	NOLINE OYUGI	29660416	50-40402	
62	TOM OSORO	32817717	13-40402	
63	DEJUTU VICTOR	32563295	51-40402	
64	LEONOX OREMO	21549621	30-40402	
65	SAVANI JOSEPH	32927205	62-40402	
66	GEORGE BITA LAWRENCE	29887564	56-40409	
67	NYABUTO JOSEPH	29362436	45-97-40402	
68	David ochieng	31967210	83-40402	
69	JOHN OCHIENG	31475909	62-40402	
70	JOSEPH NUNKA	3121693	38-40402	
71	Erick Mank	26502835	26-40402	
72	SIMON SAMUEL	26661526	62-40402	
73	DICKENS ONYANGO	29926965	66-40401	
74	PHILIP J.A. OUKO	14436088	62-40402	

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

	NAME	ID NUMBER	ADDRESS	SIGNATURE
75	ALOKA EMMA ADHAMBO	30155129	P.O. BOX 28-40409	
76	ABONG'O CAROLINE AKINYI	33161072	PO BOX 28-40409	
77	NIPHER OKEMWA	11305656	Box 28-40409	
78	VOLCA ANDUR JOSEPH	34252534	P.O. BOX 28-40409	
79	LEAH A. OLUOCH	22406042	P.O. BOX 28	
80	STEPHEN OULONG	30114875	P.O. BOX 40-40409	
81	OKORE GEORGE	31333965	P.O. BOX 40-40409	
82	VINCENT OKAL	31204674	P.O. BOX 40-40409	
83	ELIJAH OOKO	20530992	P.O. BOX 55-40409	
84	BELIAN OMARI	31204862	P.O. BOX 16-40409	
85	LAURA RUTH OLOO	38272556	P.O. BOX 28-40409	
86	NYANGIGE N. HATCI	27914783	P.O. BOX 1002-40409	
87	WINNIE A. ONYANDO	28031260	P.O. BOX 53-40402	
88	ONYAMO PESTO	31698168	P.O. BOX 579-40409	
89	Vanessa Ochenbo	33585009	P.O. BOX 40-40409	
90	Winds Odeno	29707506	P.O. BOX 40-40409	
91	Beatrice Nyandara	27796184	P.O. BOX 40-40409	
92	OLWA Ombima	2785316	P.O. BOX 40409	
93	JOSEPH OKELLO	30922658	P.O. BOX 574-40402	
94	KENEDY OKELLO	29752557	P.O. BOX 136-40409	
95	PHILIP OLOO	25474476	P.O. BOX 53 NYATIKE	
96	JACOB OKUMU	27667867	P.O. BOX 55 MURURU	
97	DERICK OTIENO	33105290	P.O. BOX 55 MURURU	
98	OCHIENG CHUCHU	27509990	PO BOX 426 SUNA	
99	OMODI B. CLINTON	29918225	P.O. BOX 7-40402	
100	VICTOR O. JONTO	2750492	P.O. BOX 40409	
101	Therish Anyango	34498851	P.O. BOX 426	
102	JADET NAEBA	32298530	P.O. BOX 4044409	
103	LYDIA GESARE	32628939	P.O. BOX 06-MURURU	
104	NDOLO SAMSON ODERO	32672582	P.O. BOX 1002-SUNA	
105	CALVINCE OTIENO	33850573	P.O. BOX 15-40409	
106	ASSAM PAUL	23180868	P.O. BOX 136-40409	
107	TIBIAS OBADHA O.	32666122	P.O. BOX 55-40409	
108	KENEDY WAKUNYA	29431583	P.O. BOX 10-YUVAL	
109	SAMUEL OTIENO	25659876	P.O. BOX 53 40402	
110	MANGANA KNOCKRISE	26610393	P.O. BOX 28	
111	Margleire Nzula	35177656	PO BOX 40-40409	
112	BORNICTOR ODHAMBO	29601494	P.O. BOX 169 KARANJA	
113	Otieno Terry	13384919	PO BOX 60 MURURU BAY	
114	Olwa Erick OPIYO	29130242	P.O. BOX 16 MURURU BAY	

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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

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

PRESENT

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

APOLOGIES

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

IN ATTENDANCE

- | | | |
|----------------------------|---|---|
| 1. Hon. Tom Odege, M. P | - | Member for Nyatike Constituency |
| 2. Hon. Victor Koech, M. P | - | Member for Chepalungu Constituency |
| 3. Mr. Fredrick Nyabuogi | - | Teacher KUPPET, Nyatike branch |
| 4. Mr. Samwel Orwa | - | Executive Secretary, KUPPET, Nyatike branch |

SECRETARIAT

- | | | |
|-------------------------|---|-----------------------------|
| 1. Mr. Ahmed Kadhi | - | Senior Clerk Assistant |
| 2. Ms. Roselyne Njuki | - | Senior Serjeant-at-Arms I |
| 3. Ms. Miriam Modo | - | Clerk Assistant I |
| 4. Ms. Anne Shibuko | - | Clerk Assistant I |
| 5. Ms. Patricia Gichane | - | Legal Counsel II |
| 6. Mr. Martin Sigei | - | Research Officer III |
| 7. Mr. Paul Shana | - | Serjeant-at-Arms |
| 8. Mr. Calvin Karung'o | - | Media Relations Officer III |
| 9. Mr. Peter Mutethia | - | Audio Officer III |

MIN./PPETC/2024/ 020: PRELIMINARIES

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

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

AGENDA

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

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

MIN./PPETC/2024/022: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

The Agenda was deferred.

MIN./PPETC/2024/023: MEETING WITH CS, ENVIRONMENT AND FORESTRY

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

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

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

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

Meeting with Petitioner, the Hon. Tom Odege, MP

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

Background of the Petition

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

Challenges in the Region

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

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

Efforts to resolve the issues

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

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

Prayers

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

Committee Concerns

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

MIN./PPETC/2024/025:

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

Meeting with Petitioner

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

Background of the Petition

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

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

Committee Concerns

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

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

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

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

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

Sign: 

(CHAIRPERSON)

Date: 07-03-2024



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

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

PRESENT

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

APOLOGIES

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

SECRETARIAT

1. Mr. Samuel Kalama Principal Clerk Assistant 1
2. Ms. Roselyne Ndegi Senior Serjeant-at-Arms 1
3. Ms. Miriam Modo Clerk Assistant I
4. Ms. Anne Shibuko Clerk Assistant I
5. Ms. Patricia Gichane Legal Counsel II
6. Mr. Isaac Nabiswa Legal Counsel II
7. Ms. Abdinasir Moge Yussuf Fiscal Analyst II
8. Mr. Willis Obiero Clerk Assistant III
9. Mr. Martin Sigei Research Officer III
10. Ms. Nancy Akinyi Research Officer III
11. Mr. Calvin Karungo Media Relations Officer III
12. Ms. Felistus Muiya Protocol Officer
13. Mr. Cosmas Akhonya Audio Officer

MIN./PPETC/2024/ 202: PRELIMINARIES

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

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

AGENDA

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

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

MIN./PPETC/2024/204: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Agenda was deferred.

MIN./PPETC/2024/205: CONSIDERATION OF REPORT ON PUBLIC PETITION NO. 7 OF 2023 REGARDING GAZETTEMET OF RACHUONYO NORTH AS A HARDSHIP AREA

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

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

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

The Committee made the following recommendations:

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

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

MIN./PPETC/2024/206

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

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

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

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

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

The Committee made the following recommendations:

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

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

MIN./PPETC/2024/207:

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

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

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

The Committee made the following recommendations:

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

MIN./PPETC/2024/208:

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

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

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

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

The Committee made the following recommendations:


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

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

MIN./PPETC/2024/209:

ADJOURNMENT AND DATE OF NEXT MEETING

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

Sign: 

(CHAIRPERSON)

Date..... 05-10-2024



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

Telegraphic address: "Personnel", Nairobi
Telephone: Nairobi 2227411
 Telex: 23125
 Fax: 2243620
When replying please quote

P.O. BOX 30050- 00100
 NAIROBI
 KENYA

Ref No: **MPSG&DM/3/7**

The Clerk of the National Assembly
 Parliament Buildings
NAIROBI

① DLPS

Please deal.
Sgh.
 21/03/24

20th March, 2024

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

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

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

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

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

Moses

Hon. Moses K. Kuria, HSC
CABINET SECRETARY

Encl.

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THE HOUSE OF REPRESENTATIVES
COMMITTEE ON THE BUDGET

REPORT
ON THE
BUDGET FOR THE FISCAL YEAR
1964

COMMITTEE ON THE BUDGET
U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, D.C. 20540
1963

THE BUDGET FOR THE FISCAL YEAR 1964
CONTAINS THE FOLLOWING INFORMATION:

1. THE BUDGET FOR THE FISCAL YEAR 1964
2. THE BUDGET FOR THE FISCAL YEAR 1964
3. THE BUDGET FOR THE FISCAL YEAR 1964

4. THE BUDGET FOR THE FISCAL YEAR 1964
5. THE BUDGET FOR THE FISCAL YEAR 1964

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