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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

Paper Laid
By Hon. Abis Kuitana, MP
Vice Chair, Dept. Comm
on Administration and
National Security on
15/6/2017 (Thursday)
Abis

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OF KENYA
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ELEVENTH PARLIAMENT – FIFTH SESSION – 2017

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY

REPORT ON THE CONSIDERATION OF A PETITION BY THE FAMILY OF THE LATE
ERIC MUTHOMI MUGIRI ON WORK INJURY BENEFIT CLAIM FOR ERIC MUTHOMI
MUGIRI (DECEASED)

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

JUNE, 2017

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ACRONYMS AND ABBREVIATIONS

Hon. Honourable

Chairperson's foreword

The petition by the family of the late Eric Muthomi Mugiri on work injury benefit claim for Eric Muthomi (deceased) was tabled before the House pursuant to Standing Order No. 225 (2) (a) by Hon. Muthomi Njuki, MP on behalf of the petitioners.

In considering the petition, the Committee held meetings with the Hon. Muthomi Njuki, MP. The Committee also received submissions for the Ministry of Interior and Coordination of National Government and the petitioners; the meeting and submissions were aimed at responding to the issues raised in the petition.

The Committee is thankful to the Office of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its Sittings. The Committee is also thankful to the petitioners, the Hon. Muthomi Njuki, MP and the Ministry of Interior and Coordination of National Government; for the submissions they made.

On behalf of the Committee, and pursuant to Standing Order, 227 it is my pleasant duty to table the Report of the Departmental Committee on Administration and National Security on work injury benefit claim for Eric Muthomi (deceased).

The Hon. Asman Kamama, MGH, OGW, MP

Chairperson Departmental Committee Administration and National Security

EXECUTIVE SUMMARY

The purpose of this report is to respond to the prayers sought by the family of the late Eric Muthomi Mugiri in a petition regarding work injury benefit claim for Eric Muthomi (deceased). In considering the petition, the Committee held meetings with the Hon. Muthomi Njuki, MP on behalf of the petitioners. The Committee also received submissions for the Ministry of Interior and Coordination of National Government. Through the oral and written submissions the Committee responded to the issues raised in the petition.

The Committee noted that Eric Muthomi Mugiri (deceased), Personal No. 90280/2007/102455 was appointed as a police constable in the National Police Service on a permanent and pensionable basis. The officer died in line of duty, due to injuries sustained at the infamous Sachangwan Petrol Tanker fire accident on 31st January 2009.

Further, the then Ministry of Labour and Social Protection computed work benefit claim amounting to Kenya Shillings one million, nine hundred seventy thousand, four hundred (Kshs. 1,970,400) payable to dependents of the deceased officer on 30th June 2011 and forwarded the claim to the Permanent Secretary Ministry of State for Provincial Administration and Internal Security vide a letter Ref. No. WIBA/MSPAIS/131 dated 30th June 2011.

The family of Eric Muthomi Mugiri received pension dues in regard to the deceased officer in 2009 without any problem and therefore there was no pending issue regarding the payment of pension dues. The submissions forwarded to the Committee by the Ministry of Interior and Coordination of National Government however dealt with the issue of payment of gratuity, which was not in contention, and did not address the issue of payment of work injury benefit claims with regard to the late Erick Muthomi Mugiri as contained in the computation made by the then Ministry of Labour and Social Protection.

The Committee recommends that the Ministry of Interior and Coordination of National Government should expedite the release of work injury compensation dues amounting to Kenya Shillings one million, nine hundred seventy thousand, four hundred (Kshs.1, 970,400) as contained in claim number WIBA/MSPAIS/131 to the family of Mr. Eric Muthomi Mugiri (deceased), within three months from the date of the Report.

1.0 PREFACE

1.1 Mandate of the Committee

The Departmental Committee on Administration and National Security is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference:-

- (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- (ii) to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (iii) to study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (iv) to study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (v) to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister.
- (vi) study and review all legislation referred to it

1.2 Committee subjects

The Committee is mandated to consider the following subjects:-

- i. National security
- ii. Police services
- iii. Public Administration
- iv. Public Service
- v. Prisons
- vi. Immigration
- vii. management of natural disasters

1.3 Oversight

In executing its mandate, the Committee oversees the following Government Departments and agencies, namely:-

- i. The Presidency
- ii. The State Department of Interior
- iii. The State Department for Coordination of National Government

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- iv. The Public Service Commission,
- v. The National Police Service Commission
- vi. The Independent Police Oversight Authority

1.4 Members of the Committee

Chairperson	The Hon. Asman Kamama, MGH, OGW, MP
Vice Chairperson	The Hon. Alois M. Lentoimaga, MP
Members	The Hon. Joseph Lekuton, MP
	The Hon. Alice Wahome, MP
	The Hon. Zakayo K. Cheruiyot, MP
	The Hon. Timothy W. Wetangula, MP
	The Hon. Patrick Ole Ntutu, MP
	The Hon. Ali Isaack Shaaban, MP
	The Hon. Samuel Moroto, MP
	The Hon. (Dr.) Humphrey Njuguna, MP
	The Hon. Francis K. Mwangangi, MP
	The Hon. Rashid J. Bedzimba, MP
	The Hon. David Gikaria, MP
	The Hon. Mohamed Shidiye, MP
	The Hon. Jane Machira, MP
	The Hon. Ibrahim Abdi Saney, MP
	The Hon. Joseph O. Ndiege, MP
	The Hon. Wanjiku Muhia, MP
	The Hon. Akuja Protus Ewesit, MP
	The Hon. Joseph M. Kahangara, MP
	The Hon. Grace Kiptui, MP
	The Hon. George Theuri, MP
	The Hon. James Bett, MP
	The Hon. Benard Shinali, MP
	The Hon Charles Nyamai, MP
	The Hon Fatuma Ibrahim Ali, MP
	The Hon. (Dr.) Makali Mulu, MP
	The Hon Peter Kaluma, MP
	The Hon. James Opiyo Wandayi, MP

Committee Secretariat

Clerk Assistant I	Mr. Leonard Machira
Clerk Assistant II	Ms. Rose M. Wanjohi
Clerk Assistant III	Ms. Hellen Lokwang
Legal Counsel II	Ms. Christine Odhiambo
Researcher III	Ms. Fiona Musili
Fiscal Analyst III	Mr. Edison Odhiambo

1.5 Recommendation

In response to the prayers sought by the petitioners, the Committee recommends that the Ministry of Interior and Coordination of National Government should release of work injury compensation dues amounting to Kenya Shillings one million, nine hundred seventy thousand and four hundred (Kshs.1, 970,400) and applicable statutory accrued interest as contained in claim number WIBA/MSPAIS/131 to the family of Mr. Eric Muthomi Mugiri (deceased) within three (3) months, from the date of this Report.

2.0 INTRODUCTION

- 2.1 The petition by the family of the late Eric Muthomi Mugiri on work injury benefit claim for Eric Muthomi (deceased) was tabled in the House pursuant to Standing Order 225 (2) (a) by the Hon Muthomi Njuki, MP on 3rd November, 2016.
- 2.2 Pursuant to the House rules, the Petition was referred to the Committee on 3rd November, 2016 for consideration and preparation of a report. The Committee considered the Petition pursuant to the provisions of Standing Order 227.
- 2.3 The Petitioners wished to draw to the attention of the House on the following, that:-
- (i) In 2007, the late Eric Muthomi Mugiri, personal No. 90280/2007/102455 was appointed as a police constable in the National Police Service on a permanent and pensionable basis;
 - (ii) On 31st January 2009 while in the line of duty, Mr. Eric Mugiri died of injuries sustained at the infamous Sachangwan petro tanker fire accident;
 - (iii) Following the death of the officer and in line with existing policies, the Ministry of Labour and Social Protection commuted his work benefit claim on 30th June 2011, the matter having been considered as claim number *WIBA/MSPAIS/131* amounting to Kenya Shillings one million, nine hundred seventy thousand, four hundred (Kshs. 1,970,400);
 - (iv) To date the family has not received any compensation as stipulated in the Work Injury Benefit Act No. 3 of 2007
 - (v) Efforts to resolve the matter with the relevant bodies/ agencies have been futile; and
 - (vi) The issues in respect of which the petition is made are not pending before any Court of Law, Constitutional or statutory body.
- 2.4 The petitioners prayed that the National Assembly through the Departmental Committee on Administration and National Security: -
- (a) Intervenes to ensure that the family of Mr Eric Muthomi Mugiri is fully compensated for the loss of their son, who served as a General Service Unit officer and died in line of duty serving the Country.
 - (b) Makes any other order(s) it deems fit in the circumstances of the petitioners.

3.0 SUBMISSIONS

3.1 Submission by the Hon Muthomi Njuki, MP on behalf of the petitioners

The Committee held a meeting with the Hon Muthomi Njuki, MP on 21st March 2017. During the meeting the Honourable member informed the Committee that the late Eric Muthomi Mugiri, Personal No. 90280/2007/102455 was appointed as a police constable in the National Police Service Commission on permanent and pensionable basis. On 31st January 2009 while in line of duty, Mr. Eric Muthomi Mugiri died of injuries sustained at the infamous Sachangwan Petrol Tanker fire accident

Following the death of the officer and in line with existing policies, the then Ministry of Labour and Social Protection computed his work benefit claim on 30th June 2011, the matter having been considered as claim number WIBA/MSPAIS/131 amounting to Kenya Shillings one million, nine hundred seventy thousand, four hundred (Kshs.1,970,400). The claim was forwarded to the Permanent Secretary Ministry of State for Provincial Administration and Internal Security through a letter Ref. No. WIBA/MSPAIS/131 dated 30th June 2011. To date the family had not received any compensation as stipulated in the Work Injury Benefit Act No.3 of 2007.

The Hon. Muthomi Njoki, MP also informed the Committee that he received a letter from Mr. Wilfred Mugiri Nyamu, the father of the deceased officer indicating that the family received pension dues in regard to the deceased officer in 2009 without any problem. However efforts by the family to be paid work injury benefits claims had been futile.

The Committee observed that the matter had been pending for a long time and required urgent conclusion and noted that the Ministry of Interior and Coordination of National Government should expedite the release of work injury compensation dues to the family of Mr. Eric Mugiri as stipulated in the Work Injury Benefit Act No.3 of 2007.

3.2 Submissions by the Cabinet Secretary Ministry of Interior and Coordination of National Government

The Cabinet Secretary Ministry of Interior and Coordination of National Government in written submissions dated 5th April, 2017 acknowledged that the late PC Eric Mugiri P/No.190280/2007102455 died as a result of injuries suffered during the Sachangwan petrol tanker accident. Subsequently, the death gratuity claims with regard to the officer were processed and submitted to the Director of Pensions vide a letter Ref: PF 90280/2007102455/39 dated 24th June 2009. The Ministry advised that the family of the deceased should make a follow up on the pension dues with the office of the Director of Pensions.

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5.0 COMMITTEE OBSERVATIONS

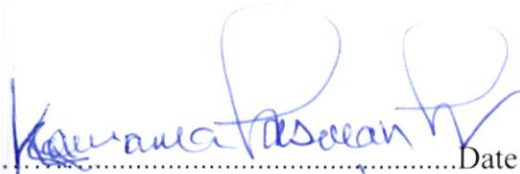
The Committee made the following observations from evidence adduced in the meetings, that:-

1. Eric Muthomi Mugiri (deceased), Personal No. 90280/2007/102455 was appointed as a police constable in the National Police Service on permanent and pensionable basis. The officer died in line of duty due to injuries sustained at the infamous Sachangwan Petrol Tanker fire accident on 31st January 2009.
2. The Ministry of Labour and Social Protection computed work benefit claim amounting to Kenya Shillings one million, nine hundred seventy thousand, four hundred (Kshs.1, 970,400) with regard to the late Erick Muthomi Mugiri on 30th June 2011 and forwarded the claim to the then Permanent Secretary Ministry of State for Provincial Administration and Internal Security vide a letter Ref. No. WIBA/MSPAIS/131 dated 30th June 2011).
3. The family of Eric Muthomi Mugiri received pension dues in regard to the deceased officer in 2009 without any problem and therefore there was no pending issue regarding the payment of pension dues.
4. The submissions forwarded to the Committee by the Ministry of Interior and Coordination of National Government did not address the issue of payment of work injury benefit claims with regard to the late Erick Muthomi Mugiri as contained in the computation made by the then Ministry of Labour and Social Protection vide a letter Ref. No. WIBA/MSPAIS/131 dated 30th June 2011.
5. The matter of payment of work injury benefit claims with regard to the late Erick Muthomi Mugiri had been pending since 2011 and required urgent conclusion.

6.0 COMMITTEE RECOMMENDATION

In response to the prayers sought by the petitioners, the Committee recommends that the Ministry of Interior and Coordination of National Government should release work injury compensation dues amounting to Kenya Shillings one million, nine hundred seventy thousand and four hundred (Kshs.1, 970,400) and applicable statutory accrued interest as contained in claim number WIBA/MSPAIS/131 to the family of Mr. Eric Muthomi Mugiri (deceased) within three (3) months from the date of the Report.

Signed.....



Date.....

13/06/2017

Hon. Asman Kamama, MGH, OGW, MP

Chairman, Departmental Committee on Administration and National Security

We, Members of the Departmental Committee on Administration and National Security have pursuant to Standing Order 227 (2) adopted this report on the consideration of a Petition by the family of late Eric Muthomi on Work Benefit claim for their late son Eric Muthomi and affix our signatures to confirm our approval and confirm its accuracy, validity and authenticity on 25th May 2017 as per the attached adoption list.

1. The Hon. Asman Kamama, MGH, OGW, MP – Chairperson 

2. The Hon. Alois M. Lentoimaga, MP- Vice Chairperson 

3. The Hon. Joseph Lekuton, MP 

4. The Hon. Alice Wahome, MP 

5. The Hon. Zakayo K. Cheruiyot, MP 

6. The Hon. Timothy W. Wetangula, MP _____

7. The Hon. Patrick Ole Ntutu, MP _____

8. The Hon. Ali Isaack Shaaban, MP _____

9. The Hon. Samuel Moroto, MP 

10. The Hon.(Dr.) Humphrey Njuguna, MP 

11. The Hon. Francis K. Mwangangi, MP _____

12. The Hon. Rashid J. Bedzimba, MP 

13. The Hon. David Gikaria, MP _____

14. The Hon. Mohamed Shidiye, MP 

15. The Hon. Jane Machira, MP _____

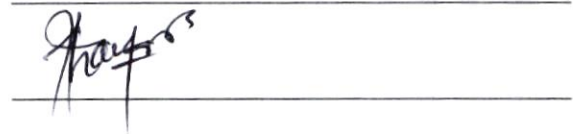
16. The Hon. Charles Nyamai, MP



17. The Hon. Joseph O. Ndiege, MP



18. The Hon. Wanjiku Muhia, MP



19. The Hon. Akuja Protus Ewesit, MP



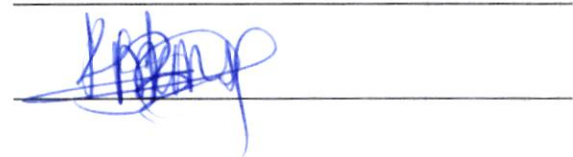
20. The Hon. Joseph M. Kahangara, MP



21. The Hon. Ibrahim Saney, MP



22. The Hon. Grace Kiptui, MP



23. The Hon. George Theuri, MP



24. The Hon. James Bett, MP



25. The Hon. Benard Shinali, MP



26. The Hon. Fatuma Ibrahim Ali



27. The Hon. (Dr.) Makali Mulu, MP



28. The Hon. Peter Kaluma, MP



29. The Hon. James Opiyo Wandayi



**MINUTES OF THE 29TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND NATIONAL SECURITY HELD ON FRIDAY, 26TH MAY,
2017 AT SERENA HOTEL, MOMBASA AT 3.00 P.M.**

PRESENT

1. The Hon. Alois Lentoimaga, MP - Vice Chairperson
2. The Hon. David Gikaria, MP
3. The Hon. Alice Wahome, MP
4. The Hon. Wanjiku Muhia, MP
5. The Hon. Opiyo Wandayi, MP
6. The Hon. Peter Kaluma, MP
7. The Hon. James Bett, MP
8. The Hon. Protus Akuja Ewesit, MP
9. The Hon. Joseph Lekuton, MP
10. The Hon. Mohamed Shidiye, MP
11. The Hon. Samuel Moroto, MP
12. The Hon. Zakayo Cheruiyot, MP
13. The Hon. Rashid Bedzimba, MP
14. The Hon. Jane Machira, MP
15. The Hon. Joseph Kahangara, MP

APOLOGIES

1. The Hon. Asman Kamama, MGH, OGW, MP - Chairperson
2. The Hon. Dr. Makali Mulu, MP
3. The Hon. Fatuma Ibrahim Ali, MP
4. The Hon. Francis Mwangangi, MP
5. The Hon. Grace Kiptui, MP
6. The Hon. Benard Shinali, MP
7. The Hon. Charles Nyamai, MP
8. The Hon. Dr. Humphrey Njuguna, MP
9. The Hon. George Theuri, MP
10. The Hon. Joseph Ndiege, MP
11. The Hon. Ibrahim Abdi Saney, MP
12. The Hon. Shaaban Ali Isaack, MP
13. The Hon. Patrick Ole Ntutu, MP
14. The Hon. Timothy Wetangula, MP

IN ATTENDANCE- NATIONAL ASSEMBLY

1. The Hon. Kimani Ichungwa, MP

2. The Hon. Sunjeev Birdi, MP

COMMITTEE SECRETARIAT

- | | | |
|---------------------------|---|-------------------------|
| 1. Mrs. Florence Abonyo | - | Director Committees |
| 2. Mr. Leonard Machira | - | First Clerk Assistant I |
| 3. Ms. Rose Wanjohi | - | Clerk Assistant II |
| 4. Ms. Hellen Lokwang | - | Clerk Assistant III |
| 5. Ms. Christine Odhiambo | - | Legal Counsel II |
| 6. Ms. Fiona Musili | - | Researcher III |

MIN.NO.140 /ANS/2017 - PRELIMINARIES

The Chairperson called the meeting to order at 3.30 p.m. A prayer was said

MIN.NO. 141/ANS/2017 - CONFIRMATION OF MINUTES

The agenda was deferred to the next meeting.

MIN.NO. 142/ANS/2017 - MATTERS ARISING

There were no matters arising.

MIN.NO.143 /ANS/2017 - CONSIDERATION OF THE DRAFT REPORT ON PETITION BY SUK COMMUNITY REGARDING ALLEGED ILLEGAL EXISTENCE OF NUMEROUS POLICE POSTS AND BARRIERS ALONG THE BORDER BETWEEN WEST POKOT AND TRANS NZOIA COUNTIES.

The Committee adopted the report and recommended that the Ministry of Interior should upgrade the existing police posts to stations and relocated the Anti stock Theft Police Unit training camp from its current location at the border of West Pokot and Trans Nzoia

The Committee further recommended that the Ministry of Interior should transfer police officers who have overstayed in West Pokot and Trans Nzoia Counties to other stations.

The Committee also recommended that the issue of allocation of land in the Chepchoina settlement scheme should be investigated by the National Land Commission

MIN.NO.144 /ANS/2017 - CONSIDERATION OF DRAFT REPORT ON PETITION BY LATE ERIC MUTHOMI REGARDING A COMPENSATION OF A FORMER POLICE OFFICER'S FAMILY (LATE ERIC MUTHOMI).

The Committee unanimously adopted the report and recommended that the Ministry of Interior and Coordination of National Government should release work injury compensation dues

amounting to Kenya Shillings one million, nine hundred seventy thousand and four hundred (Kshs.1, 970,400) and applicable statutory accrued interest as contained in claim number WIBA/MSPAIS/131 to the family of Mr. Eric Muthomi Mugiri (deceased) within three (3) months from the date of the Report.

MIN.NO.145 /ANS/2017 - CONSIDERATION OF DRAFT REPORT ON PETITION BY FAMILY OF THE LATE HAGGAI CHIMAKILE A RESIDENT OF MESO FARM BY KENYA POLICE/POLICE RESERVISTS UNDER UNCLEAR CIRCUMSTANCES.

The Committee unanimously adopted the report and recommended that: -

1. The Independent Policing Oversight Authority should expedite investigations into the death of Haggai Mulati Chimakile and submit a progress report to the Committee within twenty-one (21) days from the date of this Report.
2. The Cabinet Secretary, Ministry of Lands, Housing and Urban Development through the National Land Commission investigates the ownership of Luore Nyoio farm LR 34610/7 situated within Kitale town.

MIN.NO.146 /ANS/2017 THE REGISTRATION OF PERSONS (AMENDMENT) BILL, 2017-HON. ALI WARIO

The Committee observed that the proposed Bill appears to be retrogressive since it extends the timeline for the issuance of identity cards, from thirty days to three months.

Recommendation:

The Committee recommended that Bill should not proceed for publication

MIN.NO. 147/ANS/2017 - ADJOURNMENT OF THE MEETING

There being no other business the meeting was adjourned at 5.20 p.m. and the next meeting will be held on notice.

Signed.....


(Chairperson)

Date..... 8/6/2017.....

MINUTES OF THE 20TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON TUESDAY, 21ST MARCH, 2017 IN COMMITTEE ROOM, 2ND FLOOR PROTECTION HOUSE AT 10.00 A.M.

PRESENT

1. The Hon. Asman Kamama, MGH, OGW, MP - **Chairperson**
2. The Hon. Alois Lentoimaga, MP - **Vice Chairperson**
3. The Hon. Alice Wahome, MP
4. The Hon. Mohamed Shidiye, MP
5. The Hon. Zakayo Cheruiyot, MP
6. The Hon. Grace Kiptui, MP
7. The Hon. Samuel Moroto, MP
8. The Hon. Francis Mwangangi, MP
9. The Hon. Joseph Ndiege, MP
10. The Hon. Protus Akuja Ewesit, MP
11. The Hon. Charles Nyamai, MP
12. The Hon. Wanjiku Muhia, MP
13. The Hon. George Theuri, MP
14. The Hon. Opiyo Wandayi, MP

APOLOGIES

1. The Hon. Peter Kaluma, MP
2. The Hon. Dr. Humphrey Njuguna, MP
3. The Hon. James Bett, MP
4. The Hon. David Gikaria, MP
5. The Hon. Fatuma Ibrahim Ali, MP
6. The Hon. Ibrahim Abdi Saney, MP
7. The Hon. Joseph Lekuton, MP
8. The Hon. Shaaban Ali Isaack, MP
9. The Hon. Patrick Ole Ntutu, MP
10. The Hon. Benard Shinali, MP
11. The Hon. Joseph Kahangara, MP
12. The Hon. Dr. Makali Mulu, MP
13. The Hon. Rashid Bedzimba, MP
14. The Hon. Jane Machira, MP
15. The Hon. Timothy Wetangula, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

1. Mr. Leonard Machira - Clerk Assistant I
2. Ms. Rose M. Wanjohi - Clerk Assistant II
3. Ms. Chritine Odhiambo - Legal Counsel
4. Mr. Eric Gachoki - Research Officer III

MIN. NO. 091 /ANS/2017 - PRELIMINARIES

The Chairperson called the meeting to order at 10.30 a.m. A prayer was said.

MIN.NO.092 /ANS/2017 - CONFIRMATION OF MINUTES

Minutes of the 1st Sitting of the Committee were confirmed as a true record of proceedings as proposed by Hon. George Theuri, MP and seconded by Hon. Joseph Ndiege, MP.

Minutes of the 2nd Sitting of the Committee were confirmed as a true record of proceedings as proposed by Hon. Alice Wahome, MP and seconded by Hon. Wanjiku Muhia, MP.

Minutes of the 3rd Sitting of the Committee were confirmed as a true record of proceedings as proposed by Hon. Zakayo Cheruiyot, MP and seconded by Hon. George Theuri, MP.

Minutes of the 4th Sitting of the Committee were confirmed as a true record of proceedings as proposed by Hon. Wanjiku Muhia, MP and seconded by Hon. Zakayo Cheruiyot, MP.

Minutes of the 5th Sitting of the Committee were confirmed as a true record of proceedings as proposed by Hon. Protus Akujah, MP and seconded by Hon. Alois Lentoimaga, MP.

Minutes of the 6th Sitting of the Committee were confirmed as a true record of proceedings as proposed by Hon. Alice Wahome, MP and seconded by Hon. Charles Nyamai, MP.

Minutes of the 7th Sitting of the Committee were confirmed as a true record of proceedings as proposed by Hon. Grace Kiptui MP and seconded by Hon. Protus Akuja, MP.

Minutes of the 8th Sitting of the Committee were confirmed as a true record of proceedings as proposed by Hon. Charles Nyamai, MP and seconded by Hon. George Theuri, MP.

Minutes of the 9th Sitting of the Committee were confirmed as a true record of proceedings as proposed by Hon. Protus Akuja, MP and seconded by Hon. Alice Wahome, MP.

Minutes of the 10th Sitting of the Committee were confirmed as a true record of proceedings as proposed by Hon. Francis Mwangangi, MP and seconded by Hon. Protus Akuja, MP.

The Committee was informed that:-

- i. In 2007, the late Eric Muthomi Mugiri, Personal No. 90280/2007/102455 was appointed as a police constable in the National Police Service Commission on permanent and pensionable basis;
- ii. On 31st January 2009 while in line of duty, Mr. Eric Mugiri died of injuries sustained at the infamous Sachangwan Petrol Tanker fire accident;
- iii. Following the death of the officer and in line with existing policies, the Ministry of Labour and Social Protection computed his work benefit claim on 30th June 2011, the matter having been considered as claim number WIBA/MSPAIS/131 amounting to Kenya Shillings one million, nine hundred seventy thousand, four hundred(Kshs.1,970,400);
- iv. To date the family had not received any compensation as stipulated in the Work Injury Benefit Act No.3 of 2007
- v. Efforts to resolve the matter with the relevant bodies/agencies have been futile;
- vi. The issues in respect of which this petition is made are not pending before any court of law, constitutional or statutory body.

The petitioners prayed that the National Assembly through the Departmental Committee on Administration and National Security

- i. Intervenes to ensure that the family of Mr. Eric Mugiri is fully compensated for the loss of their son who served as General Service Unit Officer and died in line of duty serving this Country; and
- ii. Makes any other order(s) it deems fit in the circumstances of the petitioner.

Committee Observation

The Committee observed that the matter had been pending for a long time and required urgent conclusion.

Committee Recommendation

The Committee recommended that the Ministry of Interior and Coordination of National Government should expedite the release of compensation dues to the family of Mr. Eric Mugiria's stipulated in the Work Injury Benefit Act No.3 of 2007

The Committee was informed that:-

- i. On 27th January 2017, while herding cattle at his father's home in Meso farm in Kiminini Constituency, the late Haggai Chimakile Mulati of ID NO. 32882209 was allegedly shot dead by Police/Kenya Police Reservists(KPR) under mysterious circumstances;
- ii. It was alleged that the young man met his death in an attack by the Police/KPR who were evicting residents of Meso Farm due to a land dispute;
- iii. This eviction was being conducted without the knowledge or involvement of the area Chief or local administration;
- iv. The killing was a gross violation of article 26(3) of the Constitution on right to life;
- v. Efforts to address and resolve the matter had been futile; and
- vi. The issues in respect of the Petition were not pending before any court of law, tribunal, constitutional or legal body.

The petitioners prayed that the National Assembly, through the Departmental Committee on Administration and National Security

- i. Recommends that the National Police Commission and the Independent Policing Oversight Authority(IPOA) investigates the circumstances behind the alleged killing and recommend necessary action including bringing those culpable to book;
- ii. Recommends that the National Land Commission looks into the matter of Meso Land dispute and makes the necessary recommendations;
- iii. Recommends that the National Police Service Commission and IPOA look into the matter of compensation for the bereaved family for their loss; and
- iv. Makes any other order or direction that it deems fit in the circumstances of the cases

Submissions by the Ministry of Interior and Coordination of National Government

The Committee noted that the Cabinet Secretary, Ministry of Interior and Coordination of National Government in written submissions stated that on 27th January, 2017 at about 930 am the Officer in Charge crime branch Kitale Police Station received a call from Mr. Barry Odongo Okundi, director, Luore Nyoio Limited. Mr. Barry Odongo claimed that 200 armed people had invaded the company owned farm LR No. 34610/7 situated within Kitale Municipality and set a blaze store containing shelled maize and killed four sheep. Police officers, accompanied by Police reservists proceeded to the farm to calm the situation down and found the grain store on fire. They informed the over 200 rowdy youth armed with pangas and other crude weapons that there was a court order, case no. 111 of 2008 to maintain the status quo. However a section of the crowd started pelting the police with stones.

During the ensuing melee, two officers including IP Jane Dalidi were injured and treated at Cheranganyi Nursing Home. A motor vehicle registration Number GK A118G was damaged. Unfortunately Mr. Haggai Mulati who was one of the attackers was fatally injured by a stray bullet and his body removed to Kiminini Cottage Hospital Mortuary. Another alleged attacker, Mr. Stephen Wekesa sustained injuries and was taken to Cheranganyi Nursing Home where he was treated and discharged.

The District Criminal Investigation Officer, Kitale commenced investigations into the incident and all firearms used during the violent confrontation were retrieved from the officers and taken to Directorate of Criminal Investigations Ballistics section for examination. Pursuant to the investigations Inquest File No. 1/2017 was opened and is pending investigations.

Committee Observation

The Committee observed that the circumstances leading to the death of Mr. Haggai Chimakile were unclear and required further investigations.

Committee Recommendations

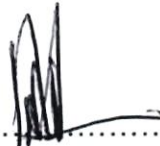
The Committee recommended that:-

- i. The Independent Policing Oversight Authority investigates the death of Mr. Haggai Chimakile ;
- ii. The Committee resolved to form a sub-committee to conduct a site visit in the area where the shooting occurred and
- iii. The Committee resolved to invite Mr. Barry Odongo Okundi, director, Luore Nyoio Limited for a meeting with the Committee to provide details into the shooting incident.

MIN.NO.095 /ANS/2017

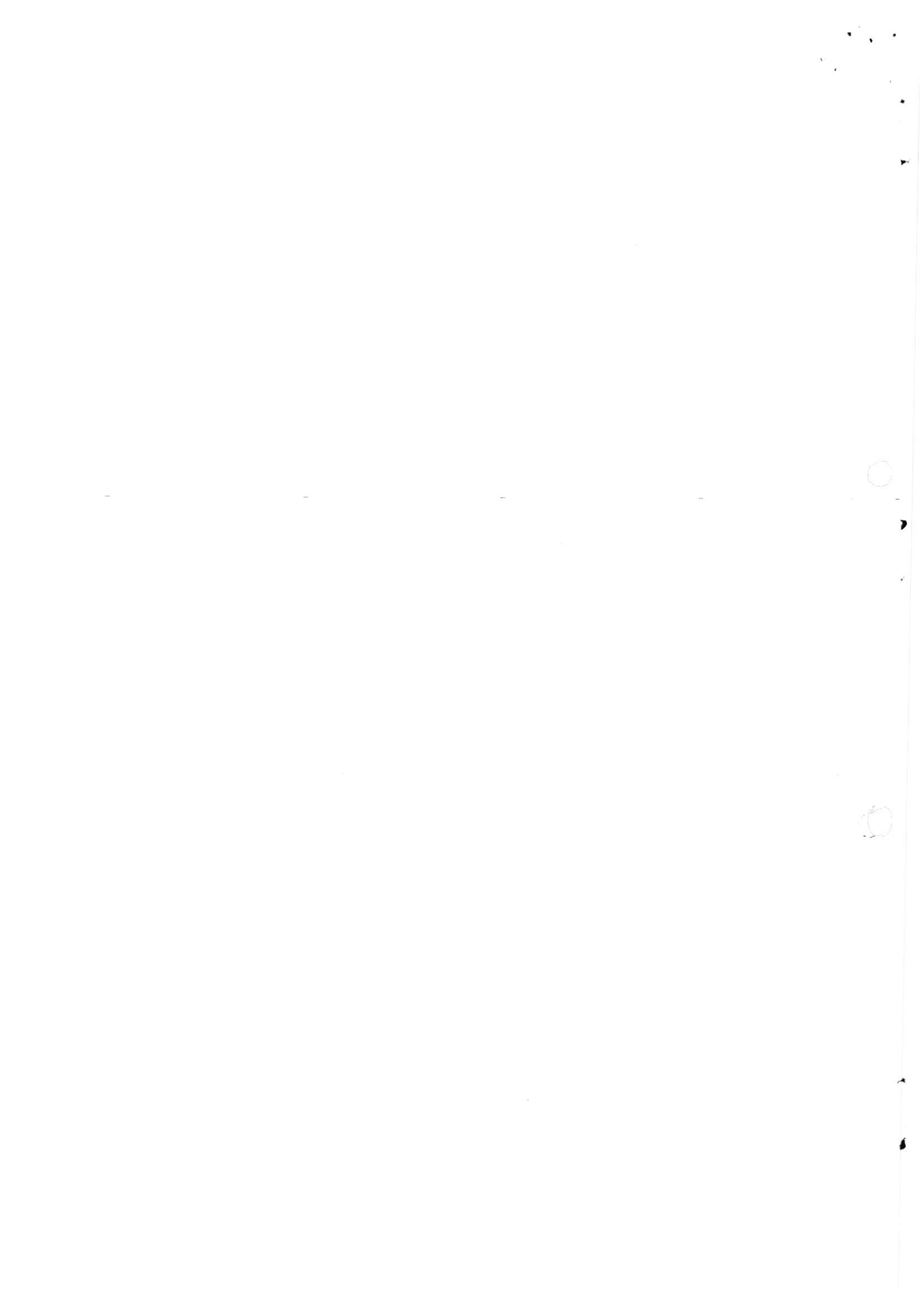
ADJOURNMENT OF THE MEETING

There being no other business the meeting was adjourned at 11.20 a.m. and the next meeting will be held on notice.

Signed.....

(Chairperson)

Date...11/5/2017...



Approved
BAT
SUA
3/11/16

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT
FOURTH SESSION

PUBLIC PETITION
BY THE FAMILY OF THE LATE ERIC MUTHOMI MUGIRI ON WORK
INJURY BENEFIT CLAIM FOR THEIR LATE SON ERIC MUTHOMI

Ms. S. P. ...
Please approval for
conveyance by the
members. The issue is
a delay/compensation matter
p.p. S
03/11

I, the **UNDERSIGNED**, on behalf of the family of the late Eric Muthomi Mugiri,

DRAW the attention of the House to the following:-

- i. **THAT**, in the year 2007, the late Eric Muthomi Mugiri, of Personal No.90280/2007/102455 was appointed as a Police Constable in the National Police Service Commission on permanent and pensionable basis;
- ii. **THAT**, on 31st January 2009 while in line of duty, Mr. Eric Mugiri died of injuries sustained at the infamous Sachangwan Petrol Tanker fire accident;
- iii. **THAT**, following the death of the officer and in line with existing policies, the Ministry of Labour and Social Protection computed his work benefit claim on 30th June 2011, the matter having been considered as claim number *WTBA/MSPAIS/131* amounting to Kenya Shillings one million, nine hundred seventy thousand, four hundred (Ksh.1,970,400);
- iv. **THAT**, to date the family has not received any compensation as stipulated in the Work Injury Benefit Act No.3 of 2007;
- v. **THAT**, efforts to resolve the matter with the relevant bodies/agencies have been futile;



PUBLIC PETITION
BY THE FAMILY OF THE LATE ERIC MUTHOMI MUGIRI ON WORK
INJURY BENEFIT CLAIM FOR THEIR LATE SON ERIC MUTHOMI

vi. **THAT**, the issues in respect of which this Petition is made are not pending before any Court of Law, Constitutional or statutory body.

THEREFORE your humble petitioners PRAY that the National Assembly, through the Departmental Committee on ~~Labour and Social Welfare:-~~

Administration & National Security

- (a) Intervenes to ensure that the family of Mr. Eric Mugiri is fully compensated for the loss of their son, who served as a General Service Unit officer and died in line of duty serving this country; and
- (b) Makes any other order(s) it deems fit in the circumstances of the Petitioners.

And your **PETITIONERS** will ever pray.


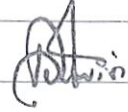
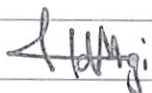
PRESENTED BY



HON. MUTHOMI NJUKI, MP
MEMBER FOR CHUKA/IGAMB'ANGOMBE

DATE: 28/10/2018

PUBLIC PETITION BY THE FAMILY OF
THE LATE ERIC MUTHIMI MUGIRI
ON WORK INJURY BENEFIT CLAIM
FOR THEIR LATE SON ERIC MUTHIMI

NAME	I.D no	SIGN
Wilfred Mugiri	2383708	
James Mugiri	2383288	James
WILLY KARANJA	20953709	Willy
JAMLIKE KINYUA	22263821	Kinyua
Anderson Muthiri	27803434	
Edith Muthiri	27718108	

PF/90280/2007102455/55

27/8/2009

TO THE DEPARTMENT OF
THE ADMINISTATOR GENERAL
PUBLIC TRUSTEE
PO BOX 49672- 00100
NAIROBI.

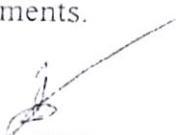
RE: DEATH GRATUITY.

PF/90280/2007102455 ERICK MUTHOMI MUGIRI (DECEASED).
ADMIN. CAUSE NO. 265 OF 2009

Refer to your letter PT/265//2009/2/BKM dated 13th July 2009.

I wish to confirm that according to our records the deceased's Next of Kin is his father a Mr. WILFRED MUGIRI NYAMU of p.o box 11 Ikuu - Chuka. The deceased had no unpaid salary since he was paid up to 31st January 2009 when he died.

The deceased home particulars are as follows: - District Meru south, Division Magumoni, Location Kabuboni, Sub- Location Kaburoni, Village Gacuuri, Chief Willington Nyamu Ikingi, Sub - Chief Elimina Muthoni Njagi. The claim documents for his death gratuity was processed and submitted to the Secretary/Director of Pensions on 24th June 2009 for payments.


R. WASIKE
FOR: PERMANENT SECRETARY
PROVINCIAL ADMINISTRATION/
INTERNAL SECURITY

CC
MR. WILFRED MUGIRI NYAMU
P.O BOX 11
IKUU- CHUKA

OFFICE OF THE ATTORNEY - GENERAL

Telephone: (020) 227461
Please address all communications
to the PUBLIC TRUSTEE and
When replying please quote



DEPARTMENT OF
THE ADMINISTRATOR-GENERAL
PUBLIC TRUSTEE
P. O. Box 49672-00100
NAIROBI

Ref. No. PT/265/2009/2/BKM

13 July, 2009

The Permanent Secretary
Ministry of State for Provincial Administration &
Internal Security
P.O. BOX 30083 - 00100
NAIROBI



ERIC MUTHOMI MUGIRI - DECEASED
ADMIN CAUSE NO. 265 OF 2009
P/NOS. 90280/2007102455

The estate of the above named deceased person who died on 31st January, 2009 while your employee has been referred to me for administration purposes.

Kindly peruse your records and let me have the deceased's home particulars and the name and postal address of the deceased's next of kin.

Let me have the unpaid salary for which the deceased worked in January this year. In case the same has been paid, let me have the particulars of the payee thereof.

Finally, let me know whether the deceased's death gratuity claim has been processed and forwarded for payment. If so let me have the treasury reference number for follow up.

A handwritten signature in black ink, appearing to be 'B. K. Mwinzi'.

B. K. Mwinzi
FOR: PUBLIC TRUSTEE

/jn

p.09

CHUKA ICAMBA-NGOMBE
M.P. HON. MUTHOMI
NJUKI

WILFRED MUGIRI NYAMU
P.O. BOX 11 IKUU
MERU SOUTH DISTRICT

24/8/2016

0727 573545

I am writing this letter to you - So as
you can kindly help me to get my
remaining balance from the treasury.
I was given the pension with no problem
in 2009.

And in 2010 I was called for letter
from the ministry of Labour
which stated that I should
be paid sh 1,704,000.00.

And when I went to the treasury to
take this amount I was told to
wait. I waited and after 4-5 months
I went again. After going there
the Principal Secretary told me that
they will not pay me that money.
So far as I was given the pension
I should be settled with that pension.
My son passed away at Chasangwani Pet
Tanker he was working there
as G.S.U officer.

His P.N. 90286-2007-102455 ERICK
MUTHOMI MUGIRI

Now I pen off hoping to be helped by you.

Yours Faithfully Wilfred Mugiri Nyamu





REPUBLIC OF KENYA

Ministry of Labour

Directorate of Occupational Health and Safety Services

Telephone: 020-557433, 557365, 556453
4th floor, Ministry of Labour Building, (safety House)
Commercial Street, Industrial Area, NAIROBI
Email: doshdept@yahoo.com
When replying quote the...
REF. NO. ... WIBA/MSPAIS/131

P.O. BOX 34120
00100 – NAIROBI
KENYA

30th June, 2011

*Permanent Secretary,
Ministry of State for Provincial Administration
And Internal Security,
P.O. Box 30510-00100,
Nairobi*

THE WORK INJURY BENEFITS ACT NO. 13 OF 2007

RE: WORK INJURY BENEFIT CLAIM NO. WIBA/MSPAIS/131 FOR THE LATE MR ERICK MUTHOMI MUGIRI

Please find enclosed herewith, the accident notification form DOSH /WIBA 3 on behalf of one of your employees **THE LATE MR ERICK MUTHOMI MUGIRI, P/No.2007102455**

Also enclosed for your further necessary action is the computed Work injury Benefit claim for the above injured officer amounting to Ksh. **1,970,400:00** for settlement through your office. The Work Injury Benefits Act, NO. 13 of 2007 recognise the government as an employer just like any other employer. Your Ministry is therefore required to settle the referred claim within the legally stipulated time of ninety (90) days from the date on the demand note form DOSH/WIBA 4.

Please also sign the two (2) copies of the agreement form DOSH/WIBA 5B in respect of each dependant and return them to the Director of Occupational Safety and Health Services together with the payment cheque drawn in the name of the dependants. The dependants should also sign the form DOSH/WIBA5B. On receipt of the payment cheques and the forms of agreement, the Director will prepare certificates of payment which the identified dependants will sign before she is handed over the work injury benefit payment cheques.

The computation of the work injury benefit has been based on the total earnings as indicated on in the presented pay-slip of the month of **JANUARY, 2009**

Yours faithfully,

JAMES WAMAE,
For: **DIRECTOR OF OCCUPATIONAL SAFETY AND HEALTH SERVICES**

Cc. **WILFRED MUGIRI NYAMU P.O. BOX 49506 NAIROBI**
JANET CIANJOKA MUGIRI P.O. BOX 49506 NAIROBI

OFFICE OF THE PRESIDENT

Telegrams "VIGILANCE", Nairobi

Telephone Nairobi 3141117

When replying please quote

Ref No PE/90280/2007102455/20

and date



POLICE HEADQUARTERS
P.O. Box 30083-00100
NAIROBI

..... 20

10/2/2009

The Permanent Secretary
Ministry of Finance
The Treasury
P O Box 30007
Nairobi

DEATH ADVICE PROFORMA - GROUP PERSONAL ACCIDENT SCHEME
(POLICY NO. 010/091/1/000131/2002)

I have to report an accident in which ERICK MUTHOMI MUGIRI was involved and which occurred on 31/1/2009 at Sachangwan. The officer died of injuries he sustained.

2. Particulars of the officer are as follows.

- a) Personal numbers - 90280/2007102455
- b) Designation - POLICE CONSTABLE
- c) Date of appointment - 7/7/2007
- d) Terms of service - PERMANENT AND PENSIONABLE
- e) Basic salary:

- (i) At the date of accident - KSH. 11,380.00 p.m.
- (ii) At the date of death - KSH. 11,380.00 p.m.

3. Date of death - 31/1/2009
Place of death - SACHANGWAN AREA.

4 The officer died as a result of fire accident at sachangwan in molo on 31st January 2009.

5. The medical report, pay slip and a police abstract report will be forwarded in due course.

R. WASIKE
FORMER PERMANENT SECRETARY
PROVINCIAL ADMINISTRATION & NATIONAL SECURITY
CC WILFRED MUGIRI NYAMU

PO BOX 11

CHUKA - You are required to submit the death certificate for our further action.

COMMANDANT GSU

PO BOX 49506NAIROBI - You are required to submit a police abstract report on form p10 for our further action.

741 MAEHIRA
pls send FA 07/14

Wanjiku
6/19/17

PETITION ON THE WORK INJURY BENEFIT CLAIM FOR THE LATE ERIC MUTHOMI

The petition

The Member of Parliament for Chuka/Igamb'angombe constituency, Hon. Muthomi Njuki, has petitioned the National Assembly in regard to the work benefit injury claim for the late Mr. Eric Muthomi, on behalf of the family. The Honourable Member has drawn the attention of the House to the following:

- i. That, in the year 2007, the late Eric Muthomi, of Personal No.90280/2007102455 was appointed as a Police Constable on Permanent and Pensionable basis;
- ii. That, on 31st January 2009 while in line of duty, Mr. Eric Mugiri died of injuries sustained at the infamous Sachangwan Petrol Tanker fire accident;
- iii. That, following the death of the officer and in line with existing policies, the Ministry of Labour and Social Protection computed his work benefit claim on 30th June 2011, the matter having been considered as claim number WIBA/MSPAIS/131 amounting to KShs.1,970,400;
- iv. That, to date the family has not received any compensation as stipulate in the Work Injury Benefit Act No.3 of 2007;

THE NATIONAL ASSEMBLY
RECEIVED
07 APR 2017
DIRECTOR COMMITTEE SERVICES
Time:.....

NATIONAL ASSEMBLY
RECEIVED
06 APR 2017
CLERK'S OFFICE
P. O. Box 41842, NAIROBI

- v. That, efforts to resolve the matter with the relevant bodies/agencies have been futile;
- vi. That, the issues in respect of which this Petition is made are not pending before any Court of Law, Constitutional or statutory body.

I wish to state as follows:

The Late PC Eric Muthomi Mugiri P/No.190280/2007102455 died on 31st January, 2009, as a result of injuries suffered during the Sachangwan petrol tanker accident. Subsequently, the death gratuity claim papers were processed and submitted to the Director of Pensions vides a letter Ref;PF/90280/2007102455/39 dated 24th June, 2009. In this regard, I wish to table copies of relevant letters.

The deceased next of kin, his father, Mr. Wilfred Mugiri Nyamu of P.O. Box 11 Ikuu, Chuka, should follow up the issue with the Public Trustee office for payment.



HON. MAJ. GEN. (RTD) JOSEPH NKAISSERRY, EGH, CBS
CABINET SECRETARY
MINISTRY OF INTERIOR AND
COORDINATION OF NATIONAL GOVERNMENT

5th April, 2017