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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - THIRD SESSION - 2024

PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 71 OF 2023 REGARDING GAZETTEMENT OF CHEPALUNGU SUB-COUNTY AS HARDSHIP AREAS BY HON. VICTOR KOECH, MP, MEMBER FOR CHEPALUNGU CONSTITUENCY

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 JUN 2024	DAY: Tuesday JUNE, 2024
TABLED BY:	Chair, Public Petitions Committee Hon. Ahmed Mbari, MP
CLERK AT THE TABLE:	Benson Inzoga

NATIONAL ASSEMBLY
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P. O. Box 41842, NAIROBI.

Directorate of Legislative & Procedural Services
Clerk's Chambers
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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 regarding the Gazettement of Chepalungu Sub-County as hardship areas. The petition was presented to the House pursuant to Standing Order No. 225 (2) (b) by the Member for Chepalungu Constituency, the Hon. Victor Koech, MP on 30th November, 2023.

The Petitioner prayed that the National Assembly through the Public Petitions Committee recommends to the relevant Ministry/Agencies to gazette Chepalungu Sub County as hardship area.

The Committee considered the Petition and observed that 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.

The Committee recommends 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 and that the Ministry of Public Service, Performance & Delivery Management reviews the categorization and gazette of hardship areas every ten years.

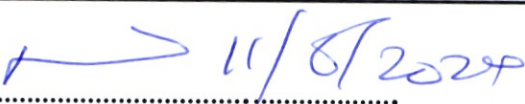
The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during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



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.

1.1. 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)**

1.2. COMMITTEE SECRETARIAT

The Public Petitions Committee is facilitated by the following secretariat:

Lead Clerk
Mr. Ahmed Kadhi
Senior Clerk Assistant

Ms. Anne Shibuko
First Clerk Assistant

Mr. Willis Obiero
Clerk Assistant III

Ms. Patricia Gichane
Legal Counsel II

Ms. Roselyne Njuki
Senior Serjeant-at-Arms I

Mr. Calvin Karungo
Media Relations Officer III

Ms. Miriam Modo
First Clerk Assistant

Mr. Isaac Nabiswa
Legal Counsel II

Mr. Martin Sigei
Research Officer III

Mr. Paul Shana
Serjeant-at-Arms

Mr. Peter Muteithia
Audio Officer

PART TWO

2 BACKGROUND INFORMATION ON THE PETITION

2.1 INTRODUCTION

1. Public Petition No. 71 of 2023 by the Hon. Victor Koech, MP on behalf the residents of Chepalungu Sub County was presented to the House on 30th November 2023.
2. The harsh climatic conditions in Chepalungu Sub County had become a great concern to the residents who were left with no clear sources of livelihood.
3. Chepalungu Sub County meets the requirements of a hardship area due to its land being purely black cotton soil and fairly flat terrain leading to deplorable road networks that have to be re-done every year; hampered movements amongst the locals, lack of clean drinking water and basic social amenities among others.
4. The geographical orientation and rugged rocky terrain in most parts of the Sub County have made it impossible for public service providers among them the Kenya Power & Lighting Company to access the villages leading to extremely low electricity connection.
5. The fairly flat terrain and poor road network infrastructure makes the area inaccessible with limited access to clean water and equally low access to water for farming; with surveys showing that the water table is at an average depth of 220 meters below the surface, with low yields, making the process of drawing underground water very expensive and uneconomical.
6. With over 201 primary schools and 97 secondary schools in Chepalungu Sub-County, teachers posted to these schools have been reluctant to take up jobs, with those posted seeking transfers elsewhere, due to non-payment of hardship allowances by the Government.
7. There are very few medical facilities, making the locals travel long distances in search of medical care. Chepalungu Sub County borders two Constituencies which are in the same climatic conditions, yet both have been gazetted as hardship areas.
8. Despite Chepalungu Sub County 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 been effected it to-date.

2.2 PETITIONER'S PRAYERS

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

- i. Recommends to the relevant Ministry/Agencies to Gazette Chepalungu Sub County, as a hardship area; and
- ii. Makes any other appropriate recommendations it deems fit in addressing the circumstances raised in this Petition.

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 SUBMISSIONS BY THE PETITIONER

On Tuesday, 27th February 2024, the Member for Chepalungu Constituency (Hon. Victor Koech, M.P), appeared before the Committee and submitted as follows—

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

1.3. SUBMISSIONS BY THE MINISTRY OF PUBLIC SERVICE, PERFORMANCE & DELIVERY MANAMENT

The Cabinet Secretary, Ministry of Public Service, Performance & Delivery Management, Hon. Moses Kuria, HSC vide a letter Ref No. MSPSG&DM/3/7 and dated 20th March 2024 forwarded written submissions as follows—

15. The Ministry had noted the many petitions presented to the National Assembly on the important matter of hardship areas and payment of hardship allowances.
16. The Government took cognizance of the existing disparities in designated hardship areas in the public service. 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 Constitution of an Inter-Agency Technical Committee to address existing disparities.
17. The committee comprised of representatives from the Ministry responsible for Public Service, Ministry of Interior and National Administration, Ministry of Education, The National Treasury & Economic Planning, the Judiciary, Public Service Commission (PSC), Teachers Service Commission (TSC), Salaries and Remuneration Commission (SRC), the Kenya National Bureau of Statistics (KNBS) and the Council of Governors (COG).
18. The Terms of Reference for the Committee were 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 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 categorization of designated hardship areas and payment of hardship allowance.
19. The report on the review of designated hardship areas and rates for hardship allowances was 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.

20. 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.
21. 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 of eleven (11) fairly distinct hardship areas.
22. 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.
23. 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 (KNUT). The recommendation was based on the agreement that teachers work in more remote areas as compared to civil servants who were mostly posted to District and Divisional Headquarters.
24. 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.
25. The civil service (national and county governments) had sixteen (16) designated hardship areas while the Judiciary had twenty-one (21) areas designated as hardship based on location of the law courts as indicated in the 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 Makueni	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	Kolbatek	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, Ndoleli and Igembe East Divisions; Buuri, Giika locations; Linjoka, Ankamia Sub -locations; Amung'enti, Thangatha, Mumui, Kiujuline and Akithi zones
				Total: 44 Areas		

26. Chepalungu Sub County in Bomet County was not designated as a hardship area for purposes of payment of hardship allowance of both civil service/parastatals, Judicial Service Commission (JSC) and Teachers Service Commission (TSC).

27. 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—

Sno	Criterion	How to Give Full Mark	Weight
1.	Food - Unavailability and Inaccessibility		25
	i. Area on (perpetual) relief food	Yes	5
	ii. Availability of market place	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. Area gets water from seasonal rivers/borehole/springs	Yes	3
	iii. Area has 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 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. Area dries with erratic rainfall	Yes	5
	ii. Area gets flooding during 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

28. 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.

PART FIVE

5 ANALYSIS OF ISSUES FOR DETERMINATION

The Committee makes determination on the issues raised in the Petition notes that—

34. 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.
35. The Ministry of Public Service, Performance and Delivery Management has established an Inter-Agency Technical to address existing disparities regarding gazettelement of hardship areas to facilitated the payment of hardship allowance for civil servants.
36. 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).
37. 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 FOUR

4 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner and other witnesses, the Committee observed that—

29. 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.
30. 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.
31. 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.
32. 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,
33. Chepalungu Constituency borders Narok West and Emurua Dikkir constituencies and share the same climatic conditions yet the two constituencies were gazetted hardship areas.

PART SIX

6 COMMITTEE RECOMMENDATIONS

Pursuant to the provisions of Standing Order 227 and in response to the prayer sought, the Committee recommends as follows—

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—

38. 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.
39. The Ministry of Public Service, Performance & Delivery Management reviews the categorization and gazettelement of hardship areas every ten years.
40. Pursuant to the provisions of Standing Order 208A(c), the findings arising from the consideration of this Petition be debated by the House.

Sign: -----

Date: -----

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

ANNEXURES

- Annex 1: The Adoption List**
- Annex 2: Public Petition No. 71 of 2023 regarding Gazettement of Chepalungu Constituency as a Hardship Area**
- Annex 3: Letter Ref No. MPSG&DM/3/7 and dated 20th March 2024 by the Ministry of Public Service, Performance and Delivery Management**
- Annex 4: Minutes of the 4th Sitting held on Tuesday, 27th February, 2024**
- Annex 5: Minutes of the 32nd Sitting held on Wednesday, 22nd May, 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. 71 OF 2023
REGARDING GAZETTEMET OF CHEPALUNGU SUB-COUNTY 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. 71 of 2023 Regarding Gazettement of Chepalungu Sub-County 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)

Approved
SNA
29/10/23

PUBLIC PETITION

(No. 71 of 2023)

**REGARDING GAZETTEMET OF CHEPALUNGU SUB COUNTY AS A
HARDSHIP AREA**

I, the **UNDERSIGNED** on behalf of the residents of Chepalungu Sub County;

DRAW the attention of the House to the following: -

1. **THAT**, the harsh climatic conditions in Chepalungu Sub County have become a great concern to the residents who are left with no clear sources of livelihood;
2. **THAT**, Chepalungu Sub County meets the requirements of a hardship area due to its land being purely black cotton soil and fairly flat terrain leading to deplorable road networks that have to be re-done every year; hampered movements amongst the locals, lack of clean drinking water and basic social amenities among others;
3. **THAT**, the geographical orientation and rugged rocky terrain in most parts of the Sub County have made it impossible for public service providers among them the Kenya Power & Lighting Company to access the villages leading to extremely low electricity connection;
4. **THAT**, the fairly flat terrain and poor road network of infrastructure makes the area inaccessible with limited access to clean water and equally low access to water for farming; with surveys showing that the water table is at an average depth of 220 meters below the surface, with low yields, making the process of drawing underground water very expensive and uneconomical;

1
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SECRETARY GENERAL
NATIONAL ASSEMBLY
2023/10/29

**REGARDING GAZETTEMET OF CHEPALUNGU CONSTITUENCY AS A
HARDSHIP AREA**

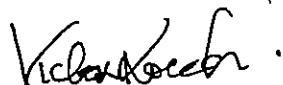
5. **THAT**, with over 201 primary schools and 97 secondary schools in Chepalungu Sub-county, teachers posted to these schools have been reluctant to take up jobs, with those posted seeking transfers elsewhere, due to non-payment of hardship allowances by the Government;
6. **THAT**, there are very few medical facilities, making the locals travel long distances in search of medical care;
7. **THAT**, Chepalungu Sub County borders 2 Constituencies which are in the same climatic conditions, yet both have been gazetted as hardship areas;
8. **THAT**, despite Chepalungu Sub County 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 been effected to-date; and,
9. **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 Chepalungu Sub County, as a hardship area; 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. VICTOR KOECH MANDAZI, MP
MEMBER FOR CHEPALUNGU CONSTITUENCY

DATE: 28/11/23 **.....**

PRESENTED BY: -



THE HON. VICTOR KOECH MANDAZI, MP
MEMBER FOR CHEPALUNGU CONSTITUENCY

DATE: 21/11/2023



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.
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 Kuria

Hon. Moses K. Kuria, HSC
CABINET SECRETARY

Encl.

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Copy to: Amos N. Gathecha, EBS, 'ndc' (K)
 Principal Secretary
 State Department for Public Service
NAIROBI

③ *Kaelin*
please, bring this before the

② *Head, PAJ*
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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
GAZETTEMET OF CHEPALUNGU SUB COUNTY AS A
HARDSHIP AREA**

Meeting with Petitioner

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

Background of the Petition

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

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

Committee Concerns


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

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

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

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

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

Sign: 

(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 GAZETEMENT 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 gazetting 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
GAZETTING 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 gazettment 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
GAZETTEMET 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 Dikir 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 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/2024/209:

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..... 05-06-2024