

REPUBLIC OF KENYA



Paper Laid
By the Chair
Defence & Foreign Relations
Hon. Ndung'u Gethenji
on Wednesday
16/17/2014

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NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – SECOND SESSION 2014

THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

REPORT ON THE PETITION BY EX-SERVICE MEMBER, EX-SPTE ENOCK MUKANDA, REGARDING WRONGFUL DISCHARGE FROM KENYA DEFENCE SERVICE AND NON-PAYMENT OF WORKMAN'S COMPENSATION

CLERK'S CHAMBERS
NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS
NAIROBI

JULY 2014

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1.0 PREFACE

Honorable Speaker,

On behalf of the Members of the Departmental Committee on Defence and Foreign Relations, and pursuant to the provisions of Standing Order No. 227, I have the honour and pleasure to present the Report of the Committee on the Petition regarding wrongful discharge of Ex-Service member -64814 Ex-SPTE Enock Mukanda from the Kenya Defence Forces and non-payment of workman's compensation, conveyed to the House by the Hon. (Dr.) Robert Pukose, Member of Parliament for Endebess Constituency.

1. 0 COMMITTEE MANDATE

The Departmental Committee on Defence and Foreign Relations is one of the Departmental Committees established under Standing Order No. 216 whose functions are *inter alia* to:-

- i) investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;
- ii) study the programme and policy objectives of the Ministries and Departments and the effectiveness of the implementation;
- iii) study and review all legislation referred to it;
- iv) study, assess and analyse the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
- v) 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;
- vi) to vet and report on all appointments where the constitution or any law requires the national assembly to approve, except those under Standing Order 204 (committee on appointments); and
- vii) Make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.

According to Schedule II of the Standing Orders, the Committee is mandated to consider the following subjects:

- i. Defence;
- ii. Intelligence;
- iii. Foreign Relations;
- iv. Diplomatic and Consular Services;
- v. International Boundaries;
- vi. International Relations; and,
- vii. Agreements, Treaties and Conventions.

In executing its mandate, the Committee oversees the operations of the following

Report of the Departmental Committee on Defence and Foreign Relations on a Petition by Ex-SPTE Enock Makanda Regarding Discharge from Service

Ministries/State Departments:-

- i. Ministry of Defence.
- ii. Ministry of Foreign Affairs and International Trade.
- iii. National Intelligence Service.
- iv. State Department for East African Affairs in the Ministry of East African Affairs, Commerce and Tourism.

2. 0 COMMITTEE MEMBERSHIP

The Departmental Committee on Defense and Foreign Relations comprises the following Members: -

- i) Hon. Ndungu Gethenji, M.P. - Chairperson
- ii) Hon. Elias Bare Shill, M.P. - Vice-Chairperson
- iii) Hon. Katoo Ole Metito, EGH, MGH, M.P.
- iv) Hon. Jakoyo Midiwo, MGH, M.P.
- v) Hon. Adan Keynan, M.P.
- vi) Hon. Chrisantus Wamwalwa, M.P.
- vii) Hon. Nyiva Mwendwa, EGH, M.P.
- viii) Hon. Maj-Gen (Rtd) Joseph Nkaisserry, CBS, MGH, M.P.
- ix) Hon. Gonzi Rai, MGH, M.P.
- x) Hon. Joel Onyancha, MGH, M.P.
- xi) Hon. Richard Onyonka, M.P.
- xii) Hon. Joseph Kiuna, M.P.
- xiii) Hon. Col (Rtd.) Ali Dido Rasso, MBS, M.P.
- xiv) Hon. John L. Nakara, M.P.
- xv) Hon. Roselinda Soipan, M.P.
- xvi) Hon. Anna N. Gathecha, M.P.
- xvii) Hon. David Wafula, M.P.
- xviii) Hon. Elisha Busienei, M.P.
- xix) Hon. Abass S. Mohamed, M.P.
- xx) Hon. Joyce Wanjalay Lay, M.P.
- xxi) Hon. Joseph Gitari, M.P.
- xxii) Hon. David Pkosing, M.P.
- xxiii) Hon. Ibrahim Sane, M.P.
- xxiv) Hon. Dennitah Ghati, M.P.
- xxv) Hon. Wafula Wamunyinyi, M.P.
- xxvi) Hon. Lekuton Joseph, M.P.
- xxvii) Hon. Yusuf Hassan, M.P.
- xxviii) Hon. Beatrice Nyaga, M.P.
- xxix) Hon. Ken Obura, M.P.

3. 0 BACKGROUND

Honourable Speaker,

On 22nd October 2013, the Hon. (Dr.) Robert Pukose, Member of Parliament for

Endebess Constituency presented a Petition on behalf of Ex-SPTE Enock Mukanda, an Ex-Service member with the Kenya Defence Forces (Kenya Army) regarding his alleged wrongful discharge from Service and non-payment of his workman's compensation.

The Petitioner sought among other things to have Kenya Defence Forces through the National Assembly pay him his terminal benefits as well as his workman's compensation. The Petitioner also sought to bring to the attention of Government through the National Assembly the following:-

- i) THAT, aware that the disciplinary procedures for all military personnel is the function of Kenya Defence Forces Military Council;
- ii) THAT, whereas a person/office injured while on duty is entitled to workman's compensation;
- iii) THAT, an officer injured in the line of duty will resume duty upon being declared medically fit by a competent government doctor through a medical examination;
- iv) THAT, he, Ex-SPTE Enock Makanda was enlisted in the Kenya Army in 1990 and assigned to the Signals Battalion as a driver;
- v) THAT, on 8th March 1995, he was involved in a road accident while on duty as a driver of a military lorry, a Mercedes Benz registration number 44KA25 along Kitale-Eldoret Road on the way to Kacheliba Detachment Camp. The accident left him with a femur injury. With him in the vehicle were other service members who sustained minor injuries;
- vi) THAT, following the accident, he was rushed to Moi Barracks in Eldoret, where he was administered first aid and later transferred to Uasin Gishu Cottage Hospital. A few days thereafter, he was transferred to Forces Memorial in Nairobi for further treatment where he was operated on 16th March 1995 and had a femur plate inserted in his left leg;
- vii) THAT, his condition rendered him ineffective as he was unable to perform normal duties as before. As a result, he was assigned light duties, an assignment which was at times impossible to perform any time his condition got worse as was the case occasionally;
- viii) THAT, his condition deteriorated in February and March 1996 and as a result he was not in a position to carry out his assignments. This resulted to disciplinary action being taken against him for which the punishment was forty two (42) days military imprisonment, and forty one (41) days without pay;
- ix) THAT, in addition to the two disciplinary actions taken against him, on the 29th September 1996, six years into service, he was discharged from the service under "service no longer required" terms without being paid any terminal benefits;
- x) THAT, no medical examination was conducted on him to assess his condition before his discharge as is the procedure. The then Garrison Medical Officer who

should have ensured that he had been examined prior to his discharge went ahead and signed the discharge clearance without due regard to the Petitioner's rights;

- xi) THAT, he left the military with a femur plate in his leg, yet at the time of joining the military, he was examined and found to be medically fit;
- xii) THAT, after the discharge, he requested to have the plate removed. This resulted to the convening of the Medical Board on 15th October 1996, where he appeared and was promised that the plate would be removed. To date, it has not been removed;
- xiii) THAT; the Medical Board recommended that he was fit and that his level of injuries did not merit any compensation.
- xiv) THAT, on 16th May 1997, he applied for re-enlistment in the Service with the hope that if considered, he would have the opportunity to have the plate removed but his application was declined for the reason that he did not fulfill some enlistment conditions. The said conditions were never made known to him.
- xv) THAT, he was thus seeking justice by the way of compensation for the wrongful discharge, compensation for injuries sustained while on duty, and insurance benefits occasioned following the road accident which he was involved in while on duty. He added that his discharge was on tribal grounds.

Therefore, the Petitioner prayed that the Government of Kenya through the National Assembly:

- i) Ensures that his plight is addressed;
- ii) Urgently ensures that justice is served to him by the Kenya Defence Forces;
- iii) The Kenya Defence Forces pays his terminal benefits to enable him cope with the realities of being unemployed;
- iv) The Kenya Defence Forces provides workmans' compensation as the Petitioner was involved in a rad accident while on duty; and
- v) Makes any other order and/or direction that it deems fit in the circumstances of the case.

The Petition was referred by the Honourable Speaker to the Departmental Committee on Defence and Foreign Relations in accordance with Standing Order 227. The Committee was expected to Table its report on the same within sixty (60) calender days.

Ensuing from the referral, the Departmental Committee on Defence and Foreign Relations identified the Member for Endebess, the Hon. (Dr.) Robert Pukose; the Petitioner Ex-SPTE Enock Mukanda; and the Cabinet Secretary, Ministry of Defence as the main witnesses in the Petition.

Honourable Speaker,

In considering the matter, the Committee took into consideration that disciplinary

procedures for all military personnel is a function of the Kenya Defence Forces pursuant to the Kenya Defence Forces Act, 2012. But while this is the case, Defence Forces must exercise the function in accordance with the legislation and procedures in place.

In addition, the Committee took into consideration that whereas a person or officer injured while on duty is entitled to workman's compensation pursuant to Workmen's Compensation Act, section 2(1)(va) exempts the Armed Forces from its application.

Therefore, the Committee sought to establish the following issues:-

- i. Reasons for the discharge of the Petitioner from service.
- ii. Circumstances of the road accident under reference.
- iii. Whether the Petitioner was compensated for injuries sustained while on duty, if injuries under reference occurred while on duty.
- iv. Insurance benefits occasioned from the road accident, if any.
- v. Whether his terminal dues were paid accordingly.

The Committee held a total of four (4) sittings where it deliberated on the matter and received submissions, presentations and other reports from the witnesses. The Committee met with the following:-

- i. The Hon. (Dr.) Robert Pukose Member of Parliament for Endebess
- ii. The Petitioner, Ex- SPT Enoch Mukanda
- iii. Amb. Raychelle Omamo, SC, Cabinet Secretary for Defence

The minutes of these sittings are appended to this report.

Honourable Speaker,

5.0 Based on the submissions, presentations and evidence adduced, the Committee made the following findings.

i) Reasons for the discharge of the Petitioner from Service

The Ex-Service member was enlisted into the Armed Forces on 4th May 1990 and was discharged from the service on 29th September 1996, six years into service on the terms of "Service No Longer Required (SNLR)" as provided for under Section 176 (g) of the Armed Forces Act (now repealed and replaced by the Kenya Defence Forces Act, 2012) following disciplinary action taken against him for habitually absenting himself from duty without permission.

In March 1995, the Petitioner was involved in a road accident while on duty and sustained a femur injury. On the basis of the injury sustained, the Ex-Serviceman requested to be assessed for disability. A Medical Board convened on 13th October 1998 examined him and found him to be medically fit.

The Armed Forces Act (Cap 199) (now repealed) was the guiding statute at the time of the enlistment and discharge from the Armed Forces of the Petitioner. In her

submissions, the Cabinet Secretary for Defence, Ambassador Raychelle Omamo, SC asserted that the Petitioner was habitually absenting himself without permission and this led to disciplinary action been taken against him.

Section 32 of the Armed Forces Act provides that:

Any person subject to this Act who-
(a) absents himself without leave; or
b) persuades or procures any person subject to this Act to absent himself without leave, shall be guilty of an offence and liable, on conviction by court martial, to imprisonment for a term not exceeding two years or any less punishment provided by this Act.

The punishments that may be awarded by a court martial are found in Section 102 of the Armed Forces Act and include imprisonment and forfeiture of pay. The punishment against the Petitioner for absenteeism was thus within the law.

The Medical Board that examined him concluded that he was medically fit. The Petitioner could not substantiate his allegations that the discharge was wrongful. His discharge was thus on disciplinary not on medical grounds as alleged by the Petitioner.

The Petitioner is thus not entitled to compensation for the discharge, and only gratuity as was awarded.

ii) Circumstances of the road accident involving the Petitioner

The Petitioner was involved in a road accident on 8th March 1995 while on duty as a driver of a military lorry, a Mercedes Benz registration number 44KA25 along Kitale-Eldoret Road on the way to Kacheliba Detachment Camp. With him in the vehicle during the accident were other Servicemen who sustained minor injuries.

Following the accident, he was he was rushed to Moi Barracks in Eldoret where he was administered first aid and later transferred to Uasin Gishu Cottage Hospital. A few days thereafter, he was transferred to Forces Memorial in Nairobi for further attention where he was operated on 16th March 1995 and had a plate inserted in his left femur. He was therefore injured while on duty.

iii) Compensation for injuries sustained while on duty

On the basis of a femur injury sustained while on duty following a road traffic accident, the Petitioner requested to be assessed for disability. A Medical Board convened on 13th October 1998 examined him and found him to be medically fit. The femoral plate that had been inserted at the time of the accident, required to be removed and the removal had no time limit.

The Ex-Serviceman was not covered under the Armed Forces Medical Scheme while in service because he had voluntarily not joined the scheme. The Medical Board did not award any compensation to the Petitioner for the broken femur.

The Petitioner was not discharged on medical grounds, but on disciplinary basis. He therefore cannot seek any disability pension, benefits or compensation as he was found by the Medical Board to be medically fit. Further more, at the time of his assessment he was no longer a member of the Armed Forces.

Section 2 (1) (va) of the Workmen's Compensation Act (Cap 236) (now repealed) exempts the Armed Forces from its application and as such cannot be relied on in this Petition. The Petitioner is thus not entitled to compensation for injuries sustained while on duty under the Workmen's Compensation Act.

The Workmen's Compensation Act was repealed in 2008 by the Work Injury Benefits Act, Act No. 13 of 2007. However, Section 3 of the Work Injury Benefits Act still excludes its application to members of the Armed Forces.

iv) Payment of terminal dues to the Petitioner

At the time of his discharge, the Petitioner had only served for a period of six (6) years and twelve (12) days. As per the Terms and Conditions of Service, he was not eligible for pension. He was therefore assessed for gratuity at Kshs. 78,516/- from which the government liabilities that he had accrued and accepted were to be deducted.

The Terms and Conditions of Service were applied in processing the discharge of the Ex-Service member and as such he cannot claim what was not due to him. The petitioner's terminal benefits were paid in accordance with the lawful assessment and cannot therefore be paid twice.

It is worth noting that the Armed Forces Act was repealed in 2012 and was replaced by the Kenya Defence Forces Act which took effect on 17th September 2012. The Kenya Defence Forces Act has improved the Terms and Conditions of Servicemen. Part XIV of the Act, titled Service in Defence Forces, outlines the Terms of Service of members of the Armed Forces.

6.0 Based on the above findings, the Committee made the following observations:-

- i) The Petitioner was discharged on disciplinary grounds for habitually absenting himself without permission, pursuant to Section 32 of the Armed Forces Act (Cap 199) (now repealed by the Kenya Defence Forces Act, 2012 and not on medical grounds.
- ii) At the time of his discharge, he had only served for a period of six (6) years and twelve (12) days. He was therefore not eligible for pension. This is as was spelt out in the Terms and Conditions of Service. He was thus assessed for gratuity at Kshs. 78,516/- from which the government liabilities that he had accrued and accepted were to be deducted. The Petitioner's terminal benefits were paid in accordance with the lawful assessment.
- iii) Whereas a person or officer injured while on duty is entitled to workman's compensation pursuant to Workmen's Compensation Act, 2007, Section 2(1)(va) of the Act exempts the Armed Forces from its application.

7.0 In view of the above observations, the Committee recommends that;

The femoral plate inserted in the Petitioner's leg as a result of the injury sustained following a road accident while on duty, should be removed at the Petitioner's convenience, at Kenya Defence Forces' expense.

8.0 ACKNOWLEDGEMENT

Honourable Speaker,

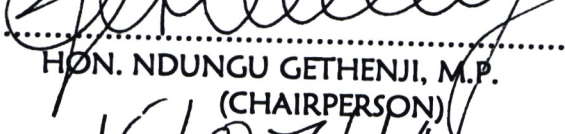
The Committee wishes to thank the Office of the Honorable Speaker and the Liaison Committee for the necessary support extended to it in the execution of its mandate as well as the Office of the Clerk for providing the necessary logistical and technical support. The Committee further wishes to thank the Cabinet Secretary for Defence together with all the Technical Staff who appeared before the Committee for providing the necessary information and responding to issues raised by the Members during the consideration of the Petition.

Let me also take this opportunity to thank the Members of the Committee for their dedication and commitment in discharging the mandate of the Committee.

Finally, I thank the Hon. (Dr.) Robert Pukose, Member of Parliament for Endebess for presenting the Petition to the House on behalf of the Petitioner, Ex-service Member, Ex-SPTE Enock Mukanda.

On behalf of the Departmental Committee on Defence and Foreign Relations and pursuant to Standing Order No. 227, I have the honour and pleasure to present this Report to the House.

Thank You.

SIGNED.....
HON. NDUNGU GETHENJI, M.P.
(CHAIRPERSON)
DATE.....15/07/14

9.0 INTRODUCTION

On 22nd October 2013, Hon. Dr. Robert Pukose, Member of Parliament for Endebess Constituency presented a Private Petition on behalf of Ex-Service Member Ex-SPTE Enoch Mukanda of ID No. 20413569 informing the House that the Ex-Service Member was enlisted in the Kenya Army on 4th May, 1990 under Service No. N9762461 and was assigned to Signals Battalion. The Petitioner was later discharged from Service on 29th September, 1996 allegedly on medical grounds following a road accident on 8th March 1995 while on duty, that left him with a femur injury.

The Petitioner prayed that the Government of Kenya through the National Assembly and Kenya Defence Forces urgently ensures that justice is served to him by among other things, paying his terminal benefits and providing workman's compensation for injuries sustained while on duty.

10.0 SUBMISSION BY HON. (DR.) ROBERT PUKOSE, MEMBER OF PARLIAMENT FOR ENDEBESS

The Hon (Dr.) Robert Pukose, M.P. appeared before the Committee on 13th February 2014, and made the following submissions:- That;

- i) The Petitioner was enlisted into the Kenya Army on the 4th May, 1990 after he went through a basic military training at the Recruits Training School (RTS) Moi Barracks in Eldoret and was posted to Signal Battalion as a driver class III.
- ii) On 8th March, 1995, while on official duty in a military Mercedes Benz lorry Registration No. 44KA25 along Eldoret-Kitale road on his way to Kacheliba Detachment Camp, he was involved in a road accident. The accident left him with a broken femur. He was taken to Moi Barracks in Eldoret for first aid administration and later to Uasin Gishu Cottage Hospital. He was later transferred to Forces Memorial Hospital in Nairobi for further treatment where he was operated and a plate inserted in his left femur. This rendered him ineffective as he could not perform effectively his duties as required and was thus assigned light duties.
- iii) In February and March 1996, his condition worsened and as a result, he was unable to carry out his new assignments. This resulted to disciplinary action being taken against him. He was awarded 42 days of military imprisonment and 41 days without pay as a punishment. In addition to the disciplinary actions he was subjected to, he was later on the 29th September, 1996 discharged from service under "Service No Longer Required" terms. He left with a femur plate on his left thigh.
- iv) After the discharge, he requested to have the plate removed which resulted to the convening of the Medical Board on 15th October 1996, where he appeared and he was promised that the plate would be removed. This has never been removed to date. Besides that, the Board recommended that he was fit with no percentage of injury that would merit any compensation.

- v) On 16th May 1997, he applied for re-enlistment in the service with the hope that if considered he would have the opportunity to have the femur plate removed but his application was declined for the reason that he did not fulfil some enlistment conditions. These conditions were never made known to him.
- vi) The Petitioner was thus seeking justice by the way of compensation for the wrongful discharge, compensation for injuries sustained while on duty and insurance benefits occasioned from the road accident suffered while on duty. He added that his discharge was on tribal grounds.

11.0 SUBMISSION BY THE PETITIONER, EX-SPTE ENOCK MAKANDA

The Petitioner appeared before the Committee on 13th February 2014. In his submission, he reaffirmed the evidence by the Hon. (Dr.) Robert Pukose, Member of Parliament for Endebess as the true position regarding his Petition.

12.0 SUBMISSION BY THE CABINET SECRETARY FOR DEFENCE, AMB. RAYCHELLE OMAMO, SC

The Cabinet Secretary for Defence, Amb. Raychelle Omamo, SC appeared before the Committee on 19th June 2014 and filed the following submission:- That;

- i) The Ex-Service member was enlisted into the Armed Forces on 4th May 1990. He was discharged from the service on 29th September 1996 on the basis of "service no longer required (SNLR)" as provided for under section 176 of the Armed Forces Act (now repealed) following disciplinary action taken against him for habitually absenting himself without permission. The discharge was not on medical grounds.
- ii) At the time of his discharge, he had served for a period of six (6) years and twelve (12) days. As per the Terms and Conditions of service, he was not eligible for pension. He was therefore assessed for gratuity at Kshs. 78,516/- from which the government liabilities he had accrued and accepted were to be deducted.
- iii) On the basis of a femur injury sustained while in service following a road traffic accident, the Ex-Serviceman requested to be assessed for disability. A Medical Board convened on 13th October 1998 examined him and found him to be medically fit. The femoral plate that had been inserted following the road accident, required to be removed and the removal had no time limit.

At the time, the Petitioner was not covered under the Armed Forces Medical Scheme while in service because he had voluntarily not joined the scheme. The Medical Board did not award any compensation for the broken femur of the Ex-Serviceman.

- iv) The discharge of the Petitioner from Service was not done on medical basis, but on disciplinary grounds. He therefore cannot seek any disability pension or benefits as he was found by the Medical Board to be medically fit. Furthermore, at the time of his assessment he was no longer a member of the Armed Forces.

- v) The Workmens' Compensation Act at section 2(1)(va) (Repealed) exempts the Armed forces from its application and as such cannot be relied on this Petition. The Terms and Conditions of Service were applied in processing the retirement for the Ex-Service member and as such he cannot claim what was not due to him.
- vi) The petitioner's terminal benefits were paid in accordance with the lawful assessment and cannot be paid twice.

Therefore, the Petition in this case must fail.

13.0 CURRENT TERMS AND CONDITIONS OF SERVICEMEN

The Armed Forces Act was repealed in 2012 and was replaced by the Kenya Defence Forces Act which took effect on 17th September 2012. This Act has improved the Terms and Conditions of Servicemen. Part XIV of the Act, titled Service in Defence Forces and outlines the terms of service of members of the Armed Forces. Section 244 (1) of the Act provides that the members of the Defence Forces shall be entitled to such pensions and gratuity as shall be determined by the Treasury in consultation with the Defence Council in accordance with set regulations.

Further, Section 245 of the Act provides for the protection of the members while in active service. It caters for the families of servicemen who have been captured or gone missing while in active service. The salaries of such members will be paid to their families until the day on which the member again reports for duty, or on which the member's death is confirmed, or on which a competent court issues an order whereby the death of such person is presumed.

Any member who is injured while in active duty is entitled to medical, dental and psychological treatment notwithstanding that the duration of such treatment may extend beyond that member's service contract. Such a member is also entitled to full pay and allowances during the period of the member's treatment. The Government shall also compensate any member who suffers a disability while in service or the family of a member who loses their life while in active service.

MINUTES OF THE 53RD SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD IN THE SMALL DINNING, PARLIAMENT BUILDINGS ON WEDNESDAY, 2ND JULY, 2014 AT 11:30 A.M.

MEMBERS PRESENT

1. Hon. Ndungu Gethenji, M.P. - **Chairperson**
2. Hon. Elias Bare Shill, M.P. - **Vice Chairperson**
3. Hon. Katoo Ole Metito, EGH, MGH, M.P.
4. Hon. Maj-General (Rtd) Joseph Nkaisserry, MGH, CBS, M.P.
5. Hon. Col. (Rtd) Ali Dido Rasso, MBS, M.P.
6. Hon. Joel Onyancha, MGH, M.P.
7. Hon. Joseph Kiuna, M.P.
8. Hon. Richard Onyonka, M.P.
9. Hon. John L. Nakara, M.P.
10. Hon. Elisha Busienei, M.P.
11. Hon. David Pkosing, M.P.
12. Hon. Beatrice Nyaga, M.P.
13. Hon. Ibrahim Sane, M.P.
14. Hon. Ken Obura, M.P.
15. Hon. Annah N. Gathecha, M.P.
16. Hon. Joyce Wanjalah Lay, M.P.

ABSENT WITH APOLOGIES

1. Hon. Adan Keynan, M.P.
2. Hon. Christantus Wamalwa, M.P.
3. Hon. Nyiva Mwendwa, EGH, M.P.
4. Hon. Joseph Gitari, M.P.
5. Hon. David Wafula, M.P.

ABSENT

1. Hon. Jakoyo Midiwo, MGH, M.P.
2. Hon. Gonzi Rai, MGH, M.P.
3. Hon. Wafula Wamunyinyi, M.P.
4. Hon. Yusuf Hassan, M.P.
5. Hon. Joseph Lekuton, M.P.
6. Hon. Dennitah Ghati, M.P.
7. Hon. Roselinda Soipan, M.P.
8. Hon. Abass S. Mohammed, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

- | | | |
|-----------------------|---|------------------------|
| 1. Ms. Rachel Kairu | - | Senior Clerk Assistant |
| 2. Ms. Halima Hussein | - | Third Clerk Assistant |
| 3. Mr. Douglas Katho | - | Third Clerk Assistant |
| 4. Ms. Emma Essendi | - | Legal Counsel |

MIN. NO.139/2014:

PRELIMINARIES

The sitting's proceedings commenced with a word of prayer and thereafter, the meeting's agenda was adopted by Members present.

The minutes of the 52nd sitting held on 1st July 2014 were confirmed as true record of the proceedings, and signed by the Chairperson.

The following matters arose and were dealt with as herein below;

Under **Min. 136/2014 (i), meeting with the Director General, NIS**, Members resolved to uphold its resolution of 1st July 2014, not to sit during *recess* period from 4th to 14th July, 2014 to enable Members travel to their Constituencies and consequently rescheduled the meeting with the DG, National Intelligence Service to 16th July, 2014.

The Committee also upheld its resolution of 1st July 2014, to meet with the British High Commission to Kenya on 15th July, 2014. The Chair informed the meeting that the Ministry of Foreign Affairs and International Trade is expected to brief the members before the said engagement session.

The Committee considered and adopted its Report of the Petition regarding wrongful discharge from service of Ex-SPTE Enock Mukanda, conveyed in the House by the Hon. (Dr). Robert Pukose, Member of Parliament for Endebess.

The Report was adopted upon being proposed by Hon. Col. (Rtd) Ali Dido Rasso, MBS, M.P. and seconded by Hon. Maj-Gen. (Rtd) Joseph Nkaisserry, MGH, CBS, M.P.

Members of the delegation that undertook the study visit to Morocco shared their experiences regarding the trip and raised the following concerns:- That;

- The host country had no defined programme for the delegation, and therefore meetings were taking place on *ad hoc* basis. As such, Members could not tell what was lined up.
- That the trip was extended by three (3) days without consultations and as result, Members were greatly inconvenienced as they had other engagements planned back at home.
- The *per diems* provided were unclear.

- The delegation was not provided the set minimum standards for MPs during the travel, with some Members travelling on economy while others travelled on Business class.
- The means of transport was sub-standard, with preferential treatment being accorded to the Leader of the delegation.
- The notice given for Members to travel was too short.

The Committee resolved:-

- That, minimum standards should always be observed even when a visit is sponsored.
- That, in future, such visits should be well organized to avoid frustrations and

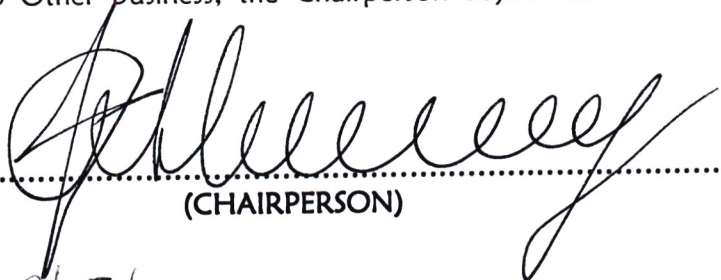
inconveniences to Members.

The Committee agreed to make its recommendations when the report is tabled.

MIN. NO.144/2014 : ADJOURNMENT

There being no Other Business, the Chairperson adjourned the meeting at half past twelve O'clock.

SIGNED.....



(CHAIRPERSON)

DATE.....

03/07/2014

MINUTES OF THE 52ND SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD IN THE SMALL DINNING, PARLIAMENT BUILDINGS ON TUESDAY, 1ST JULY, 2014 AT 10:30 A.M.

MEMBERS PRESENT

1. Hon. Ndungu Gethenji, M.P. - **Chairperson**
2. Hon. Elias Bare Shill, M.P. - **Vice Chairperson**
3. Hon. Katoo Ole Metito, EGH, MGH, M.P.
4. Hon. Christantus Wamalwa, M.P.
5. Hon. Maj-General (Rtd) Joseph Nkaisserry, MGH, CBS, M.P.
6. Hon. Gonzi Rai, MGH, M.P.
7. Hon. Wafula Wamunyinyi, M.P.
8. Hon. Joseph Kiuna, M.P.
9. Hon. Elisha Busienei, M.P.
10. Hon. Abass S. Mohammed, M.P.
11. Hon. David Pkosing, M.P.
12. Hon. Beatrice Nyaga, M.P.
13. Hon. John Lodepe Nakara, M.P.
14. Hon. Ibrahim Sane, M.P.
15. Hon. Annah N. Gathecha, M.P.

ABSENT WITH APOLOGIES

1. Hon. Adan Keynan, M.P.
2. Hon. Joseph Gitari, M.P.
3. Hon. Ken Obura, M.P.

ABSENT

1. Hon. Jakoyo Midiwo, MGH, M.P.
2. Hon. Nyiva Mwendwa, EGH, M.P.
3. Hon. Joel Onyancha, MGH, M.P.
4. Hon. Yusuf Hassan, M.P.
5. Hon. Joseph Lekuton, M.P.
6. Hon. Richard Onyonka, M.P.
7. Hon. Col. (Rtd) Ali Dido Rasso, M.P.
8. Hon. David Wafula, M.P.
9. Hon. Joyce Wanjalay Lay, M.P.
10. Hon. Dennitah Ghati, M.P.
16. Hon. Roselinda Soipan, M.P.

IN ATTENDANCE

- | | | |
|-----------------------|---|------------------------|
| 1. Ms. Rachel Kairu | - | Senior Clerk Assistant |
| 2. Ms. Halima Hussein | - | Third Clerk Assistant |
| 3. Ms. Douglas Katho | - | Third Clerk Assistant |

NATIONAL ASSEMBLY

MIN. NO.133/2014:

PRELIMINARIES

The sitting's proceedings commenced with a word of prayer and thereafter the agenda for the meeting was adopted.

MIN.NO. 134/2014: CONFIRMATION OF MINUTES OF THE PREVIOUS SITTINGS

The minutes of the following sittings were confirmed as true records of the proceedings, and signed by the Chairperson.

- i. Minutes of the 26th sitting held on 13th February 2014; and
- ii. Minutes of the 51st sitting held on 19th June 2014.

MIN. NO.135/2014: CONSIDERATION OF THE DRAFT REPORT ON THE PETITION BY EX-SPTE ENOCK MUKANDA ON WRONGFUL DISCHARGE FROM SERVICE

The Committee considered its draft Report on the Petition by Ex-SPTE Enock Mukanda regarding wrongful discharge from the Kenya Defence Forces. Members made the following observations:-

- i. The Committee had addressed all the prayers by Ex-SPTE Enock Makanda to the National Assembly as per his Petition.
- ii. Workmens' Compensation Act, Section 2(1)(v) exempts the Armed Forces from its application.
- iii. The Petitioner was discharged for habitually absenting himself without permission and disciplinary action had been taken against him pursuant to Section 32 of the Armed Forces Act.

Therefore, the Committee recommended the femoral plate inserted in the Petitioner's leg as a result of the injury sustained following a road accident while on duty, should be removed at the Petitioner's convenience, at Kenya Defence Forces' expense.

Members resolved to meet on Wednesday, 02 July to adopt the Report and Table the same in the House on July 03, 2014.

MIN. NO.136/2014 : ANY OTHER BUSINESS

- i. The Committee resolved to meet with the Director General, National Intelligence Service on Tuesday, 8th July 2014 to discuss among other things, the flagstaff project.
- ii. Members of the delegation on the study visit to the Kingdom of Morocco were of the view that thorough assessments should be carried out before opening of Foreign Missions abroad. A detailed brief would be received once the delegation presents its Report of visit.
- iii. The Committee was informed of a letter from the Hon. Paul Koinange, Member of Parliament for Kiambaa regarding alleged monitoring of phone communications of prominent leaders in Kenya by foreign agents and governments.

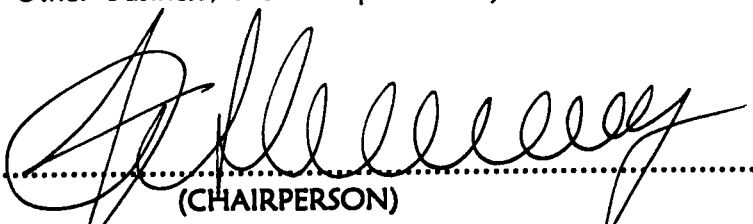
Members resolved to meet with the Member to discuss the matter, and later engage with the DG, National Intelligence Service, and the CS for Foreign Affairs and International Trade on the same.

- iv. Members were informed of Report of the Committee on Defense Ministers on Mutual Defense Pact Implementation Framework from the meeting attended by the CS's and Ministers for Defence in Kigali, Rwanda on 30th May 2014. Hon. David Wafula represented the Committee in the meeting.
- v. Members were informed that the Ministry of Defence had forwarded to the Committee its annual performance report for the period 1st July 2012 to 30th June 2013, prepared and

issued in accordance with Articles 153(4)(b) of the Constitution and Section 10(h) of the Kenya Defence Forces Act, 2012.

MIN. NO.137/2014 : ADJOURNMENT

There being no Other Business, the Chairperson adjourned the meeting at half past twelve O'clock.

SIGNED.....
(CHAIRPERSON)

DATE...02/07/2014.....

MINUTES OF THE 51ST SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD IN THE SECOND FLOOR OF PROTECTION HOUSE, PARLIAMENT BUILDINGS ON THURSDAY, 19TH JUNE, 2014 AT 10:30 A.M.

MEMBERS PRESENT

1. Hon. Ndungu Gethenji, M.P. - Chairperson
2. Hon. Elias Bare Shill, M.P. - Vice Chairperson
3. Hon. Jakoyo Midiwo, MGH, M.P.
4. Hon. Adan Keynan, M.P.
5. Hon. Maj-Gen.(Rtd) Joseph Nkaisserry, MGH, M.P.
6. Hon. Gonzi Rai, MGH, M.P.
7. Hon. Joel Onyancha, MGH, M.P.
8. Hon. Wafula Wamunyinyi, M.P.
9. Hon. Joseph Kiuna, M.P.
10. Hon. Yusuf Hassan, M.P.
11. Hon. David Wafula, M.P.
12. Hon. Elisha Busienei, M.P.
13. Hon. Abass S. Mohammed, M.P.
14. Hon. Lekuton Joseph, M.P.
15. Hon. Joyce Wanjaloh Lay, M.P.
16. Hon. David Pkosing, M.P.
17. Hon. Beatrice Nyaga, M.P.
18. Hon. Ken Obura, M.P.
19. Hon. John L. Nakara, M.P.

ABSENT WITH APOLOGIES

1. Hon. Katoo Ole Metito, EGH, MGH, M.P.
2. Hon. Christantus Wamalwa, M.P.
3. Hon. Nyiva Mwendwa, EGH, M.P.
4. Hon. Col. (Rtd) Ali Dido Rasso, M.P.
5. Hon. Dennitah Ghati, M.P.
6. Hon. Joseph Gitari, M.P.
7. Hon. Ibrahim Sane, M.P.

ABSENT

1. Hon. Annah N. Gathecha, M.P.
2. Hon. Richard Onyonka, M.P.
3. Hon. Roselinda Soipan, M.P.

IN ATTENDANCE

MINISTRY OF DEFENCE

- | | | |
|-------------------------|---|-------------------------------------|
| 1. Amb. Raychelle Omamo | - | Cabinet Secretary |
| 2. Brig. K. O. Ndindi | - | Chief of Legal MOD |
| 3. Maj. Elphas Kweya | - | MA to Cabinet Secretary for Defence |
| 4. Mr. G. F. Sakwa | - | PLO |

IN ATTENDANCE

NATIONAL ASSEMBLY

- | | | |
|-----------------------|---|------------------------|
| 1. Ms. Rachel Kairu | - | Senior Clerk Assistant |
| 2. Ms. Halima Hussein | - | Third Clerk Assistant |

MIN. NO.129/2014: PRELIMINARIES

The sitting's proceedings commenced with a word of prayer. Thereafter, the meeting's agenda was adopted.

MIN.NO. 130/2014: MEETING WITH THE CABINET SECRETARY FOR DEFENCE

The Cabinet Secretary thanked the Committee for the invitation and confirmed she was in receipt of the two petitions by the two Ex-KDF officers namely:-

- i) Petition by Ex-SPTE Enock Mukanda on wrongful discharge from service.
- ii) Petition by Ex-Capt J. N. Wafubwa on the non-payment of his pension benefits.

1. The Petition on discharge of Ex-SPTE Enock Makanda (64814) from the Defence Forces

The Cabinet Secretary for Defence made the following submission in respect to the Petition;-
That,

- i) The Ex-service member was enlisted into the Armed Forces on 4th May 1990. He was discharged from the service on 29th September 1996 on the basis of "Service No Longer Required" (SNLR) as provided for under section 176 of the Armed Forces Act (now repealed) following disciplinary action taken against him for habitually absenting himself, and not on medical grounds.
- ii) At the time of his discharge, he had served for a period of six (6) years and twelve (12) days. As was spelt out in the terms and conditions for service, he was not eligible for pension. He was therefore assessed for gratuity at Kshs. 78,516/- from which the government liabilities he had accrued and accepted were to be deducted.
- iii) On the basis of a femur injury sustained while in service due to a road traffic accident, the Ex-Serviceman requested to be assessed for disability. A Medical Board convened on 13th October 1998 examined him and found him to be medically fit. The femoral plate that had been inserted at the time of the accident, required to be removed and the removal had no time limit. At the time, the Ex-serviceman was not covered under the Armed Forces Medical Scheme while in service because he had voluntarily not joined the scheme. The Medical Board did not award any compensation for the broken femur of the Ex-Serviceman.
- iv) The discharge was not done on medical grounds but on disciplinary grounds. He therefore cannot seek any disability pension or benefits as he was found by the Medical Board to be medically fit and further more, at the time of his assessment he was no longer a member of the Armed Forces.
- v) The Workman's Compensation Act at section 2(1)(v) exempts the Armed Forces from its application and as such cannot be relied on this case. The terms and conditions of service were applied in processing the retirement for the service member and as such he cannot claim what was not due to him.
- vi) The petitioner's terminal benefits were paid in accordance with the lawful assessment and cannot be paid twice.

Therefore, the Petition in this case must fail.

2. The Petition by Captain J. N.Wafubwa (20654) on Non-Payment of his Pension Benefits

The Cabinet Secretary for Defence made the following submission in regard to the Petition:-

- i) The Petitioner retired from Service in 1993 upon attaining the mandatory retirement age of 39 years at the rank of Captain in accordance with the Armed Forces Terms and Conditions for service.
- ii) Since his retirement, he has made several unsuccessful attempts in court seeking to have the Defence Council compelled to reinstate him and to review upwards his pension assessment as well as his retirement benefits as follows:-
 - a. HCC No. 674/1993 – The High Court ordered that the Retired Officers’ retirement benefits and pension be assessed at the rank of “Major” despite having retired as a Captain.
 - b. Civil appeal No. 278/2003 – Despite the orders being favourable, the Retired Officer challenged the High Court Orders to have the benefits assessed at rank of Lieutenant Colonel. The Attorney General cross-appealed and the Court set aside and vacated the High Court Judgment.
 - c. HC Petition 715/2006 – The Retired Officer applied to have the Hon. Minister for Finance /Treasury directed to assess the Petitioner’s benefits for services rendered under the Military Law. The application was dismissed noting that the same was an abuse of the court process in light of the Court of appeal Judgment CA No. 278 of 2003.
 - d. JR Misc Civil Application No. 368/2009 – The Petitioner /Applicant had sought to review the court of appeal Judgement in CA No. 278/2003. The High Court dismissed two related applications dated 3rd May 2011 and 10th February 2012, observing that the High Court was inferior to the Court of Appeal. Earlier on 13th April 2011, Justice Musinga had dismissed a related application observing that same was res Judicata.
 - e. HCJR Misc Civil Application No. 79 of 2013 – the Rtd Officer alleged that the then Permanent Secretary for Defence had failed to have his benefits paid. The Retired Officer had failed to clear with his Service (Kenya Air Force) to enable the processing of his benefits and for instructions to be issued to the Director of Pensions to release his pension.
 - f. The application was dismissed on the grounds that judicial review remedies were not proper and that the applicant was relying on a Court of Appeal’s decision (CA No. 278 of 2003) that had dismissed his prayers.
- iii) The petition to the National Assembly for a review of his case does not raise any fresh issue(s) and is simply vexatious. The issue of re-assessment of benefits is far-fetched and the Court of Appeal laid the matter bare when it reversed the High Court order.
- iv) The Accounting Officer or Ministry of Defence has no powers to re-assess a retired person’s pension, especially in light of the Court of Appeal judgement. The suggestion for a possibility to negotiate the amount of compensation payable to the complainant similarly has no basis in law or fact and thus should not be entertained.
- iv) The petitioner was requesting the Committee to repeal the Kenya Defence Forces Act which was not tenable. Further, the Petition was directed at the Cabinet Secretary Ministry of Finance (National Treasury) and not Defence.

MIN. NO.131/2014:

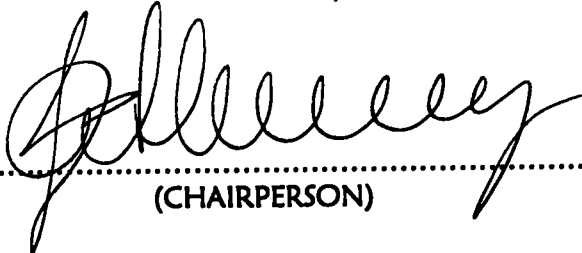
COMMITTEE’S OBSERVATION

The Committee made the following observations:-

- i) Terms and Conditions of service of KDF officers should be reviewed.
- ii) A scheme should be put in place to support KDF officers who get injured in the line of duty.
- iii) There are numerous such cases of officers who feel they were unfairly discharged from the military, or who have queries regarding the payment of their pension benefits. Therefore, there is need to have in place an Independent Appeals Board, where all such cases would be considered. Members resolved to establish how such a Board can be established.

MIN. NO.132/2014 : ADJOURNMENT

There being no Other Business, the Chairperson adjourned the meeting at half past twelve O'clock.

SIGNED.....
(CHAIRPERSON)

DATE.....01/07/2014.....

MINUTES OF THE 26TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD IN THE NEW MEMBERS' LOUNGE, MAIN PARLIAMENT BUILDINGS ON THURSDAY, 13TH FEBRUARY 2014 AT 11:00 A.M.

MEMBERS PRESENT

1. Hon. Ndungu Gethenji, M.P. - Chairperson
2. Hon. Elias Bare Shill, M.P. - Vice Chairperson
3. Hon. Adan Keynan, M.P.
4. Hon. Katoo Ole Metito, EGH, MGH, M.P.
5. Hon. Jakoyo Midiwo, MGH, M.P.
6. Hon. Maj-General (Rtd) Joseph Nkaisserry, MGH, CBS, M.P.
7. Hon. Christantus Wamalwa, M.P.
8. Hon. Wafula Wamunyinyi, M.P.
9. Hon. Joseph Kiuna, M.P.
10. Hon. Joseph Gitari, M.P.
11. Hon. Annah N. Gathecha, M.P.
12. Hon. David Wafula, M.P.
13. Hon. Elisha Busienei, M.P.
14. Hon. Abass S. Mohammed, M.P.
15. Hon. Dennitah Ghati, M.P.

ABSENT WITH APOLOGIES

1. Hon. Gonzi Rai, MGH, M.P.
2. Hon. Lekuton Joseph, M.P.
3. Hon. Yusuf Hassan, M.P.
4. Hon. Roselinda Soipan, M.P.
5. Hon. Ali Dido Rasso, M.P.
6. Hon. Joyce Wanjalay Lay, M.P.

ABSENT

1. Hon. Nyiva Mwendwa, EGH, M.P.
2. Hon. Richard Onyonka, M.P.
3. Hon. David Pkosing, M.P.
4. Hon. Ken Obura, M.P.
5. Hon. Beatrice Nyaga, M.P.
6. Hon. Ibrahim Sane, M.P.
7. Hon. John Lodepe Nakara, M.P.

IN ATTENDANCE

WITNESSES

1. Hon. (Dr.) Robert Pukose, Member for Endebess Constituency
2. Ex- SPTE Enock Makanda, Petitioner

IN ATTENDANCE

NATIONAL ASSEMBLY

Ms. Rachel Kairu - Clerk Assistant

MIN. NO.019/2014

PRELIMINARIES

The sitting commenced with a word of prayer. Thereafter, the meeting's agenda was adopted.

Minutes of the following sittings were confirmed as the true record of the proceedings and signed by the Chairperson;

- i) Minutes of the 23rd sitting held on 24th January 2014; and
- ii) Minutes of the 24th sitting held on 5th February 2014.

The following matters arose and were dealt with as herein below;

- i) Under Min. 010/2014 of 5th February 2014, regarding Commitment to Committee work, both the Chair and Vice Chair explained that they were unable attend the sitting as they were held up in another meeting. Nevertheless, the Standing Orders do provide for Members to nominate one of them to Chair a sitting in absence of both the Chair and Vice-Chair.
- ii) Under Min. 010/2014 of 5th February 2014, on nominations to foreign engagements, the Committee Chair and Vice-Chair assured Members that nominations had been fair.

The Committee resolved to ensure that Member's commitment to Committee work was a consideration while nominating Members to various international engagements.

Members observed that an audit of Members who had so far represented the Committee in foreign visits would correct the misconceptions surrounding nominations.

- i) **Submission by the Hon. (Dr.) Pukose, M.P.**

The Member for Endebess who presented the Petition in the House informed Members as follows;

- That, aware that the disciplinary procedures for all military personnel is the function of the Kenya Defence Forces Military Council;
- That, whereas a person/officer injured while on duty is entitled to Workman's Compensation, and that an officer injured fatally will resume duty upon being declared medically fit by the a competent government doctor;

The Petitioner, Ex-SPTE Enock Mukanda's prayer was that the Government through the National Assembly;

- Ensures that his plight is addressed.
- Urgently ensures that justice is served to him by KDF.
- The Petitioner was enlisted into the Kenya Army on the 4th May, 1990 after he went through a basic military training at the Recruits Training School (RTS) Moi Barracks in Eldoret and was posted to Signal Battalion as a driver class III.
- On 8th March, 1995 while on official duty in a military lorry, a Mercedes Benz Registration No. 44KA25 along Eldoret-Kitale road on his way to Kacheliba Detachment Camp, he was involved in a road accident. The accident left him with a broken femur. He was taken to Moi Barracks in Eldoret for first aid administration and later to Uasin Gishu

Cottage Hospital. He was later transferred to Forces Memorial Hospital in Nairobi for further treatment where he was operated and a plate inserted in his left femur. This rendered him ineffective as he could not perform his duties as required and was thus assigned light duties.

- In February and March 1996, his condition worsened and as a result, he was unable to carry out his new assignments. This resulted to disciplinary action being taken against him. He was awarded forty two (42) days military imprisonments and forty one (41) days without pay as a punishment. In addition to the disciplinary actions he was subjected to, he was on the 29th September, 1996 discharged from service under "Service No Longer required" terms. He left with a femoral plate in his left thigh.
- After the discharge, he requested to have the plate removed which resulted to the convening of the Medical Board on 15th October 1996, where he appeared and he was promised that the plate would be removed. To date, it has never been removed. Besides that, the Board recommended that he was fit with no percentage of injury that would merit any compensation.
- On 16th May 1997, he applied for re-enlistment in the service with the hope that if considered he would have the opportunity to have the femur plate removed but his application was declined for the reason that he did not fulfil some enlistment conditions. These conditions were never made known to him.
- The Petitioner was thus seeking justice by the way of compensation for the wrongful discharge, compensation for injuries sustained while on duty and insurance benefits occasioned from the road accident while on duty. He added that his discharge was on tribal grounds.

ii) Submission by the SPTE Enock Makanda

Ex-SPTE Enock Makanda on his part he reaffirmed the submission by the Hon. (Dr.) Robert Pukose, Member of Parliament for Endebess as the true position regarding his Petition.

iii) Committee's Observations

- There was no mention of any medical records in the above submission.
- Absence without official leave in military should not be condoned, and that there was a sick leave battalion where ailing officers are accommodated.
- Reforming the military in terms of attitude change was key in addressing errant officers as opposed to discharging them.
- There was need for Members to understand the military service rules and regulations and the KDF Act so as to be able to execute its mandate more effectively.
- There were numerous such cases of officers who feel they were unfairly discharged from the Military. Therefore, was needed to have in place an Independent Appeals Board, where all such cases would be referred for consideration. Members resolved to establish how to create such a body.

MIN. NO. 023/2014

ANY OTHER BUSINESS

- i) Invitation to visit Morocco:** The Committee was informed of an invitation to visit Morocco. The visit would be funded by Morocco Government and that the purpose was to enhance Kenya-Morocco relations. Members were informed that the following had been nominated to represent the Committee:

1. Hon. Elias Bare Shill, M.P. - **Vice Chairperson**
2. Hon. Maj-General (Rtd) Joseph Nkaisserry, M.P.
3. Hon. Christantus Wamalwa, M.P.
4. Hon. Joseph Gitari, M.P.
5. Hon. Annah Nyokabi Gathecha, M.P.
6. Hon. Elisha Busienei, M.P.
7. Hon. Dennitah Ghati, M.P.
8. Hon. Ali Dido Rasso, M.P.

The Hon. Christantus Wamalwa, M.P. opted out and was replaced by the Hon. Jakoyo Midiwo, M.P

- iii) Members were informed that factors considered in nominating the above Members included party/coalition, region and gender considerations. Members reiterated the need to ensure that Member's commitment to Committee work was considered while nominating Members to such visits. Members' background especially for technical subjects would also be a factor.
- iv) The Hon. Elisha Busienei, M.P. brought to the attention of Members a case whereby, a primary school pupil was allegedly killed in Turbo by a stray bullet from a KDF rifle during shooting practice. He was informed that an appointment had been sought for him to take up the matter with the Chief of Defence Forces.
- iii) **The Military Veterans Bill, 2013:** Members were reminded that the private Members Bill was due for Second Reading and thus the Committee needed to consider the Bill as a matter of urgency. Members resolved to consider the Bill during the upcoming Committee workshop.

MIN. NO.024/2014

ADJOURNMENT

There being no Other Business, the Chairperson adjourned the meeting at half past Quarter to Two O'clock.

SIGNED.....


(CHAIRPERSON)

DATE.....

01/07/2014