

*At. the Speaker
You may approve
for moving.*

*7^{pm}
26.4.23*

*Approved
SNA
26/4/23*



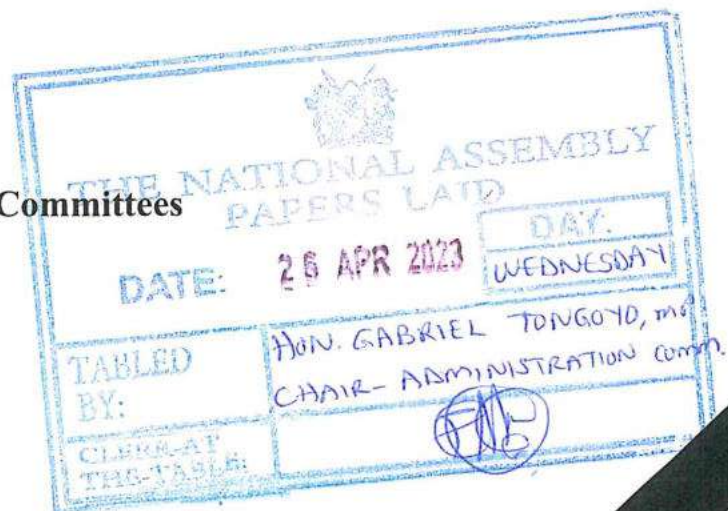
**REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT- SECOND SESSION - 2023**

**DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
INTERNAL SECURITY**

**REPORT ON THE APPROVAL HEARING OF MR. EDWIN KIPRONO
CHELUGET, NOMINEE FOR APPOINTMENT AS A MEMBER OF
THE NATIONAL POLICE SERVICE COMMISSION**

**Directorate of Departmental Committees
National Assembly
Parliament Buildings
Nairobi**

April, 2023



Contents

CONTENTS	1
LIST OF ABBREVIATIONS AND ACROYNMS	2
CHAIRPERSON'S FOREWORD	3
PART ONE	5
1. PREFACE	5
1.1 ESTABLISHMENT OF THE COMMITTEE	5
1.2 MANDATE OF THE COMMITTEE.....	5
1.3 COMMITTEE MEMBERSHIP	6
1.4 COMMITTEE SECRETARIAT	7
PART TWO	8
2. BACKGROUND	8
2.1 NOTIFICATION OF NOMINATION	8
2.2 NOTIFICATION TO THE HOUSE AND REFERRAL TO THE COMMITTEE	8
2.3 NOTIFICATION TO THE PUBLIC	8
2.4 NOTIFICATION TO THE NOMINEE.....	9
2.5 CLEARANCE AND COMPLIANCE REQUIREMENTS	9
PART THREE.....	10
3.0 ISSUES CONSIDERED BY THE COMMITTEE DURING THE APPROVAL PROCESS	10
3.1 QUALIFICATION FOR APPOINTMENT TO COMMISSIONS AND INDEPENDENT OFFICES	10
3.2 PUBLIC ACCESS AND PARTICIPATION	11
3.3 APPROVAL HEARING.....	11
3.4 CRITERIA USED TO ARRIVE TO THE NOMINEE (REPORT OF THE SELECTION PANEL).....	11
3.4 CONSTITUTIONAL AND STATUTORY REQUIREMENTS	12
2.8 MEMORANDA FROM MEMBERS OF THE PUBLIC IN RESPECT OF THE NOMINEE	12
2.9 COMMITTEE PROCEEDINGS.....	13
PART FOUR.....	14
4. APPROVAL HEARING OF THE NOMINEE	14
PART FIVE.....	19
5 COMMITTEE OBSERVATIONS	19
PART SIX.....	20
6 COMMITTEE RECOMMENDATION.....	20

LIST OF ABBREVIATIONS AND ACROYNMS

DCI	Directorate of Criminal Investigations
EACC	Ethics and Anti-Corruption Commission
H.E.	His Excellency
HELB	Higher Education Loans Board
KRA	Kenya Revenue Authority
NPSC	National Police Service Commission
ORPP	Office of the Registrar of Political Parties

CHAIRPERSON'S FOREWORD

Pursuant to the provisions of Article 250(2) of the Constitution and section 6(5) of the National Police Service Commission Act, 2011, H.E the President nominated Mr. Edwin Kiprono Cheluget for appointment as a Member of National Police Service Commission.

The nomination was conveyed to the Speaker of the National Assembly through letters Ref. OP/CAB/.26/4A VOL.I/(73) dated 3rd April, 2023. The nominee's curriculum vitae and testimonials were enclosed in the letter.

On Tuesday 11th April, 2023 and pursuant to Standing Order 42, the Speaker of the National Assembly conveyed the Message from His Excellency the President to the House on nomination of Mr. Edwin Kiprono Cheluget for appointment to the position of Member of the National Police Service Commission.

The name of the nominee was referred to the Departmental Committee on Administration and Internal Security for approval hearing. Upon conclusion of the hearing the Committee was required to table its report on or before Wednesday 26th April, 2023 to enable the House consider the matter within the statutory timelines.

Consequently, in fulfilment of the provisions of Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the Clerk of the National Assembly on Friday, 14th April, 2023 notified the public through the print media that the Departmental Committee on Administration and Internal Security would conduct the approval hearings for Mr. Edwin Kiprono Cheluget on Friday 21st April, 2023 in the Mini Chamber, County Hall, Parliament Building at 10.00 a.m.

Further and in accordance with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed an advertisement in the print media on Friday, 14th April, 2023, inviting the public to submit memoranda by way of written statements on oath (*affidavit*) on the suitability or otherwise of each of the nominee in accordance with the Public Appointments (Parliamentary Approval) Act, 2011. The advertisement indicated that the submissions were to be received by Thursday 20th April, 2023 at 5.00 pm.

By close of the submission deadline, the Committee had not received any memoranda contesting the suitability of the nominee for appointment.

Through another advert in the print media on Friday, 21st April, 2023, the Clerk of the National Assembly notified the public of the change of the date of the approval hearing to Tuesday, 25th April, 2023. The change was necessitated by the declaration through Gazette Notice No. 90 of 19th April, 2023 that Friday 21st April, 2023 would be a public holiday.

The nominee appeared before the Committee on Tuesday, 25th April, 2023 for approval hearing in accordance with the provisions of the Constitution, the Public Appointments (Parliamentary Approval) Act, 2011 and the National Assembly Standing Orders on his suitability or otherwise for appointment as a Member of the National Police Service Commission.

Pursuant to section 6(7) and (8) and section 7 of the Public Appointments (Parliamentary Approval) Act, 2011, the Committee observed that the nominee had the requisite academic qualifications, professional training and experience and met the integrity threshold required for the position he had been nominated to.

Having conducted the approval hearing for the nominee pursuant to Article 250(2) of the Constitution, sections 3 and 8 of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45 (4), **the Committee recommends that the House approves the nomination of Mr. Edwin Kiprono Cheluget for appointment as a Member of the National Police Service Commission.**

May I take this opportunity to thank all the Members of the Committee for their input and valuable contributions and time during the approval hearing and deliberations during the writing of the report. The Committee also takes this opportunity to thank the Offices of the Speaker and of the Clerk of the National Assembly for the technical support accorded to it during the exercise.

On behalf of the Departmental Committee on Administration and Internal Security and pursuant to Articles 124(4)(b) and 250(2)(b) of the Constitution, section 8(1) of the Public Appointments (Parliamentary Approval) Act, 2011 and the provisions of Standing Order 45(4), it is my duty and privilege to present to the House, the Report of the Departmental Committee on Administration and Internal Security on the approval hearing of Mr. Edwin Kiprono Cheluget as a Member of the National Police Service Commission.



Hon. Gabriel Koshal Tongoyo, MP,

Chairperson, Departmental Committee on Administration and Internal Security

PART ONE

1. PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Administration and Internal Security of the National Assembly is established under Standing Order 216 whose functions pursuant to the Standing Order 216 (5) are as follows:-
 - (a) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - (b) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - (c) *on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate*
 - (d) *study and review all legislation referred to it;*
 - (e) *study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - (f) *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;*
 - (g) *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);*
 - (h) *examine treaties, agreements and conventions;*
 - (i) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - (j) *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - (k) *examine any questions raised by Members on a matter within its mandate.*

1.2 Mandate of the Committee

2. In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to consider Home affairs, internal security – including police services and coast guard services, public administration, immigration and citizenship.
3. In executing its mandate, the Committee oversees the Executive Office of the President and the Ministry of Interior and National Administration and the agencies under its purview.

1.3 Committee Membership

4. The Departmental Committee on Administration and Internal Security was constituted by the House on Thursday 28th October, 2022 and comprises of the following Members: -

Hon. Gabriel Koshal Tongoyo, MP – **Chairperson**
Narok West Constituency
United Democratic Alliance Party

Hon. Col(Rtd) Dido Rasso, MBS, MP - **Vice Chairperson**
Saku Constituency
United Democratic Alliance Party

Hon. Kaluma George Peter, MP
Homa Bay Town Constituency
Orange Democratic Movement Party

Hon. Protus Ewesit Akujah, MP
Loima Constituency
United Democratic Alliance Party

Hon. Aduma Owuor, MP
Nyakach Constituency
Orange Democratic Movement Party

Hon. Rozaah Akinyi Buyu, MP
MP for Kisumu West Constituency
Orange Democratic Movement Party

Hon. Fred C. Kapondi, MP
Mt. Elgon Constituency
United Democratic Alliance Party

Hon. Caroline Jeptoo Ng'elechei, MP
Elgeyo-Marakwet County
Independent Member

Hon. Liza Chepkorir Chelule, MP
Nakuru County
United Democratic Alliance Party

Hon. Fatuma Abdi Jehow, MP
Wajir County
Orange Democratic Movement Party

Hon. Sarah Paulata Korere, MP
Laikipia North Constituency
Jubilee Party

Hon. Francis Kipyegon Sigei, EBS, MP
Sotik Constituency
United Democratic Alliance Party

Hon. Oku Kaunya, MP
Teso North Constituency
Orange Democratic Movement Party

Hon. Hussein Weytan Mohammed, MP
Mandera East Constituency
Orange Democratic Movement Party

Hon. Mburu Kahangara
Lari Constituency
United Democratic Alliance Party

1.4 Committee Secretariat

5. The Committee secretariat consist of the following:

Mr. Philip Lekarkar
Lead Clerk

Mr. Gideon Kipkosgei
Clerk Assistant III

Mr. Edison Odhiambo
Fiscal Analyst I

Mr. Benard Njeru
Clerk Assistant III

Ms. Delvin Onyancha
Research Officer III

Ms. Judith Kanyoko
Legal Counsel II

Dr. Maina Mburu
Research Officer III

Catherine Mukunyi
Sergeant At Arms

Rogers Kilungya
Audio Officer

Ms. Noelle Naliaka
Intern

Mr. James Macharia
Media Relations Officer

PART TWO

2. BACKGROUND

2.1 Notification of Nomination

6. Pursuant to the provisions of Article 250(2) of the Constitution and section 6(5) of the National Police Service Commission Act, 2011, H.E the President, nominated Mr. Edwin Kiprono Cheluget for appointment as a Member of the National Police Service Commission (*Annexure I*).

2.2 Notification to the House and Referral to the Committee

7. Pursuant to the provisions of Standing Order 42, the Speaker of the National Assembly vide a Communication dated Tuesday 11th April, 2023 read to the House the Message from His Excellency the President regarding the nomination of Mr. Edwin Kiprono Cheluget seeking approval by the House for appointment as a Member of the National Police Service Commission (*Annexure II*).
8. The name of the nominee together with his curriculum vitae was referred to the Departmental Committee on Administration and Internal Security for approval hearing and thereafter, upon conclusion of the hearing, table its report on or before Wednesday 26th April, 2023 to enable the House consider the matter within the statutory timelines.

2.3 Notification to the Public

9. Article 118 of the Constitution provides that Parliament shall facilitate public participation and involvement in the legislative business and other business of Parliament and its Committees.
10. Section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the Committee shall notify the public of the time and place for holding an approval hearing at least seven days prior to the hearing.
11. Further, section Act, provides that “*any person may, prior to the approval hearing and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated*”.
12. Pursuant to Article 118 of the Constitution, section 6(4) of the Public Appointments (Parliamentary Approval) Act, 2011 and Standing Order 45(3), the Clerk of the National Assembly notified the general public on Friday, 14th April, 2023 through the print media that the approval hearings of the nominee would be conducted on Friday 21st April, 2023 in the Mini Chamber, County Hall, Parliament Building at 10.00 a.m.
13. Further, pursuant to Article 118 of the Constitution and section 6(9) of Public Appointments (Parliamentary Approval) Act, 2011, the Clerk of the National Assembly placed an advertisement in the print media on Friday, 14th April, 2023 (*Annexure III*) inviting the public to submit memoranda by way of a written statement on oath (affidavit) on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011. The advertisement indicated that the submissions were to be received by Thursday, 20th April, 2023 at 5.00 pm.

14. Owing to the gazettement of Friday 21st May, 2023 as a public holiday through Gazette Notice No. 90 of 19th April, 2023, the Committee res-scheduled the approval hearing of the nominee to Tuesday 25th April, 2023 vide advertisement in the print media of Friday, 21st April, 2023 (*Annexure IV*).

2.4 Notification to the Nominee

15. Through a letter dated Wednesday 12th April, 2023, the Clerk of the National Assembly notified the nominee of the time and place of holding the approval hearing. The notification was also done through print media, in accordance with section 6(3) of the Public Appointments (Parliamentary Approval) Act, 2011. A further letter was written to the nominee notifying him of the change of date of the approval hearing to Tuesday 25th April, 2023 (*Annexure V*).

2.5 Clearance and Compliance Requirements

16. The Clerk of the National Assembly wrote to the Ethics and Anti-Corruption Commission, Kenya Revenue Authority, Directorate of Criminal Investigations, the Higher Education Loans Board and the Office of the Registrar of Political Parties on Wednesday 12th April, 2023 (*Annexure VI*) requesting for reports with respect to the nominee on the following matters:
- (a) ethics and integrity;
 - (b) tax compliance;
 - (c) criminal records;
 - (d) higher education loan repayments; and
 - (e) political party affiliations.
17. On matters of ethics and integrity, the Ethics and Anti-Corruption Commission vide a letter Ref. No. EACC.7/10/5 VOL XXII (210) dated 17th April, 2023 (*Annexure VII*) stated that it had not undertaken any investigations or recommended prosecution pursuant to its mandate against the nominee.
18. With regard to tax compliance, the Kenya Revenue Authority confirmed vide a letter Ref. No. KRA/5/1002/5(8842), dated 18th April, 2023, (*Annexure VIII*) that the nominee was tax compliant.
19. The Directorate of Criminal Investigations through a letter Ref. No. DCI/CRO/SEC/6/7/2/A/VOL.XII/105, dated 17th April, 2023, (*Annexure IX*) stated that the Police Clearance Certificates for the nominee was genuinely issued and had negative results in both the nominal and criminal data base of the Directorate of Criminal Investigations.
20. The Higher Education Loans Board vide a letter Ref. No. HELB/RR/112009/V/232 dated 13th April, 2023 (*Annexure X*), stated that the nominee had cleared his higher education loans and was issued with clearance certificate.
21. On the issue of party affiliation, pursuant to Article 77(2) of the Constitution, the Office of the Registrar of Political Parties, vide letter Ref. No. RPP/ORP/34 VOL VI (70) dated 13th April, 2023 (*Annexure XI*) indicated that the nominee was not an official of any registered political party in Kenya.

PART THREE

3.0 ISSUES CONSIDERED BY THE COMMITTEE DURING THE APPROVAL PROCESS

3.1 Qualification for Appointment to Commissions and Independent Offices

22. Article 250(2) of the Constitution provides that the Chairperson, a Member of a Commission and a holder of an independent office shall be identified and recommended for appointment in a manner prescribed by National legislation, approved by the National Assembly and appointed by the President.
23. Article 246 of the Constitution establishes the National Police Service Commission which shall consist of-
- (a) the following persons, each appointed by the President:
 - (i) a person who is qualified to be appointed as a High Court Judge;
 - (ii) two retired senior police officers;
 - (iii) three persons of integrity who have served the public with distinction;
 - (b) the Inspector-General of the National Police Service; and
 - (c) both Deputy Inspectors-General of the National Police Service.
24. Section 5(1) of the National Police Service Commission Act, 2011 provides that a person shall be qualified for appointment as chairperson or a member of the Commission if such person:
- (a) is a citizen of Kenya;
 - (b) holds a degree from a university recognized in Kenya;
 - (c) meets the requirements of Chapter Six of the Constitution, and
 - (d) is not, and has not previously been a member of the National Police Service.
25. Further, section 5(4) provides that a person shall be qualified for appointment as a member under Article 246(2)(a)(iii) of the Constitution if the person possesses the following additional qualifications:
- (a) holds a degree from a university recognized in Kenya;
 - (b) has at least ten years' experience in any of the following disciplines—
 - (i) finance and administration;
 - (ii) economics;
 - (iii) human resources development and management;
 - (iv) public administration;
 - (v) labour laws;
 - (vi) economics;

- (vii) law;
 - (viii) human rights;
 - (ix) ethics and governance;
 - (x) mediation and consensus building; and
 - (xi) change management.
- (c) meets the requirements of Chapter Six of the Constitution;
- (d) is not and has not previously been a member of the National Police Service; and
- (e) has had a distinguished career in his respective field.

3.2 Public access and participation

26. Article 118(1) of the Constitution requires that Parliament and its committees shall be open to the public and facilitate public participation. Pursuant to Article 118(1) of the Constitution, the Committee conducted the approval hearing in an open manner.

3.3 Approval Hearing

27. Section 6(7) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that an approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.
28. Additionally, section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the issues for consideration by the relevant House of Parliament in relation to any nomination shall be
- (a) the procedure used to arrive at the nominee;
 - (b) any constitutional or statutory requirements relating to the office in question; and
 - (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.
29. The criteria specified in the Act was used by a Committee during the approval hearing of the nominee.

3.4 Criteria used to arrive to the Nominee (Report of the Selection Panel)

30. In view of the provisions of Article 155(2) (a) of the Constitution as read with sections 6(4) of the National Police Service Commission Act, the Committee referred to the Report of the Selection Panel for recruitment of nominee for appointment as a Member of the National Police Service Commission.
31. In the Report forwarding three names of nominees to H.E the President for consideration, the Selection Panel stated that the recruitment of the nominee started with the advertisement for applications by the public for the position of Member of the National Police Service Commission in the print media on 30th January, 2023 and in the Public Service Commission's website.

32. By close of the advertisement date on 20th February, 2023 a total of three hundred and three (303) applications had been received for consideration by the Commission.
33. That shortlisting of the candidates was done on 23rd and 24th February, 2023 using a set criteria and eleven (11) candidates were shortlisted.
34. Invitation of shortlisted candidates to the interviews for interviews was published in the print media on 7th March, 2023 and in the Public Service Commission website.
35. Members of the public were requested to forward any credible information of interest through sworn affidavits relating to the shortlisted candidates. Further, the Panel requested the National Intelligence Service, Ethics and Anti-Corruption Commission, Higher Education Loans Board, Kenya Revenue Authority, Advocates Complaints Commission and Law Society of Kenya to conduct background checks on the shortlisted candidates.
36. The Panel conducted interviews of the 11 shortlisted candidates on 20th and 21st March, 2023 at the Public Service Commission offices.
37. Following the conclusion of the recruitment process, the Selection Panel submitted three (3) names in order of merit to H.E the President for consideration for nomination in accordance with section 6 (4)(g) of the National Police Service Commission Act, 2011.
38. From the foregoing, it is notable that the nominee applied, was shortlisted and interviewed by the Selection Panel and nominated for the position of Member of the National Police Service Commission in accordance with Article 250(2)(a) of the Constitution.

3.4 Constitutional and Statutory Requirements

39. The Committee, in determining the suitability of the nominee, was also guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73(2) on guiding principles of leadership and integrity, Article 75 on conduct of State officers, Article 77(1) on restriction on activities of State officers..
40. The Committee was also guided by Article 78 of the Constitution that disqualifies persons who are not Kenyan citizens from appointment as State Officers.

3.6 Suitability of the nominee for the proposed appointment having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made

41. The suitability of the nominee was assessed after scrutiny of the nominee's academic credentials, professional training and experience, personal integrity, background and qualities as well as his performance during the approval hearings held on Tuesday, 25th April, 2023.

2.8 Memoranda from Members of the Public in respect of the Nominee

42. Pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 which provides that *"any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold office to which the candidate has been nominated"*, the Clerk of the National Assembly placed an advertisement in the print media on Friday, 14th April, 2023 inviting the public to submit memoranda by way

of written statements on oath (affidavit) on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011.

43. In this regard, by close of business on Thursday 20th April, 2023 at 5.00 pm the Committee had not received any memoranda contesting the suitability of the nominee.

2.9 Committee Proceedings

44. The Committee held three (3) sittings during which it examined and reviewed the nominee's certificates, testimonials as well as conducted approval hearings.

PART FOUR

4. APPROVAL HEARING OF THE NOMINEE

45. Mr. Edwin Kiprono Cheluget, nominee for appointment as a Member of the National Police Service Commission appeared before the Committee on 25th April, 2023 at 10.00 am and was vetted under oath pursuant to Article 250(b) of the Constitution, the Public Appointments (Parliamentary approvals) Act, 2011, the National Police Service Commission Act, 2011 and the Standing Orders of the National Assembly. The Committee noted the following: -

Date and place of Birth

46. The nominee is a Kenyan male citizen born on 23rd November, 1979 in Nandi county. The nominee confirmed that he is a Kenyan citizen and does not hold dual citizenship.

Academic background and Professional Qualifications

47. The nominee did his Kenya Certificate of Primary Education in 1993 at Kabjemit Primary School in Nandi County and Kenya Certificate of Secondary Education in Kapsabet High School in 1997.
48. The nominee holds Bachelors of Law degree from Moi University awarded in 2003 and Diploma in Law from Kenya School of Law. The nominee is an advocate of the High Court of Kenya.

Employment Record

49. The nominee possesses legal practice experience of 18 years having worked in various law firms including his own law firm Cheluget and Company Advocates.
50. He is currently a Member of the Tax Appeals Tribunal since 2022 prior to which he served as a Board member of the National Irrigation Board in 2019 and 2020.
51. He was the inaugural Speaker of the County Assembly of Nandi between 2013 and 2017.

Membership

52. The nominee indicated he is a Member of the Law Society of Kenya and a life member of the Red Cross Society of Kenya.

Income and net worth

53. The Nominee estimated his net worth was Kshs. 55.5 million comprising of residential homes, farm, farm machinery, vehicles and livestock. His current sources of income include salary being a Member of the Tax Appeals Tribunal and income from farming and his law firm.

Potential Conflicts of Interest

54. The nominee declared that currently he does not have any persons or matter that would present conflict of interest should he assume of the position of Member of the National Police Service Commission. He submitted that if approved and appointed to the position he will relinquish his position as a member in the Tax Appeals Tribunal.

Integrity

55. The nominee submitted that he has neither been charged in a court of law nor mentioned in any investigatory report of Parliamentary or any Commission of Inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 on conflict of interest.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

56. The Committee posed several questions to the nominee on his knowledge and understanding on matters relating to the National Police Service Commission.

On Constitutional and Statutory Requirement

57. The nominee confirmed that he had met the constitutional and statutory requirements necessary for appointment to the position of Member of the National Police Service Commission. He submitted that he holds a law degree and is an advocate of the High Court with 18 years of experience in law practice.
58. He also submitted that he meets the requirements of Chapter Six of the Constitution on leadership and integrity of all public officers which are the requisite requirements for appointment to the position.

On Educational Background Relevance to Position

59. He indicated that having a legal background and being a practitioner of the law, he understands legal issues related to the Police Service, the need for upholding rule of law for a safe and secure society and dealing with public in humane manner.

On his Vision for the National Police Service Commission

60. The nominee highlighted that his vision for the National Police Service Commission is to have a Commission that is responsive to current challenges and up-to-date with emerging trends.

On his past key Achievements

61. The nominee noted that as the inaugural Speaker of the County Assembly of Nandi, he helped to establish offices of the Assembly and developed working structures that were initially lacking. This ensured smooth operations of the Assembly and improved efficiency in service delivery.

On whether there is a conflict between the provisions of Article 245(4)(c) and Article 246 (3)(a) of the Constitution

62. The nominee informed the Committee that the role of recruitment of police officers lies with the National Police Service Commission. According to him, the mandate of the Commission is well-defined as far as carrying out promotions and appointments.
63. The nominee stated that the National Police Service Commission could delegate some of its functions to the National Police Service through the Inspector General as provided for in the National Police Service Commission Act. He however noted that the Act makes a distinction between functions that may be delegated and those that cannot be delegated. He added that there is a grey area in the shared mandate of the two bodies that needs to be clarified through law.

64. He added that due to the close interlinkage between the two institutions there is need for a harmonious working relationship to ensure that their respective mandates are achieved.

On who currently performs the role of recruitment of police officers

65. The nominee's response was that the role of recruitment was currently being carried out by the Inspector General of Police. He maintained that some responsibilities of the Commission could be delegated to the Inspector-General and noted that the current practice of the recruitment being carried out by the Inspector General may have been as a result of a delegation.

On the implication of the Inspector General of Police being a member of the Commission

66. It was the nominee's view that the inclusion of the Inspector General of Police and the two Deputy Inspectors-General was because they are directly involved in the daily running and command of the National Police Service. He noted that this ensures that police officers' human resource matters are articulated and addressed well at the Commission.

On Stagnation in the Police Service

67. The nominee acknowledged stagnation of police officers in one rank for long which leads to low morale among the officers. He explained that if appointed as a Member of the Commission, he will advocate for promotion of police officers in line with existing career progression guidelines. He suggested that promotions should be fair and should take into account period of service and work performance.
68. He added that the practice of unmerited promotions needed to be addressed based through consideration of performance and experience.

On Graduate Police Officers

69. He informed the Committee that graduate officers should be placed in their respective areas of expertise, and should join the service at a higher rank. He however added that a proper policy needs to be put in place to ensure experience and long service are also given weight as parameters for promotion of officers.

Vetting for Senior Officers on integrity

70. The nominee suggested that vetting of senior police officers should be a continuous process and not be a one-off event. This would help restore public trust in the service and help transform the service into a professional and accountable security agency that Kenyans would trust with their safety and security.

On Transferring Police to Hardship Areas as a Disciplinary Action

80. The nominee noted that transferring of officers on disciplinary grounds is a disservice to the station the officer is transferred to, in his opinion an officer on disciplinary case should stay closer to the supervisor for guidance and mentorship.

Special Units to respond to emergencies

81. The nominee responded that before special units are deployed to deal with emergencies, a proper analysis of their requirements in the field should be undertaken and that officers should be adequately facilitated while in the field.

On Transfer of Service

82. The nominee responded that the police should be allowed to transfer to the other government departments with their full benefits of service. He added that in order for the government not to lose, there was need for a caveat for a minimum period of years

On the National Police Reservists

83. The nominee submitted that there is no clear policy that exists to guide on the deployment and remuneration of National Police Reservists. Once confirmed, the nominee submitted he would champion for proper policies to ensure the Police Reservists are not only deployed in a structured manner but responsive to the security needs of regions they serve.

On extra judicial killings

84. The nominee submitted that currently, the Independent Policing Oversight Authority (IPOA) and the Internal Affairs Unit (IAU) of the National Police Service are charged with the mandate of investigating any case of such killings by the police. He submitted that any police officer found culpable on such crimes should be dealt with in accordance with the existing statutes.

On the nominee's choice to apply for the job

85. The nominee informed the Committee that as a Kenyan has right and a civic responsibility to serve Kenyans in any capacity. He believes that he is competent to serve as a Member of the National Police Service Commission.

On the role of Information, Communication and Technology in Service Delivery

86. The nominee submitted that the police have been lagging behind in leveraging on ICT to fasten service delivery. The nominee was of the view that the National Police Service should be staffed with officers who have proficiency in computer applications as the government develops software for use by the police.

On the Nominee's Curriculum Vitae

87. The nominee informed the Committee that his CV as submitted to the Committee was his best and reflected true account of his experience and the positions he had held throughout his professional life.

On emerging form of crimes related to religious radicalization

88. The nominee was of the view that security agencies should develop mechanisms of monitoring any situation that has been reported to the police to avert deaths of innocent citizens who are exposed to such radicalization and the National Intelligence Service should work with the National Police Service to ensure that intelligence given is acted upon.

On mental health of police officers

89. The nominee noted that mental health issues are becoming more prevalent in the entire society and not just police officers. He noted that police officers are more predisposed due to their nature of work and working conditions and terms of service that affect performance of officers. The nominee emphasized that there is need to develop a framework to address the issue. He suggested that Officers Commanding Police Divisions and Officers Commanding Police Stations should undergo mandatory training on human resource management, develop policies

of helping officers who have difficulties under them, and treat officers humanly. He noted they are others issues.

On corruption

90. The nominee responded that corruption is partly caused by poor remuneration of officers and personal propensity to illegally acquire wealth. He suggested that disciplinary action should be taken against officers who engage in such dishonest activities.

On compensation of officers for work related injuries

91. The nominee informed the committee that National Police Service have compensation insurance cover to cater for officers who are injured in line of duty. He proposed that the insurance cover should be enhanced to be commensurate with the service rendered by the police officers to the country.

On demonstrations and picketing

92. The nominee submitted that demonstration and picketing is a human right for every Kenyan enshrined in the constitution irrespective of political affiliation or whatever position one is holding, they are free to picket and demonstrate.
93. Further, he noted that there is need to create awareness that demonstration and picketing should not hinder the daily activities of other citizens. He suggested that police should allow picketing and demonstrations so long as order and law is maintained.

PART FIVE

5 COMMITTEE OBSERVATIONS

94. The Committee having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as Member of the National Police Service Commission:

- (i) **THAT**, in accordance with Article 78(1) of the Constitution, the nominee is eligible for appointment to a state office since he is a Kenyan citizen.
- (ii) **THAT**, the nominee holds a Bachelor of Laws (LLB) degree and a Diploma in Law. The nominee has served as a Member of the Tax Appeals Tribunal in the Judiciary and has previously served as the Speaker of the Nandi County Assembly. He has also previously served as a Member of the National Irrigation Board and worked in the law firms of Cheluget and Co. Advocates, Chepkwony and Co. Advocates, Buluma and Co. Advocates and Kitiwa and Co. Advocates. The nominee thus complies with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (iii) **THAT** the nominee was admitted to the Bar in the year 2005 and thus meets the requirements for appointment as a member of the Commission under Article 246(2)(a)(i) i.e., a person who is qualified to appointed as a High Court Judge.
- (iv) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Educations Loan Board (HELB).
- (v) **THAT**, the nominee has not been charged in a court of law in the past three years.
- (vi) **THAT**, the nominee does not hold office in any political party.
- (vii) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity) and Article 77 (restriction on activities of State Officers).
- (viii) **THAT**, the nominee demonstrated knowledge of topical, administrative, and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as a member of the National Police Service Commission.

PART SIX

6 COMMITTEE RECOMMENDATION

The Committee recommends that the House **APPROVES** the nomination of Mr. Edwin Kiprono Cheluget for appointment as a Member of the National Police Service Commission.

SIGNED 

DATE 26/April/2023

**HON. GABRIEL KOSHAL TONGOYO, MP,
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
INTERNAL SECURITY**



THE NATIONAL ASSEMBLY
13TH PARLIAMENT – SECOND SESSION (2023)
COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY

REPORT ADOPTION LIST OF THE

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY ON THE APPROVAL HEARING OF MR. EDWIN KIPRONO CHELUGET NOMINEE FOR APPOINTMENT AS A MEMBER OF NATIONAL POLICE SERVICE COMMISSION.

We, the undersigned Members of the Departmental Committee on Administration and Internal Security do hereby append our signatures to adopt this Report

Date: 26/4/2023

No.	MEMBER	SIGNATURE
1.	Hon. Gabriel Koshal Tongoyo, MP - Chairperson	
2.	Hon. Col (Rtd) Dido Rasso, MBS, MP - Vice Chairperson	
3.	Hon. Kaluma George Peter, MP	
4.	Hon. Fred C. Kapondi, MP	
5.	Hon. Aduma Owuor, MP	
6.	Hon. Sarah Paulata Korere, MP	
7.	Hon. Liza Chepkorir Chelule, MP	
8.	Hon. Mburu Kahangara, MP	
9.	Hon. Protus Ewesit Akujah, MP	
10.	Hon. Oku Kaunya, MP	
11.	Hon. Rozaah Akinyi Buyu, MP	
12.	Hon. Francis Kipyegon Sigei, EBS, MP	
13.	Hon. Fatuma Abdi Jehow, MP	
14.	Hon. Caroline Jeptoo Ng'elechei, MP	
15.	Hon. Hussein Weytan Mohammed, MP	

MINUTES OF THE 39TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY HELD ON WEDNESDAY 26TH APRIL, 2023 IN 5TH FLOOR COMMITTEE ROOM, CONTINENTAL HOUSE AT 10.00 AM

PRESENT

1. Hon. Gabriel Koshal Tongoyo, MP - Chairperson
2. Hon. Col (Rtd) Dido Rasso, MBS, MP - Vice Chairperson
3. Hon. Fred C. Kapondi, MP
4. Hon. Kaluma George Peter, MP
5. Hon. Rozaah Akinyi Buyu, MP
6. Hon. Aduma Owuor, MP
7. Hon. Protus Ewesit Akujah, MP
8. Hon. Sarah Paulata Korere, MP
9. Hon. Liza Chepkorir Chelule, MP
10. Hon. Mburu Kahangara, MP
11. Hon. Caroline Jeptoo Ng'elechei, MP

ABSENT WITH APOLOGY

1. Hon. Oku Kaunya, MP
2. Hon. Francis Kipyegon Sigei, EBS, MP
3. Hon. Fatuma Abdi Jehow, MP
4. Hon. Hussein Weytan Mohammed, MP

COMMITTEE SECRETARIAT

- | | |
|-----------------------------|-----------------------|
| 1. Mr. Philip Lekarkar | - Clerk Assistant II |
| 2. Mr. Gideon Kipkogei | - Clerk Assistant III |
| 3. Mr. Bernard Nthiga Njeru | - Clerk Assistant III |
| 4. Mr. Edison Odhiambo | - Fiscal analyst I |
| 5. Mr. Rodgers Kilungya | - Audio Officer |
| 6. Ms. Delvin Onyancha | - Research Officer |
| 7. Ms. Lena Wawira | - Hansard Officer II |
| 8. Ms. Judith Kanyoko | - Legal counsel |

MIN. NO. DC-AIA/186/2023: PRELIMINARIES

The meeting was called to order at Ten Minutes past Ten O'clock.

MIN. NO. DC-AIA/187/2023: ADOPTION OF THE AGENDA

The agenda was adopted having been proposed by Hon. Sarah Korere, MP and seconded by Hon. Fred C. Kapondi, MP.

MIN. NO. DC-AIA/188/2023: CONSIDERATION AND ADOPTION OF THE COMMITTEE REPORT ON APPROVAL HEARING OF EDWIN KIPRONO CHELUGET FOR APPOINTMENT AS A MEMBER OF THE NATIONAL POLICE COMMISSION.

COMMITTEE OBSERVATIONS

The Committee having considered the nominee's filled questionnaire pursuant to Section 6(8) of the Public Appointments (Parliamentary Approval) Act, 2011, his curriculum vitae and having heard his oral submissions during the approval hearing, made the following observations on his suitability for appointment as Member of the National Police Service Commission:

- (i) **THAT**, in accordance with Article 78(1) of the Constitution, the nominee is eligible for appointment to a state office since he is a Kenyan citizen.
- (ii) **THAT**, the nominee holds a Bachelor of Laws (LLB) degree and a Diploma in Law. The nominee has served as a Member of the Tax Appeals Tribunal in the Judiciary and has previously served as the Speaker of the Nandi County Assembly. He has also previously served as a Member of the National Irrigation Board and worked in the law firms of Cheluget and Co. Advocates, Chepkwony and Co. Advocates, Buluma and Co. Advocates and Kitiwa and Co. Advocates. The nominee thus complies with section 6(7) of the Public Appointments (Parliamentary Approval) Act, No. 33 of 2011.
- (iii) **THAT** the nominee was admitted to the Bar in the year 2005 and thus meets the requirements for appointment as a member of the Commission under Article 246(2)(a)(i) i.e., a person who is qualified to be appointed as a High Court Judge.
- (iv) **THAT**, the nominee meets the requirements of Chapter 6 of the Constitution on leadership and integrity having obtained clearance from the following statutory bodies; the Ethics and Anti-Corruption Commission (EACC), the Kenya Revenue Authority (KRA), the Directorate of Criminal Investigations (DCI), Office of the Registrar of Political Parties (ORPP) and the Higher Education Loans Board (HELB).
- (v) **THAT**, the nominee has not been charged in a court of law in the past three years.
- (vi) **THAT**, the nominee does not hold office in any political party.
- (vii) **THAT**, the nominee has never been dismissed from office under Article 75 of the Constitution for contravention of the provisions of Articles 75(1) (conflict of interest), Article 76 (financial probity) and Article 77 (restriction on activities of State Officers).
- (viii) **THAT**, the nominee demonstrated knowledge of topical, administrative, and technical issues touching on government and has the requisite abilities, qualifications and experience to serve as a member of the National Police Service Commission.

COMMITTEE RECOMMENDATION

The Committee recommends that the House Assembly **APPROVES** the nomination of Mr. Edwin Kiprono Cheluget for appointment as a Member of the National Police Service Commission.

The Committee Report on approval hearing of Mr. Edwin Kiprono Cheluget, Nominee for appointment as a Member of the National Police Service Commission was unanimously adopted having been proposed Hon. Peter Kaluma, MP and seconded by Hon. Liza Chelule, MP.

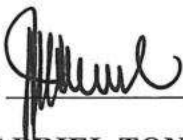
MIN. NO. DC-AIA/189/2023: ANY OTHER BUSINESS

No any other business arose.

MIN. NO. DC-AIA/190/2023: ADJOURNMENT

There being no other business, the meeting was adjourned at Twenty Minutes past Eleven O'clock
The next meeting will be held on notice.

SIGNED



DATE



HON. GABRIEL TONGOYO, MP

**CHAIRPERSON DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
INTERNAL SECURITY**

MINUTES OF THE 38TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL SECURITY HELD ON TUESDAY 25TH APRIL, 2023 IN THE MINI CHAMBER, COUNTY HALL BUILDING AT 9.00 AM.

PRESENT

1. **Hon. Gabriel Koshal Tongoyo, MP - Chairperson**
2. **Hon. Col (Rtd) Dido Rasso, MBS, MP - Vice Chairperson**
3. Hon. Fred C. Kapondi, MP
4. Hon. Aduma Owuor, MP
5. Hon. Sarah Paulata Korere, MP
6. Hon. Mburu Kahangara, MP
7. Hon. Protus Ewesit Akujah, MP
8. Hon. Oku Kaunya, MP
9. Hon. Rozaah Akinyi Buyu, MP
10. Hon. Fatuma Abdi Jehow, MP
11. Hon. Hussein Weytan Mohammed, MP

APOLOGIES

1. Hon. Kaluma George Peter, MP
2. Hon. Liza Chepkorir Chelule, MP
3. Hon. Oku Kaunya, MP
4. Hon. Francis Kipyegon Sigei, EBS, MP
5. Hon. Caroline Jeptoo Ng'elechei, MP

COMMITTEE SECRETARIAT

- | | |
|-------------------------------|--------------------------|
| 1. Mr. Philip Lekarkar | - Clerk Assistant I |
| 2. Mr. Gideon Kipkogei | - Clerk Assistant III |
| 3. Mr. Bernard Nthiga | - Clerk Assistant III |
| 4. Ms. Judith Kanyoko | - Legal Counsel |
| 5. Mr. James Macharia | - Media Relation Officer |
| 6. Mr. Rodgers Kilungya | - Audio Officer |
| 7. Ms. Delvin Onyancha | - Research Officer |
| 8. Mr. Mohamed Said | - Sergeant at-Arms |
| 9. Ms. Mary Lena Wawira Njiru | -Hansard Reporter |

IN-ATTENDANCE

1. Mr. Edwin Kiprono Cheluget - Nominee of Appointment as a Member of National Police Service Commission
2. Mr. Koros Eric Kiptoo - Dronex Consulting Agency
3. Mr. Elphas Kirwa -Milimani Law courts

MIN. NO. DC-AIA/181/2023: PRELIMINARIES

The meeting was called to order at 9:20 Am and word of prayer was said.

MIN. NO. DC-AIS/182/2023: ADOPTION OF THE AGENDA

The agenda was adopted having been proposed by Hon. Fred C. Kapondi, MP and seconded by Hon. Protus Ewesit Akujah, MP.

MIN. NO. DC-AIS/183/2023: APPROVAL HEARING OF MR. EDWIN KIPRONO

CHELUGET NOMINEE OF APPOINTMENT AS A MEMBER OF NATIONAL POLICE SERVICE COMMISSION

Remarks by the Chairperson

The Chairperson welcomed the nominee to the approval hearing and briefed him the purpose of hearing was to assess his suitability for the office in accordance with section 5 of the public appointments(Parliamentary approval) Act, 2011, the National Police Service Commission Act, 2011 and the Standing Orders of the National Assembly and introduction was done.

Approval Hearing of the Nominee

Mr. Edwin Kiprono Cheluget, nominee for appointment as a Member of the National Police Service Commission appeared before the Committee on 25th April, 2023 at 10.00 am and was vetted under oath pursuant to Article 250(b) of the Constitution, the Public Appointments (Parliamentary approvals) Act, 2011, the National Police Service Commission Act, 2011 and the Standing Orders of the National Assembly. The Committee noted the following: -

Date and place of Birth

The nominee is a Kenyan male citizen born on 23rd November, 1979 in Nandi county. The nominee confirmed that he is a Kenyan citizen and does not hold dual citizenship.

Academic background and Professional Qualifications

The nominee did his Kenya Certificate of Secondary Education in Kapsabet High School in 1997 and Kenya Certificate of Primary Education in 1993 at Kabiemit Primary School in Nandi County.

The nominee holds Bachelors of Law degree from Moi University awarded in 2002 and Diploma in Law from Kenya School of Law. The nominee is an advocate of the High Court of Kenya.

Employment Record

The nominee possesses legal practice experience of 18 years having worked in various law firms including his own law firm Cheluget and Company Advocates.

He is currently a Member of the Tax Appeals Tribunal since 2022 prior to which he served as a Board member of the National Irrigation Borad in 2019 and 2020.

He was the inaugural County Speaker of the County Assembly of Nandi between 2013 and 2017.

Membership

The nominee indicated he is a Member of the Law Society of Kenya and a life member of the Red Cross Society of Kenya.

Income and net worth

The Nominee estimated his net worth was Kshs. 55.5 million comprising of residential homes, farm, farm machinery, vehicle and livestock. His current sources of income include salary as a Member of the Tax Appeals Tribunal, income from farming and law firm.

Potential Conflicts of Interest

The nominee declared that currently he does not have any persons or matter that would present conflict of interest should he assume of the position of Member of the National Police Service Commission. He submitted that if appointed as a Member of the National Police Service Commission he will he relinquish his membership in the Tax Appeals Tribunal.

Integrity

The nominee has neither been charged in a court of law nor mentioned in any investigatory report of Parliamentary or any Commission of Inquiry in the last three (3) years. He has also never been dismissed or otherwise removed from office for contravention of the provisions of Article 75 of the Constitution Article 75 on conflict of interest.

GENERAL AND SECTOR SPECIFIC QUESTIONS TO THE NOMINEE

The Committee posed several questions to the nominee on his knowledge and understanding on matters relating to the National Police Service Commission.

On Constitutional and Statutory Requirement

The nominee confirmed that he had met the constitutional and statutory requirement necessary for appointment to the position of Member of the National Police Service Commission. He submitted that he holds a law degree and is an advocate of the High Court, has experience 18 years of law practice and that he meets the requirements of Chapter Six of the Constitution on leadership and integrity of all public officers which are the requisite requirements for appointment to the position.

On Educational Background Relevance to Position

He indicated that that having a legal background and having been a practitioner of the law, he understands legal issues related to the Police Service, upholding rule of law for a safe and secure society and dealing with public in humane manner.

On his Vision for the National Police Service Commission

The nominee highlighted that his vision for the National Police Service Commission is to have a Commission that is responsive to current challenges and up-to-date with emerging trends and issues and identify new opportunities and potential challenges.

On his past Key Achievements

The nominee noted that as the inaugural Speaker of the County Assembly of Nandi, he helped to establish offices and developed working structures that were initially lacking. This ensured smooth operations of the Assembly and improved efficiency for service delivery.

On Role of National Police Service Commission

The nominee submitted that the role of the National Police Service Commission is to recruit, and deal with the issues of promotions.

On whether there is a conflict between the provisions of Article 245(4)(c) and Article 246 (3)(a) of the Constitution

The nominee informed the Committee that the role of recruitment of police officers lies with the National Police Service Commission. According to him, the mandate of the Commission is well-defined as far as carrying out promotions and appointments. The nominee stated that the National Police Service Commission could delegate some of its functions to the National Police Service through the Inspector General as provided for in the National Police Service Commission Act. He however noted that the Act makes a distinction between functions that may be delegated and those that cannot be delegated. He added that there is a grey area in the shared mandate of the two bodies that needs to be clarified through law.

He added that due to the close interlinkage between the two institutions there is need for a harmonious working relationship to ensure that their respective mandates are achieved.

On who currently performs the role of recruitment of police officers

The nominee's response was that the role of recruitment was currently being carried out by the Inspector General of Police. He maintained that some responsibilities of the Commission could be delegated to the Inspector-General and noted that the current practice of the recruitment being carried out by the Inspector General may have been as a result of a delegation.

On the implication of the Inspector General of Police being a member of the Commission

It was the nominee's view that the inclusion of the Inspector General of Police and the two Deputy Inspectors-General was because they are directly involved in the daily running and command of the National Police Service. He also noted the importance of including other members who are not in active service. This ensures that police officers' human resource matters are articulated and addressed well at the Commission.

On Stagnation in Police

The nominee acknowledged stagnation of police officers in one rank for long is common and leads to low morale. He explained that if appointed as a Member of the Commission, he will advocate for promotion of police officers when they are due for promotion in line with existing career progression guidelines. He suggested that promotions should be fair and should take into account period of service and work performance as opposed to favoritism.

He added that noted that the practice of unmerited promotions needed to be addressed based on performance and experience.

On Graduate Police Officers

He informed the committee that the graduates should be placed in their area of expertise, and should join in a higher rank. He however added that a proper policy needs to be put in place to experience and long service are also given weight as parameters for promotion of officers.

Vetting for Senior Officers on integrity

The nominee suggested that vetting of senior police officers should be a continuous process and not be a one-off event. This would help restore public trust in the service and help transform the service into a professional and accountable security agency that Kenyans would trust with their safety and security.

On Transferring Police to Hardship Areas as a Disciplinary Action

The nominee noted that transferring of officers with disciplinary issue is a disservice to the station the officer is transferred to, and that according to his opinion an officer on disciplinary case should stay closer to the supervisor for guidance and mentorship.

Special Units to respond to emergencies

The nominee responded that before special units are deployed to deal with emergencies, a proper analysis of their requirement in the field should be undertaken to establish the requirements of the officers while in the field. Basic requirements should be availed.

On Police Transfers

The nominee informed the committee that there is a provision of three years, that needs to be fully implemented

On Transfer of Service

The nominee alluded that the police should be allowed to transfer to the other government agency with the benefits. He added that in order for the government not to lose, there was need for a caveat for a minimum period of years

On the National Police Reservists

The nominee submitted that there is no clear policy that exists to guide the deployment and remuneration of National Police Reservists. Once confirmed, the nominee submitted he would champion for proper policies to ensure the Police Reservist are not only deployed in a structured manner but respond to the security needs of regions plagued by insecurity.

On extra judicial killings,

The nominee submitted that currently, the Independent Policing Oversight Authority (IPOA) and the Internal Affairs Unit (IAU) of the National Police Service are charged with the mandate of investigating any case of such killings by the police. He submitted that any police officer found culpable on such crimes should be dealt with in accordance with the existing statutes.

On the nominee's choice to apply for the job,

The nominee informed the Committee that as a Kenyan has a civic responsibility to serve Kenyans and that he was competent to serve as a Member of the National Police Service Commission.

On the role of Information, Communication and Technology in service delivery

The nominee submitted that the police have been lagging behind in leveraging on ICT to fasten service delivery. The nominee was of the view that the National Police Service should be staffed with officers who have proficiency in computer applications as the government develops software for use by the police.

On the Nominee's Curriculum Vitae

The nominee informed the Committee that his CV as provided was his best and reflected true account of his experience and the positions he had held throughout his professional life.

On emerging form of crimes related to religious radicalization,

The nominee was of the view that security agencies should develop mechanisms of monitoring any situation that has been reported to the police to avert deaths of innocent citizens who are exposed to such radicalization and the National Intelligence Service should work with the National Police to ensure that intelligence given is acted upon.

On mental health of police officers,

The nominee noted that mental health issues are becoming more prevalent in the entire society and not just police officers. He noted that police officers are more predisposed due to their nature of work and working conditions and other factors like housing, poor pay that affect performance of an officers. The nominee emphasized that there is need to develop a framework to address the issue. He suggested that Officers Commanding Police Divisions and Officers Commanding Police Stations should undergo mandatory training on human resource management, develop policies of helping officers who have difficulties under them, and treat officers humanly. He noted they are others issues.

On corruption

The nominee responded that corruption is partly caused by poor remuneration of officers and personal propensity to illegally acquire property or money that does not belong to them. He suggested that disciplinary action against officers who engage in such dishonest activity.

On compensation of officers for work related injuries

The nominee informed the committee that National Police Service have compensation insurance cover to cater for officers who are injured in line of duty. He proposed that the insurance cover should be enhanced to be commensurate with the service rendered by the police officers to the country.

On demonstrations and picketing

The nominee submitted that demonstration and picketing is a human right for every Kenyan enshrined in the constitution irrespective of political affiliation or whatever position one is holding, they are free to picket and demonstrate.

Further, he noted that there is need to create awareness that demonstration and picketing should not hinder the daily activities of other citizens. He suggested that police should allow picketing and demonstrations so long as order and law is maintained.

MIN. NO. DC-AIS/184/2023: ANY OTHER BUSINESS

No any other business arose.

MIN. NO. DC-AIS/185/2023: ADJOURNMENT

There being no other business, the meeting was adjourned at 12.00 p.m. The next meeting will be of notice.

SIGNED



DATE

26 APRIL/2023

(HON. GABRIEL TONGOYO KOSHAL, MP - CHAIRPERSON)

DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND INTERNAL AFFAIRS

**MINUTES OF THE 37TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
ADMINISTRATION AND INTERNAL SECURITY HELD ON THURSDAY 20TH APRIL,
2023 IN 5TH FLOOR COMMITTEE ROOM, CONTINENTAL HOUSE AT 10.00 AM**

PRESENT

1. **Hon. Gabriel Koshal Tongoyo, MP - Chairperson**
2. Hon. Kaluma George Peter, MP
3. Hon. Rozaah Akinyi Buyu, MP
4. Hon. Oku Kaunya, MP
5. Hon. Aduma Owuor, MP
6. Hon. Protus Ewesit Akujah, MP
7. Hon. Sarah Paulata Korere, MP
8. Hon. Liza Chepkorir Chelule, MP

ABSENT WITH APOLOGY

1. **Hon. Col (Rtd) Dido Rasso, MBS, MP - Vice Chairperson**
2. Hon. Fred C. Kapondi, MP
3. Hon. Mburu Kahangara, MP
4. Hon. Francis Kipyegon Sigei, EBS, MP
5. Hon. Caroline Jeptoo Ng'elechei, MP
6. Hon. Fatuma Abdi Jehow, MP
7. Hon. Hussein Weytan Mohammed, MP

COMMITTEE SECRETARIAT

- | | |
|-----------------------------|-----------------------|
| 1. Mr. Philip Lekarkar | - Clerk Assistant II |
| 2. Mr. Gideon Kipkogei | - Clerk Assistant III |
| 3. Mr. Bernard Nthiga Njeru | - Clerk Assistant III |
| 4. Mr. Edison Odhiambo | - Fiscal analyst I |
| 5. Mr. Rodgers Kilungya | - Audio Officer |
| 6. Ms. Delvin Onyancha | - Research Officer |
| 7. Ms. Lena Wawira | - Hansard Officer II |
| 8. Ms. Judith Kanyoko | - Legal counsel |

MIN. NO. DC-AIA/176/2023: PRELIMINARIES

The meeting was called to order at Fifteen Minutes past Ten O'clock.

MIN. NO. DC-AIA/177/2023: ADOPTION OF THE AGENDA

The agenda was adopted having been proposed by Hon. Rozaah Akinyi Buyu, MP and seconded Hon. Oku Kaunya, MP

MIN. NO. DC-AIA/178/2023: BRIEFING ON APPROVAL HEARING OF EDWIN KIPRONO CHELUGET FOR APPOINTMENT AS A MEMBER OF THE NATIONAL POLICE COMMISSION.

The Committee was brief on the Approval hearing of the Nominnee for the appointment as Member of the National Police Service Commission as follows-

Qualification for Appointment to Commissions and Independent Offices

Article 250(2) of the Constitution provides that the Chairperson, a Member of a Commission and a holder of an independent office shall be identified and recommended for appointment in a manner prescribed by National legislation, approved by the National Assembly and appointed by the President.

Article 246 of the Constitution establishes the National Police Service Commission which shall consist of-

- (a) the following persons, each appointed by the President:
 - (i) a person who is qualified to be appointed as a High Court Judge;
 - (ii) two retired senior police officers;
 - (iii) three persons of integrity who have served the public with distinction;
- (b) the Inspector-General of the National Police Service; and
- (c) both Deputy Inspectors-General of the National Police Service.

Section 5(1) of the National Police Service Commission Act, 2011 provides that a person shall be qualified for appointment as chairperson or a member of the Commission if such person:

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) meets the requirements of Chapter Six of the Constitution, and
- (d) is not, and has not previously been a member of the National Police Service.

Further, section 5(4) provides that a person shall be qualified for appointment as a member under Article 246(2)(a)(iii) of the Constitution if the person possesses the following additional qualifications:

- (a) holds a degree from a university recognized in Kenya;
- (b) has at least ten years' experience in any of the following disciplines—
 - (i) finance and administration;
 - (ii) economics;
 - (iii) human resources development and management;
 - (iv) public administration;

- (v) labour laws;
 - (vi) economics;
 - (vii) law;
 - (viii) human rights;
 - (ix) ethics and governance;
 - (x) mediation and consensus building; and
 - (xi) change management.
- (c) meets the requirements of Chapter Six of the Constitution;
 - (d) is not and has not previously been a member of the National Police Service; and
 - (e) has had a distinguished career in his respective field.

Public access and participation

Article 118(1) of the Constitution requires that Parliament and its committees shall be open to the public and facilitate public participation. Pursuant to Article 118(1) of the Constitution, the Committee shall conduct the approval hearing in an open manner.

Approval Hearing

Section 6(7) of the Public Appointments (Parliamentary Approval) Act, 2011 provides that an approval hearing shall focus on a candidate's academic credentials, professional training and experience, personal integrity and background.

Additionally, section 7 of the Public Appointments (Parliamentary Approval) Act, 2011 provides that the issues for consideration by the relevant House of Parliament in relation to any nomination shall be

- (a) the procedure used to arrive at the nominee;
- (b) any constitutional or statutory requirements relating to the office in question; and
- (c) the suitability of the nominee for the appointment proposed having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which nomination is being made.

The criteria specified in the Act shall be used by a Committee during the approval hearing of the nominee.

Criteria used to arrive to the Nominee (Report of the Selection Panel)

In view of the provisions of Article 155(2) (a) of the Constitution as read with sections 6(4) of the National Police Service Commission Act, the Committee referred to the Report of the Selection Panel for recruitment of nominee for appointment as a Member of the National Police Service Commission.

In the Report forwarding three names of nominees to H.E the President for consideration, the Selection Panel stated that the recruitment of the nominee started with the advertisement for applications by the public for the position of Member of the National Police Service Commission in the print media on 30th January, 2023 and in the Public Service Commission's website.

By close of the advertisement date on 20th February, 2023 a total of three hundred and three (303) applications had been received for consideration by the Commission.

That shortlisting of the candidates was done on 23rd and 24th February, 2023 using a set criteria and eleven (11) candidates were shortlisted.

Invitation of shortlisted candidates to the interviews for interviews was published in the print media on 7th March, 2023 and in the Public Service Commission website.

Members of the public were requested to forward any credible information of interest through sworn affidavits relating to the shortlisted candidates. Further, the Panel requested the National Intelligence Service, Ethics and Anti-Corruption Commission, Higher Education Loans Board, Kenya Revenue Authority, Advocates Complaints Commission and Law Society of Kenya to conduct background checks on the shortlisted candidates.

The Panel conducted interviews of the 11 shortlisted candidates on 20th and 21st March, 2023 at the Public Service Commission offices.

Following the conclusion of the recruitment process, the Selection Panel submitted three (3) names in order of merit to H.E the President for consideration for nomination in accordance with section 6 (4)(g) of the National Police Service Commission Act, 2011.

From the foregoing, it is notable that the nominee applied, was shortlisted and interviewed by the Selection Panel and nominated for the position of Member of the National Police Service Commission in accordance with Article 250(2)(a) of the Constitution.

Constitutional and Statutory Requirements

The Committee, in determining the suitability of the nominee, was also guided by the provisions on leadership and integrity as outlined under Chapter Six of the Constitution. In particular, Article 73(2) on guiding principles of leadership and integrity, Article 75 on conduct of State officers, Article 77(1) on restriction on activities of State officers..

The Committee shall be guided by Article 78 of the Constitution that disqualifies persons who are not Kenyan citizens from appointment as State Officers.

Suitability of the nominee for the proposed appointment having regard to whether the nominee's abilities, experience and qualities meet the needs of the body to which the nomination is being made

The suitability of the nominee shall be assessed after scrutiny of the nominee's academic credentials, professional training and experience, personal integrity, background and qualities as well as his performance during the approval hearings held on Tuesday, 25th April, 2023.

Memoranda from Members of the Public in respect of the Nominee

Pursuant to section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011 which provides that *"any person may, prior to the approval hearing, and by written statement on oath, provide the Clerk with evidence contesting the suitability of a candidate to hold office to which the candidate has been nominated"*, the Clerk of the National Assembly placed an advertisement in the print media on Friday, 14th April, 2023 inviting the public to submit memoranda by way of written statements on oath (affidavit) on the suitability or otherwise of the nominee in conformity with section 6(9) of the Public Appointments (Parliamentary Approval) Act, 2011.

Committee Resolution

Owing to the gazettelement of Friday 21st May, 2023 as a public holiday through Gazette Notice No. 90 of 19th April, 2023, the Committee res-scheduled the approval hearing of the nominee to Tuesday 25th April, 2023 vide advertisement in the print media of Friday, 21st April, 2023

MIN. NO. DC-AIA/179/2023: ANY OTHER BUSINESS

No any other business arose.

MIN. NO. DC-AIA/180/2023: ADJOURNMENT

There being no other business, the meeting was adjourned at Twenty Minutes past Eleven O'clock
The next meeting will be held on notice.

SIGNED



DATE

26/04/2023

HON. GABRIEL TONGOYO, MP

CHAIRPERSON DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND
INTERNAL SECURITY

