



*Approved for
tabling.*

*SNA
23/8/23*

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITIONS COMMITTEE

REPORT ON –

(PUBLIC PETITION NO. 6 OF 2023)

REGARDING AMENDMENT TO THE KENYA INFORMATION AND
COMMUNICATIONS ACT BY MR. PATRICK KABERIA

AUGUST, 2023

THE NATIONAL ASSEMBLY	
DATE:	23 AUG 2023 WEDNESDAY
TABLED BY:	Hon Nimrod Mbari, MP. Chairperson, Public Petitions
CLERK OF THE TABLE:	Miriam Mado

Clerk's Chambers
Parliament Buildings
NAIROBI

AUGUST, 2023

CHAIRPERSON’S FOREWORD

On behalf of the Public Petitions Committee and pursuant to provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition Regarding Amendment to the Kenya Information and Communications Act. The petition was presented to the House pursuant to Standing Order No. 225 (2) (b) by the Honourable Speaker on behalf of one Mr. Patrick Kaberia, Director of PAWA Africa, a civil society organization engaging in civic leadership, social justice, socio economic development, sustainability and Governance regarding amendment to the Kenya Information and Communications Act.

The Petitioner prayed that the House uses its authority to intervene to introduce amendments to the Kenya Information & Communications Act to govern the Digital Economy.

In response to the prayers sought in the Petition, the Committee recommended that the Petitioner shares his proposal with the Ministry of Information, Communications and the Digital Economy so that his issues can be incorporated in the proposed Kenya Information and Communications (Amendment) Bill, 2023.

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

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



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

DATE:.....
23/8/2023

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LIST OF ACRONYMS

ICT - Information and Communication Technology

KICA - Kenya Information and Communications Act

PART ONE

1. PREFACE

1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

- a) considering all public petitions tabled in the House;
- b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommending whether the findings arising from consideration of a petition should be debated; and
- d) advising the House and reporting on all public petitions committed to it.

1.2 COMMITTEE MEMBERSHIP

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

Chairperson

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

Vice Chairperson

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.3 COMMITTEE SECRETARIAT

The Public Petitions Committee is facilitated by the following secretariat:

Lead Clerk
Mr. Samuel Kalama
Principal Clerk Assistant

Ms. Anne Shibuko
First Clerk Assistant

Ms. Miriam Modo
First Clerk Assistant

Mr. Willis Obiero
Clerk Assistant III

Mr. Shadrach Omondi
Legal Counsel II

Ms. Patricia Gichane
Legal Counsel II

Mr. Martin Sigei
Research Officer III

Mr. Andrew Shangirai
Principal Sergeant at Arms

Mr. Yezel Jilo
Sergeant at Arms

Ms. Lilian Mburugu
Media Relations Officer

Ms. Rahab Chepkilim
Audio Officer

PART TWO

2. PETITION NO. 6 OF 2023 REGARDING AMENDMENT TO THE KENYA INFORMATION AND COMMUNICATIONS ACT

2.1 INTRODUCTION

1. Public Petition No. 6 of 2023 regarding Amendment to the Kenya Information and Communications Act was presented to the House by the Honourable Speaker on behalf of one Mr. Patrick Kaberia, Director of PAWA Africa, a civil society organization engaging in civic leadership, social justice, socio economic development, sustainability and Governance regarding amendment to the Kenya Information and Communications Act on Thursday, 2nd March, 2023.
2. The Petitioner observes that due to rapid growth of the ICT and Digital Economy, there is an urgent need to amend the Kenya Information & Communications Act No. 2 of 1998 (Rev. 2020) to align it with the current and emerging realities of a connected digital world to enhance Growth and expansion of both Economic and social sectors of the nation.
3. The petitioner highlights emerging issues in the digital economy such as Information/cyber security threats, copyrights issues, content creation, broadcast and communication, misinformation, online and mobile transactions, global competition and digital transformation.
4. The petitioner avers that regulation of these components of the digital economy will enable the deriving of maximum benefits while averting possible threats from the IT and digital economy trends and maintaining Internet Governance.

2.2 PETITIONER'S PRAYERS

5. The Petitioners prayed that the National Assembly through the Public Petitions Committee introduces amendments to the Kenya Information & Communications Act to govern the Digital Economy.

PART THREE

3. SUBMISSIONS BY STAKEHOLDERS ON THE PETITION

3.1 THE PETITIONER

Mr. Patrick Kaberia appeared before the Committee on Thursday, 6th July 2023 and submitted as follows -

6. Rapid growth of the ICT and Digital Economy is the basis upon which he has petitioned Parliament to urgently amend the Kenya Information and Communications Act to align it with the current and emerging developments of a connected digital world to enhance growth and expansion of both economic and social sectors of the nation.
7. Information, cyber security threats, copyright issues, content creation among others need to be regulated for purposes of achieving maximum benefits while averting possible threats posed by IT trends and digital economy among other issues.

PART FOUR

4. COMMITTEE OBSERVATIONS

Following the submission by the petitioners, the Committee observed that -

8. The petitioner could not identify a gap in the present legislation that did not provide for current and emerging realities of the digital world. He claimed there was not enough regulation in the Act but could not substantiate this claim.
9. The petitioner could also not clearly articulate the challenges he sought to regulate with regards to governance in the digital economy.
10. The petitioner's justification for the Amendment of the Kenya Information and Communications Act in section 6 (1) and section 6 C to increase the number of board members and the tenure of the board members of the Communications Authority of Kenya was not sufficient and tenable.
11. The petitioner's concerns were adequately provided for in the present Kenya Information and Communication Act No. 2 of 1998 and various other legislation such as the Computer Misuse and Cyber Crimes Act, 2018, the National Payment System Act, 2011, the Copyright Act Cap 130 and the State Corporations Act.
12. Over regulation of the digital economy could stifle the sector. Therefore, there is need for a balance of regulating the sector for the protection of the consumer whilst allowing for growth of the industry.
13. The petitioner had not engaged the Ministry of ICT through public participation on the inclusion of his concerns in the present Kenya Information and Communications (Amendment) Bill, 2023 by the Ministry of Information, Communications and the Digital Economy. As this would have been an alternative approach where the Petitioner's concerns would be comprehensively addressed.

PART FIVE

5. ISSUES FOR DETERMINATION AS PER THE PRAYERS IN THE PETITION

Upon hearing from the Petitioners, the Committee makes determination on prayers sought in the Petition as follows –

The Petitioners prayed that the National Assembly through the Public Petitions Committee amends the Kenya Information & Communications Act to provide for governance of the Digital Economy and the specific amendment of Section 6(1) and 6C of the Act.

14. The Committee -

- a) Notes that the petitioner's prayer for amendment of the Kenya Information & Communications Act to ensure governance of the digital economy was not necessary as the provisions of the Act and other related legislations adequately provided for such governance and regulation
- b) Notes that amendment of Section 6(1) in paragraph (e) seeks to reduce the number of board members appointed by the Cabinet Secretary from seven persons to three persons and the insertion of a new paragraph (f) to introduce six non-state officers to represent the industry, professionals, artists and the ICT sector. However, the proposed amendment is not necessary as the Act in section 6(2) provides for the aspect of inclusion as the Cabinet Secretary exercises discretion in such appointments.
- c) Notes that the amendment of Section 6C to increase the tenure of office of board members from three years to five years is neither justified by the petitioner nor necessary.
- d) Therefore, does not recommend the amendment of the Kenya Information & Communications Act as proposed by the petitioner.

PART SIX

6. COMMITTEE RECOMMENDATIONS

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

- i. On the proposal to amend the Kenya Information & Communications Act in Section 6(1) and 6C to increase the number of board members and the tenure of the board members of the Communications Authority of Kenya. The Committee recommends that **the prayer should be rejected;**

The Committee also recommends that:

- ii. The Petitioner shares his proposal with the Ministry of Information, Communications and the Digital Economy for his concern to be considered in the proposed Kenya Information and Communications (Amendment) Bill, 2023.

SIGNED: 

DATE: 



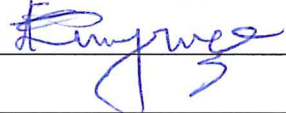
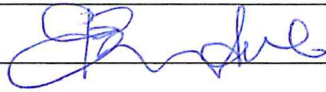
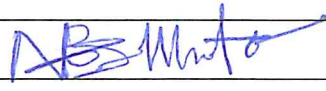
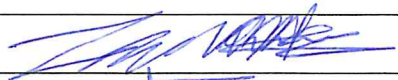
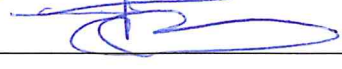
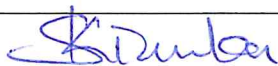
THE HON. NIMROD MITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – SECOND SESSION – 2023
PUBLIC PETITIONS COMMITTEE

**ADOPTION SCHEDULE OF THE REPORT ON CONSIDERATION OF PUBLIC
PETITION NO. 06 OF 2023 REGARDING AMENDMENT TO THE KENYA
INFORMATION AND COMMUNICATIONS ACT**

DATE.....17/08/2023.....

We the undersigned Honourable Members of the Public Petitions Committee, do hereby affix our signatures to this Report on the Consideration of **Public Petition No. 06 of 2023 regarding Amendment to the Kenya Information and Communications Act** to confirm our approval and confirm its accuracy, validity and authenticity: -

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



REPUBLIC OF KENYA

**THE NATIONAL ASSEMBLY
THIRTHEENTH PARLIAMENT (SECOND SESSION)**

CONVEYANCE OF PUBLIC PETITION


(No. 06 of 2023)

**REGARDING AMENDMENT TO THE KENYA INFORMATION AND
COMMUNICATIONS ACT**

- 1. Honourable Members,** Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition other than those presented by a Member.
- 2. In this regard, Honourable Members,** I wish to report to the House that my office has received a petition from one Mr. Patrick Kaberia, Director of PAWA Africa, a civil society organization engaging in civic leadership, social justice, socio economic development, sustainability and governance regarding amendment to the Kenya Information and Communications Act.
- 3. The Petitioner** observes that due to rapid growth of the ICT and Digital Economy, there is an urgent need to amend the Kenya Information & Communications Act to align it with the current and emerging realities of a connected digital world to enhance growth and expansion of both economic and social sectors of the nation.
- 4. The petitioner** further highlights emerging issues in the digital economy such as information and cyber security threats, copyright issues, content creation, broadcast and communication, misinformation, online and mobile transactions in a global competition and digital transformation that need to be regulated. This will enable the deriving of maximum benefits while averting possible threats posed by trends in IT and digital economy and to help maintain better internet governance.

5. **Hon. Members**, the petitioner therefore prays that the National Assembly introduces amendments to the Kenya Information and Communications Act to better govern the Digital Economy.
6. **Honourable Members**, having established that the matter raised in the Petition is well within the authority of this House; and further, that the matters raised in this Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.
7. The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

I thank you.


THE RT. HON. MOSES WETANG'ULA, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Date 1/3/23

Head: PRT
Please deal
arap Kimi
2/12/22

D Jves
To Mr. PRT
and document
PRT
2/11/22

PETITION FOR AMENDMENT TO THE KENYA INFORMATION & COMMUNICATIONS ACT- No. 2 of 1998 .

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Please deal
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PAWA Africa.
E-mail: kaberia1746@gmail.com
TEL: +254 724 081918

To: The Clerk,
National Assembly of Kenya.
P.O Box 41842 – 00100, NAIROBI, KENYA.

REF: PW/22/02 a
25th November, 2022.

Dear Sir / Madam,

RE: PETITION FOR AMMENDMENT TO THE KENYA INFORMATION & COMMUNICATIONS ACT NO. 2 OF 1998 (REV. 2020) .

1. I, the undersigned Mr. Patrick Kaberia of ID No. 22319488, TEL 0724 081918 and E-mail kaberia1746@gmail.com is a resident of Maua town in Igembe South constituency, Meru county thus a Citizen of the Republic of Kenya.
2. That I am an ICT Practitioner, and a Fellow of the Young African Leadership Initiative (YALI) – RLC – East Africa; and That I am the Director of PAWA Africa , a Civil Society Organization engaging in Civic leadership, Social Justice, Socio-Economic Development, Sustainability and Governance.
3. That I submit this petition in my capacity as the Director of PAWA Africa with intimate knowledge and information of the needs to capture the emerging trends in ICT, Digital Economy and Governance in the Act to enable Creation, alignment and utilization of ICT and Digital opportunities, Jobs, Art, Media and solutions to enhance Economic Growth and Good governance resonate to the Global standards while addressing issues such as Information security, Copyright issues, Local content and innovations Growth, Youth Inclusivity and Economic Growth.
4. That by doing so, the same will enable creation of Jobs, Employment and Business opportunities for the youth and other sections of the society, and expand opportunities for Business Process Outsourcing, Enhanced innovations and alignment of ICT, Digital Economy and Mobile Technologies with the realities as presented by the recent issues such as Covid- 19 pandemic that led to exploration of Digital Learning, E-government and E-commerce.
5. That the issue is not a subject of or a pending matter in any court of law, constitutional or legal body.

DRAW the attention of the House to the following:

1. That due rapid growth of the ICT and Digital Economy, there is an urgent need to amend the Kenya Information & Communications Act No. 2 of 1998 (Rev. 2020) to align it with the current and emerging realities of a Connected Digital world to enhance Growth and expansion of both Economic and social sectors of the nation.

NATIONAL ASSEMBLY
RECEIVED
06 DEC 2022
CLERK'S OFFICE
P O Box 41842, NAIROBI

Patrick Kaberia
25/11/2022

Issues such as Information/ Cyber security threats, Copyright issues, Content creation, Broadcast and communication, Mis-information, Online and mobile transactions, Global

PETITION FOR AMENDMENT TO THE KENYA INFORMATION & COMMUNICATIONS ACT- No. 2 of 1998 .

competition and Digital Transformation have introduced a new way twist that needs to be regulated through legislation and amendments to derive maximum benefits while averting possible threats from the ICT and Digital Economy trends, and maintaining Internet Governance.

3. That the Opportunities created through the Digital Economy if not governed through legislation and amendments to the law will remain under-utilized with possibilities of abuse; and that the same have the potential to derive massive revenue to the government through tax if formalized, incentivized and modeled with precision, inclusivity and good governance of the sector and the Communications Authority of Kenya (CAK).

HEREFORE Your Humble petitioner prays that Parliament;

- A) Prefer Amendment the Kenya Information & Communications Act No. 2 of 1998 (Rev. 2020) Section 6 ; Board of Authority to Read as Follows;

6. Board of Authority;

1. The management of the Authority shall vest on the Board which shall consist of—
 - a) A Chairperson appointed by the president;
 - b) One person representing the Principal Secretary for ICT and Digital Economy.
 - c) One person representing the Principal Secretary - Treasury.
 - d) One person representing the Principal Secretary for Internal Security.
 - e) Three persons Appointed by the Cabinet Secretary for ICT and Digital Economy.
 - f) Six persons being not State Officers Representing the Industry, Professionals, Artists and ICT sector.
 - g) The Director General who shall be the Secretary to the Board.

6.(c) Term of office;

The Chairperson and members of the Board shall hold office for a period of 5 years renewable once.

JUSTIFICATION:

1. The ICT and Digital Economy sector is fast growing and there is need to equip the CAK with adequate capacity, legislation and Authority to be able to impact growth, Transformation and inclusivity of the various players in the industry.
2. There is an Urgent need to expand the Authority and align it with the current trends in the Industry, to better be in a vantage position to align with the government ICT, Digitization and Digital Economy Agenda.

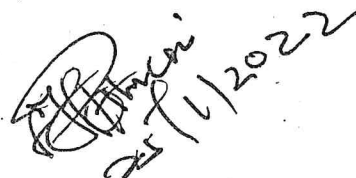
Thank you.


PETITIONER; PATRICK KABERIA,

E-mail: kaberia1746@gmail.com

TELEPHONE: +254 724 081918.

Dated at; Maua Town, MERU County this 25th November, 2022


25/11/2022



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

**MINUTES OF THE 37TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD
ON THURSDAY, JULY 6, 2023, IN THE MINI CHAMBER, COUNTY HALL,
PARLIMANET BUILDINGS AT 3:00 PM**

PRESENT

1. Hon. Janet Jepkemboi Sitienei, M.P. - Vice Chairperson
2. Hon. Joshua Chepyegon Kandie, M.P.
3. Hon. Maisori Marwa Kitayama, M.P.
4. Hon. Edith Vethi Nyenze, M.P.
5. Hon. Suzanne Ndunge Kiamba, M.P.
6. Hon. John Bwire Okano, M.P.

APOLOGIES

1. Hon. Nimrod Mbithuka Mbai, M.P. - Chairperson
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. John Walter Owino, M.P.
4. Hon. Ernest Ogesi Kivai, M.P.
5. Hon. Bidu Mohamed Tubi, M.P.
6. Hon. Caleb Mutiso Mule, M.P.
7. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
8. Hon. Peter Mbogho Shake, M.P.
9. Hon. Sloya Clement Logova, M.P.

IN ATTENDANCE

PETITIONERS (YEBO AFRICA)

1. Mr. Fredrick Gaya - Director (Lead Petitioner)
2. Mr. Gilbert Gaya - ICT Consultant
3. Ms. Emily Achieng' - Consultant, Water and Environment

PETITIONER

1. Mr. Patrick Kaberia - Petitioner

SECRETARIAT

1. Ms. Miriam Modo - First Clerk Assistant
2. Mr. Willis Obiero - Clerk Assistant III
3. Mr. Shadrack Omondi - Legal Counsel II
4. Ms. Patricia Gichane - Legal Counsel II

5. Mr. Martin Sigei - Research Officer III
6. Ms. Lilian Mburugu - Media Relations Officer III

MIN./PPETC/2023/238: PRELIMINARIES

The Chairperson called the meeting to order at 3.00 p.m. and Hon. Joshua Chepyegon Kandie, M.P, said the prayers.

MIN./PPETC/2023/239: ADOPTION OF AGENDA

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sittings
4. Matters Arising
5. **Consideration of a Public Petition regarding Gazettement of Rachuonyo North as a Hardship Area**
 - a) *Meeting with the Petitioner (Mr. Fredrick Gaya)*
6. **Consideration of a Public Petition regarding Amendment to the Kenya Information and Communications Act**
 - b) *Meeting with the Petitioner (Mr. Patrick Kaberia)*
7. Any Other Business
8. Adjournment

The proposed Agenda of the Meeting was adopted to constitute business having been proposed by Hon. Edith Vethi Nyenze, M.P. and seconded by Hon. Maisori Marwa Kitayama, M.P.

MIN./PPETC/2023/240: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Agenda was deferred.

MIN./PPETC/2023/241: CONSIDERATION OF A PUBLIC PETITION REGARDING GAZETTEMENT OF RACHUONYO NORTH AS A HARDSHIP AREA

Meeting with the Petitioner (Mr. Fredrick Gaya)

Mr. Fredrick Gaya and two other petitioners submitted that–

- i. Rachuonyo North Sub-County is vast and covers a geographical area of approximately 435.4 sq km with a population of 178,686 people and a density of 410 persons per sq km.
- ii. The area is highly inaccessible due to the rugged and hilly terrain and dilapidated road networks to most schools across the sub-county, which hampers learning.
- iii. The climatic conditions are very harsh, leading to a high prevalence of food shortages, malnutrition among school-going children, and other related problems associated with food security.
- iv. Perennial floods have had detrimental effects on the lower plains of Lake Victoria, River Sondu Miriu, Awach Kibuon, Ondhedhe, and Tende during the short rainy seasons,

occasioning loss of lives and livestock, destruction of crops, grazing land, power interruptions, closure of schools, and other atrocities.

- v. Efforts to seek interventions from the relevant bodies to mitigate the said effects have never borne any fruit.
- vi. Further, the area is highly affected by the high prevalence of HIV/AIDS, which is an indicator of the high poverty index in the area. The scourge is a result of poor young girls engaging in sexual activities along the beaches (sex for fish) to earn a living.
- vii. Education has been highly affected by this scenario, whereby school-going children, specifically the poor and the orphaned, are vulnerable to all forms of abuse.
- viii. That the Sub-County has been affected by an acute shortage of teachers and imbalanced staffing due to the hardships and challenges experienced, which have a direct impact on education. Teachers opt to transfer to other places with better working conditions, or those who are demoralized impact negatively on the learning process for lack of motivation. The transfer of the Sub County TSC Director without replacement has derailed learning in the sub county.
- ix. The school's infrastructure in several stations is deplorable and unsafe for learning.
- x. The last mile connectivity of electricity to some schools in Rachuonyo North Sub-County hence this has disadvantaged digital learning in the said schools especially with the growing need for e-learning and technological advancements.
- xi. Most parts of the Sub-County lack clean and safe water for drinking hence are prone to contracting waterborne diseases and other related illnesses.
- xii. Based on the above, the National Assembly should gazette Rachuonyo North Sub-County as a Hardship area.

Committee Concerns

The Committee raised the following concerns with regards to the presentation by the Petitioners -

- i. With regards to the number of schools in Rachuonyo North Sub County and those that have been connected to electricity, the Petitioner indicated that there were two hundred and twenty-seven (227) schools, 167 being public and 58 being private among which very few had electricity connectivity.
- ii. Regarding the number of tarmac roads in Rachuonyo North Sub-County, the Petitioner responded that there is only one major road from Katito, the Ojijio-Otek Road, which was tarmacked.
- iii. Regarding the Criteria for determination of designated hardship areas in the civil service, the Petitioner mentioned as follows and stated that Rachuonyo North met the criteria -
 - a) non/limited availability and accessibility to food;
 - b) non availability/limited access to portable water;
 - c) non/inadequate transport and communication services;
 - d) non/limited availability of social services and amenities;
 - e) harsh climatic conditions;

- f) insecurity and high possibility of security threats; and
- g) socio economic indicators such as poverty index from the Kenya National Bureau of Statistics.

Committee Resolutions

After the deliberations, the Committee resolved that the following other relevant stakeholders cited in the Petition should appear before the Committee -

- i.) Kenya National Bureau of Statistics (KNBS);
- ii.) Teachers Service Commission (TSC);
- iii.) Trade Union of Teachers from Rachuonyo North;
- iv.) Public Service Commission (PSC);
- v.) Parents Associations from Rachuonyo North;
- vi.) Ministry of Education; and
- vii.) Ministry of Public Service, Gender and Affirmative Action.

MIN./PPETC/2023/242: CONSIDERATION OF A PUBLIC PETITION REGARDING AMENDMENT TO THE KENYA INFORMATION AND COMMUNICATIONS ACT

Meeting with the Petitioner (Mr. Patrick Kaberia)

Mr. Patrick Kaberia appeared before the Committee and submitted that—

- a) Rapid growth of the ICT and Digital Economy was the basis of the Petition praying to the national Assembly to urgently amend the Kenya Information and Communications Act to align it with the current and emerging developments of a connected digital world to enhance growth and expansion of both economic and social sectors of the nation.
- b) Information, cyber security threats, copyright issues, content creation among others need to be regulated for purposes of achieving maximum benefits while averting possible threats pose by the IT trends and digital economy among other issues.
- c) There were existing gaps on the capacity of Communications Authority of Kenya (CAK) with regards to the digital space of e-payments and revenue collection from digital space as the CAK was majorly focuses on broadcasting. Therefore, a reconstitution to include new players from the ICT world would improve how the CAK deals with emerging digital trends.

Committee Concerns

a) The Proposed Kenya Information and Communications (Amendment) Bill, 2023

The Committee sought to know whether the Petitioner was aware of the proposed Kenya Information and Communications (Amendment) Bill, 2023 by the Ministry of Information, Communications and the Digital Economy which would still be used to address the concerns he was raising. The Petitioner responded that he was not aware of the said Bill.

b) Merits and the demerits of the Petitioner's proposed to amendments to the KICA Act.

The Committee sought to understand how the proposed amendments would impact the country specifically the merits and demerits of the proposed legislation by the petitioner. The Petitioner responded that the proposal would address cyber security threats, copyright issues, mobile money transactions misinformation and other related issues.

Committee Resolutions

After the deliberations, the Committee resolved that -

- a) The committee summarily dismisses the Petition; and
- b) Petitioner shares his proposal with the Ministry of Information, Communications, and the Digital Economy so that his issues can be incorporated in the proposed Kenya Information and Communications (Amendment) Bill, 2023.

MIN./PPETC/2023/243: ANY OTHER BUSINESS AND ADJOURNMENT

There being any other business, the Chairperson adjourned the meeting at 5:15 p.m. The next meeting would be held on notice.

Sign: 

(CHAIRPERSON)

Date: 23/8/2023



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 51ST SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, AUGUST 17, 2023, IN THE COMMITTEE ROOM ON 4TH FLOOR, CONTINENTAL HOUSE AT 12:00 NOON

PRESENT

- | | | |
|---|---|-------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. John Walter Owino, M.P. | | |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Edith Vethi Nyenze, M.P. | | |
| 5. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 6. Hon. Caleb Mutiso Mule, M.P. | | |
| 7. Hon. Suzanne Ndunge Kiamba, M.P. | | |

APOLOGIES

- | | | |
|--|---|------------------|
| 1. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 2. Hon. Patrick Makau King'ola, M.P. | | |
| 3. Hon. John Bwire Okano, M.P. | | |
| 4. Hon. Ernest Ogesi Kivai, M.P. | | |
| 5. Hon. Maisori Marwa Kitayama, M.P. | | |
| 6. Hon. Peter Mbogho Shake, M.P. | | |
| 7. Hon. Bidu Mohamed Tubi, M.P. | | |
| 8. Hon. Sloya Clement Logova, M.P. | | |

SECRETARIAT

- | | | |
|------------------------|---|------------------------------|
| 1. Mr. Samuel Kalama | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Ms. Anne Shibuko | - | Clerk Assistant I |
| 4. Mr. Peter Barasa | - | Legal Counsel II |
| 5. Mr. Martin Sigei | - | Research Officer III |
| 6. Ms. Lilian Mburugu | - | Media Relations Officer III |
| 7. Ms. Rehab Chepkilim | - | Audio Officer |

MIN./PPETC/2023/328: PRELIMINARIES

The Chairperson called the meeting to order at 12.00 noon. and Hon. Joshua Kandie, M.P. said the prayers.

MIN./PPETC/2023/329: ADOPTION OF AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sitings
4. Matters Arising

5. **Consideration of Public Petition No. 14 of 2023 regarding Delayed adjudication and settlement of residents of Mnarani Sublocation, Kilifi County under absentee landlord**
-Meeting with the Cabinet Secretary, Ministry of Lands
6. **Consideration of Public Petition No. 36 of 2023 regarding Delayed adjudication and settlement of residents of Misufini, Vibandani and Kibarani Sub location, Tezo Location, Kilifi North Constituency**
-Meeting with the Cabinet Secretary, Ministry of Lands
7. **Adoption of the Report on Public Petition No. 6 of 2023 regarding Amendment to the Kenya Information and Communications Act**
8. Any other Business
9. Adjournment & Date of Next Meeting

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by Hon. Joshua Kandie, M.P. and seconded by Hon. Edith Nyenze, M.P.

MIN./PPETC/2023/330: **CONFIRMATION OF MINUTES OF PREVIOUS SITTING**
The Agenda was deferred.

MIN./PPETC/2023/331: **MATTERS ARISING**
There were no matters arising.

MIN./PPETC/2023/332: **ADOPTION OF THE REPORT ON PUBLIC PETITION NO. 6 OF 2023 REGARDING AMENDMENT TO THE KENYA INFORMATION AND COMMUNICATIONS ACT**
The Report on Public Petition No. 6 of 2023 regarding Amendment to the Kenya Information and Communications Act was adopted by the Committee, having been proposed by Hon. Susan Kiamba, M.P and seconded by Hon. Edith Nyenze, M.P.

MIN./PPETC/2023/333: **CONSIDERATION OF PUBLIC PETITION NO. 14 OF 2023 REGARDING DELAYED ADJUDICATION AND SETTLEMENT OF RESIDENTS OF MNARANI SUBLOCATION, KILIFI COUNTY UNDER ABSENTEE LANDLORD**

Meeting with the Cabinet Secretary, Ministry of Lands

The meeting was informed that vide a letter dated 15th August, 2023, the Cabinet Secretary, Ministry of lands had requested to appear on another day due to other prescheduled work assignments.

The Agenda was therefore deferred.

MIN./PPETC/2023/334: **CONSIDERATION OF PUBLIC PETITION NO. 36 OF 2023 REGARDING DELAYED ADJUDICATION AND SETTLEMENT OF RESIDENTS OF MISUFINI, VIBANDANI AND KIBARANI SUB LOCATION, TEZO LOCATION, KILIFI NORTH CONSTITUENCY**

Meeting with the Cabinet Secretary, Ministry of Lands

The meeting was informed that vide a letter dated 15th August, 2023, the Cabinet Secretary, Ministry of lands had requested to appear on another day due to other prescheduled work assignments.

The Agenda was therefore deferred.

MIN./PPETC/2023/335: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 01:00 p.m. The next meeting would be held on Thursday, 17th August 2023 at 3.00 p.m.

Sign: .....
(CHAIRPERSON)

Date..... 23/8/2023

