



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY


THIRTEENTH PARLIAMENT – FOURTH SESSION (2025)

PUBLIC PETITIONS COMMITTEE

REPORT ON

THE CONSIDERATION OF PUBLIC PETITIONS NO. 15 OF 2024 BY KENYA UNION OF POST-PRIMARY EDUCATION TEACHERS (KUPPET) MACHAKOS BRANCH REGARDING GAZETTEMENT OF MWALA AND KALAMA SUB-COUNTIES OF MACHAKOS COUNTY AS HARDSHIP AREAS

**The Directorate of Audit, Appropriations
& General Purpose Committees**
The National Assembly
Parliament Buildings
NAIROBI

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 19 NOV 2025	DAY: WED
TABLED BY:	Chair, Public Petitions Committee Hon Eric Muchangi
CLERK-AT THE-TABLE:	Mado Arabo

November, 2025

NATIONAL ASSEMBLY RECEIVED
19 NOV 2025
SPEAKER'S OFFICE P. O. Box 41842, NAIROBI.

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ACRONYMS

TSC Teachers Service Commission

KUPPET Kenya Union of Post Primary
Teachers

CHAIRPERSON'S FOREWORD

On behalf of Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Consideration of public petition No. 15 of 2024 on the gazette of Mwala and Kalama Sub-Counties of Machakos County as hardship areas. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by Hon. Vincent Musyoka, M.P., on behalf of the Kenya Union of Post-Primary Teachers (KUPPET) Machakos branch, represented by Mr. Musembi Kutuku and Mr Ibrahim Ngunga of P.O. Box 159-90100 Machakos.

The petitioners prayed that the National Assembly, through the Public Petitions Committee Engages the Teachers Service Commission and the Ministry of Public Service, Human Capital Development and Special Programmes to gazette Mwala and Kalama sub-counties as hardship areas in order to improve educational standards through provision of adequate teachers in that area.

In consideration of the petition, the Committee met with the Petitioners and also received written submissions from the Ministry of Public Service, Human Capital Development and Special Programmes.

The Committee observed that the right to fair labour practices, as enshrined in Article 41 of the Constitution of Kenya, 2010, includes, among others, fair remuneration and reasonable working conditions. Section C.10 of the Human Resource Policies and Procedures Manual for the Public Service (2016) provides for the payment of a hardship allowance to officers stationed in designated hardship areas as an incentive to compensate Public Servants working in such areas partially

The Committee also noted that Mwala and Kalama Sub-County is geographically located adjacent to or surrounded by already gazetted hardship areas like Yatta, Kitui Rural, and Mbooni East, all of which are hardship zones, but Mwala and demonstrate similar conditions but lack hardship designation.


The core issue arising from the petition is the disparity and lack of harmonization in policies used by various Public Service Jurisdictions: Civil Service, Teachers Service Commission and Judiciary for designating hardship areas and compensating employees. The Teachers Service Commission (TSC) currently operates under its own policy, Legal Notice No. 534 of 1997 and the Code of Regulations (COR).

The report of the Inter-Agency Technical Committee on review of designated hardship areas and payment of hardship allowance in the Public Service was finalized and submitted to the Salaries and Remuneration Commission (SRC) for concurrence. However, its implementation was awaiting Cabinet consideration

The Committee recommends that Cabinet Secretary, Ministry of Public Service, Human Capital Development and Special Programmes, fast-track the approval of the Inter-Agency Technical Committee Report by the Cabinet with a view to designating all regions meeting the set-out criteria as hardship areas, and submit the report to the National Assembly within six (6) months upon adoption of the report by the House.

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

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

Sign.......... Date.....19/11/2025.....

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

I PREFACE

I.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 the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.
Runyenjes 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. Ntwiga Patrick Munene, M.P.
Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

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. Beatrice Kadeveresia Elachi, M.P.
Dagoretti North Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere South Constituency

Independent

Hon. Bidu Mohamed Tubi, M.P.
Isiolo South

Jubilee Party (JP)

Hon. Peter Irungu Kihungi, M.P.
Kangema 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)

I.3 COMMITTEE SECRETARIAT

The secretariat comprises the following:

Mr. Leonard Machira
Principal Clerk Assistant II

Mr. Bernard Kipchumba
Clerk Assistant III

Mr. Clinton Sindiga
Legal Counsel II

Mr. Arkan Mumin
Research Officer III

Ms. Nancy Ouma
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Calvin Karungo
Media Relations Officer III

Mr. Peter Mutethia
Audio Officer

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BACKGROUND OF THE PETITION

Introduction

Public Petition No. 15 of 2024 on gazettelement of Mwala and Kalama sub-counties of Machakos County as hardship areas. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by Hon. Vincent Musyoka, M.P., on behalf of the Kenya Union of Post-Primary Teachers (KUPPET) Machakos branch, represented by Mr Musembi Kutuku and Mr. Ibrahim Ngunga of P.O Box 159-90100 Machakos.

The petitioners stated that Kenya Union of Post-Primary Teachers (KUPPET) is a registered union with a mandate to represent teachers in negotiations for fair solutions to members' grievances through lawful activities, affiliation, and research on labour practices.

The petitioners also submitted that Mwala Sub-County is geographically located in the midst of Yatta, Yatta Rural, and Mbooni East, all of which are hardship zones, despite a recommendation by the Machakos Sub-County director of Teacher Service (TSC) for Mwala Sub-County.

Kalama Sub-County, which lies between Mbooni West and Kilungi, which are categorized as hardship areas, is not placed in the same category. Yet, it has similar climatic conditions, and the teachers in 33 public secondary schools, located in the former Lola and Muumandu sub-counties, are entitled to hardship allowance, 9 schools have been left out.

The plight of teachers within Mwala and Kalama Sub Counties is worsened by water shortage due to reliance on limited rain harvested water which they supplement through purchase of unclean water scooped from the seasonal Thwake river; poor transport network due to bad roads in Matulani, Miseleni, Mutula, Kasengela and Kwamwonga areas resulting in high transport charges public transport charges by public vehicles necessitated by increased frequency of maintenance of vehicles; harsh climatic conditions leading to famine; limited telephone network and internet connectivity hampering access to critical services; limited access to medical care and other social amenities.

Consequently, there is inadequate teacher staffing as teachers posted to the two sub-counties are constantly applying for transfers. Statistics available indicate that 40 principals, headteachers and 512 teachers sought transfers from the area between January 2023 and March 2024 and that as of August 2024, 9 secondary schools have no principals, while 11 have no deputy headteachers, which is a worrying trend.

The petitioners' attempts to address the matter directly through the Teachers Service Commission have not been successful and are futile.

The issues in respect of which this petition is raised are not pending before any court of law, or any constitutional or legal body.

2.2 Petitioner's Prayers

9. The Petitioners prayed that the National Assembly through the Public Petitions Committee ensures that—
 - i. Engages the Teachers Service Commission to gazette Mwala and Kalama sub-counties as hardship areas in order to improve educational standards through provision of adequate teachers in that area;
 - ii. Make any other recommendation as it deems fit

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 Submissin by the petitioners

Hon. Vincent Musyoka, M.P. Member for Mwala Constituency, appeared before the Committee on Tuesday 12th June, 2024, and submitted as follows -

10. KUPPET is a registered union with a mandate to represent teachers in negotiating fair solutions to members' grievances through lawful activities, affiliations, and research in labour practices.
11. Mwala Sub-County is geographically located between Yatta, Kitui Rural, and Mbooni East, all of which are hardship zones, but Mwala was not categorised as a hardship zone despite a recommendation by the Sub-County Director of the Teachers Service Commission (TSC).
12. Kalama Sub-County, which lies between Mbooni West and Kilungu which are categorised as hardship areas, is not placed in the same category. Yet, it has similar climatic conditions, while teachers in 33 public secondary schools located in the former Kola and Muumandu zones are entitled to hardship allowance, nine schools have been left out.
13. The plight of teachers within Mwala and Kalama sub-counties is worsened by water shortage due to reliance on limited rain-harvested water, which they supplement through purchase of unclean water scooped from the seasonal Thwake River; poor transport network due to bad roads in Matulani, Miseleni, Mutula, Kasengela and Kwamwonga areas, resulting in high transport charges by public vehicles necessitated by increased frequency of maintenance of vehicles; harsh climatic conditions, leading to famine; limited telephone network and internet connectivity, hampering access to critical services; and limited access to medical care and other social amenities.
14. Consequently, there is inadequate teacher staffing as teachers posted to the two sub-counties constantly apply for transfers. Statistics available indicate that 40 principals, 95 head teachers and 512 teachers sought transfer from the area between January 2023 and March 2024, and that as of August 2024, nine secondary schools have no principals, while 11 have no deputy head teachers, which is a worrying trend.
15. Efforts to address the matter directly through TSC have not been fruitful.

16. The petitioners prayed that the National Assembly, through the Public Petitions Committee—
- a) Engages the TSC to gazette Mwala and Kalama sub-counties as hardship areas in order to improve educational standards through the provision of adequate teachers in the area; and,
 - b) Makes any other recommendation it deems fit.

3.2 The Ministry of Public Service, Human Capital Development and Special Programmes

The Cabinet Secretary, Ministry of Public Service, Human Capital Development and Special Programmes provided written submissions dated 16th October, 2025, as follows-

17. The gazettelement of Mwala and Kalama Sub-Counties in Machakos County as designated hardship areas has brought attention to the fact that the existing policies applied by various jurisdictions across the Public Service on designated hardship areas are not harmonized hence the disparities in the payment of hardship allowance.
18. The current policy on payment of hardship allowance to teachers under the Teachers Service Commission (TSC) is based on Legal Notice No. 534 of 1997 and the Code of Regulations (COR) for Teachers, which the Teachers Service Commission administers.
19. These disparities have led to disharmony among employees of the Civil Service, Teaching Service, and the Judiciary deployed in the same geographical region, with some earning the allowance while others are not paid.
20. The Cabinet Secretary provided a status report on the harmonization of designated hardship areas in the public service as follows;
- i. The Government has, over the years, identified and designated some regions of the country as hardship areas for payment of hardship allowance to Public Servants working in those areas. Designated hardship areas are considered comparatively remote and suffer from inadequate food supplies, infrastructure, security, basic social services, and amenities. Hardship allowance was introduced in 1969 as an incentive for officers stationed in designated hardship areas.
 - ii. Article 41 of the Constitution of Kenya provides that every person has a right to fair labour practices, which includes, among others, fair remuneration and reasonable working conditions. Section C.10 of the Human Resource Policies and Procedures Manual for the Public Service (2016) provides for the payment of a hardship allowance to officers stationed in designated hardship areas as an incentive to compensate Public Servants working in such areas partially.
 - iii. Designation of hardship areas was previously undertaken in consultation with the Office of the President, the Provincial Administration, Internal Security, and the then Directorate of Personnel Management. The designated hardship areas and

payment of hardship allowance were to be progressively reviewed as areas became relatively developed and socio-economic conditions improved across the country.

- iv. The Committee noted that over the years, various jurisdictions in the Public Service, including the Civil Service, the Teaching Service and the Judiciary, have independently reviewed hardship areas using different parameters, thereby creating disparities in terms of categorization and rates of payment. It is further noted that the unit of analysis for designated hardship areas is not harmonized and varies across Public Service jurisdictions. For instance, the Civil Service uses the former District boundaries, while the Teaching Service under the Teachers Service Commission (TSC) uses Educational Zones for categorization.
- v. Currently, the Civil Service, County Governments, and State Corporations have sixteen (16) designated hardship areas; the Teachers Service Commission has forty-four (44); and the Judiciary has twenty-one (21). The table below lists the designated hardship areas.

List of current designated hardship areas for Civil Service, Teachers Service and Judiciary

COMPARISON OF HARDSHIP DESIGNATED AREAS IN PUBLIC SERVICE						
Civil Service/ Parastatal	Status	Judicial Service Commission	Status	Teachers Service Commission	Status	
1 Tana River	Entire County	1. Daadab	Town/Centre	1 Suba	Mfangano and Rusinga Islands	
2 Lamu	Entire County	2. Garissa	Town/Centre	2 Kuria	Kegonga Division	
3 Garissa	Entire County	3. Garsen	Town/Centre	3 Busia	Budalangi Division	
4 Wajir	Entire County	4. Habaswein	Town/Centre	4 Kajiado	Entire District	
5 Mandera	Entire County	5. Hola	Town/Centre	5 Nakuru	Mbogoini and Makongeni Divisions (lower Solai)	
6 Marsabit	Entire County	6. Kabamet	Town/Centre	6 Laikipia	Entire District	
7 Isiolo	Entire County	7. Kakuma	Town/Centre	7 Kitui	Entire District	
8 Makueni	Entire County	8. Kapenguria	Town/Centre	8 Kilifi	Ganze Division	
9 Turkana	Entire County	9. Kehancha	Town/Centre	9 Keiyo	Entire District	
10 West Pokot	Entire County	10. Kyuso	Town/Centre	10 Marakwet	Entire District	
11 Samburu	Entire County	11. Lamu	Town/Centre	11 Kwale	Kinango and Samburu Divisions	
12 Elgeyo	Entire County	12. Lodwar	Town/Centre	12 Trans Mara	Entire District	
13 Laikipia	Entire County	13. Mandera	Town/Centre	13 Mwingi	Entire District	
14 Baringo	Excludes Koibatek Sub-county	14. Mararal	Town/Centre	14 Tharaka	Entire District	
15 Nandi	Tinderet Sub-county only	15. Marimanti	Town/Centre	15 Mbeere	Entire District	
16 Taita Taveta	Manyani Area in Ngolia Ward	16. Marsabit	Town/Centre	16 Malindi	Magarini,Marafa and Kakoneni Division	
Total: 16 Areas		17. Moyale	Town/Centre	17 Machakos	Yatta and Masinga Division	
		18. Mutomo	Town/Centre	18 Nyeri	Kieni Division	
		19. Mwingi	Town/Centre	19 Kiambu	Ndeiya and Karai locations	
		20. Taveta	Town/Centre	20 Maragwa	Makuyu Division	
		21. Wajir	Town/Centre	21 Nyandarua	Nyahururu High school	
		Total : 21 Areas		22 Nyandarua	Nyandarua Boarding Primary	
				23 Kericho	Divisions	
				24 Kisumu	Muhoroni Valley and Sondu Divisions	
				25 Thika	Kakuzi Division	
				26 Koibatek	King'orom Divisions	
				27 Narok	Eastern Mau , Osupuko,Mara,Loita and Southern Olulunga Divisions	
				28 Makueni	Entire District	
				29 Isiolo	Entire District	
				30 Moyale	Entire District	
				31 Marsabit	Entire District	
				32 Garissa	Entire District	
				33 Mandera	Entire District	
				34 Wajir	Entire District	
				35 Lamu	Entire District	
				36 Tana River	Entire District	
				37 Taita Taveta	Entire District	
				38 Baringo	Entire District	
				39 Samburu	Entire District	
				40 Turkana	Entire District	
				41 West Pokot	Entire District	
				42 Ijara	Entire District	
				43 Nandi	Tinderet Division	
				44 Meru North (Nyambene)	Mutuati,Ndoleli and Igembe East Divisions; Buuri,Giika locations; Linjoka ,Ankamia Sub -locations; Amung'enti,Thangatha ,Mumui, Kiuju line and Akithi zones	
				Total: 44 Areas		

Source: Ministry of Public Service, Human Capital Development and Special Programmes

21. In cognizance of the existing disparities in designated hardship areas in the Public Service and to promote fairness and parity of treatment among Public Officers, the Government, through the Ministry responsible for Public Service, constituted an Inter-Agency Technical Committee to undertake a study and review designated hardship areas.

22. The Terms of Reference (TORs) for the Inter-Agency Technical Committee were to;

- i. Study the current policies and applicable circulars on designated hardship areas and payment of Hardship Allowance in the Civil Service.
- ii. Undertake a comparative analysis of other existing policies on designated hardship areas and payment of Hardship Allowance in the Public Service and other jurisdictions;
- iii. Study the issues in petitions presented to the National Assembly on the matter of designated hardship areas and payment of Hardship Allowance to Public Servants.
- iv. Study concerns raised by the Union of Kenya Civil Servants (UKCS) regarding designated hardship areas and payment of Hardship Allowance as provided in the Collective Bargaining Agreement (CBA), 2017, and make recommendations on implementation modalities;
- v. Address any other issues incidental to the matter of designated hardship areas and payment of Hardship Allowance; and
- vi. Prepare a Report on the study with recommendations and way forward on categorization of designated hardship areas and payment of Hardship Allowance.

23. In addition, Kenya National Bureau of Statistics (KNBS) identified and weighted seven (7) parameters to guide the determination and re-categorization of hardship areas. The parameters were: food, water, transport & communication services, social services, climate & terrain, security and poverty index. The weighted criteria provided by KNBS are indicated below:

Table 2 Weighted Criteria

S/ N o.	Criteria	How to give full mark	Score
1.	Food - Unavailability and Inaccessibility (Each 5 Points)		25
	i) Area on relief food	Yes	5
	ii) Availability of market place	None	5
	iii) Low agricultural productivity of the area/ supply of food	Low	5
	iv) The cost of food is expensive.	High	5
	v) Distance to food markets	Long	5
2	Water - Unavailability and Inaccessibility (each 3 points)		15

	i) Availability of piped water	None	3
	ii) The area gets water from seasonal rivers/borehole.	Yes	3
	iii) The area has a permanent river.	None	3
	iv) Private water tanks supply water to the area	Yes	3
	v) Distance to water points	Long	3
3.	Transport and Communication Services – Inadequacy (each 4 points)		20
	i) Availability/Distance of tarmac roads	None	4
	ii) Availability/Distance of all-weather roads	None	4
	iii) Availability/Reliability of the mode of public transport	None	4
	iv) Roads are impassable during the rainy season	Yes	4
	v) Mobile phone connectivity	None	4
4.	Social services – Unavailability and Inaccessibility (each 3 points)		15
	i) Schools are available/distance.	None	3
	ii) Availability/distance of hospitals/health facilities	None	3
	iii) Electricity available	None	3
	iv) Housing for public servants/ availability of housing facilities	None	3
	v) Availability/distance of bank/postal Services	None	3
5.	Climate conditions and Terrain - Harshness		15
	i) Area is dry with erratic rainfall	Yes	5
	ii) The region is semi-arid	Yes	2.5
	iii) The region is hot and dry	Yes	2.5
	iv) Difficult terrain (mountainous with deep gullies)	Yes	2.5
	v) The area gets flooded during the rainy season	Yes	2.5
6.	Security/High possibility of security threats		5
	i) Human-wildlife conflict	Yes	2.5
	ii) Banditry/cattle rustling/snakes	Yes	2.5
7.	Poverty – severity Index	High	5
	TOTAL		100

24. The Inter-Agency Technical Committee undertook extensive stakeholder engagement in conducting the study. Some of the Committee's stakeholder engagement was through face-to-face interviews with officers from the Ministry of Interior and Co-ordination of National Government, County Directors of Education, Teachers Service Commission (TSC) County Directors, County Statistics Officers, the National Drought Management Authority (NDMA), County Governments, and Union Representatives. In addition, the Technical Committee undertook the following:

- i. Field work visits to establish the status of the respective areas, reviewed reports from the respective County/Deputy County Commissioners and socio-economic data submitted by the respective County Statistics Officers of the areas visited; and
- ii. Literature review on poverty indices in the Country from annual Economic Surveys and reports prepared by the Commission on Revenue Allocation and the Equalization Fund.

25. The key findings and recommendations of the report were as follows:

- i. There are areas currently designated as hardship or petitioned by stakeholders to be categorized as 'hardship', however, upon review they were found not to be 'hardship'.
- ii. The severity of hardship in the reviewed areas varies from moderate to extreme.
- iii. Some of the currently designated hardship areas cover an entire County/Sub-County/Division uniformly. It is, however, noted that some regions have only specific locations with moderate or extreme hardship conditions. The areas were therefore reviewed and categorized as "Moderate" and "Extreme" hardship areas.
- iv. Not all Public officers working in hardship areas are currently paid a hardship allowance. This is due to disparities in the current policy guidelines on designated hardship areas in the Public Service; and
- v. Some areas that were previously designated as hardship and have acquired different status following the implementation of the devolved system of governance and improved socio-economic development across the country have been reviewed and recommended for de-gazettement.

26. The report of the Inter-Agency Technical Committee on review of designated hardship areas and payment of hardship allowance in the Public Service was finalized and submitted to the Salaries and Remuneration Commission (SRC) for concurrence.

27. The SRC reviewed the report and provided proposed rates of hardship allowance for the Public Service in line with the proposed categorization of the designated hardship areas and advised the gazettement of the reviewed designated hardship areas before implementation. The proposed designated hardship areas for the Public Service have been classified into two (2) categories: "Extreme" and "Moderate," depending on the severity of hardship in each area.

28. The Inter-Agency Technical Committee Report on proposed designated hardship areas in the Public Service is awaiting Cabinet consideration.

29. The Cabinet Secretary committed to fast-tracking the harmonisation of designated hardship areas in the Public Service.

PART FOUR

12 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioners and the Ministry of Public Service, Human Capital Development and Special Programmes the Committee observed that—

30. The right to fair labour practices, as enshrined in Article 41 of the Constitution of Kenya, 2010, includes, among others, fair remuneration and reasonable working conditions. Section C.10 of the Human Resource Policies and Procedures Manual for the Public Service (2016) provides for the payment of a hardship allowance to officers stationed in designated hardship areas as an incentive to compensate Public Servants working in such areas partially.
31. The Committee also noted that Mwala and Kalama Sub-County is geographically located adjacent to or surrounded by already gazetted hardship areas like Yatta, Kitui Rural, and Mbooni East, all of which are hardship zones, but Mwala and demonstrate similar conditions but lack hardship designation.
32. The core issue arising from the petition is the disparity and lack of harmonization in the policies employed by various Public Service jurisdictions, including the Civil Service, the Teachers Service Commission (TSC), and the Judiciary, in designating hardship areas and compensating employees. Currently, the TSC operates under its own policy, specifically outlined in Legal Notice No. 534 of 1997 and the Code of Regulations (COR).
33. The Ministry of Public Service, Human Capital Development and Special Programmes established an Inter-Agency Technical Committee in March 2019 to address these disparities and develop a uniform policy. The Committee comprised of representatives from the then Ministry of Public Service and Gender, Ministry of Interior and Co-ordination of National Government, Ministry of Education, The National Treasury and Planning, the Judiciary, Public Service Commission, Teachers Service Commission, Salaries and Remuneration Commission, Commission on Revenue Allocation, the Kenya National Bureau of Statistics (KNBS) and the Council of Governors.
34. The key findings and recommendations of the report from the Inter-Agency Technical Committee were as follows:
 - a) There are areas currently designated as hardship or petitioned by stakeholders to be categorized as 'hardship'; however, upon review they were found not to be 'hardship'.
 - b) The severity of hardship in the reviewed areas varies from moderate to extreme.
 - c) Some of the currently designated hardship areas cover an entire County/Sub-County/Division uniformly. It is, however, noted that some regions have only specific locations with moderate or extreme hardship conditions. The areas were therefore reviewed and categorized as "Moderate" and "Extreme" hardship areas.
 - d) Not all Public officers working in hardship areas are currently paid a hardship allowance. This is due to disparities in the current policy guidelines on designated hardship areas in the Public Service.

- e) Some areas that were previously designated as hardship and have acquired different status following the implementation of the devolved system of governance and improved socio-economic development across the country have been reviewed and recommended for de-gazettement.

35. The report of the Inter-Agency Technical Committee on the review of designated hardship areas and payment of hardship allowance in the Public Service was finalized and submitted to the Salaries and Remuneration Commission (SRC) for concurrence. However, its implementation is awaiting Cabinet consideration.

PART FIVE

13 COMMITTEE RECOMMENDATION

Based on the submission from the stakeholders. The Committee made the following recommendation –

In response to the prayer that the Committee engages the Teachers Service Commission to gazette Mwala and Kalama sub-counties as hardship areas to improve educational standards through the provision of adequate teachers in those areas. The Committee notes that the Ministry of Public Service, Human Capital Development and Special Programmes, through an Inter-Agency Technical Committee, has reviewed the designated hardship areas and the payment of the hardship allowance in the Public Service to harmonise disparities and develop a uniform hardship designation area in the public service. However, the report was awaiting Cabinet approval.

The Committee recommends that the Cabinet Secretary, Ministry of Public Service, Human Capital Development and Special Programmes, fast-track the approval of the Inter-Agency Technical Committee Report by the Cabinet with a view to designating all regions meeting the set-out criteria as hardship areas, and submit the report to the National Assembly within six (6) months upon the adoption of this report by the House.

Signed:  _____

Date: 19/11/2025

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date.....

ANNEXTURES

- Annex 1: The Adoption List
- Annex 2: Public Petition No. 15 of 2024 on the gazettelement of Mwala and Kalama sub-counties of Machakos County as hardship areas.
- Annex 3: Submissions by stakeholders.
- Annex 3: Minutes of the 21st Sitting of the Public Petitions Committee Held on Tuesday, 10th June, 2025.
- Annex 4: Minutes of the 46th Sitting of the Public Petitions Committee Held on Wednesday, 11th November, 2025.

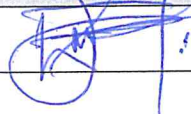
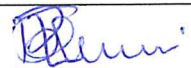
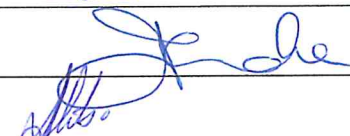
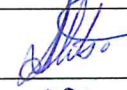
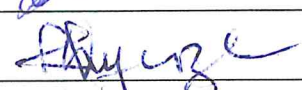
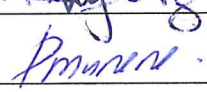
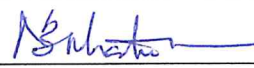
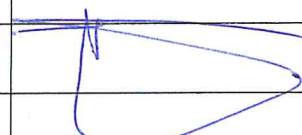
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) Consideration and adoption of the report on Public Petitions No.15/2024 by Hon. Vincent Musyoka, MP, Member for Mwala constituency on behalf of residents of Mwala constituency regarding the gazettement of Mwala and Kalama Sun Counties as hardship areas.

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 12/11/2025

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Bidu Mohamed Tubi, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	