

PARLIA  
OF KE  
LIBRA

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

11<sup>TH</sup> PARLIAMENT – FIRST SESSION - 2013

REPORT OF THE  
DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND  
NATIONAL SECURITY ON THE VETTING OF MR. JOHN  
MUTUTHO, NOMINEE FOR APPOINTMENT AS CHAIRPERSON,  
NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST  
ALCOHOL AND DRUG ABUSE [NACADA]

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## PREFACE

Mr. Speaker, Sir,

The Parliamentary Departmental Committee on Administration and National Security was constituted pursuant to the provisions of Standing Order No. 216(1) and has executed its mandate in accordance with the provisions of the said Standing Order 216(5), which mandates the Committee to, inter alia;

- e) vet and report on all appointments where the constitution and any other law requires the National Assembly to approve...*

Mr. Speaker,

According to Schedule II of the Standing Orders, the Committee examines the following subjects:

- i) National security
- ii) Police Services
- iii) Home Affairs
- iv) Public Administration
- v) Public Service
- vi) Prisons
- vii) Immigration and the Management of natural disasters
- viii) Community service orders

The Committee oversees the following Ministries and Departments:

- i) The Presidency (Cabinet Services & State Affairs)
- ii) Ministry of Interior and Coordination of National Government
- iii) Public Service Commission
- iv) National Police Service Commission
- v) Independent Policing Oversight Authority

Mr. Speaker, Sir,

The following are the Members of the Committee: -

The Hon. Asman Kamama, MGH, OGW, MP - Chairperson  
The Hon. Alois M. Lentoimaga, MP - Vice-Chairperson  
The Hon. Ababu Namwamba, EGH, MP  
The Hon. Joseph Lekuton, MP



The Hon. Alice Wahome, MP  
The Hon. Dalmas Otieno, EGH, MP  
The Hon. Zakayo K. Cheruiyot, MP  
The Hon. Timothy W. Wetangula, MP  
The Hon. Patrick Ole Ntutu, MP  
The Hon. Ali Isaack Shaaban, MP  
The Hon. Samuel Moroto, MP  
The Hon. Humphrey Njuguna, MP  
The Hon. Francis K. Mwangangi, MP  
The Hon. Rashid J. Bedzimba, MP  
The Hon. David Gikaria, MP  
The Hon. Mohamed Shidiye, MP  
The Hon. Jane Machira, MP  
The Hon. Ibrahim Abdi Saney, MP  
The Hon. Joseph O. Ndiege, MP  
The Hon. (Maj. Rtd.) John K. Waluke, MP  
The Hon. Wanjiku Muhia, MP  
The Hon. Akuja Protus Ewesit, MP  
The Hon. Joseph M. Kahangara, MP  
The Hon. Ahmed Abdikadir Ore, MP  
The Hon. Regina Nthambi Muia, MP  
The Hon. Grace Kiptui, MP  
The Hon. George Theuri, MP  
The Hon. James Bett, MP  
The Hon. Benard Shinali, MP

Mr. Speaker,

Section 6(1)(a) of the National Authority for the Campaign against Alcohol and Drug Abuse Act, 2012, provides that *“the management of the Authority shall vest in a Board which shall consist of a Chairperson appointed by the President with the approval of the National Assembly, who shall be a person with experience in public affairs either in judicial service, public service or the private or voluntary sector”*.

Further, Article 124(4) of the Constitution provides that:-

- (4) When a House of Parliament considers any appointment for which its approval is required under this constitution or an Act of Parliament-
  - (a) the appointment shall be considered by a Committee of the relevant House.



Mr. Speaker, Sir,

Following receipt of the nomination of Mr. John Mututho to serve as Chairperson of the National Authority for the Campaign against Alcohol and Drug Abuse [NACADA] from H.E. the President, the Hon. Speaker of the National Assembly, on 7<sup>th</sup> November, 2013, referred the name of the nominee to the Departmental Committee on Administration and National Security for consideration prior to approval by the National Assembly.

Section 3 of the Public Appointments (Parliamentary Approval) Act (No.33 Of 2011), provides for the exercise of powers of appointment under the Constitution. Under the Public Appointments (Parliamentary Approval) Act and the Standing Orders, the National Assembly is required to conclude the process of approval or rejection of the nominee within fourteen days from the date of notification.

After receiving the name of the nominee, the Committee commenced its sittings on Thursday 14<sup>th</sup> November, 2013. In conducting the vetting exercise, the Committee made reference to the Constitution, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, and the National Assembly Standing Orders.

The Committee complied with the Constitutional and legal requirements and established procedures for vetting. It ensured public participation and openness in carrying out the proceedings was adhered to. Notifications inviting the public to submit memoranda were placed in the mainstream print media, in tandem with the law.

Mr. Speaker, Sir,

Arising from the notification that the public submit representations to the Committee over the nomination, three memoranda were received. One of the Memoranda was by a group called *Maisha Huru* while the other one was by one Mr. Martin Njue Mwangi. The two memoranda were not in the form of sworn affidavits, and were therefore not admissible before the Committee.

The other memorandum was by Mr. James Mwangi Ngatia, of P O Box 3869 - 00100 Nairobi. The memorandum fulfilled the requirements as set out in the advert. Mr. Mwangi raised concerns not directly on Mr. Mututho, but on his son, Mr. Daniel Njenga Mututho, whom he accused of defrauding him of Kshs. 2.75m for a parcel of land, which was non-existent.



Mr. Speaker, Sir,

The Committee made several findings during the vetting exercise. These findings guided the Committee in making its final recommendation. The Committee's recommendation was solely based on the evidence and information from the proceedings of the Committee during the vetting exercise. This recommendation was agreed upon by a majority of the Committee Members during the adoption of the Report on Tuesday 19<sup>th</sup> November, 2013.


Mr. Speaker,

The Committee wishes to thank the Offices of the Speaker and the Clerk of the National Assembly for the logistical support accorded to it during the vetting exercise. The Committee is also thankful to the media for their coverage of its proceedings, thus enhancing accountability and transparency of the vetting exercise.

Mr. Speaker, Sir,

On behalf of the Committee, and pursuant to Article 124(4)(a) and (b) of the Constitution, Section 8(1) and (2) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, and Standing Order no. 199(6), it is my pleasant duty to table the Report of the Departmental Committee on Administration and National Security, on the vetting of Mr. John Mututho, nominee Chairperson, National Authority for the Campaign against Alcohol and Drug Abuse, for debate and adoption by the House.

Signed:.....



Hon. Asman Kamama, MP  
Chairman, Departmental Committee on Administration and National Security

Date: 19<sup>th</sup> November, 2013

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## 1.0 BACKGROUND

### 1.1 Establishment of the Authority

Section 4 provides for the establishment of the Authority.

#### 4. Establishment of the Authority

- (1) There is established an Authority known as the National Authority for the Campaign against Alcohol and Drug Abuse.
- (2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—
  - (a) suing and being sued;
  - (b) purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property in and out of Kenya;
  - (c) borrowing or receiving grants; and
  - (d) doing or causing to be done or performing all such other things or acts for the proper performance of its functions under this Act, as may be lawfully done or performed by a body corporate.
- (3) The Authority shall be the successor to the National Campaign Against Drug Abuse Authority established under the State Corporations Act existing immediately before the commencement of this Act.

### 1.2 Functions of the Authority

Section 5 of the NACADA Act 2012 provides for the functions of the Authority.

#### 5. The functions of the Authority shall be to—

- (a) carry out public education on alcohol and drug abuse directly and in collaboration with other public or private bodies and institutions;
- (b) coordinate and facilitate public participation in the control of alcohol and drug abuse;
- (c) coordinate and facilitate inter-agency collaboration and liaison among lead agencies responsible for alcohol and drug-demand reduction;
- (d) in collaboration with other lead agencies, facilitate and promote the monitoring and surveillance of national and international emerging trends and patterns in the production, manufacture, sale, consumption, trafficking and promotion of alcohol and drugs prone to abuse;
- (e) in collaboration with other lead agencies, provide and facilitate the development and operation of rehabilitation facilities, programmes and standards for persons suffering from substance use disorders;



- (f) subject to any other written law, license and regulate operations of rehabilitation facilities for persons suffering from substance use disorders;
- (g) coordinate and facilitate, in collaboration with other lead agencies and non-State actors, the formulation of national policies, laws and plans of action on control of alcohol and drug abuse and facilitate their implementation, enforcement, continuous review, monitoring and evaluation;
- (h) develop and maintain proactive co-operation with regional and international institutions in areas relevant to achieving the Authority's objectives;
- (i) in collaboration with other public and private agencies, facilitate, conduct, promote and coordinate research and dissemination of findings on data on alcohol and drug abuse and serve as the repository of such data;
- (j) in collaboration with other lead agencies, prepare, publish and submit an alcohol and drug abuse control status report bi-annually to both Houses of Parliament through the Cabinet Secretary;
- (k) assist and support County governments in developing and implementing policies, laws and plans of action on control of drug abuse; and
- (l) carry out such other roles necessary for the implementation of the objects and purpose of this Act and perform such other functions as may, from time to time, be assigned by the Cabinet Secretary.

### 1.3 Appointment of the Chairperson to the Board of the Authority

Section 6(1)(a) of the National Authority for the Campaign against Alcohol and Drug Abuse Act, 2012, provides that *"the management of the Authority shall vest in a Board which shall consist of a Chairperson appointed by the President with the approval of the National Assembly, who shall be a person with experience in public affairs either in judicial service, public service or the private or voluntary sector"*.

Section 6(2) further states that;

A person shall not be appointed under subsection (1)(a), (h), (i), (j) and (k) unless such person—

- (a) is of impeccable character and high moral standing in relation to drugs and chemical substances of abuse;
- (b) has the capacity to inspire and achieve the objectives of the Authority.



#### 1.4 Issues for consideration in conducting the approval hearing

In conducting the approval hearing, the Committee was guided by Article 73 (2)(a) (b)(c) and (e) of the Constitution, and the provisions of Section 7 of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

#### 1.5 Message from H.E. the President

On 7<sup>th</sup> November, 2013, pursuant to Standing Order 42 (1) the Speaker of the National Assembly conveyed a message to the House from H.E. the President that Mr. John Mututho had been nominated to serve as Chairperson, NACADA. Section 6(1)(a) confers upon the President the power to nominate, and subject to approval by the National Assembly, appoint the Chairperson of NACADA. The name of the nominee was thereafter forwarded to the Committee on Administration and National Security to conduct approval hearings.

#### 1.6 Notification to the public

Section 6(9) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, 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”*.

On 9<sup>th</sup> November, 2013, the Committee, through the Clerk, placed notifications in the print media informing the general public of the intention of the National Assembly to conduct an approval hearing, as provided for by Article 118(1)(a)(b) and (2) of the Constitution, Standing Order 198 (1) and Section 6(5) and (6) of the Public Appointments (Parliamentary Approval) Act, 2011, which allow public participation in Committee proceedings. The Clerk of the National Assembly gave provision for the submission of memoranda to his office, on the suitability or otherwise of the nominee, by Friday, 15<sup>th</sup> November 2013, at 5.30pm.

#### 1.7 Clearance requirements

On 11<sup>th</sup> November, 2013, the Clerk of the National Assembly wrote to the Kenya Revenue Authority (KRA), and the Higher Education Loans Board (HELB) requesting information on whether the nominee was tax compliant and whether he owed any loans to the Board, respectively. The Clerk also wrote to the Ethics and Anti-Corruption Commission (EACC) seeking information on the integrity of the nominee.



## 1.8 Notification to the nominee

On 11<sup>th</sup> November 2013, the Clerk of the National Assembly, pursuant to Section 6(3) of the Public Appointments (Parliamentary Approval) Act (No. 33 of 2011), notified the nominee of the time and place for holding the approval hearing.

## 1.9 Committee meetings

The Committee commenced the vetting process on Thursday, 14<sup>th</sup> November 2013. A total of four sittings were held. The Committee's first business was to formulate questions on the vetting in line with the Public Appointments (Parliamentary Approval) Act No.33 2011, and examine memoranda so far received.

The Committee also reviewed a letter by the nominee, who had challenged the legality of the vetting process, pointing out that the exercise was discriminatory in that Section 6(1)(a) of the NACADA Act 2012, infringed on Article 127 of the Constitution.

However, the Committee was of the view that the nominee sought to be exempted from the process, on grounds that other Chairpersons of parastatals had not been vetted. The Committee resolved that the letter by the nominee did not have any legal basis to alter the course of the exercise, and therefore it was within the law to conduct the vetting, and that the process would proceed as scheduled.

## 1.10 Submission of memoranda

By close of business on Friday 15<sup>th</sup> November 2013, the Committee had received five memoranda from the public. They were from *Maisha Huru*, Mr. Martin Njeru, Ms. Annah Njoki, Mr. James Mwangi Ngatia and Ms. Jennifer Nyambura Kimani. However, three petitioners namely *Maisha Huru*, Mr. Martin Njeru and Ms. Annah Njoki all of Nairobi, presented memoranda which were inadmissible because they were not written statements on oath (affidavits) as provided for in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011.

The memorandum by Ms. Jennifer Nyambura Kimani, the immediate former NACADA Chief Executive Officer, was in support of the nomination of Mr. John Mututho as Chairperson, NACADA. She stated that she had previously worked with Mr. Mututho, specifically on the Alcoholic Drink Control Bill,



2010. During that period, Mr. Mututho exemplified leadership qualities befitting a person who could head the Authority as Chairperson.

The second memorandum from Mr. James Mwangi Ngatia of P O Box 3869 - 00100 Nairobi, raised concerns that Mr. Mututho was not fit to hold a public office, given that he was unable to mentor his son, who was involved in multiple fraudulent land cases. The Committee however was of the view that the memoranda did not provide enough reasons to warrant censor on Mr. John Mututho.

#### 1.11 Clearance letters

Further, the Committee received a letter from the Higher Education Loans Board, stating that the nominee had never been a beneficiary of the Board's loans. The Committee also received a letter from the Kenya Revenue Authority, confirming that he was tax compliant.

The Ethics and Anti-Corruption Commission wrote back to the Committee, indicating that the proposed nominee to serve as NACADA Chairperson.....

#### 1.12 The Vetting Process

On Monday 18<sup>th</sup> November 2013, at 11.00 am, the Committee held a session with the nominee Chairperson, NACADA. In conducting the vetting exercise, the Committee was guided by, among other documents, the Constitution, the Public Appointments (Parliamentary Approval) Act No. 33 of 2011 and the National Assembly Standing Orders.

### 2.0 VETTING OF MR. JOHN MUTUTHO, NOMINEE CHAIRPERSON, NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE

1. The Committee on Administration and National Security examined the nominee using the guidelines provided for in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011. The Committee also considered the following criteria in vetting the nominee: -

- (i) Academic qualifications
- (ii) Employment record and work experience
- (iii) Professional association
- (iv) Public office, political activities and affiliations
- (v) Potential conflict of interest

- (vi) Suitability to the position
- (vii) Tax compliance
- (viii) Integrity

#### Personal Background

2. Mr. Mututho appeared before the Committee on Monday 18<sup>th</sup> November, 2013 and informed the Members that he was born in Naivasha on 28<sup>th</sup> May 1955. He is married with eight children.

#### Educational Background

3. He holds a Bachelor of Science degree in Environment Economics and a Postgraduate Diploma in Resource Economics both from Latrobe University, Australia; a Bachelor of Science in Range Management from the University of Nairobi, and a Diploma in Range Management from Egerton University.

#### Working Experience

4. He has eleven years' experience working as a civil servant.
5. He served as a Member of Parliament between 2007 and 2013.
6. He has also been involved in coordinating International Agencies and Government of Kenya projects in Arid and Semi Arid areas.
7. He is a prominent businessman in Nairobi specializing in equipment and household furnishings.

#### Personal achievements

8. He helped to remodel Naivasha Girls Secondary School which improved performance leading to more admissions into the University.
9. He is the founder member of Computers for School, a personal initiative that saw hundreds of students benefit from the Programme.
10. He helped needy students through bursary, to pursue their education.
11. As a Member of Parliament, he contributed in the formulation of various legislation, including the Alcoholic Drinks Control Act, 2010, the veterans motion of 2008, the Traffic (Amendment) Bill of 2012, the Sugar (Amendment) Bill, the Senior Citizens Bill, the Nurses (Amendment) Bill, and the Labour Institutions (Amendment) Bill of 2011.



12. He was the Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives in the tenth Parliament.
13. As a Member of Parliament, he formulated questions and sought for answers from various Ministries and departments on pertinent issues affecting *mwananchi*.

In response to issues raised by the Committee Members, Mr. John Mututho stated that: -

- (i) He is tax compliant.
- (ii) He believed that the Ethics and Anti-Corruption Commission had nothing against him since he had never been involved in any corrupt deals.
- (iii) He would report to Parliament on salient issues and on regular basis the progress of programmes that NACADA was pursuing to rid the country of cases of alcohol and drug abuse.
- (iv) He believed that he was best suited for the job, having been at the forefront of the campaign against alcohol and drug abuse, even to the extent that he drafted legislation popularly referred to as the '*Mututho laws*'.
- (v) He would ensure that structures, regulations and laws that Parliament had passed, would be adhered to, as far as the work of the Authority was concerned.
- (vi) He has neither been dismissed from office for contravention of Article 75 of the Constitution, for any conflict between potential interest and public or official duties, nor has he been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.
- (vii) NACADA would work closely with the Kenya Bureau of Standards and the Anti-Counterfeit Agency to ensure that quality control on alcoholic drinks was maintained. He would strive to ensure that all alcoholic beverages were registered in order to avoid counterfeits being released to the market.
- (viii) He had initiated a software programme known as '*mulika mwizi*' with a view to addressing and ensuring that corruption incidents hampering the campaign against alcohol and drugs were reported promptly to the Authority.
- (ix) There exist weaknesses in the legislation on alcohol products that have contributed to increase of illicit brews in the market, as has been the case of packaging of alcohol in sachets which are being sold in outlets.
- (x) He did not believe that banning of '*miraa*' or '*khat*' by the Western world was well meaning, and that the action could have been motivated

by a certain perception the West had against a particular community in Kenya.

- (xi) He would ensure enforcement of regulatory mechanisms were maintained in order to achieve key deliverables by the Authority. However, NACADA can only achieve the set goals through campaigns, while it was the duty of the police to follow up on enforcement of the law.
- (xii) He has no family member or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts of interest if appointed as Chairperson, NACADA.
- (xiii) He had never interfered with the operations of Muhuri fm. Though the family had interests in the Radio station, he had never favoured or mistreated any employee.
- (xiv) He stated that he has a number of business ventures which were unlikely to interfere with his resolve to fight alcohol and drug abuse if appointed NACADA Chairperson.
- (xv) The purchase of a house belonging to the Cotton Board of Kenya through public auction by the Cooperative Bank of Kenya, was a genuine transaction arising from an advert by the Bank in November 2000 in which he emerged the highest bidder. The transaction has been a subject of a protracted court case with his payment of Kshs. 8.7 million being held by the Bank, and the buyer being unable to take possession of the property up to date.
- (xvi) The Kenyatta National Hospital matter was a civil case which had undergone an arbitration process and the Hospital had no counter claim over the Kshs. 41.3 million he is purported to have defrauded the institution.
- (xvii) However, he was charged with a criminal offence for allegedly presenting a forged Kenya Revenue Authority receipt to Kenyatta National Hospital, for payment of import duty and value added tax (VAT). The case (no. 2400/05) was still pending in court and he hoped the matter would be concluded by 20<sup>th</sup> November, 2013.

### 3.0 LETTER FROM THE CHIEF EXECUTIVE OFFICER, ETHICS AND ANTI-CORRUPTION COMMISSION (EACC)

In response to a letter by the National Assembly on the suitability of Mr. John Mututho as nominee NACADA Chairperson, the Ethics and Anti-Corruption Commission, Chief executive stated that: -

Mr. John Mututho has criminal and civil suits pending before the court. He was charged with case no. ACC no. 2400 of 2005 arising from obtaining Khs.

41,371,515.15 from Kenyatta National Hospital by presenting false documents that his company paid Kshs. 5,185,055 as refund for import duty and value added tax for goods and equipment supplied to KNH.

The Ethics and Anti-Corruption Commission asserts that the allegations touch on the personal integrity of the candidate and are likely to erode public confidence in the integrity of his office.

#### 4.0 COMMITTEE FINDINGS AND OBSERVATIONS

After conducting the vetting exercise, the Committee made the following observations and findings: -

Mr. John Mututho has extensive experience in the public service and possesses the requisite qualifications for appointment as Chairperson of the National Authority for the Campaign against Alcohol and Drug Abuse. He displays passion, commitment, determination and zeal to deal with issues of alcohol and drug abuse.

However, the Committee noted that the nominee has a pending criminal court case number 2400/05 of Nairobi, where he is charged with uttering a forged receipt to one Alice Nungari Kiringa, purporting it to be a valid and genuine receipt issued by KRA for payment of import duty and value added tax (VAT) amounting to Kshs. 5,185,055 million on behalf of Kenyatta National Hospital by M/S Countryside Suppliers Limited, where he is a director.

Mr. John Mututho cannot be held responsible for actions of one of his sons, Mr. Daniel Njenga Mututho, who was alleged to have defrauded some clients of monies by purporting to sell them land. The issues raised by Mr. James Mwangi Ngatia in his memorandum have no direct bearing on the personal integrity and character of Mr. John Mututho.

Mr. John Mututho had been earlier appointed to the post of Chairperson, National Authority for the Campaign against Alcohol and Drug Abuse. However, the appointment was revoked on the basis that law, specifically Section 6(1)(a) of the NACADA Act 2012, was not adhered to. This Section provides for a person nominated by the President to be subjected to approval by Parliament before conclusion of the appointment.

The appointment was however revoked and a fresh nomination was made by the President.

The case has taken too long to conclude. Since 2005, the case has not been finalized. The Committee urges the Judiciary and the prosecution to expeditiously conclude the case.

Further, the Committee is of the view that Mr. Mututho is best suited for the NACADA job, save for the criminal charges facing him, and recommends that the appointing authority resubmits his name for re-appointment once he is cleared by the courts.

## 5.0 RECOMMENDATION OF THE COMMITTEE

At the end of the vetting process, the Committee made the following recommendation:-

That; having considered the suitability, capacity and integrity of the nominee, and pursuant to Section 6(a)(1) of the National Authority for the Campaign against Alcohol and Drug Abuse Act, 2012, and Section 8(2) of the Public Appointments (Parliamentary Approval) Act No. 33 of 2011, the Committee recommends that the National Assembly rejects the nomination of Mr. John Mututho, EBS, as nominee Chairperson of the National Authority for the Campaign against Alcohol and Drug Abuse.



# ANNEXTURES

MINUTES OF THE 38<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON THURSDAY, 14<sup>TH</sup> NOVEMBER, 2013, IN THE BOARDROOM, 7<sup>TH</sup> FLOOR, PROTECTION HOUSE, AT 10.30 AM

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MEMBERS PRESENT

1. The Hon. Asman Kamama, MGH, OGW, MP – Chairperson
2. The Hon. Alice Wahome, MP
3. The Hon. Dalmas Otieno, EGH, MP
4. The Hon. Francis K. Mwangangi, MP
5. The Hon. George Theuri, MP
6. The Hon. Samuel Moroto, MP
7. The Hon. Zakayo K. Cheruiyot, MP
8. The Hon. Wanjiku Muhia, MP
9. The Hon. Mohamed Shidiye, MP
10. The Hon. Joseph O. Ndiege, MP
11. The Hon. Akuja Protus Ewesit, MP
12. The Hon. Humphrey Njuguna, MP
13. The Hon. Regina Nthambi Muia, MP
14. The Hon. Benard Shinali, MP

ABSENT WITH APOLOGIES

1. The Hon. Alois M. Lentoimaga, MP – Vice-Chairperson
2. The Hon. David Gikaria, MP
3. The Hon. Shaaban Ali Isaack, MP
4. The Hon. Joseph Kahangara, MP
5. The Hon. Joseph Lekuton, MP
6. The Hon. Jane Machira, MP
7. The Hon. Grace Kiptui, MP
8. The Hon. Ibrahim Abdi Saney, MP
9. The Hon. Patrick Ole Ntutu, MP
10. The Hon. James Bett, MP
11. The Hon. Ahmed Abdikadir Ore, MP
12. The Hon. Rashid J. Bedzimba, MP
13. The Hon. Ababu Namwamba, EGH, MP
14. The Hon. Timothy Wetangula, MP
15. The Hon. (Maj. Rtd.) John K. Waluke, MP

IN ATTENDANCE – NATIONAL ASSEMBLY

1. The Hon. Magwanga Joseph Oyugi, MP
2. The Hon. Onyango Silvanse Osele, MP

IN ATTENDANCE – NATIONAL ASSEMBLY

Mr. Philemon Riaga – Parliamentary Intern

ANS/MIN.NO.173/2013 – PRELIMINARY

The meeting was called to order at eleven O'clock. A prayer was said. The agenda was adopted as the true business for the day after having been proposed by the Hon. Mohamed Shidiye, MP and seconded by the Hon. Akuja Protus Ewesit, MP

ANS/MIN.NO.174/2013 – CONSIDERATION OF THE GUIDING QUESTIONS ON THE VETTING OF THE NOMINEE CHAIRPERSON, NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE [NACADA]

The Committee deliberated on a letter by the nominee requesting the Committee to approve him in line with Section 6(2) of the NACADA Act, 2012. The letter had also challenged the legality of the vetting process, pointing out that the exercise was discriminatory in that Section 6(1)(a) of the NACADA Act 2012, infringed on Article 127 of the Constitution.

However, the Committee was of the view that the nominee sought to be exempted from the process, on grounds that other Chairpersons of parastatals had not been vetted. The Committee resolved that the letter by the nominee did not have any legal basis to alter the course of the exercise, and therefore it was within the law to conduct the vetting, and that the process would proceed as scheduled.

ANS/MIN.NO.175/2013 – ANY OTHER BUSINESS

The Chairperson informed the Members about the requests by the Hon. Magwanga Joseph Oyugi, MP and the Hon. Onyango Silvanse Osele, MP to make their submissions on the upsurge of insecurity in Rachuonyo South District he then welcomed them to present their cases.

In their submissions, the Members gave an account of incidences of insecurity in Kabondo Kasipul and Kasipul constituencies where they informed the Members that insecurity in Rachuonyo South District was attributed to the laxity among the police officers who also collude with the criminal gangs in terrorizing members of the public resulting into loss of many lives in the District and fear among the residents and themselves.

The two Members also stated that some officers have over stayed in their work stations for many years and recommended that they be transferred with immediate effect. They further requested that OCS to be posted to Kabondo Kasipul as the two constituencies are currently sharing one OCPD and OCS.

Hon. Dalmas Otieno, MP also took Members through the incidences of insecurity in Rongo town where like in Rachuonyo South District, the insecurity was attributed to collusion between the police and the criminal gangs and overstaying of some police Officers in their work stations for long.

After deliberations, the Members agreed that a letter be written to the Cabinet Secretary Interior and Coordination of National Government requesting him to appear before the Committee on Monday 25<sup>th</sup> November, 2013 and provide a report on the insecurity in Nyanza Province particularly in Rachuonyo South District, Rongo and Nyakach Constituencies.

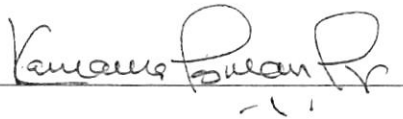
It was further agreed that the Committee hold public barazas in the affected areas to find the real causes of insecurity in the afore-mentioned areas. The date for the proposed visits would be agreed on after the meeting with the Cabinet Secretary.

ANS/MIN.NO. 176/2013 – ADJOURNMENT

There being no other business, the meeting adjourned at thirty minutes after one O'clock. The next meeting shall be held on Monday, 18<sup>th</sup> November 2013, in the Committee room, 2<sup>nd</sup> Floor, Continental House, at 10.30 am.

Signed:

Chairperson:



Date:

19/11/2013

MINUTES OF THE 39<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ADMINISTRATION AND NATIONAL SECURITY HELD ON MONDAY, 18<sup>TH</sup> NOVEMBER, 2013, IN THE COMMITTEE ROOM, 2<sup>ND</sup> FLOOR, CONTINENTAL HOUSE, AT 10.00 AM

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MEMBERS PRESENT

1. The Hon. Asman Kamama, MGH, OGW, MP – Chairperson
2. The Hon. Alois M. Lentoimaga, MP – Vice-Chairperson
3. The Hon. Alice Wahome, MP
4. The Hon. Dalmas Otieno, EGH, MP
5. The Hon. Francis K. Mwangangi, MP
6. The Hon. George Theuri, MP
7. The Hon. Samuel Moroto, MP
8. The Hon. Zakayo K. Cheruiyot, MP
9. The Hon. Wanjiku Muhia, MP
10. The Hon. Mohamed Shidiye, MP
11. The Hon. Joseph O. Ndiege, MP
12. The Hon. Akuja Protus Ewesit, MP
13. The Hon. Regina Nthambi Muia, MP
14. The Hon. Benard Shinali, MP
15. The Hon. Jane Machira, MP
16. The Hon. Joseph Kahangara, MP
17. The Hon. Shaaban Ali Isaack, MP
18. The Hon. Grace Kiptui, MP

ABSENT

1. The Hon. David Gikaria, MP
2. The Hon. Joseph Lekuton, MP
3. The Hon. Ibrahim Abdi Saney, MP
4. The Hon. Patrick Ole Ntutu, MP
5. The Hon. James Bett, MP
6. The Hon. Ahmed Abdikadir Ore, MP
7. The Hon. Rashid J. Bedzimba, MP
8. The Hon. Ababu Namwamba, EGH, MP
9. The Hon. Timothy Wetangula, MP
10. The Hon. (Maj. Rtd.) John K. Waluke, MP
11. The Hon. Humphrey Njuguna, MP

IN ATTENDANCE – NATIONAL ASSEMBLY

1. Mr. Daniel Mutunga – Principal Clerk Assistant
2. Mr. Philemon Riaga – Parliamentary Intern

ANS/MIN.NO.177/2013 – PRELIMINARY

The meeting was called to order at forty five minutes after ten O'clock. A prayer was said. The agenda was adopted as the true business for the day after having been proposed by the Hon.Wanjiku Muhia, MP and seconded by the Hon. Mohamed Shidiye, MP.

The Chairman welcomed the Members to the meeting and informed them that the sole business before the Committee was the vetting of the nominee to serve as Chairperson, National Authority for the Campaign against Alcohol and Drug Abuse [NACADA]. The Committee was further informed that the Ethics and Anti-Corruption Commission [EACC] had not responded to the letter from Parliament on whether there were integrity issues affecting the Committee. The Committee would however proceed with the vetting exercise and deal with the EACC letter once it was received.

The Chairman thereafter called upon Mr. John Mututho, nominee Chairperson, NACADA, to introduce himself, his family background, education and work experience.

**ANS/MIN.NO. 178/2013 – VETTING OF MR. JOHN MUTUTHO, NOMINEE CHAIRPERSON, NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE**

The Committee examined the nominee using the guidelines provided for in the Public Appointments (Parliamentary Approval) Act No. 33 of 2011. The Committee also considered the following criteria in vetting the nominee: -

- (i) Academic qualifications
- (ii) Employment record and work experience
- (iii) Professional association
- (iv) Public office, political activities and affiliations
- (v) Potential conflict of interest
- (vi) Suitability to the position
- (vii) Tax compliance
- (viii) Integrity

Mr. Mututho appeared before the Committee on Monday 18<sup>th</sup> November, 2013 and informed the Members that:-

**Personal Background**

2. He was born in Naivasha on 28<sup>th</sup> May 1955. He is married with eight children.

**Educational Background**

3. He holds a Master of Science degree in Environment Economics and a Postgraduate Diploma in Resource Economics both from Latrobe University, Australia; a Bachelor of Science in Range Management from the University of Nairobi, and a Diploma in Range Management from Egerton University.

**Working Experience**

- 4. He has eleven years' experience working as a civil servant.
- 5. He served as a Member of Parliament between 2007 and 2013.
- 6. He has also been involved in coordinating International Agencies and Government of Kenya projects in Arid and Semi-Arid areas.
- 7. He is a prominent businessman in Nairobi specializing in equipment and household furnishings.

**Personal achievements**

- 8. He helped to remodel Naivasha Girls Secondary School which improved performance leading to more admissions into the University.
- 9. He is the founder member of Computers for School, a personal initiative that saw hundreds of students benefit from the Programme.
- 10. He helped needy students through bursary, to pursue their education.

11. As a Member of Parliament, he contributed in the formulation of various legislation, including the Alcoholic Drinks Control Act, 2010, the veterans motion of 2008, the Traffic (Amendment) Bill of 2012, the Sugar (Amendment) Bill, the Senior Citizens Bill, the Nurses (Amendment) Bill, and the Labour Institutions (Amendment) Bill of 2011.
12. He was the Chairperson of the Departmental Committee on Agriculture, Livestock and Cooperatives in the tenth Parliament.
13. As a Member of Parliament, he formulated questions and sought for answers from various Ministries and departments on pertinent issues affecting *mwananchi*.

In response to issues raised by the Committee Members, Mr. John Mututho stated that: -

- (i) He is tax compliant.
- (ii) He believed that the Ethics and Anti-Corruption Commission had nothing against him since he had never been involved in any corrupt deals.
- (iii) He would report to Parliament on salient issues and on regular basis the progress of programmes that NACADA was pursuing to rid the country of cases of alcohol and drug abuse.
- (iv) He believed that he was best suited for the job, having been at the forefront of the campaign against alcohol and drug abuse, even to the extent that he drafted legislation popularly referred to as the '*Mututho laws*'.
- (v) He would ensure that structures, regulations and laws that Parliament had passed, would be adhered to, as far as the work of the Authority was concerned.
- (vi) He has neither been dismissed from office for contravention of Article 75 of the Constitution, for any conflict between potential interest and public or official duties, nor has he been adversely associated with practices that depict bias, favoritism or nepotism in the discharge of public duties.
- (vii) NACADA would work closely with the Kenya Bureau of Standards and the Anti-Counterfeit Agency to ensure that quality control on alcoholic drinks was maintained. He would strive to ensure that all alcoholic beverages were registered in order to avoid counterfeits being released to the market.
- (viii) He had initiated a software programme known as '*mulika mwizi*' with a view to addressing and ensuring that corruption incidents hampering the campaign against alcohol and drugs were reported promptly to the Authority.
- (ix) There exist weaknesses in the legislation on alcohol products that have contributed to increase of illicit brews in the market, as has been the case of packaging of alcohol in sachets which are being sold in outlets.
- (x) He did not believe that banning of '*miraa*' or '*khat*' by the Western world was well meaning, and that the action could have been motivated by a certain perception the West had against a particular community in Kenya.
- (xi) He would ensure enforcement of regulatory mechanisms were maintained in order to achieve key deliverables by the Authority. However, NACADA can only achieve the set goals through campaigns, while it was the duty of the police to follow up on enforcement of the law.
- (xii) He has no family member or other persons, parties, categories of litigation or financial arrangements that are likely to present potential conflicts of interest if appointed as Chairperson, NACADA.
- (xiii) He had never interfered with the operations of Muhuri fm. Though the family had interests in the Radio station, he had never favoured or mistreated any employee.
- (xiv) He stated that he has a number of business ventures which were unlikely to interfere with his resolve to fight alcohol and drug abuse if appointed NACADA Chairperson.
- (xv) The purchase of a house belonging to the Cotton Board of Kenya through public auction by the Cooperative Bank of Kenya, was a genuine transaction arising from an advert by the Bank in November 2000 in which he emerged the highest bidder. The transaction has been a subject of a protracted court case with his payment of Kshs. 8.7 million being held by the Bank, and the buyer being unable to take possession of the property up to date.

- (xvi) The Kenyatta National Hospital matter was a civil case which had undergone an arbitration process and the Hospital had no counter claim over the Kshs. 41.3 million he is purported to have defrauded the institution.
- (xvii) However, he was charged with a criminal offence for allegedly presenting a forged Kenya Revenue Authority receipt to Kenyatta National Hospital, for payment of import duty and value added tax (VAT). The case (no. 2400/05) was still pending in court and he hoped the matter would be concluded by 20<sup>th</sup> November, 2013.

ANS/MIN.NO.179/2013 – ANY OTHER BUSINESS

There was no other business under this item.

ANS/MIN.NO. 180/2013 – ADJOURNMENT

There being no other business, the meeting adjourned at forty five minutes after one O'clock. The next meeting would be held in the afternoon, Monday, 18<sup>th</sup> November 2013, in the Committee room, 2<sup>nd</sup> Floor, Continental House, at 4.30 pm.

Signed:

Chairperson:  Date: 19/11/2013

**MEMBERS PRESENT**

1. The Hon. Asman Kamama, MGH, OGW, MP – Chairperson
2. The Hon. Alice Wahome, MP
3. The Hon. Dalmas Otieno, EGH, MP
4. The Hon. Francis K. Mwangangi, MP
5. The Hon. Samuel Moroto, MP
6. The Hon. Zakayo K. Cheruiyot, MP
7. The Hon. Mohamed Shidiye, MP
8. The Hon. Joseph O. Ndiege, MP
9. The Hon. Akuja Protus Ewesit, MP
10. The Hon. Joseph Kahangara, MP
11. The Hon. Shaaban Ali Isaack, MP
12. The Hon. Patrick Ole Ntutu, MP
13. The Hon. Grace Kiptui, MP
14. The Hon. Jane Machira, MP
15. The Hon. (Maj. Rtd.) John K. Waluke, MP
16. The Hon. Ahmed Abdikadir Ore, MP
17. The Hon. Benard Shinali, MP

**ABSENT**

1. The Hon. Alois M. Lentoimaga, MP – Vice-Chairperson
2. The Hon. David Gikaria, MP
3. The Hon. Humphrey Njuguna, MP
4. The Hon. Joseph Lekuton, MP
5. The Hon. Ibrahim Abdi Saney, MP
6. The Hon. James Bett, MP
7. The Hon. Wanjiku Muhia, MP
8. The Hon. Regina Nthambi Muia, MP
9. The Hon. George Theuri, MP
10. The Hon. Rashid J. Bedzimba, MP
11. The Hon. Ababu Namwamba, EGH, MP
12. The Hon. Timothy Wetangula, MP

**IN ATTENDANCE – NATIONAL ASSEMBLY**

1. Mr. Daniel Mutunga – Principal Clerk Assistant
2. Mr. Philemon Riaga – Parliamentary Intern

**MIN.NO.181/2013 – PRELIMINARY**

The meeting was called to order at forty five minutes after four O'clock. A prayer was said. The agenda of the day was adopted as the true business for the day after having been proposed by the Hon. Dalmas Otieno, MP and seconded by the Hon. Grace Kiptui, MP.



MIN.NO. 182/2013 – DELIBERATIONS ON THE EACC REPORT ON THE NOMINEE TO THE POSITION OF CHAIRPERSON NATIONAL AUTHORITY FOR CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE

Members were informed that the office of the Clerk of the National Assembly was in contact with the EACC over the report on the suitability of the nominee and the latter committed to submitting the report the following morning.

MIN.NO. 183/2013 – CONSIDERATION OF THE DRAFT REPORT ON THE VETTING OF THE NOMINEE TO THE POSITION OF CHAIRPERSON NATIONAL AUTHORITY FOR CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE

Members were taken through the draft report after which they made the necessary amendments. They further agreed to wait for the EACC report before arriving at the final recommendation on the vetting of the nominee.

MIN.NO.184/2013 – ANY OTHER BUSINESS

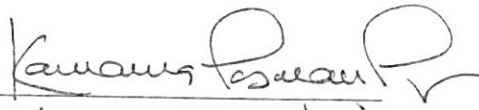
The Members agreed that the nominee be requested to provide the Committee with the charge sheet of the ongoing criminal case against him to help the Members in making informed decisions in their recommendations on the vetting to the house.

MIN.NO. 185/2013 – ADJOURNMENT

There being no other business, the meeting was adjourned at thirty minutes after six O'clock. The next meeting shall be held on Tuesday, 19<sup>th</sup> November 2013, in the Committee room, 2<sup>nd</sup> Floor, Continental House, at 9.00 am.

Signed:

Chairperson: \_\_\_\_\_



Date: \_\_\_\_\_

19/11/2013

**MEMBERS PRESENT**

1. The Hon. Asman Kamama, MGH, OGW, MP – Chairperson
2. The Hon. Alice Wahome, MP
3. The Hon. Dalmas Otieno, EGH, MP
4. The Hon. Francis K. Mwangangi, MP
5. The Hon. Zakayo K. Cheruiyot, MP
6. The Hon. Mohamed Shidiye, MP
7. The Hon. Wanjiku Muhia, MP
8. The Hon. Joseph O. Ndiege, MP
9. The Hon. Akuja Protus Ewesit, MP
10. The Hon. Joseph Kahangara, MP
11. The Hon. Shaaban Ali Isaack, MP
12. The Hon. Patrick Ole Ntutu, MP
13. The Hon. Ahmed Abdikadir Ore, MP
14. The Hon. Benard Shinali, MP
15. The Hon. Rashid J. Bedzimba, MP

**ABSENT**

1. The Hon. Alois M. Lentoimaga, MP – Vice-Chairperson
2. The Hon. David Gikaria, MP
3. The Hon. Humphrey Njuguna, MP
4. The Hon. Joseph Lekuton, MP
5. The Hon. Samuel Moroto, MP
6. The Hon. Ibrahim Abdi Saney, MP
7. The Hon. James Bett, MP
8. The Hon. George Theuri, MP
9. The Hon. Grace Kiptui, MP
10. The Hon. Jane Machira, MP
11. The Hon. Ababu Namwamba, EGH, MP
12. The Hon. Timothy Wetangula, MP
13. The Hon. (Maj. Rtd.) John K. Waluke, MP

**IN ATTENDANCE – NATIONAL ASSEMBLY**

1. Mr. Daniel Mutunga – Principal Clerk Assistant
2. Mr. Philemon Riaga – Parliamentary Intern

**ANS/MIN.NO.186/2013 – PRELIMINARY**

The meeting was called to order at eleven O'clock. A prayer was said. The agenda of the day was adopted as the true business for the day after having been proposed by the Hon. Joseph Kahangara, MP and seconded by the Hon. Mohamed Shidiye, MP.

ANS/MIN.NO.187/2013 – CONFIRMATION OF MINUTES

Minutes of the 38<sup>th</sup> sitting of the Committee were confirmed as the true record of that meeting, after having been proposed by Hon. Zakayo Cheruiyot, MP, and seconded by Hon. Alice Wahome, MP.

Minutes of the 39<sup>th</sup> sitting of the Committee were confirmed as the true record of that meeting, after having been proposed by Hon. Mohamed Shidiye, MP, and seconded by Hon. Wanjiku Muhia, MP.

Minutes of the 40<sup>th</sup> sitting of the Committee were confirmed as the true record of that meeting, after having been proposed by Hon. Joseph Kahangara, MP, and seconded by Hon. Bernard Shinali, MP.

ANS/MIN.NO. 188/2013 – DELIBERATIONS ON THE EACC REPORT ON THE NOMINEE CHAIRPERSON NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE

The letter from the EACC stated that:-

Mr. John Mututho has criminal and civil suits pending before the court. He was charged with case no. ACC no. 2400 of 2005 arising from obtaining Kshs. 41,371,515.15 from Kenyatta National Hospital by presenting false documents that his company paid Kshs. 5,185,055 as refund for import duty and value added tax for goods and equipment supplied to KNH.

The Ethics and Anti-Corruption Commission asserts that the allegations touch on the personal integrity of the candidate and are likely to erode public confidence in the integrity of his office.

Having considered the EACC letter over the nomination of Mr. John Mututho, the Committee was of the view nominee does not meet the threshold of Chapter Six of the Constitution.

ANS/MIN.NO. 189/2013 – CONSIDERATION AND ADOPTION OF THE REPORT ON THE VETTING OF THE NOMINEE CHAIRPERSON NATIONAL AUTHORITY FOR CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE

After lengthy discussions on the suitability of the nominee, the Report was adopted with the majority of the Committee Members recommending that the National Assembly rejects the nomination of Mr. John Mututho. However the following Members of the Committee recorded their dissenting views over the report, and were in support of the nomination of Mr. John Mututho as Chairperson, NACADA:-

1. The Hon. Zakayo K. Cheruiyot, MP
2. The Hon. Mohamed Shidiye, MP
3. The Hon. Ahmed Abdikadir Ore, MP
4. The Hon. George Theuri, MP

ANS/MIN.NO.190/2013 – ANY OTHER BUSINESS

The Members agreed that the nominee be requested to provide the Committee with the charge sheet of the ongoing criminal case against him to help the Members in making informed decisions in their recommendations on the vetting to the house.

ANS/MIN.NO.191/2013 – ADJOURNMENT

There being no other business, the meeting was adjourned at thirty minutes after eleven O'clock. The next meeting shall be held on Thursday, 21<sup>st</sup> November 2013, in the Chamber, Parliament Buildings, at 10.00 am.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairperson: Karuru Paul P \_\_\_\_\_

URGENT

Hon John Mututho, EBS  
No 47, Othaya Road  
P.O. Box 76439 - 00508  
Nairobi

13<sup>th</sup> November 2013

The Speaker  
Kenya National Assembly  
Parliament Buildings  
Nairobi

Dear

*Mr. Speaker Sir,*

**RE: PARLIAMENTARY APPROVAL FOR NACADA CHAIRMAN**

Thanks for inviting me to appear before the Departmental Committee on Administration and National Security for the above exercise following my nomination by H.E. The President of the Republic of Kenya as Chairman, NACADA.

The genesis of this exercise is the provision in The National Authority for the Campaign against Alcohol and Drug Abuse Act which states:

**"6(1) (a) a chairperson appointed by the President with the approval of the National Assembly, who shall be a person with experience in public affairs either in judicial service, public service or the private or voluntary sector;"**

You will appreciate the fact that no approval modalities have been specified either in the schedule of this Act or in the constitution as would have been expected since this is not a constitutional office. Incidentally even chairpersons of other bodies and institutions like Central Bank of Kenya, Kenya Revenue Authority, all Public Universities, National Social Security Fund, and well over 200 other Parastatals never go through this approval.

On the face value therefore, clause 6(1) (a) of the NACADA Act contravenes article 27 of the constitution that guarantees **equality and freedom from discrimination** more specifically clauses 27(1), (2), (4) and (5) and would under the circumstances automatically fail the constitutional threshold and seriously violate my rights to be treated **equally**. Having observed this Mr. Speaker Sir, I would invite you to pronounce yourself to this discriminatory proviso in the

National Authority for the Campaign against Alcohol and Drug Abuse Act by giving communication that would relegate this exercise to a "public inquest" to inform members approval with a view of adhering to clause 6(2) of the said Act and I quote:

"6(2) A person shall not be appointed under subsection (1) (a), (h), (i), (j) and (k) unless such person:

- a) *is of impeccable character and high moral standing in relation to drugs and chemical substances abuse;*
- b) *has the capacity to inspire and achieve the objectives of the Authority."*

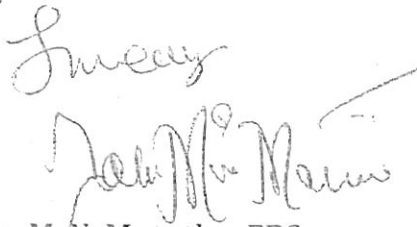
My humble request therefore is that you restrict the approval (**not** vetting) within the precincts of section 6(2) of the NACADA Act and perhaps one day when I am lucky to get any constitutional office then Parliament can do the vetting as envisaged in chapter 6 of the Constitution.

Indeed when I was the Chairman, Agriculture Committee in the 10<sup>th</sup> Parliament, similar proviso in the then Coffee Board of Kenya Act was handled that way and the then Committee simply consented to some names of the Board while objecting to others based on available information and I believe clause 6(1) intended to do that by invoking the public to give information that may be useful in determining the questions whether the Chairperson NACADA nominee:

- a) *is of impeccable character and high moral standing in relation to drugs and chemical substances of abuse; or*
- b) *has the capacity to inspire and achieve the objectives of the Authority.*

I stand guided.

Yours



Hon John M. N. Mututho, EBS

cc Chairperson - Committee on Administration and National Security

Mr. Mutea Iringo, EBS, CBS - Principal Secretary Interior and National Coordination

Attorney General

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

Telegraphic Address  
'Bunge', Nairobi  
Telephone +254 20 2221291  
Fax: +254 20 2243694  
E-mail: clerk@parliament.go.ke

CLERK'S CHAMBERS  
National Assembly  
Parliament Buildings  
PO Box 41842-00100  
NAIROBI, Kenya

NA/DC.A/ANS/2013/53

November 11, 2013

Mr. Halakhe D. Waqo, ACI Arb  
Secretary/Chief Executive Officer  
Ethics and Anti-Corruption Commission  
Valley Rd./Milimani Rd.  
P O Box 61130 – 00200  
NAIROBI

Dear Halakhe,

RE: VETTING OF NOMINEE TO THE POSITION OF CHAIRPERSON OF THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE [NACADA]

The Departmental Committee on Administration and National Security is established under Standing Order 216(1) and is mandated, among others, to consider, for approval by the House, appointments to the public service.

Section 6(1)(a) of the National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012 provides that *"the management of the Authority shall vest in a Board which shall consist of a Chairperson appointed by the President with the approval of the National Assembly, who shall be a person with experience in public affairs either in judicial service, public service or the private or voluntary sector"*.

Article 124(4) of the Constitution provides that, *"when a House of Parliament considers any appointment to which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House"*.

The Committee will be conducting the vetting of the nominee for appointment to serve as Chairperson of the National Authority for the Campaign Against Alcohol and Drug Abuse, prior to approval by the National Assembly, on Monday, 18<sup>th</sup> November, 2013.

This is to request you to provide any information touching on the integrity of the nominee that the Commission may be in possession of. Such information will assist the Committee undertake its mandate more effectively. Kindly forward the information to the undersigned by Thursday, 14<sup>th</sup> November, 2013.

Yours

JUSTIN N. BUNDI

CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

Telegraphic Address  
'Bunge', Nairobi  
Telephone +254 20 2221291  
Fax: +254 20 2243694  
E-mail: clerk@parliament.go.ke

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National Assembly  
Parliament Buildings  
PO Box 41842-00100  
NAIROBI, Kenya

NA/DC.A/ANS/2013/54

November 11, 2013

Mr. Charles M. Ringera  
Chief Executive Officer/Board Secretary  
Higher Education Loans Board  
Anniversary Towers, 18<sup>th</sup> floor  
University Way  
P O Box 69489 – 00400  
NAIROBI

Dear *Charles,*

RE: VETTING OF NOMINEE TO THE POSITION OF CHAIRPERSON OF THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE ACT [NACADA]

The Departmental Committee on Administration and National Security is established under Standing Order 216(1) and is mandated, among others, to consider, for approval by the House, appointments to the public service.

Section 6(1)(a) of the National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012, provides that *"the management of the Authority shall vest in a Board which shall consist of a Chairperson appointed by the President with the approval of the National Assembly, who shall be a person with experience in public affairs either in judicial service, public service or the private or voluntary sector"*.

Article 124(4) of the Constitution provides that, *"when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House"*.

The Committee will be conducting the vetting of the nominee for appointment to serve as Chairperson of the National Authority for the Campaign Against Alcohol and Drug Abuse, prior to approval by the National Assembly, on Monday, 18<sup>th</sup> November, 2013.

This is to request you to provide a report on repayments of any loans that may have been advanced by the board to the nominee. Such information will assist the Committee undertake its mandate more effectively. Kindly forward the information to the undersigned by Thursday, 14<sup>th</sup> November, 2013.

Yours

JUSTIN N. BUNDI

CLERK OF THE NATIONAL ASSEMBLY

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

Telegraphic Address  
'Bunge', Nairobi  
Telephone +254 20 2221291  
Fax: +254 20 2243694  
E-mail: clerk@parliament.go.ke

CLERK'S CHAMBERS  
National Assembly  
Parliament Buildings  
PO Box 41842-00100  
NAIROBI, Kenya

NA/DC.A/ANS/2013/55

November 11, 2013

Mr. John Njiraini, MBS  
Commissioner General  
Kenya Revenue Authority  
P O Box 62345 – 00200  
NAIROBI

Dear *John*

RE: VETTING OF NOMINEE TO THE POSITION OF CHAIRPERSON OF THE NATIONAL  
AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE [NACADA]

The Departmental Committee on Administration and National Security is established under Standing Order 216(1) and is mandated, among others, to consider, for approval by the House, appointments to the public service.

Section 6(1)(a) of the National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012, provides that *"the management of the Authority shall vest in a Board which shall consist of a Chairperson appointed by the President with the approval of the National Assembly, who shall be a person with experience in public affairs either in judicial service, public service or the private or voluntary sector"*.

Article 124(4) of the Constitution provides that, *"when a House of Parliament considers any appointment for which its approval is required under this Constitution or an Act of Parliament, the appointment shall be considered by a Committee of the relevant House"*.

The Committee will be conducting the vetting of the nominee for appointment to serve as Chairperson of the National Authority for the Campaign Against Alcohol and Drug Abuse, prior to approval by the National Assembly, on Monday, 18<sup>th</sup> November, 2013.

This is to request you to provide a report on tax compliance by the nominee. Such information will assist the Committee undertake its mandate more effectively. Kindly forward the information to the undersigned by Thursday, 14<sup>th</sup> November, 2013.

Yours  
*Justin N. Bundi*

JUSTIN N. BUNDI  
CLERK OF THE NATIONAL ASSEMBLY



REPUBLIC OF KENYA



NATIONAL ASSEMBLY

Telegraphic Address  
'Bunge', Nairobi  
Telephone +254 20 2221291  
Fax: +254 20 2243694  
E-mail: clerk@parliament.go.ke

CLERK'S CHAMBERS  
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NAIROBI, Kenya

NA/DC.A/ANS/2013/56

November 11, 2013

Mr. John Mututho  
No 47 Othaya Road  
P O Box 76439 - 00508  
NAIROBI

Dear *John*

RE: INVITATION TO A VETTING EXERCISE

.....

The Departmental Committee on Administration and National Security is established under Standing Order 216(1) and is mandated, among others, to consider, for approval by the House, appointments to the public service.

Following receipt of your nomination by H.E. the President to serve as Chairperson of the National Authority for the Campaign Against Alcohol and Drug Abuse, the National Assembly is by law required to consider your suitability for this position. Subsequently, on 7<sup>th</sup> November, 2013, the Speaker of the National Assembly forwarded your name to the Departmental Committee on Administration and National Security for consideration, prior to approval by the House. The Committee was directed to table its deliberations and recommendations on or before Tuesday 19<sup>th</sup> November, 2013.

The Committee therefore invites you to a vetting exercise to be conducted on Monday, 18<sup>th</sup> November, 2013, in the Committee Room, 4<sup>th</sup> floor, Continental House, Parliament Buildings at 10.00 am. You are required to bring with you original national identity card, original certificates, your testimonials and a duly filled Public Appointments (Parliamentary Approval) questionnaire.

Yours

A handwritten signature in black ink, appearing to read 'Justin N. Bundi'.

JUSTIN N. BUNDI  
CLERK OF THE NATIONAL ASSEMBLY



KENYA REVENUE  
AUTHORITY

ISO 9001:2008 CERTIFIED

TAX COMPLIANCE CERTIFICATE

Certificate Serial No:

KRA 16/083599/2013

THIS CERTIFICATE CONFIRMS THAT

MUTUTHO JOHN MICHAEL NJENGA

Holder of Tax Registration Personal Identification Number A002450486S

has fulfilled the obligation to file relevant tax returns and to pay taxes due as provided by law

This certificate will be valid for 12 months up to 14TH November 2014

Issued by.

Name: D.O.OBURE

Designation: TAX OFFICER

Signature: 

Date of Issue: 14TH November 2013



*Caveat*

- a) This certificate is issued on the basis of information available to the Authority as at the date shown above. The Authority reserves the right to withdraw the certificate if new evidence materially alters the tax compliance status of the recipient.
- b) Confirm genuineness and validity of the certificate using the TCC checker available at: <http://www.kra.go.ke/notices/tcc-checker.html> or contact the nearest DTD office.

TCC3

171  
D. D/Committees



(2) MUTUTHO  
pls del  
18/11

## HIGHER EDUCATION LOANS BOARD

Tel: 0711052000, 2278000, 0722205292, 0733205292,  
0704333035, 0704333036, 0737205292, 0754556899  
Fax: 2252330  
E-mail: ceo@helb.co.ke  
Website: www.helb.co.ke

Anniversary Towers  
18th Floor, University Way  
P.O. Box 69489-00400  
Nairobi, Kenya

HELB/RD/56593/122

15th November, 2013

Justin N. Bundi  
Clerk of the National Assembly  
P.O. Box 41842 - 00100  
**NAIROBI.**

Dear

**RE: VETTING OF NOMINEE TO THE POSITION OF CHAIRPERSON OF THE NATIONAL  
AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE  
(NACADA)**

---

We acknowledge receipt of your letter Ref NA/DC.A/ANS/2013/54 regarding the clearance of the shortlisted candidate for the above referenced position.

This is to confirm that **Mr. John Mututho** did not benefit from the Ministry of Education or HELB loan.

We wish to thank you most sincerely for allowing us to provide you this information as this kind of collaboration goes a long way in assisting HELB to finance needy Kenyans to pursue higher education now and in the future.

Yours faithfully,

  
**MARY WACHIRA-MUCHEE**  
**FOR: BOARD SECRETARY/C.E.O**



ISO 9001: 2008 Certified. Working with you to finance Higher Education now and in the future



D/Commissioner

Pse deal

CMA

19/11/13



## **ETHICS AND ANTI-CORRUPTION COMMISSION**

INTEGRITY CENTRE (Valley Rd. /Milimani Rd. Junction) P.O. Box 61130 -00200, NAIROBI, Kenya  
TEL.: 254 (020) 2717318/ 310722, MOBILE: 0729 888881/2/3  
Fax: 254 (020) 2719757 Email: eacc@integrity.go.ke Website: www.eacc.go.ke

When replying please quote:

**Our ref. EACC. 6/42 VOL. XVII/ (8)**

**18<sup>th</sup> November, 2013,**

Justin N. Bundi  
Clerk of the National Assembly  
P. O. Box 41842 - 00100  
**NAIROBI**

Dear Justin,

**RE: VETTING OF NOMINEE TO THE POSITION OF CHAIRPERSON OF THE NATIONAL AUTHORITY FOR THE CAMPAIGN AGAINST ALCOHOL AND DRUG ABUSE (NACADA)**

Reference is made to your letter Ref: NA/DC.A/ANS/2013/53 dated **11<sup>th</sup> November, 2013** on the above matter.

The Commission wishes to confirm that there are pending criminal and civil suits filed against the Mr. John Michael Njenga Mututho and a company associated with him namely Countryside Supplies Ltd.

The criminal charges being ACC No. 2400 of 2005 arising from obtaining Kshs. 41,371,515.15 from Kenyatta National Hospital (KNH) by falsely presenting documents that his company had paid tax on bedside lockers and thereby deserving refund. Similarly, the predecessor to the Commission, Kenya Anti-Corruption Commission (KACC) filed civil suit being Nairobi HCCC No. 1477 of 2005 on behalf of KNH claiming restitution/recovery of the said sum of Kshs. 41,371,515.15 against Mr. John Michael Njenga Mututho and Countryside Suppliers Ltd. The civil suit is also pending before Court. Attached is a copy of the charge sheet for ease of reference.

Whereas the matters are pending before the court, the allegations touch on the personal integrity of the candidate and are likely to erode public confidence in the integrity of his office.

Yours

*Sincerely,*

**HALAKHE D. WAQO ACIArb**  
**SECRETARY/CHIEF EXECUTIVE OFFICER**

**THE KENYA POLICE  
CHARGE SHEET**

POLICE CASE NO. 141/1028/05  
DATE TO COURT: 27/10/05  
COURT FILE NO.2400/05

D.B. NO.....

Christian Names in full or Name	Surname or Father's Name	Identity Certificate No.	Sex	Nationality or tribe	Apparent Age	ADDRESS(including District and Locality where Applicable)
1. John Michael Njenga	Mututho	8872873	M	KENYAN	ADULT	

CHARGE COUNT ONE	UTTERING A FALSE DOCUMENT CONTRARY TO SECTION 353 OF THE PENAL CODE, CHAPTER 63, LAWS OF KENYA
------------------	--

PARTICULARS OF OFFENCE (The Second Schedule of C.P.C.)	<p><b>PARTICULARS OF OFFENCE: 1. John Michael Njenga Mututho</b>, on the 28<sup>th</sup> December, 2001 at Kenyatta National Hospital in Nairobi, within Nairobi Area of Kenya, with intent to defraud knowingly and fraudulently uttered a forged receipt number 451145 to Daniel Igoro Methu purporting it to be a valid and genuine receipt issued by Kenya Revenue Authority for payment of import duty and Value Added Tax amounting to Kshs.5,185,055/= in respect of import entry number 2314 on behalf of Kenyatta National Hospital by M/S Countryside Suppliers Limited.</p>
--	--

**(For other Counts see attached sheet)**

If Accused Arrested	Date of Arrest	Without or with warrant	Date Apprehension Report to Court	Bond or Bail and Amount	Is Application made for Summons to Issue
YES	N/A	Without warrant	N/A	Bond of Kshs.100,000	N/A

Charged or Adjudged to: .....

Complainant and Address: REPUBLIC OF KENYA THROUGH KACC

Witnesses ..	1. Alice Nungari kindiga 2. Elijah Ndegwa Chimera 3. Muthoni Ondieki 4. Lawrence Onyambu 5. Sammy Davis Mathenge 6. Taylor Wambua Mwanza	7. Salim Bajaber 8. Others to be stated
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Sentence ...  
Court and Date ...  
..... If fine paid.....

Officer in Charge:



INVESTIGATORS ACTION	Date	Time	Initials of recording Officer
Accused informed of Charge,			
Fingerprints Taken by			
Fingerprints to Bureau			
Fingerprints from Bureau			
Completed certificate of previous convictions to Bureau			
First Information and progress Report to Director KACC			
Final report to Director KACC			
Charge Register Completed and case closed			
.....			
.....			
.....			
.....			
.....			

II. ANTECEDENTS OF ACCUSED ( As known to Investigating Officer)

.....  
 .....  
 .....  
 .....

III. BRIEF CIRCUMSTANCES OF CASE (Evidence of Arrest, etc.)

.....  
 .....  
 .....  
 .....

## **COUNT NO. 2**

### **UTTERING A FALSE DOCUMENT CONTRARY TO SECTION 353 OF THE PENAL CODE, CHAPTER 63, LAWS OF KENYA**

JOHN MICHAEL NJENGA MUTUTHO

**PARTICULARS:** On the 22<sup>nd</sup> day of August 2001 at Kenyatta National in Nairobi, within Nairobi Area of Kenya, with intent to defraud knowingly and fraudulently uttered a forged receipt number 451152 to Daniel Igoro Methu purporting it to be a valid and genuine receipt issued by Kenya Revenue Authority for payment of import duty and Value Added Tax amounting to Kshs.2,590,029/= in respect of import entry number 2315 on behalf of Kenyatta National Hospital by M/s County Side Suppliers Limited.

## **COUNT NO. 3**

### **UTTERING A FALSE DOCUMENT CONTRARY TO SECTION 353 OF THE PENAL CODE, CHAPTER 63, LAWS OF KENYA**

JOHN MICHAEL NJENGA MUTUTHO

**PARTICULARS:** On the 19<sup>th</sup> day of September 2001 at Kenyatta National Hospital in Nairobi, within Nairobi Area of Kenya, with intent to defraud knowingly and fraudulently uttered a forged receipt number 475218 to Daniel Igoro Methu purporting it to be a valid and genuine receipt issued by Kenya Revenue Authority for payment of import duty and value added tax amounting to Kshs.5,596,256/= in respect of import entry number 2255 on behalf of Kenyatta National Hospital by M/s Countryside Suppliers

## **COUNT 4**

### **UTTERING A FALSE DOCUMENT CONTRARY TO SECTION 353 OF THE PENAL CODE, CHAPTER 63, LAWS OF KENYA**

JOHN MICHAEL NJENGA MUTUTHO

**PARTICULARS:** On the 19<sup>th</sup> day of September 2001 at Kenyatta National Hospital in Nairobi, within Nairobi Area of Kenya, with intent to defraud knowing and fraudulently uttered a forged receipt number 475223 to Daniel Igoro Methu purporting it to be a valid and genuine receipt issued by Kenya Revenue Authority for payment of import duty and value added tax amounting to Kshs.5,197,509 in respect of import entry number 2256 on behalf of Kenyatta National Hospital by M/s Countryside Suppliers Limited.



## **COUNT NO. 5**

### **UTTERING A FALSE DOCUMENT CONTRARY TO SECTION 353 OF THE PENAL CODE, CHAPTER 63, LAWS OF KENYA**

**JOHN MICHAEL NJENGA MUTUTHO**

**PARTICULARS:** On the 19<sup>th</sup> day of September 2001 at Kenyatta National Hospital in Nairobi, within Nairobi Area of Kenya, with intent to defraud knowingly and fraudulently uttered a forged receipt number 475229 to Daniel Igoro Methu purporting it to be a valid and genuine receipt issued by Kenya Revenue Authority for payment of import duty and value tax amounting to Kshs.5,197,509/= in respect of import entry number 2258 on behalf of Kenyatta National Hospital by M/s Countryside Suppliers Limited.

## **COUNT NO. 6**

### **UTTERING A FALSE DOCUMENT CONTRARY TO SECTION 353 OF THE PENAL CODE, CHAPTER 63, LAWS OF KENYA**

**JOHN MICHAEL NJENGA MUTUTHO**

**PARTICULARS:** On the 15<sup>th</sup> day of October 2001 at Kenya National Hospital in Nairobi, within Nairobi Area of Kenya, with intent to defraud knowingly and fraudulently uttered a forged receipt number 481312 to Daniel Igoro Methu purporting it to be a valid and genuine receipt issued by Kenya Revenue Authority for payment of import duty and value added tax amounting to Kshs.5,194,395 in respect of import entry number 1639 on behalf of Kenyatta National by M/s Countryside Suppliers Limited.

## **COUNT NO. 7**

### **UTTERING A FALSE DOCUMENT CONTRARY TO SECTION 353 OF THE PENAL CODE, CHAPTER 63, LAWS OF KENYA**

**JOHN MICHAEL NJENGA MUTUTHO**

**PARTICULARS:** On the 15<sup>th</sup> day of October 2001 at KNH in Nairobi, within Nairobi Area of Kenya, with intent to defraud knowingly and fraudulently uttered a forged receipt number 481316 to Daniel Igoro Methu purporting it to be a valid and genuine receipt issued by Kenya Revenue Authority for payment of import duty and value added tax amounting to Kshs.5,194,395 in respect of import entry number 1641 on behalf of KNH by M/s Countryside Suppliers Limited.

## **COUNT NO. 8**

### **UTTERING A FALSE DOCUMENT CONTRARY TO SECTION 353 OF THE PENAL CODE, CHAPTER 63, LAWS OF KENYA**

JOHN MICHAEL NJENGA MUTUTHO

**PARTICULARS:** On the 20<sup>th</sup> November 2001 at KNH in Nairobi, within Nairobi area of Kenya, with intent to defraud knowingly and fraudulently uttered a forged receipt number 482145 to Daniel Igoro Methu purporting it to be a valid and genuine receipt issued by Kenya Revenue Authority for payment of import duty and value added tax amounting to Kshs.5,194,395 in respect of entry number 2009 on behalf of KNH by M/s Countryside Suppliers Limited.

## **COUNT NO.9**

### **UTTERING A FALSE DOCUMENT CONTRARY TO SECTION 353 OF THE PENAL CODE, CHAPTER 63, LAWS OF KENYA**

JOHN MICHAEL NJENGA MUTUTHO

**PARTICULARS:** On the 20<sup>th</sup> November 2001 at KNH in Nairobi within Nairobi area of Kenya, with intent to defraud knowingly and fraudulently uttered a forged receipt number 482147 to Daniel Igoro Methu purporting it to be a valid and genuine receipt issued by Kenya Revenue Authority for payment of import duty and value added tax amounting to Kshs.2,594,698 in respect of entry number 2010 on behalf of KNH by M/s Countryside Suppliers Limited.

## **ALTERNATIVE COUNT**

**USING FALSIFIED DOCUMENTS TO OBTAIN REFUND OF CUSTOMS DUTY CONTRARY TO SECTION 187(!) OF THE CUSTOMS AND EXCISE ACT, CHAPTER 472 OF THE LAWS OF KENYA.**

**PARTICULARS:** John Michael Njenga Mututho on the 28<sup>th</sup> December, 2001 at Kenyatta National Hospital in Nairobi city within Nairobi area of Kenya, knowingly used falsified receipts to obtain a tax refund of Kshs.41,371,515.15 from Kenyatta National Hospital.

**COUNT NO. 10**

**OBTAINING BY FALSE PRETENCES CONTRARY TO SECTION 313  
OF THE PENAL CODE, CHAPTER 63 LAWS OF KENYA.**

**PARTICULARS:** John Michael Njenga Mututho, on the 28<sup>th</sup> December, 2001 at Kenyatta National Hospital, Nairobi, within Nairobi Area of Kenya, with intent to defraud obtained cheque number 000245 for Kshs.41,371,515.15 from Kenyatta National Hospital, as reimbursement for import duty and Valued Added Tax by falsely pretending that M/S Countryside Suppliers Limited had paid duty to Kenya Revenue Authority on behalf of Kenyatta National Hospital for the importation of 1600 patients' bedside cabinets, a representation that was to his knowledge false.



REPUBLIC OF KENYA  
IN THE OATHS AND STATUTORY DECLARATIONS ACT  
(CAP 15) LAWS OF KENYA  
AFFIDAVIT

I, JENNIFER NYAMBURA KIMANI of P.O. BOX 103201-00100, Nairobi make oath and state as herein under:-

1. That I am the deponent herein.
2. That I am also the holder of national identity card number 0442246 issued to me by the Government of Kenya.
3. That I swear this affidavit in support of the submissions I have made to the National Assembly of Kenya dated 14<sup>th</sup> November, 2013.
4. That the subject person in the said submissions is personally known to me.
5. That save where otherwise stated, what is deponed to herein, is true to the best of my knowledge, information and belief.

SWORN AT NAIROBI BY THE SAID ✓  
 JENNIFER NYAMBURA KIMANI  
 THIS 14<sup>th</sup> DAY OF NOVEMBER, 2013

BEFORE ME ALICE JONATHAN-GULENYWA  
 ADVOCATE  
 COMMISSIONER FOR OATHS AND STATUTORY PUBLIC  
 P. O. Box 22746-00400 NAIROBI  
COMMISSIONER FOR OATHS

)  
 )  
 )  
 )  
 )  
 )  
 ) DEPONENT  
 )

*Handwritten signature and date: 14/11/13*

DRAWN BY:-  
 S.N. THUKU & ASSOCIATES  
 ADVOCATES  
 SHANKADASS HOUSE, 3RD FLOOR  
 P.O. BOX 42557-00100  
NAIROBI

To,

The Clerk of The National Assembly


**REF: VETTING OF HON JOHN MUTUTHO AS CHAIRMAN, NACADA AUTHORITY**

As the immediate former Chief Executive Officer, National Campaign Against Drug Abuse (NACADA) Authority, I Jennifer Nyambura Kimani wish to make my submission in relation to the appointment of Hon John Mututho as Chairman of the Board of NACADA Authority. I was appointed Secretary to the Board (Chaired by Dr. Frank Njenga) on 1<sup>st</sup> July, 2006 when NACADA was a Department in the then Ministry of Provincial Administration and Internal Security by the late Minister John Njoroge Michuki (God rest his soul in Eternal Peace).

Within a period of about one year, under stiff opposition, I managed to transform the department into a semi-autonomous body or a State Corporation. Little did I know that there was a standing cartel both inside and outside determined to ensure the Authority remained crippled. Frustrations included among others those related to budgetary allocation, undermining/slowing down of the campaign, threats and lack of support by the very Board that was supposed to facilitate the campaign. Finally, I was frog-matched by three gentlemen out of my office one morning without notice, no reason. Overwhelmed by fear that my very life was at stake, I quietly went home. Three years down the line no one has ever asked me to hand-over or go pick personal effects. I was traumatised. The question was asked in parliament and remains unanswered. I was highly exposed by the very Board and Government I worked for so diligently.

-----least-----  
To say the list, the Board just watched as management struggled with the campaign not to mention that the same Board planted officers to undermine the campaign from within. Double Standards were exercised in a subtle and very clever way. This is what necessitated the need to have future Chairmen of the Board of the Authority vetted by parliament.

To that extent, I request the Honourable Members to vet Hon. Mututho on the basis of alcohol and drug abuse related matters as distractors are likely to raise irrelevant issues to derail or delay the process. I take cognisance of

  
14/11/03 1/4


the fact that other Chairmen of Boards, some much stronger than NACADA do not go through this process.

Hon Members, I seek to make my submission that Hon John Mututho is the Chairman that I never had while at NACADA as CEO. I submit that Hon Mututho is as clean as snow in respect to matters of Alcohol and Drug Abuse. He has a very high sense of citizenship as exemplified by his push for alcohol control in this country and his performance as Chair of Agriculture committee in the last parliament.

Hon Mututho, a legal consultant and myself sat together many days and nights to develop the draft Alcoholic Drink Policy and the subsequent Alcoholic Drink Control Bill. I am quick to mention here that the same were later subjected to scrutiny by stakeholders in forums where even the alcohol industry actively participated. Relevant Parliamentary committees also attended a three day workshop in Mombasa to discuss the same before the bill was tabled in Parliament. No one else ever inspired me or gave me the moral support that I got from him in my attempts to manage alcohol related challenges that are now a treat to our National Security.

In all these, Hon Mututho received not a single coin from NACADA in support of the drafting of the law as the Board failed to approve such expenditure. He used his resources which I believe was substantial amount of money or from a source only known to him. The need to protect Kenyans particularly the youth from the consumption of adulterated alcohol and drugs has been a priority in all his undertakings.

Needless to say, the same cartel that was fighting the efforts to create sanity in the alcohol industry used substantial amount of money to ensure he is out of Parliament, never to make such and other pro-life laws. I say this with confidence because it is for the same reason and in the same style that I was bundled out of office. I was sacked without notice not to implement the Alcoholic Drink Control Act, 2010 that Hon Mututho and I had fought so hard to put in place.

  
14/11/2021


I plead with you Hon Members to note that the war against drugs and substance abuse requires a **missionary not a mercenary**. Hon Mututho in my view is such a missionary, a gift from God at a time like this, to save our children from the menace. He has sacrificed his comfort, family and business time, finances and emotions, to be at war. I believe he is not out to gain but to serve and give to Kenyans what he had hoped to in his efforts to ensure alcohol does not continue to kill innocent Kenyans.

I once again plead with you to facilitate this exercise to be completed as soon as possible so that Hon Mututho can swing into action now that our children are home on school holidays and others have completed exams or "**FINISHED SCHOOL**". Measures need to be put in place urgently to ensure our young people do not turn to uncontrolled alcohol consumption. As you may be aware, the implementation of the "Mututho law" continues to face a lot of resistance and it appears the job is clearly cut out for Hon Mututho. Kenyans are taking alcohol for breakfast. We have a duty to protect especially the young from being hooked by such habits.

In addition, I urge this committee to take time and look at the exiting legislations that govern the affairs of NACADA and if there is any gap, be addressed as soon as possible. The life of the youth and indeed that of the children of this country is threatened by drugs, alcohol and other substances. Many families and communities are dysfunctional and are no longer safe environments for the child to grow up.

Matters of drugs and alcohol are not ordinary and therefore require extraordinary measures. They are matters that relate to hefty amounts of money and therefore have serious capacity to fight back. This Committee will do Kenyans well if the necessary attention is accorded NACADA and the business therein. National Security is threatened as matters of alcohol and drugs negate gains in all other sectors of development namely, security, food security, disease burden, productivity, education, the family, to name but a few.

Finally, I do believe that in his wisdom, His Excellency the President had appointed Hon Mututho based on the urgency of the matter and the fact

  
14/11/03 3/4

that he had stood out in the last Parliament as one who knew how best to address matters of alcohol. Any futuristic approach to the management of this Country will prioritise the wellbeing of the youth and children. There is no better place to start than to create a safe environment.

In conclusion, it is my humble request that the Hon Members will allow Hon Mututho to serve as chairman NACADA Authority. His no non<sup>e</sup>sense approach in my view, is the only cure for this menace. However, there is also the need for this committee to put the necessary legislation in place. In my view there should a clear distinction between management of legal substances such as miraa and alcohol and the eradication of illicit drugs.

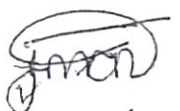
I end by requesting this house to do a serious audit to find out why we are where we are today on matters of alcohol and drug abuse. Has the Government done enough in the past to protect Citizens from the menace? Did anyone sleep on their job? Was it deliberate? Could such individuals be still in Government?

My family and I will never forget the sufferings we have gone through as I attempted to do a thorough job in this area. The last three years have especially been very difficult as my colleagues in Government turned a deaf ear towards me despite several pleas from many Kenyans of good will both in and outside of Government and some Members of the last Parliament.

It is possible that the interested parties are working day and night to block Hon Mututho's appointment. Thank God his matter is in good hands, in the hands of the Hon Members in the Administration and Security Parliamentary Committee.

I am available to clarify any issue herein or any other before the committee at short notice. I take these matters that seriously. This could be the beginning of a solution to this menace.

**GOD BLESSES YOU ALL, ALL THE TIME!**

  
14/11/23 4/4





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① D/Comptroller, 942

② MUTUNGA  
pls. dep  
14/11



AFFIDAVIT

RE. OBJECTION TO HON. JOHN MUTUTHO'S APPOINTMENT AS NACADA CHAIRMAN

I JAMES MWANGI NGATIA, a resident of the City of Nairobi and of Post Office Box No 3869-00100 Nairobi and mobile No 0722-778291 make oath and say as follows:

1. I am a Kenyan Citizen aged 46 years, a qualified Civil Engineer, a Certified Public Accountant, a Certified Public Company Secretary and presently employed as General Manager Finance in a leading Risk & Pensions Consultancy organization.
2. That in the year 2011, I planned to purchase land near the Konza Techno City and identified an agent to scout suitable land on my budget approximately Kshs. 3 million.
3. That my agent came across two agents/brokers one introducing himself as Charles Njue of mobile No 0721-337101 and the other Daniel Kilonzi Ngau of mobile No. 0723-376760 also identified by their fake original cards.
4. That the two brokers/agents had with them alleged documents of ownership by Samuel Charles Mbinda and "his wife" Sarah Jackson Mbinda of shares in Aimi Ma Kilungu Ltd they were allegedly authorized to sell and backed their claim with copies of the identity cards of the alleged owners.
5. That I proceeded to Aimi Ma Kilungu Ltd's office at Gilfilan House to conduct a due diligence search of records and presented

the said ownership and identification papers to the Chairman Mr. David Mutangili for verification and I was given green-light to purchase the shares and parcel of land. Consequently I visited the site and I was shown the land by the alleged Vendors following which I settled the sale price with the alleged vendors and their agents and proceeded to formalize the agreement for sale thereof through M/s Anne Kiusya and Company advocates, a law firm based in Machakos town who acted for both parties. Two agreements were in the events drawn and executed by myself and the alleged vendors and attested by Anne Kiusya Advocate evidencing sale to me of some 20.25 acres for which I paid to the alleged vendors Kshs. 2.75 million shillings, excluding agency and legal fees and charges by Aimi Ma Kilungu Ltd for registration of transfer of ownership of shares in the membership Register of the said Company and of plots of land thereof.

6. That it later turned out that the papers presented to me had in fact been made out from the originals at the offices of Aimi Ma Kilungu Ltd with the collaboration of insiders at Aimi Ma Kilungu Ltd and that the persons dressed up as Samuel Charles Mbinda and his wife Sarah Jackson Mbinda the genuine members of the said Company and their alleged agents were in fact fraudulent imposters.
7. That the alleged vendors were imposters deligently and meticulously drilled by insiders at Aimi Ma Kilungu Ltd and the imposter agents to pose as the true owners of the shares and parcels of land and had identity cards bearing true names of the owners but bearing photographs of the imposter vendors with details to match identification and serial numbers of the true

owners. In the scenario the money paid went to the agents and the insiders at Aimi Ma Kilungu Ltd.

8. That after closing the sale I attempted to take possession of the land when the owners of the said parcel of land resisted saying that at no time had they instructed anybody to sell their land and shares but that they had merely left their documents at Aimi Ma Kilungu Ltd's offices for use expressly for purposes that had nothing to do with sale. The insiders at Aimi Ma Kilungu Ltd unlawfully and with criminal intent and in collusion with common street conmen hatched the conspiracy to defraud the innocent public.
9. That one of the street conmen co-opted into the fraudulent conspiracy at Aimi Ma Kilungu Ltd posing as "Charles Njue" but whose real names as it turned out were Daniel Njenga Mututho ( a son of the Hon. John Mututho). His true identity only came to my knowledge after his arrest when a search done on him in the midst of yet another fraudulent land transaction involving the same company Aimi Ma Kilungu Ltd when Police Officers on a tip-off posing as potential buyers arrested him and recovered a mobile handset from which they scrambled messages and received calls which revealed his true identity. The other agent's true names are Julius Ngolanie Kakui, an ex-police officer dismissed from the force. The two conmen had fake identity cards and registered M-Pesa accounts to match the forged identity cards for ease of transmission of payment to them.
10. That the same fraudsters had similarly sold land and shares to two other victims namely Mr. Daniel Musyoka Ngalu of mobile number 0722653257 a serving Magistrate with the Judiciary

based at Karatina Law Courts and Ms had been defrauded only after publicity and reportage of the case of Daniel Njenga Mututho alias "Charles Njue" and his conspirators in the newspapers.

11. That upon the surprise arrest of Daniel Njenga, and his mobile handset picked by the police officers, some unknown callers made calls (picked by the officers) and even sent text messages and seemed to have been seeking for additional money in order to facilitate some tenders for a company called Country Side Suppliers Ltd, PIN No P051112909M, with regard to which they clearly seemed to have been paid some deposit money to deliver some business to the said company. Information obtained from the exchange indicated this that this is a private limited company who's principal shareholder is Hon John Mututho. It is unfortunate that the cybercrime police unit was unable to retrieve the data form Daniel Njenga's mobile phone because it had multiple passwords. The data from the phones of the other suspects was retrieved and can be used to corroborate some of the issues raised in this memorandum.
12. That it appears the money defrauded from me and others was being used for purposes of corruptly seeking for business, it would be interesting to find out if this company pays Tax and VAT because companies which normally obtains business corruptly also hardly pay tax.
13. That on learning of his son's arrest the Hon. Mututho visited Central Police Station on Sunday 21<sup>st</sup> November 2011 and obtained my contacts ostensibly to discuss settlement. He called me through Mobile No. 0722-514635 and tried to persuade me to

drop the case against his son but on terms that were vague on if not devoid of any offer of restitution to me or rehabilitation for his son. I sensed trickery in the Honourable Mututho's tone and proposal that I drop my complaint against his son and negotiate later for settlement and my suspicions were raised when I recalled that Hon. Mututho had himself frequently featured in the press in connection with the reported fraud case against Kenyatta National Hospital.

14. That after his son and two others had been charged in court at Makadara Law Court, I called Hon. Mututho to find out if any offer of settlement was still on the table and if so in what terms but this time the Honourable Mututho who had himself initiated the settlement discussion dismissed me outrightly arguing that his son was an adult who should carry his own cross. I wondered why he had in the first place broached the discussion being an Honourable Member of Parliament and the culprit's father and an Honourable public leader. As at the time, Hon. Mututho was a serving Member of Parliament, I expected him as a leader no less than to be deeply concerned about criminal activities of his son and about a genuine heart-felt attempt to ease the plight of victims of his son's criminal escapades if not to rehabilitate his son. The Honourable Mututho did not demonstrate any care concern for any of those objectives befitting a public leader.
15. That Honourable Mututho's son with his gang of thieves was charged in court, but failed to appear in court for plea having been released on a police bond in honour and respect to his father then a serving Member of Parliament who had closely followed the saga up to them. The Honourable Mr. Mututho is aware that warrant of arrest was issued for his son's arrest and

that it remains in force unexecuted. The Honourable Mututho's son stay on a property owned by the Honourable Mututho his father but the Honourable leader does not see any public obligation in him to bring his son to face justice.

16. That Mr. Daniel Musyoka's complaint and reportage of the fraud by the said son of the Honourable leader to the CID at Central Police was captured by OB No 54/13 of 25th September 2012. Musyoka had reported theft of Kshs 1.2 Million by the Honourable Mututho's son aforementioned. Upon Hon Mututho learning that Mr. Musyoka worked in the Judiciary, the Hon Mututho immediately issued him with a personal cheque of Kshs 400,000.00 and later on paid the balance to Musyoka's bank account thus settling Musyoka's complaint.
17. That as a parent, I find Hon Mututho to have mentored his son very poorly and in shielding him from justice it appears that he is unconcerned about the misery caused by his son to the victims of his son's criminal activities and is undeserving of appointment to public service in any position. I am saddled with repayment Kshs. 3 Million loan at KCB paying about 140,000/= per month for money borrowed by me and stolen by the Honourable Leader's son's criminal network.
18. That Hon. Mututho's son is frequently reported in the press of involvement in thefts and scams unbefitting a son of a responsible Public Leader. It is clear to me that the Honourable Mututho as a father is unwilling or unable to mentor his son or to turn him over to justice. What moral authority does such a Public Leader have to mentor or rehabilitate any youth addicted to drugs or to other criminal activities when he is unwilling or unable to do like wise to his own son? If the Honourable Leader

has this far not led by example, he has no moral authority to purport to correct other people's children; no child and no youth not even his own will take him seriously as a father figure.

19. I make these submissions with the certainty that in the fullness of time, my concerns will be sufficiently vindicated if the Honourable Mututho is given an undeserved leadership appointment to mentor the Kenyan Youth. Your legal and public duty is to protect public good and public morality knowing that at the end of the day the Public who have bestowed upon you the Honour to judge in matters such as challenging as this have the final verdict on your endeavours in this regard.

20. What is deponed to herein is true to the best of my information knowledge and belief save where otherwise stated.

SWORN at Nairobi by

JAMES MWANGI NGATIA

this.....<sup>14th</sup>.....day of <sup>November</sup> 2013

BEFORE ME

*[Signature]*  
F. N. WANJALWA  
COMMISSIONER  
FOR OATHS  
NAIROBI

A COMMISSIONER FOR OATHS

020-2663059

0772-305096

email [fnwanalwa@yahoo.com](mailto:fnwanalwa@yahoo.com)

*[Signature]*

0722 778291

email  
[jmwangi@kaisongroup.net](mailto:jmwangi@kaisongroup.net)



13<sup>th</sup> June 2013

THE CLERK  
NATIONAL ASSEMBLY  
NAIROBI

DEAR SIR/MADAM

Re: JOHN MICHAEL MUTUTHO PARLIAMENT APPROVAL OR DISAPPROVAL AS  
CHAIRMAN , NACADA.

According to the act of parliament dated 24<sup>th</sup> July, 2012; the main focus of NACADA is demand reduction, which involves providing preventive education, public awareness, life-skills, treatment and rehabilitation. It also contributes towards supply suppression through policy formulation and capacity building.

The ideal chairman should have experience in health or drug abuse management in public affairs.

A perusal through the 10<sup>th</sup> parliament website (<http://bunge.go.ke/committee10.pdf>), copy attached, shows that John. M. N. Mututho has no experience at all on judicial services, public service or the private or voluntary sector in the fields of health or alcohol and drug abuse.

Mr. John. M. N. Mututho is trained basically in range management and has experience on management of Agriculture, livestock, land and natural resources especially in arid and semi-arid areas. This background is totally irrelevant as far as management of alcohol and drug abuse in Kenya is concerned.

To me, he is not qualified and I duly urge the relevant parliamentary committee and members of parliament to disapprove his nomination. By doing so you will be assisting his Excellency the President to appoint a suitable person as the chairman of NACADA.

Yours faithfully



Annah Njoki,  
Tell:0728 561568  
P.O.BOX. 16942-00620  
Nairobi

*D/Committees*

*Daniel Mutunga  
M N  
15/11/2013*

16 NOV 2013

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# John Michael Njenga Mututho

From Wikipedia, the free encyclopedia

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**John Michael Njenga Mututho** is a Kenyan politician. He belongs to the Kenya African National Union and was elected to represent the Constituency of Nyeri in the National Assembly in the 2005 general election.

He has served as Chairman Departmental Committee on Agriculture, Lands and Natural Resources and is currently the Chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives that oversees 6 Ministries.

Before his service in Parliament, Mr. Mututho worked in the civil service for 11 years and was a coordinator of the International Agencies and Government of Kenya projects in Arid and Semi Arid Lands (ASAL) for 2 years. He designed a water harvesting systems implemented by FAO in Kenya and Ethiopia using shallow pit systems. He was also Chairman of Board of Governors Naivasha Girls Secondary School for 7 years and helped transform the school into a top performer. He founded Computers for Schools Kenya (CFSK) in 2002, an NGO through which more than 70,000 computers have been distributed to schools countrywide.

Mr. Mututho has a Diploma in Range Management from Egerton University, Kenya and a Bsc in Range Management and Agriculture from the University of Nairobi, Kenya. He also has a Post Graduate Diploma in Resource Economics and an Msc. in Environment Economics from Latrobe University, Australia.

He is best known for introducing the Alcohol Control Bill which among other things limits the operation time of bars and others alcohols selling outlets to 5:00 PM till 11:00 PM on weekdays and 2:00 PM to 11:00 PM on weekends.

13  
Maisha Huru

(2) MURUNDA 561

pls deep

~~Alur~~

12/11

The Clerk,  
The National Assembly  
Kenya

12<sup>th</sup> November 2013

MEMORANDUM

Dear Sir,

REJECTION OF APPOINTMENT OF HON. JOHN MUTUTHO AS NACADA CHAIRMAN

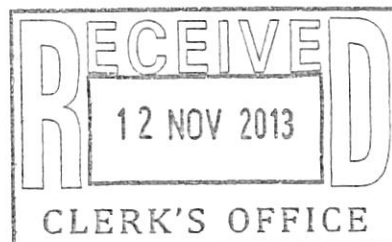
We reject reappointment of Hon John Mututho as chairman of Nacada. The earlier appointment was revoked vide a Gazette notice of 24<sup>th</sup> October 2013 by HE President Uhuru Kenyatta. *Surprisingly he has been reappointed again.* We challenge Hon. John Mututho's (re)appointment on the grounds that it is bereft of transparency. The posting of the former legislator is arbitrary, opaque and made without any procedure and criteria.

We request that you resist attempts by Hon John Mututho to make a comeback through Parliament before due diligence is carried out. Kindly have Ethics and Anti Corruption Commission and other relevant bodies clear him first. He has been bragging in the media saying he is awaiting parliament to vet him. The National Assembly is a respected supreme law making and oversight body that should not be seen to rubber stamp impunity and illegalities. The appointment is liable to be declared non est or void as it is made arbitrarily by a procedure that does not withstand the test of the constitutionality and also on the grounds of ethics and corruption. Hon. Mututho has many serious criminal cases that are ongoing and pending in court. Chapter Six of the Constitution disqualifies him from holding public office.

We urge the government to frame an acceptable, transparent procedure based on definite criteria for the appointment of chairman of Nacada. A transparent selection procedure based on a definite procedure ought to be followed; setting up of a broad based non-partisan selection committee, which after calling for applications and nominations, would recommend the most suitable person for the appointment of the chairman of Nacada to the president. There are several clean, passionate and highly qualified professionals interested in the position; they should be given a chance to compete. The seat is not a preserve for Hon. Mututho. Why does this position generate a lot of interest yet it is not an executive post?

The miraa question has shown the character of Hon John Mututho; during his illegal short period at Nacada, he played dangerous politics by declaring that miraa was not a drug before the Parliamentary committee. We believe that the ill-advised statement was his personal opinion made to please a section of legislators from a certain region. Professionals including psychiatrists, addiction professionals and spiritual leaders have made a stand and denounced his blurted decree.

The fight against alcohol and drug abuse requires a sober approach including appreciating other stakeholders and having a character that is beyond reproach. There is no single silver bullet and panacea for drug abuse. It is not a one man show.



## *Maisha Huru*

During his illegal stint at Nacada, Hon Mututho exhibited bravado, arrogance and intimidation against his erstwhile enemies (read Naivasha bar owners and professionals) and this could stifle the gains achieved so far in the campaign. His agenda is definitely to avenge for his lose in the Naivasha seat. Of course this is bizarre; he was rejected by his constituents. And he is erratic and would do anything to achieve his personal goals. Remember him sensationalizing GMO maize imports? Nacada would provide a perfect arena for his theatrics and comedies. And cheap publicity! We totally reject his comeback and request you to rebuff the appointment.

Again, how can we entrust an individual who is so tainted to fight drug abuse and trafficking where there is big dirty money? As our trusted leaders we believe that you have the future of our children at heart and will do everything possible to protect future generations and the constitution.

We reiterate our commitment to support H.E the President and Deputy President in the fight against alcohol and drug abuse. Hon Mututho does not serve the President's best interest. Instead he has been an embarrassment and liability to the Government and Nation.

We are a Christian lobby group fighting drug abuse in Kenya. *Maisha Huru* means freedom from bondage of alcohol and drugs. Our members include the clergy, professionals and youth.

Yours faithfully,

Executive Director,  
Maisha Huru

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

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In the Matter of Approval by the National Assembly, of the person nominated for appointment as Chairperson of the National Authority for the Campaign Against Alcohol and Drug Abuse [NACADA]

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Section 6(1)(a) of the National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012, provides that *"the management of the Authority shall vest in a Board which shall consist of a Chairperson appointed by the President with the approval of the National Assembly, who shall be a person with experience in public affairs either in judicial service, public service or the private or voluntary sector"*.

Section 3 of the Public Appointments (Parliamentary Approval) Act (No.33 Of 2011), provides for the exercise of powers of appointment under the Constitution. Under the Public Appointments (Parliamentary Approval) Act and the Standing Orders, the National Assembly is required to conclude the process of approval or rejection of the nominee within fourteen days from the date of notification.

SUBMISSION OF MEMORANDA

H.E. the President, in exercise of powers conferred upon him by Section 6(1)(a) of the National Authority for the Campaign Against Alcohol and Drug Abuse Act, 2012, nominated Mr. John Mututho, former Member of Parliament for Naivasha and campaigner against alcohol and drug abuse, to serve as Chairperson of the National Authority for the Campaign Against Alcohol and Drug Abuse prior to approval by the National Assembly.

Following receipt of the nomination from H.E. the President, the Hon. Speaker of the National Assembly, on 7<sup>th</sup> November, 2013, referred the name of the nominee to the Departmental Committee on Administration and National Security for consideration prior to approval by the National Assembly.

Section 6(9) of the Public Appointments (Parliamentary Approval) Act 2011, states that any person may, prior to the approval hearing, and by written statement on oath (sworn affidavit), provide the Clerk with evidence contesting the suitability of a candidate to hold the office to which the candidate has been nominated.

The Committee now invites interested members of the public to submit any representations they may have on the suitability or otherwise of the nominee for appointment as the Chairperson of the National Authority for the Campaign Against Alcohol and Drug Abuse. The representations may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to [clerk@parliament.go.ke](mailto:clerk@parliament.go.ke); to be received on or before Friday 15<sup>th</sup> November, 2013 at 5.00 pm.

JUSTIN N. BUNDI  
CLERK OF THE NATIONAL ASSEMBLY



Hon John Mututho, EBS

## Bio-Data

### Birth

Hon John Mututho was born in Naivasha District on 28<sup>th</sup> May 1955.

### Post Secondary School Qualifications

Diploma in Range Management  
Bsc. in Range Management and Agriculture  
Post Grad. Dip in Resource Econ  
Msc. Environment Economics

Egerton University, Kenya  
University of Nairobi, Kenya  
Latrobe University, Australia  
Latrobe University, Australia

Hon Mututho was a research fellow in Australia with Dr Robert Dumsday, specializing in desertification and desertisation and later soil and water management.

### Working Experience

He has worked in the civil service for over 11 years, 2 years coordinating International Agencies and Government of Kenya projects in Arid and Semi Arid Lands (ASAL) and also designed a water harvesting system which was implemented by FAO in Kenya and Ethiopia, using shallow pit systems in water shed management.

Among the regions he has worked in are Kajiado, Isiolo, Meru, Kitui, Machakos, Makueni and Nairobi

He is also a prominent business man in Nairobi specializing in Equipments and household furnishings.

### Achievements before election

Through serious personal intervention and financial effort, Hon Mututho helped remodel Naivasha girls Sec School, achieving over 460 admissions to public universities and top 10 Provincial Schools countrywide within 7 years.

This Bill sought to increase the minimum wages by 50% due to inflation and rising cost of living. This Bill would lead to the betterment of living conditions for majority of Kenyan workers.

#### Questions and contribution in Parliament

Hon Mututho was one of the most vocal in the tenth Parliament, attending 100% whenever Parliament was in session and he was in the country.

Overall, he was rated 4<sup>th</sup> in the 10<sup>th</sup> Parliament and 1<sup>st</sup> among all the first time MPs in 2009 by the Federation of Women Lawyers in their audit of performance of the 10<sup>th</sup> Parliament in 2009. He was also rated as one of the most popular Kenyans by a research by the Star Newspaper and as among the movers and shakers in 2010 by the weekly Financial Post issue of 10<sup>th</sup> January 2011.

He raised many questions relating to issue within Naivasha and beyond; from Environmental matters, Health, security, Internally Displaced Persons, grabbed land - this led to repossession of grabbed land in Moi Ndabi where prominent personalities surrendered land meant for squatters!

#### Family

Hon Mututho is married with eight children, six of them at various levels in Local universities, including Post Graduate while two joining university shortly.

#### Politics

A strong pro-government crusader and fierce supporter and defender of the President and Government institutions on Jubilee platform

#### Special interests

Poverty alleviation through appropriate Agriculture.

Hon Mututho was awarded Elder of the Order of the Burning Spear (EBS) by the former President on December 12<sup>th</sup> 2011 in recognition for his exemplary performance towards the public good. He has also been awarded by other bodies.

a) Alcoholic Drinks Control Act, 2010

He personally initiated the Alcoholic Drinks Control Bill that was passed by Parliament and assented to by H.E the President on the 13<sup>th</sup> of August 2010 and is currently operational. This Act seeks to control the manufacture, packaging, distribution and consumption of alcoholic beverages after so many alcoholic drinks related deaths, blindness and impotence. The Act came into effect on 22<sup>nd</sup> November 2010 and has achieved a remarkable 85% success.

This Act was done after:

- Extensive research and consultation and financed by Hon Mututho Himself at Kshs 8.6 million and a further Kshs 3.5 million by Parliament.
- Continuously conducted free consultancy on implementation and forwarding actively within 24 hours all infringements to various authorities for action
- Conducted tens of public rallies and over 60 electronic and print media interviews to popularize the law.

b) Veterans Motion

This motion was passed by Parliament on the 8<sup>th</sup> October 2008. It seeks to have all independence war veterans dating back to colonial time compensated with at least 2<sup>1</sup>/<sub>2</sub> acres of arable Land. It was hailed by all Members of Parliament who contributed during debate as a very good piece of legislation.

c) Traffic amendment Act

Hon Mututho initiated the Traffic (Amendment) Act that sought to amend the Traffic Act to compel all Public Transport Vehicles (PSVs) to have special fleets and sitting arrangements specifically for school children at peak hours within certain City and County Councils.

d) The Sugar (Amendment) Act

This Act Sought to amend the Sugar Act and ensure that farmers get value for their produce.

e) Senior Citizens Bill

This Bill sought to cater for the needs of all senior persons in the country.

f) Nurses (Amendment) Bill 2010

This Bill was published on 31<sup>st</sup> December 2010 and was passed by Parliament on 7<sup>th</sup> June 2011

g) Labour Institutions (Amendment) Bill 2011



He is the Founder Chairman of Computers for Schools Kenya (CFSK) in 2002, a nonprofit making NGO through which more than 70,000 computers have been distributed to schools countrywide and also in East Africa.

- 30,000 Personal Computers distributed
- 1,000 Public Schools and Institutions
- 8,000 School Heads trained
- 750,000 young Kenyan students access computers (who had no chance hitherto to get computer training)
- Started the first e-waste centre in east Africa
- Pioneered e-learning in Secondary Schools

All the above has been done on strict non-profit basis and zero earning to the Chairman - Hon John Mututho - visit [www.cfsk.org](http://www.cfsk.org)

Sponsored several needy students through scholarships to bright, less fortunate students, many of whom have gone to higher institutions of learning in medicine, engineering and Law.

Started several development projects within Naivasha and outside Naivasha even before joining parliament. Contributed in various development fundraising initiatives including initiating water projects, Health etc.

#### Political Achievements

Hon Mututho was elected to Parliament in 2007 to represent Naivasha constituency. He served as Chairman Departmental Committee on Agriculture, Lands and Natural Resources and later the chairman of the Departmental Committee on Agriculture, Livestock and Cooperatives - known for very serious oversight on Maize, GMO's, New KCC, KMC, KPCU, Sugar Industry etc - that oversaw six (6) Ministries as below and over 100 Parastatals that fall under them:

1. Ministry of Agriculture
2. Ministry of Cooperative Development
3. Ministry of Development of Northern Kenya and other Arid Areas
4. Ministry of Regional Development
5. Ministry of Fisheries Development
6. Ministry of Livestock Development

He also served as a member of several Departmental and Select Committees as follows:

1. Liaison Committee
2. Budget Committee
3. Select Committee on the Root Causes of Cattle Rustling that seeks to identify the causes of cattle rustling within Kenya and find solutions for lasting peace.
4. Special Parliamentary caucus on Internally Displaced Persons (IDPs)
5. Member of Korea and French Parliamentary Friendship Association

#### BILLS AND MOTIONS

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