

Miss Tourism meets Moi

Former President Daniel arap Moi greets newly-crowned Miss Tourism Kenya, Jacqueline Jeruto Komen, after a church service at AIC Kabarak Community Chapel yesterday. Komen is a first-year Law student at Kabarak University. Looking on are Kabarak University Vice Chancellor Rev Prof Jones Kaleli (right) and Moi High School principal Henry Kiplagat. [PHOTO: COURTESY]



Ombudsman cannot force agencies to act

By PATRICK KIBET RONO

The Commission on Administrative Justice (Ombudsman) cannot compel Government agencies to execute its recommendations, the High Court has ruled.

The Court made the ruling in a case filed by a former Director - Kenya Vision 2030 Delivery Secretariat, Judah Abekah after his contract was terminated in March 23, 2012.

After the termination, Mr Abekah moved to the Ministry of State for Planning, National Development and Vision 2030 and got a one year extension but the decision was ignored by the Secretariat forcing him to seek redress from the Ombudsman.

After an investigation, the Commission recommended to the secretariat to pay Abekah 12-months' salary and allowances as compensation and offer an unconditional apology for the treatment meted out to him.

Abekah then filed a Judicial Review at the High Court seeking to compel the Secretariat to implement the recommendations of the commission. The case, however, presented an opportunity for the court to interrogate whether the Ombudsman has powers to compel Government agencies to implement its recommendations.

Ombudsman boss Otiende Amollo argued that the High Court would

“Where an organisation refuses to implement the recommendations of the Commission, the only action the Commission can take is to make a report to the National Assembly detailing the failure. The National Assembly shall take action- **Justice Korir**

Uhuru campaigns for JAP candidate in Kajiado Central

Jubilee leaders seek to test public reception of the new party ahead of the next General Election

By STANDARD TEAM

President Uhuru Kenyatta will today campaign for the Jubilee Alliance Party (JAP) candidate in Kajiado Central constituency, raising the stakes for the by-election occasioned by his recent appointment to the Cabinet of ODM's Joseph Nkaissery.

The President's campaign visit follows one by his deputy William Ruto, who has toured the area twice in as many weeks, signalling the Jubilee government's resolve to capture the only parliamentary seat Raila Odinga's ODM won in Kajiado County.

It fell vacant after Mr Nkaissery was appointed the Interior Cabinet Secretary, handing Jubilee leaders the opportunity to test public reception to the newly formed JAP on whose ticket Patrick Tutui is running against ODM's Memusi Kanchori.

According to the organisers, President Kenyatta will first address a rally in Ngatatoek near the Namanga border town before holding another public meeting in Nkorika village.

Uhuru intends to vie for re-election on a JAP ticket in the 2017 General Election when his party, The National Alliance (TNA) and Ruto's United Republican Party (URP) will have merged.

However, there are jitters among some TNA and URP officials who feel the Jubilee leadership is pushing JAP's agenda without adequate consultations.

In Kabete constituency, where the murder of MP George Muchai has occasioned a by-election, 25 aspirants are jostling for the seat and officials of TNA, which has been the dominant party in the region, are no longer at ease.

PARTY PRIMARIES

A number of Kiambu County TNA officials are unhappy with the way JAP is conducting business and have complained they have been sidelined in preparations for the party primaries.

Led by the county's TNA Secretary General Solomon Ndung'u, the officials said they felt undermined by JAP national officials, who were hand-picked by Jubilee leaders.

“We ought to be involved fully in the Kabete nomination and election of new officials at the grassroots. The national office is treating us like total strangers yet we are the elected TNA officials on the ground,” said Mr Ndung'u.

However, JAP Vice Chairman David Murathe, a close ally of the Pres-

JAP IS NOT SIDELINING ANYONE, SAYS OFFICIAL

JAP Vice Chairman David Murathe (right), a close ally of the President, has dismissed allegations that the new party is sidelining Jubilee officials.

“All the affiliate parties in Jubilee coalition, including JAP, are partners and competitors for that matter. JAP is an independent party with its own affairs and structure and, therefore, not sidelining anyone,” Murathe told The Standard.

Resistance against JAP is also simmering in other ruling coalition's affiliate parties including Meru Senator Kiraitu Murungi's Alliance Party of Kenya (APK).



ident, dismissed the officials' allegations.

“All the affiliate parties in the Jubilee coalition, including JAP, are partners and competitors for that matter. JAP is an independent party with its own affairs and structure and, therefore, is not sidelining anyone. They should first cease to be members of another party and join us for them to complain. With time, however, all these parties will soon die and become one, and it is high time they started preparing,” Mr Murathe told The Standard.

Resistance to JAP is also simmering in other ruling coalition affiliate parties including Meru Senator Kiraitu Murungi's Alliance Party of Kenya.

Meru Governor Peter Munya said, “I have said I am not in JAP. What is in it for us? What will guarantee our interests once we are swallowed? Where is it coming from? These are the questions we have been grappling with. Even Kiraitu himself has demanded certain clarifications by asking to be shown where the bedroom is and where the parking for our bus is located within this JAP compound.”

A similar sense of disquiet has come from Ruto's URP.

But the President and his deputy have left no doubt that their political

future is in JAP, hence their determination to ensure it passes the first political test in Kajiado Central.

Political analysts say a win for Tutui would cement Jubilee's hold on Maasailand ahead of the 2017 polls while victory for Memusi would be a statement that the Opposition is still a force to reckon with.

And as the people of Kajiado Central prepare to receive Uhuru, they will be expecting “goodies” from the Government just as the Meru people did when he toured the region at the weekend.

CORD luminaries led by former Vice President Kalonzo Musyoka have accused the Government of misusing public resources to campaign for the JAP candidate.

“The Government is using Kenyans' taxes to run around in choppers to campaign for Tutui. We are aware of plans to misuse State resources in these campaigns but are fully prepared to counter that by deploying a lethal campaign machine that will deliver a resounding victory for ODM,” said Kalonzo.

Report by Peterson Githaiga, Rawlings Otieno and Kamau Maichuhie

set a precedent on the alternative mode of dispute resolution if to issued orders compelling the Secretariat to implement the commission's recommendations and change the administrative system of justice.

Justice Weldon Korir said though the commission has powers to investigate maladministration of justice in Government agencies, the same must be executed within the law.

He held that the Commission on Administrative Justice Act mandates the Ombudsman to report to the National Assembly cases where state bodies fail to execute its recommendation for further action.

“Where an organisation refuses to implement the recommendations of the commission, the only action the commission can take is to make a report to the National Assembly detailing the failure. Thereafter the National Assembly shall take appropriate action,” Justice Korir said.

He said courts cannot compel State agencies to implement Ombudsman recommendations.

“Government agencies have no statutory duty to implement the recommendations of the Commission,” he said. The Court dismissed the case and directed each parties meet their own coast of the proceedings.