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KENYA NATIONAL ASSEMBLY  
TENTH PARLIAMENT –FOURTH SESSION (2012)

**REPORT  
OF THE  
DEPARTMENTAL COMMITTEE ON LANDS AND NATURAL  
RESOURCES  
ON THE  
OWNERSHIP OF SOUTH NGARIAMA RANCH -  
- L.R 13963, IN KIRINYAGA SOUTH DISTRICT,  
CENTRAL PROVINCE**

CLERK'S CHAMBERS  
NATIONAL ASSEMBLY  
NAIROBI

AUGUST 2012

- h. There have been several court cases pitting the various parties and claiming ownership of the ranch but with different references i.e. L.R No. 13963 and Ngariama/Lower Ngariama/431.
- i. The local leadership, which includes Members of Parliament both past and present, provincial administration, civil leaders and local community leaders have been involved in one way or another in the disputes, claims, ownership and settlement on the disputed piece of land.

**3. Disputes over the Ranch, therefore is:-**

- a. Kirinyaga County Council and South Ngariama Ranching Co-operative society Limited have both claimed ownership of the ranch;
- b. Kirinyaga County Council have attempted to take over the land and establish a settlement scheme but South Ngariama Ranching Co-operative society Ltd have not co-operated on this subject matter;
- c. The lease granted to South Ngariama Ranching Co-operative society Ltd where the Council has denied that they were party to grant and or extension of the lease from 20 to 45 years.
- d. Reference to the land as “parcel” No. Ngariama/Lower Ngariama/431 under the provisions of the Registered Land Act Cap. 300 by the County Council while the South Ngariama and the Ministry of land claims that the reference number 431 is invalid.
- e. The land had already been surveyed under cap 281 and two titles issued to the South Ngariama Ranching Co-operative society Ltd. The two Titles registered under Registered Land Act Cap 281 were properly issued to the South Ngariama Ranching Co-operative society Ltd by the Commissioner of Lands on behalf of Kirinyaga County Council;
- f. The protracted court cases since 1978 revolves around Ngariama/Lower Ngariama/431 not L. R. 13963. There were four cases which were consolidated into Meru HCC Case No.71 of 2006 where the Kirinyaga county council was ordered to set the land apart to settle all the disputing parties. The Commissioner of Lands and the South Ngariama Ranching Co-operative society Ltd were not defendants in the suit and thus raise questions as to the disclosure of material facts in this case. For instance the existence of a 45 years lease is fundamental plus the role of the Commissioner of Lands; and
- g. The council attempted to enforce the Meru High court order vide Gazette Notices by the County clerk. The Notices were No’s 10751 and 10752 of 14<sup>th</sup> November 2008;
- h. The legal basis and subsequent agreements to settle people from the larger Kirinyaga County on the disputed land;

7. The Committee is mandated to consider:-
  - 7.1 Lands and settlement;
  - 7.2 Forestry, water resource management and development;
  - 7.3 irrigation;
  - 7.4 Environment;
  - 7.5 Wildlife, and
  - 7.6 Mining and Natural Resources.
8. **Oversight** - In executing its mandate, The Committee oversees the following Government Ministries; namely: -
  - 8.1 Ministry of Water and Irrigation;
  - 8.2 Ministry of Environment and Minerals Resources;
  - 8.3 Ministry of Lands; and
  - 8.4 Ministry of Forestry and Wildlife.

### **Committee composition**

9. The Departmental Committee on Lands and Natural Resources was constituted on June 17<sup>th</sup> 2009 and its membership is as follows:-
  - 9.1 Hon. Mutava Musyimi, M.P. – **Chairperson**;
  - 9.2 Hon. Peris Chepchumba Simam, M.P. - **Vice Chairperson**;
  - 9.3 Hon. Benjamin Jomo Washiali, M.P.
  - 9.4 Hon. Silas Ruteere Muriuki, M.P.
  - 9.5 Hon. Benedict Fondo Gunda, M.P.
  - 9.6 Hon. Justus Kizito, M.P.
  - 9.7 Hon. Njuguna Gitau, M.P.
  - 9.8 Hon. Mohammed Affey, M.P.
  - 9.9 Hon. Omar Zonga, M.P.
  - 9.10 Hon. Kiema Kilonzo, M.P.
  - 9.11 Hon. Dr. Erastus K. Mureithi, MBS, HSC, MP

### **INVESTIGATION METHODOLOGY**

10. The Committee adopted the following methods in order to undertake the investigations:-
  - i.) Requested for written submission from the Minister for lands;
  - ii.) Met and received submission from the Member of Parliament for Mwea;
  - iii.) Held a meeting with the Provincial Commissioner and briefed on the ownership of South Ngariama Ranch;
  - iv.) Visited Kirinyaga county council and held a meeting with Chairman, the Town Clerk and other stakeholders;

years which Commissioner of Lands did approve and a title was issue in favour of South Ngariama Ranching Cooperative society Ltd.

- g) The Council of Kirinyaga has denied ever being party to the extension of the lease;
- h) On 29th January, 1988. The title for LR. No.13963 or grant No.4238 was used to secure a loan of 1 million Kshs.1,000,000/= from AFC for additional stock on 20th July 1988;
- i) In 1989, the County Council of Kirinyaga had registered at Kerugoya Land Registry reference no. Ngariama/Lower Ngariama.431 parallel to the one held at Ministry of Lands without following the due process which requires an application for change of registration from registration of Title Act RTA to Land Registration Act LRA. This requires the approval by the Commissioner of Lands with involvement of the Director of Survey for preparation of the maps. This register is purported to have been opened in 1965 but not signed to be an authentic meaning that it is a forgery and does not exist. The date of opening the register in 1965, the Land had not been set apart through a gazette notice which was done much later in 1968 - 8<sup>th</sup> November Notice No. 100 of 1968;
- j) The Committee noted the noble idea and efforts made by the leadership of the larger Kirinyaga county to try to settle the “landless” on L.R. no. 13963 as these means resolving the never-ending landlessness being experienced throughout the county however, ensuring that the land is available and following the laid down rules and procedures or taking due diligence should have been taken into consideration. Further, noting that the land was leased and there were pending court cases;
- k) The Committee noted that there have been several unfortunate deaths arising out of the disputes surrounding the ownership and subsequent attempted settlement of the people on L.R. 13963;
- l) South Ngariama was hived out of the larger Gichugu constituency, specifically Ngariama location on the southern part. Hence south Ngariama. During the hiving of south Ngariama, Kirinyaga Districts had only two divisions – Ndia and Gichugu. This therefore served as the reason why those residents of Gichugu claimed that south Ngariama belonged to them, by virtue of it having been hived from their area. This is one of the problems of south Ngariama. Later, Gichugu and Ndia division/constituencies were sub- divided into Mwea and

- q) The Committee noted that the South Ngariama Ranching Cooperative Society Limited may have wanted to extend the lease without the consent of the County Council of Kirinyaga;
- r) The Committee noted that on 14/10/2004 the Ag. Clerk to the County Council Mrs. Roselyne Miano, sworn in an affidavit in favour of South Ngariama Ranching Co-operative Society Ltd. as the owners of the Land;
- s) The Committee noted that the then Acting Clerk, Mrs. Roselyne Miano, gazetted herself as member of the Lands Board against the law, without the authority from the Commissioner of lands or Minister; this is to allow her set the land aside and then subdivide;
- t) The Committee noted that the local politicians are directly involved in the matter, as they are the direct beneficiaries and their supporters. Though they were aware that the South Ngariama Ranch Co-operative Society Limited had a lease for over a long period which was believed to have expired. The lease extension was an illegality since the land is held in trust by Kirinyaga County Council on behalf of the people of that particular area;
- u) The Committee noted that when the squatters realized that the land was leased by the County Council in 1968, they went to court to sue it and an order to stop the Council from evicting them was issued in 1968 another order to restrain the Council from demarcating the land was issued in 1979.

## **12. RECOMMENDATIONS**

Following the above observations; aware of the fact that the land in question will revert to Kirinyaga County government in April 2013, also aware that legislation on Community land will have been enacted by then, the Committee recommends as follows:-

- i). That the status quo be maintained: and
  - ii). That determination of all pending court cases be expedited;
- 

## **ACKNOWLEDGMENT**

- 13. The Committee wishes to sincerely thank the Offices of the Speaker and the Clerk of the National Assembly for the necessary support extended to it in the execution of its mandate.

## **INVESTIGATIONS/EVIDENCE ADDUCED**

### **BACKGROUND INFORMATION - History of the Ranch**

18. The Ranching company was registered as a co-operative society in 1967. The land at the centre of the protracted dispute was allocated to the ranch in 1968 vide Gazette notice number 100 of 8<sup>th</sup> November 1968. The Land being LR No.13963 was gazetted by the Commissioner of Lands for ranching purposes by the Society.
19. The land was initially trust land and was leased to the ranching company by Kirinyaga County Council for an initial period of twenty (20) years which was subsequently renewed to forty five (45) years.
20. The question of the term of the lease was approved by the Council and advised by the Commissioner of Lands that the maximum term for ranching user was 45 years.
21. The land was surveyed in 1987 and numbered as follows:
  - a) L.R.13962 -1440 hectares
  - b) L.R.13963-7034 hectares
  - c) L.R.14212-1515 hectares
22. The above process was followed by issuance of two titles to the ranching society under the provisions of the Registration of Titles Act, Cap 281 as follows:
  - a) L.R no.13963-Grant No.4338
  - b) L.R No. 13962-Grant No.4337
23. The ranching society charged both titles to Agricultural Finance Corporation in 1988 for Ksh.1,000,000 (One million Kenya shillings).

### **24. THE MINISTER FOR LANDS - SUBMISSION**

- a. The land was initially Trustland and was set apart vide Gazette Notice No. 100 of 12th January, 1968. The land that was set apart had an area of 24,800 acres as per boundary plan No. 179/83;
- b. 20,460 acres was subsequently leased to South Ngariama Ranching Cooperative Society Ltd for a term of 45 years with effect from 1st March, 1968 to 28th February, 1978 for ranching purposes only;
- c. On 17th August, 1973, Kirinyaga County Council recommended extension of lease to 99 years to enable Agricultural Finance Corporation (AFC) assist the society with loan to develop the land. This recommendation was however not implemented;
- d. The Titles issued to South Ngariama Ranching Cooperative Society Limited are as follows;-
  - (i) L.R. No. 13963-Grant No. I.R. 4338 –Term– 45 years - w.e.f 1/3/68;
  - (ii) (L.R. No. 13962-Grant No. I.R. 4337 – Term – 45 years - w.e.f. 1/3/68;

27. **PROVINCIAL COMMISSIONER, CENTRAL PROVINCE - MR. JAPHETH RUGUT** - Mr. Rugut gave the Committee vital background information on the South Ngariama Scheme Ranch in Kirinyaga that:-

- a) The land is ancestral land held in trust by Kirinyaga County Council for area residents (Mihiriga Kenda - the nine Kikuyu clans) since independence. Initially it was 28,000 acres, but 11,000 acres was lost through mysterious circumstances;
- b) On authority of the Council, the Government gave a lease to a ranching company which utilized the land in the 1970s and 80s. **When the company collapsed and the lease lapsed**, the land reverted to communal grazing under Kirinyaga County Council. A few people practiced subsistence agriculture on the land and a few, in the course of time, tried commercial agriculture;
- c) In the 1980s, one person Nyamu Mugeru came up and laid claim to the whole land and lodged a case at the Meru High Court against the Council. Around 1990, a group of elders calling themselves the Mihiriga Kenda enjoined themselves in the case and claimed right of authority to allocate the land as representatives of the nine clans of Kirinyaga;
- d) The group started leasing out large tracts of land for commercial farming like tomato farming and in the process earned big monetary benefits. This move led to the start of problems over ownership of the land.
- e) In 2004, the county council, in consultation with other leaders, decided to carry out election for elders to represent the nine clans as the claimants were self-imposed. These were carried out with the support of the Provincial Administration. 15 elders were elected for each location among which the area councilor and chief were mandatory members. A minimum of four women were also proposed;
- f) Some of the self imposed clan leaders were dropped during elections. The dropped elders then incited the elected leaders among their group to reject the posts and revert back to their original leadership arrangement and continue with the court case.
- g) The council then went ahead and called for applications for land from deserving people in the 22 locations that formed the greater Kirinyaga District. Vetting and selection was done by the elected elders. The list of beneficiaries totaling 4,580 was then compiled and received the approval and blessings of the district leaders including the then four Members of Parliament. This was in 2007;
- h) The council then obtained the necessary court orders and embarked on survey work in 2007. Allocation was done in 2008, and the new settlers moved to the land in late 2008 and early 2009. Overall, the settlement programme has been

the judgment was passed. On expiry of the twenty years subdivision was done by the co-operative without the knowledge of the council.

- g) The matter was tabled in parliament and it was noted that the land belonged to the council.
- h) In 1988 the members met and agreed to subdivide the land and allocate to the needy people. The Minister of lands cancelled but the members went on. The Members of Parliament and the elders met and resolved to subdivide the land in order to avert the problem.
- i) The council met and decided to take a participatory position and use the elders to identify the landless. On 20/12/2004 the council conducted the elections in twenty two locations to elect a committee from nine clans who to be representatives of the clans. The committee was formed and the council adopted. The committee was given the mandate to identify the landless. The committee made an advertisement that those who are needy to pay Ksh200. The names were categorized according to locations. The list was submitted in 2005 and was scrutinized by the committee and submitted after vetting.
- j) George Njeru declined when his friends were not elected though most of his relatives were beneficiaries. The process was tight as it involved the indigenous.
- k) An objection was raised in 2006 where the court's ruling was that the committee was to use the names. 4580 allottees were identified where everybody was to get 3 acres of land. However, there came a complaint from other people that the beneficiaries were not genuine thus the board was to hear complains.
- l) The Clerk to the council vide letter dated 16/04/2010 wrote to the office of the Deputy Prime Minister and Ministry of Local Government stating the status of the disputed land and that the land was originally registered as Ngariama/South Ngariama/431 under the trusteeship of Kirinyaga county council on 21/6/1965;
- m) The Council leased the land to the Ranching Society for a period of 20 years from 1/3/1968 to 29/2/1988;
- n) Nyamu Mugeru and others filed a suit against Kirinyaga County Council and South Ngariama Co-operative Society in 1978. The plaintiffs prayed in the suit that they were the owners of the land. The suit was consolidated with others in 2006 where the court ruled that the land belonged to the Council.
- o) The Council claims that the operation of the lease was within the agreed framework until the Ranching Society started violating the terms of the agreement. The Ranching society Sought renewal of the lease in 1986 without seeking consent of the Council. The Council persistently objected to requests



Kirinyaga including the various groups of Mihiriga Kenda for a meeting to find a solution to the problems of Ngariama. During the meeting, there emerged different leaders of Mihiriga Kenda, 5 of them being fronted as chairs of Mihiriga Kenda. One George Njeru was declared the chair but there others who claimed the chairmanship.

- g. The meeting resolved that the matter for chairmanship of Mihiriga Kenda be sorted out by the people of Kirinyaga.
- h. That south Ngariama was hived out of the larger Gichugu constituency, specifically Ngariama location on the southern part. Hence south Ngariama. During the hiring of south Ngariama, Kirinyaga Districts had only two divisions – Ndia and Gichugu.
- i. The above therefore served as the reason why those residents of Gichugu claimed that south Ngariama belonged to them, by virtue of it having been hived from their area. This is one of the problems of south Ngariama. The residents of Gichugu claimed the ranch and were supported on the claim by the then chairman, Kirinyaga County Council one Mr. Jeremiah Gateri.
- j. Later, Gichugu and Ndia division/constituencies were sub- divided into Mwea and Kerugoya/Kutus divisions/constituencies. This shifted the location of south Ngariama to Mwea Division/constituency. Therefore the resident of Mwea division/constituency have claim over it. This conflicted with resident of Gichugu constituency.
- k. During the elections of the chairman the Mihiriga Kenda, all locations did elect their chairs and Mr. George Njeru was elected their chair in Nyagati location. However, having none of his splitter group elected he opted to resign. The elections were conducted in the all locations of the larger Kirinyaga district – 22 locations.
- l. The chairs of each location met at the district headquarters to elect one chairman, who was to serve as the chairman of the Mihiriga Kenda. The person elected was Mr. Apollo Njeru
- m. In 2003 or there about, leaders,- Members of Parliament, councilors and the chairs of all locations, the county council of Kirinyaga and the Provincial Administration met to chat way out of resolving the problem of south Ngariama.
- n. The council was the lead agency, as it was trusted by the people and also to provide logistical support in terms of surveying, conducting allocation, development of ballot, demarcation and issuing allotment letters. In addition to having the elected leaders – councilors as the representatives in the council. The council was also mandated to develop an application form to be filled by those wishing to be given land.

- cc. Those that resided on the ranch before the allocation were evicted by the council in conjunction with the provincial administration.
- dd. The Ministry of lands has the title deed for the ranch and the co-operative society has a lease. They opine that: -
  - i. The status quo, as at now be maintained
  - ii. The provincial Administration provided security to those who have settled.
  - iii. Government set up the relevant institution allocated land, - hospital, schools etc.
- ee. Arch-Bishop Gitari did threaten to go on strike over the disappearance of the 11,000 acres portion of South Ngariama, and that he did make a request on behalf of the ACK Church to be allocated land, to set up a University. The church was allocated 57 hectares.

### 30. HON. MARTHA KARUA, M.P – GICHUGU CONSTITUENCY

- a. She was first elected to Parliament in 1992 as M.P for Gichugu. In 1993, the then Kirinyaga District Commissioner Mr. John Nadasaba convened a meeting of leaders from the larger Kirinyaga District and include the council of Kirinyaga, clerk of council, MPs and other politicians, specifically those from KANU then, Also Arch-Bishop Gitari was in attendance.
- b. The District Commissioner wanted to sub divide South Ngariama. Other members present were;
  - i. Kinyua Mboi – Former MP for Ndia
  - ii. Bishop Allan Njeru – former MP for Mwea
  - iii. Herself as a sitting Member of Parliament for Gichugu.
- c. The land in question then belonged to Kirinyaga County Council; therefore what was required was for leaders to find a solution and the County Council to formalize the decision or resolution of the leaders meeting.
- d. The land measured 28,000 acres (approximately) where the council clerk then reproduced in the meeting 2 titles of land measure 17,000 acres and the other 11,000 acres, were already exercised.
- e. The meeting also directed the clerk, Kirinyaga County Council to keep the two (2) titles deeds for the 17,000acre and seek the council minutes that resolved to exercise the 11,000acres. The allocation of the 11,000 acres may have been done through connivances by land grabbers with the Ministry of Lands and previous council.
- f. **They were aware that the South Ngariama Ranch Co-operative society had a lease for over a long period which was believed to have expired. The lease extension was an illegality since the land is held in trust by Kirinyaga County Council on behalf of the people of that particular area.**

- s. Those who were initially settled or residing in the ranch were evicted by the council
- t. In 2008, attacks were reported and 3 people lost their lives and the Provincial Administration was requested to beef up security. Subsequently, in 2004, 4 people were killed and alleged by those against the settlement of people.
- u. That the three members of Parliament from Kirinyaga district support the process i.e. Hon. Ngata Kariuki, Hon. Njeru Githae and herself from Gichugu. This is because people from each of the constituencies are settled there.
- v. The government through the Provincial Administration has sub divided the ranch into administrative so that security can be beefed up.
- w. That two groups have been claiming that the piece of land – south Ngariama belongs to them i.e. people of Gichugu as they purport that it was hived off Ngariama location which people of Mwea purport that it is within their constituency or Division. However, all those settled in Mwea are from the larger Kirinyaga – Ndia and Gichugu since Mwea was curved out of both Gichugu and Ndia. Therefore Mwea is cosmopolitan as at now.
- x. The splinter group from Gichugu went to court to claim that south Ngariama ranch.
- y. The letter by PS Dorothy Angote to the Attorney general left a lot to be desired because how a PS can question the decision of the court. This shows that the Ministry of Lands is trying to protect land grabbers through falsifying of records.

**31. EVIDENCE FROM FORMER DISTRICT COMMISSIONERS OF KIRINYAGA DISTRICT-**

Provincial Administration officials comprising of Mr. Omar Warfa – PC Rift Valley Province, Ms. Kula Hache – District Commissioner Kirinyaga district and Mr. John Chege – District Commissioner Koibatek District gave evidence on the South Ngariama Ranch;

- 1. Mr. Omar Warfa was District Commissioner Kirinyaga from September 2008 to July 2009.**
  - a. He found the South Ngariama land issue existing and he helped create three (3) police posts for security of the people of South Ngariama which was very insecure. Over 2000 people had been moved to the ranch.
  - b. He called a consultative meeting with all the 4 sitting Members of Parliament including Hon. Peter Gitau, MP for Mwea. It was alleged Hon. Gitau, MP had an interest in the Ranch although there was not any communication between him and the DC over the same.
  - c. That there were three individuals involved in inciting people against the allocations and leasing the land at a fee charged per month or per year. These three were: - Dr. Mureithi a Clinical Officer from Gichugu, Mr. George Njeru a

- a. She reported at the time when the hostility was as high as two women had been killed along the river fetching water. She found:
    - i. Three existing Police Posts with no permanent officers posted there because of hostility of the area.
    - ii. Dr. Mureithi, Nyamu Mugera and George Njeru were inciting people over the ranch land because they used to collect money from grazers Kshs. 100/= per animal per month and Kshs. 3000/= per ¼ an acre per year.
    - iii. There were big settlements around police stations with big shanties.
  - b. She established a forth police station near Mbeere boundary.
  - c. Asked why there were protests when the Committee visited the Ranch, the District Commissioner said the local settlers never wanted the area MP to appear before them leading to a high security team around.
  - d. She accepted that Councilors had planned to punish the MP because they knew the local settlers were hostile to him.
  - e. The District Commissioner reported that so far seven (7) people have died: four (4) men and three (3) women. The security has been beefed up more than before because of the contention.
  - f. People of Gichugu and Ndia benefited from the land.
  - g. The District Commissioner is not looking for any piece of land in South Ngariama.
4. **The three witnesses recommended that:**
- a. The Minister for lands should gazette the Chairman of Mihiriga Kenda Committee to legalize the process of allocation of land,
  - b. Locals should be mobilized to accept decisions of the council,
  - c. The area Member of Parliament and the Councilors should be brought together to speak one language in unity.

32. **MEMBER OF PARLIAMENT FOR MWEA** - He informed and notified the committee that:-

- a. South Ngariama Ranching Co-operative Society Limited was registered as a co-operative movement in 1967. The County Council of Kirinyaga allocated the Land LR.No.13963 which was trust land in 1968 and the same was gazetted in the same year vide Gazette Notice No.100 of 8/11/68 by the Commissioner of Lands for the purpose of ranching, to the cooperative society. The initial lease period was for 20years from 1/3/68. **-annex 1 – letter of allotment gazette notice;**
- b. The society wanted to secure a loan with AFC for addition stock and they were required to have the lease extended. By a minute of the County Council of Kirinyaga Minute No. AL&F of 17/8/1973, the Council recommended an extension of 99 years lease to the Commission of Lands. Extension of lease

- k. New people were brought in to occupy LR.13963 and the evictees are still waiting for justice living as IDPS in the adjacent villages. Because of rubbish the order and destruction of property and eviction skirmishes ensues. This escalated to attacks of the new settlers at night which has caused deaths of about 8 people.
- l. After the subdivision, several people were allocated more than one portion and some portions were allocated to more than one person which is a recipe for chaos. **Annex 5 – list of allottees & request for security by the evictees to government**
- m. The list also indicates who is who in Kirinyaga County. It also indicates all Leaders, Councilors and Council workers who benefited but did not deserve while people are still living in the road reserves within Kirinyaga. Note that the subject matter to the Court is an abuse of court process in that:-
1. The case subject matter Ngariama Lower Ngariama/431 does not exist anywhere in the registers of the Ministry of Lands and only exists as L.R. No. 13963 Title No. L.R.No. 4338 issued by Commissioner of Lands on 29<sup>th</sup> January, 1988 to South Ngariama Ranching Co-operative Society Ltd. for a period of 45 years.
  2. South Ngariama Ranching Co-operative Society Ltd. is private society which has not been sued and therefore not party to the civil suit case No.71 of 2006 in Embu High Court but an amorphous body called South Ngariama Ranching Scheme which is not a Co-operative Society Ltd. was listed as a defendant.
  3. The Commissioner of Lands was never made party to the suit so as not to disclose the facts that the suit property has never been registered as Ngariama/Lower Ngariama/431 but is registered as L.R.No.13963 in favour of South Ngariama Ranching Co-operative Society Ltd. who are owners and has a charge with AFC of Ksh.1,000,000/= and title is the security in 1988.
- n. The setting a part was done by Gazette Notice No. 100 of 8/1/68 therefore setting apart and constituting a location Land board was not necessary which the acting Clerk of the County Council of Kirinyaga did in disregard of the advice by the Commission of Lands in the Kenya Gazette Notice No. 10751 of 3/11/2008.
- o. Also not that the subject matter of the Notice refers to none existent register Ngariama Lower Ngariama/431 and the acreage is 1673/ha which is far much more than the acreage for L.R.No.13963 which is 7034 Ha on the gazette Notice by the Clerk. Gazette Notice No. 10751.

### 33. PUBLIC HEARING AT WANGURU GIRLS, KIRINYAGA SOUTH DISTRICT

The Committee on the 30<sup>th</sup> April 2010 committed part of its Programmed to hold a public hearing on L.R. 13963 in Kirinyaga South District in Central Province. Members of the public aired their views as follows:

1. **Stephen Mureithi** - He stated that
  - a. He is the secretary South Ngariama Ranch and that they have been displaced.
  - b. That the land was twenty eight (28) thousand acres where eleven thousand acres were subdivided to the council members and seventeen thousand acres was left in 1968;
  - c. He also reported that when the squatters realized that the land was leased by the county council in 1968, they went to court to sue it. That an order to stop the council from evicting them was issued in 1968 another order to restrain the council from demarcating the land was issued in 1979.
2. **Moses Gachoka Kamwea** - He stated that they realized that the council had demarcated the land without the knowledge of the elders. That he went to court as the chairman.
3. **Nelson Ndege Gatimu** – He reported that:-
  - a. He handles land issues, public and trustee land.
  - b. Elections were held one day in the whole larger Kirinyaga District with an intention of electing leaders to represent the community in the demarcation of the land.
  - c. Members were settled after the vetting exercise was done which was later ensued by a court order. The court ruling was in favour of what the elders plus the council had done.
4. **Jeremiah Gategu Njagi** - He reported that:-
  - a. He was the former chairman of Kirinyaga county council.
  - b. Embu council was a trustee and in 1963 Kirinyaga came into being and inherited the land.
  - c. At that particular time there were two divisions which were Gichugu and Ndia;
  - d. Ngariama was part of the trust land and that before demarcation was done the council held meetings all over and a committee was elected from the nine clans;

- 10. Eliud Ndege Mureithi** - He reported that
- a. He was in Maragwa when he heard the announcements through the radio.
  - b. That he comes from Ndia and the Chairman from his clan called for a meeting where the issue was discussed. That he is among those who were lucky to get the land which was vetted by the elders of the respective clans and that the beneficiaries come from the twenty clans.
- 11. Rebecca Ndungu** She informed the committee that she among the beneficiaries. That the problem began in 2003 when people started burning people's houses.
- 12. Margaret Njeru Nyamu** - She informed the committee that
- a. She is a single mother who paid Kshs 200 and then went to the Chief's Camp.
  - b. This was not a hidden agenda as it was done through radio announcements.
  - c. There were twenty two locations and the allocations were done by the elders according to the clans and the needy.
- 13. James Ndegwa** - The people there are not the poor men. He was among those who were evicted.
- 14. Veronica Njeri wa Mwai** - She said that she is a beneficiary. That she followed the right process-bought a form, went through the vetting and she got her 3acres.
- 15. Rev; J.W Njiri** - He said that the land was 28,000 acres. That they made the announcement over the radio and churches .the process was followed and that it benefits the needy .There is no land in South Ngariama but what is there are plots.
- 16. Hon. Karaba** - He informed the committee that:-
- South Ngariama has a long history.
  - he was among the four former Members of Parliament who sat to deliberate on the issue.
  - they mandated the Mihiriga Kenda elders to identify the vulnerable group which was done.
  - He urged the Committee to ensure that there is security.

### 34. FINDINGS AND OBSERVATIONS

The committee received written submissions from various stakeholders and interested parties on the controversy surrounding the status of South Ngariama Ranch and the fate of squatters therein. **The committee observed the following that:-**

- a) In 1968, vide Gazette notice no. 100 of 8<sup>th</sup> November 1968, the land L.R. No 13963 was allocated to South Ngariama Ranching Co-operative society Limited which was registered as a co-operative society in 1967. The ranch was gazetted by the Commissioner of Lands for ranching purposes by the Society.
- b) In 1968, vide Gazette Notice No. 100 of 12th January, 1968, the land L.R. No 13963, which was initially trust land, was set apart with an area of 24,800 acres as per boundary plan No. 179/83 and was leased to the South Ngariama Ranching Co-operative Society Limited by Kirinyaga County Council for an initial period of twenty (20) years as per letter of allotment Ref. No. 77364/21 of 19<sup>th</sup> February 1968; which was subsequently renewed to forty five (45) years. The term of the lease was approved by the Council and advised by the Commissioner of Lands that the maximum term for ranching user was 45 years.
- c) In 1987, the land L.R. No 13963 was surveyed and numbered as follows:
  - i. L.R.13962 -1440 hectares
  - ii. L.R.13963-7034 hectares
  - iii. L.R.14212-1515 hectares
- d) The above process was followed by issuance of two titles to South Ngariama Ranching Co-operative society Limited under the provisions of the Registration of Titles Act, Cap 281 as follows:
  - i. L.R no.13963-Grant No.4338
  - ii. L.R No. 13962-Grant No.4337
- e) In 1973, The South Ngariama Ranching Co-operative Society Limited secured a loan with AFC for addition stock and they were required to have the lease extended.
- f) By Minute No. AL&F of 17/8/1973 of the County Council of Kirinyaga, recommended for an extension of 99 years lease to the Commission of Lands. However, the extension of lease for the ranch could only be a maximum of 45 years which Commissioner of Lands did approve and a title was issue in favour of South Ngariama Ranching Cooperative society Ltd.
- g) The Council of Kirinyaga has denied ever being party to the extension of the lease;