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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION – 2019

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE CONSIDERATION OF A PETITION BY RESIDENTS OF SABAKI
WARD MAGARINI CONSTITUENCY REGARDING DISPOSSESSION ANCENTRAL
LAND

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	31 JUL 2019 Day Wednesday
TABLED BY:	Hon. Dr. Rachael Nyemeri Chairperson of the Committee
CLERK AT THE TABLE:	Halina Ahmed

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS
NAIROBI

JULY, 2019

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CHAIRPERSON'S FOREWORD

The Petition residents of Sabaki Ward, Magarini Constituency regarding dispossession of ancestral land. was tabled in the House on 1st March 2019 pursuant to Article 119 (1) of the Constitution and Standing Order No. 225 (1) (b) by the Michael Kingi Thoya, MP on behalf of the Petitioners.

The House, pursuant to Standing Order 227 referred the Petition to the Departmental Committee on Lands on 21st February 2019 for consideration. The Committee set out a procedure for its consideration and to report to the House as set out in Standing Order No 227(2).

In considering the Petition the Committee undertook a field visit to Sakaki, Magarini Constituency on Friday 13th and Saturday 14th April 2019 During the visit the Committee held meetings with the Petitioners and representatives of government agencies based in Kilifi County. The Committee also held meetings with the Ag. Chief Executive, National Land Commission and the Cabinet Secretary, Ministry of Lands & Physical Planning, the Chief Administrative Secretary Ministry of Agriculture, Livestock & Fisheries, the Ag. Managing Director, Agricultural Development Corporation and the Vice Chairperson Ethics & Anti – Corruption Commission.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee is also thankful to the Petitioners, the Ag. Chief Executive Officer, National Land Commission, the Cabinet Secretary, Ministry of Lands & Physical Planning, the Cabinet Secretary Ministry of Agriculture, Livestock & Fisheries, the Ag. Managing Director, Agricultural Development Corporation and the Vice Chairperson Ethics & Anti – Corruption Commission for the submissions they made to the Committee.

On behalf of the Committee, and pursuant to Standing Order, 227 it is my pleasant duty to table the Report of the Departmental Committee on Lands on its consideration of the Petition by residents of Sabaki Ward, Magarini Constituency regarding dispossession of ancestral land.



Hon. Dr. Rachael Kaki Nyamai, MP
Chairperson, Departmental Committee on Lands

EXECUTIVE SUMMARY

The purpose of this report is to respond to prayers made by residents of Sabaki Ward, Magarini Constituency in a Petition regarding dispossession of ancestral land. The Committee observed that the evidence tabled before it supported a position that the Petitioners had a valid historical land injustice claim noting they were originally occupying the land before independence and were subsequently dispossessed during the colonial era to pave way for the establishment of Kisima farm by a foreign national without receiving any compensation.

The Committee observed that the evidence tabled before it supported a position that the Petitioners had a valid historical land injustice claim noting they were originally occupying the land before independence and were subsequently dispossessed during the colonial era to pave way for the establishment of Kisima farm by a foreign national without receiving any compensation.

The Committee also observed that Ethics and Anti – Corruption Commission (EACC) tabled submissions that contained evidence that the land under consideration in this petition was granted to a foreign national in 1927 and the disposition of the latter was illegal.

The Committee further observed that the Agricultural Development Corporation (ADC) Kiswani Home Farm is public land that was illegally subdivided and sold to different persons without being sanctioned by either the ADC or Lands Limited Board. The land was also sold at Kshs 20,000 per acre, which may have been below the prevailing market rate.

The Committee also noted the reluctance and the inordinate delay by the National Land Commission and Ethics and Anti- Corruption Commission to have the claims by the Petitioners resolved noting that the claim by Petitioners has been pending for several years and to date the EACC has also not put caveats to restrict further sub-division of land.

The Committee recommends that pursuant to section 15 of the National Land Commission Act, 2012, the National Land Commission investigates the historical land injustice claim of the Petitioners and where it establishes valid claims of historical land injustice consider ordering the revocation of titles issued in respect of ADC Kiswani Home Land Farm, land registration Nos. 540, M53, M3B and LR. No. 5061 in Malindi. and reallocation of the land to the Petitioners within ninety days of tabling of this Report.

The also Committee recommends that the Ethics and Anti- Corruption Commission should conclude investigating all persons who may have been involved in illegally disposing of the ADC land including issuance of titles on public land and recommend prosecution to the Director Public Prosecutions if any person is found culpable within ninety days of tabling of this report.

Finally, the Committee recommends that pursuant to section 76 of the Lands Registration Act, 2012, the registrar of lands does immediately place restrictions on the ADC land to guard against further illegal disposal of the land upon tabling of this Report.

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Lands is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference: -
 - (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
 - (ii) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
 - (iii) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
 - (iv) study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
 - (v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister.
 - (vi) study and review all legislation referred to it

1.2 Committee subjects

2. The Committee is mandated to consider the following subjects:
 - a) Lands
 - b) Settlement

1.3 Oversight

3. The Committee oversights:
 - i. The Ministry of Lands and Physical Planning; and
 - ii. The National Land Commission

1.4 Committee Membership

4. The Committee membership comprises: -

Member	Constituency	Party
Hon. Dr. Rachael Nyamai, MP - Chairperson	Kitui South	Jubilee Party
Hon. Khatib Mwashetani, MP - V/Chairperson	Lunga Lunga	Jubilee Party
Hon. Jayne Wanjiru Kihara, MP	Naivaisha	Jubilee Party
Hon Joshua Kutuny Serem, MP	Cherangany	Jubilee Party
Hon. Kimani Ngunjiri, MP	Bahati	Jubilee Party
Hon. Mishi Mboko, MP	Likoni	Orange Democratic Movement (ODM)

Hon. Omar Mwinyi, MP	Changamwe	Orange Democratic Movement (ODM)
Hon. Ali Mbogo, MP	Kisauni	Wiper Democratic Party
Hon. Babu Owino, MP	Embakasi East	Orange Democratic Movement (ODM)
Hon. Caleb Kipkemei Kositany, MP	Soy	Jubilee Party
Hon. Catherine Waruguru, MP	Laikipia County	Jubilee Party
Hon George Aladwa, MP	Makadara	Orange Democratic Movement (ODM)
Hon George Risa Sunkuyia, MP	Kajiado West	Jubilee Party
Hon. Jane Wanjuki Njiru, MP	Embu County	Jubilee Party
Hon. Josphat Gichunge Kabeabea, MP	Tigania East	Party of National Unity
Hon. Owen Yaa Baya, MP	Kilifi North	Orange Democratic Movement (ODM)
Hon. Samuel Kinuthia Gachobe, MP	Subukia	Jubilee Party
Hon. Simon Nganga Kingara, MP	Ruiru	Jubilee Party
Hon. Teddy Mwambire, MP	Ganze	Orange Democratic Movement (ODM)

1.5 Committee Secretariat

5. The Committee secretariat comprises: -

Clerk Assistant I	Mr. Leonard Machira
Clerk Assistant III	Mr. Ahmad Guliye
Legal Counsel I	Ms. Jemimah Waigwa
Researcher III	Mr. Joseph Tiyan
Fiscal Analyst III	Mr. Adan Abdi
Media Relations Officer III	Ms. Winnie Kizia
Audio Officer	Mr. Nimrod Ochieng
Serjeant-At-Arms	Ms. Peris Kaburi

2.0 INTRODUCTION

6. The Petition by residents of Sabaki Ward in Magarini Constituency regarding the dispossession of ancestral land was tabled in the House on 1st March 2019 by the Hon Michael Thoya Kingi MP pursuant to Article 119 (1) of the Constitution and Standing Order No. 225 (1) (b). Subsequently the Petition was referred to Departmental Committee on Lands.
7. The Committee received the Petition on 1st March 2019 and set out a procedure for its consideration and to report to the House as set out in Standing Order No 227(2).
8. The Petitioners wished to draw to the attention of the House to the following, that: -
9. Before independence, the residents of Sabaki Ward were forcefully evicted from their ancestral land by the colonial government to pave way for the establishment of Kisima farm.
10. The forceful eviction and the subsequent relocation were done without any compensation despite the abandoned farms being rich in cash crops like cashew nuts trees, mango trees among others.
11. After independence the Kenyan Government repossessed Kisima Farm and vested it in the Agricultural Development Corporation (ADC) a state corporation and renamed it Sabaki Farm.
12. The once thriving livestock enterprise started to dwindle under the management of ADC. The residents felt that this was a deliberate attempt to allow well connected individuals to get easy access to the prime land.
13. The ADC management had illegally allocated the land to well-connected individuals and had issued them with title deeds.
14. The National Land Commission vide a letter dated 13th March 2015, addressed to the Kilifi County Commissioner, confirmed that ADC management was illegally allocating land to individuals.
15. The residents who were evicted from Sabaki Ward ADC farm were currently squatters on land which is not arable.
16. Efforts to have the matter resolved with relevant government agencies have been futile.
17. The matters in respect of which this petition raised were not pending in any court of law, constitutional or legal body.
18. The petitioners prayed that the National Assembly through the Departmental Committee on Lands:
 - a. Cause the government to resettle the evicted people on the Sabaki ADC farm.
 - b. Cause the National Land Commission to investigate allocation of ADC Sabaki farmland with a view of revoking all the title deeds that were illegally issued to individuals.
 - c. Makes any other direction that it deems fit in the circumstances of this matter

3.0 SUBMISSIONS

3.1 Submissions by stakeholders during a field visit to Sabaki, Magarini Constituency

a) Submissions by the Petitioners

19. The Committee held a meeting with the Petitioners during a field visit to Sabaki, Magarini Constituency on Friday 13th April 2019. During the meeting the Petitioners and the Hon. Michael Kingi, M.P informed the Committee that the residents of Sabaki Ward were evicted by the colonial government from their ancestral land without any compensation to pave way for the establishment of Kisima Farm.
20. In 1976 the Kenyan Government repossessed the land and allocated it to the Agricultural Development Corporation (ADC).
21. The ADC management promised to facilitate farming in the area through the breeding of pedigree livestock and crops.
22. However, in the 1990s the Agricultural Development Corporation (ADC) management illegally facilitated the allocation of the farm's entire 1000 acres to well-connected individuals and the said individuals had been issued of title deeds including a title deed for the land where the office of the farm manager is located.
23. The Petitioners argued that, being the descendants of the initial ancestral owners of the land they deserved to be allocated the land as opposed by the situation in which the management of ADC had illegally allocated the land to people from outside the County and to private companies.
24. The Committee was also informed that residents who were evicted from the land in question by the colonial government were currently living as squatters on un-arable land and sought to be allocated their ancestral land given that it was no longer held by the Agricultural Development Corporation.
25. The Petitioners also stated that the management of ADC Kiswani Home Farm harassed residents who grazed livestock in the unoccupied land by confiscating the animals and demanding payment of illegal penalties. They further complained that the said management allowed individuals and companies with title deeds to construct building in the same land.

b) Submissions by the Ag Managing Director, Agricultural Development Corporation

26. The Committee received oral and written submissions from the Mr. Mohamed Bulle, the Ag Managing Director, Agricultural Development Corporation (ADC) during a field visit to Magarini Constituency on Friday 13th April 2019. He informed the Committee as follows:
27. The land referred to in the Petition is known as Kiswani Home Farm and was bought by the corporation, through its subsidiary Lands Limited, from Kisima Limited in 1976.
28. In the 1990 the farm was subdivided and allocated to individuals and companies by the then management of ADC. The corporation received Kshs. 40,000,000 as proceeds from the sale, however Kshs. 1,675,000 was still outstanding.
29. The subdivision and allocation of the farm to individuals and companies was not approved by the ADC Board.
30. Ownership documents for approximately 66% of the land had been issued to individuals and companies. While documents for the remaining 33% of the allocated land had not been processed by the beneficiaries following a freeze on the said transactions by the Ethics and Anti-Corruption Commission.
31. In 2010 the Ethics and Anti-Corruption Commission initiated investigations into the said allocations and subsequently froze further transactions on the land in question.
32. The National Land Commission also initiated investigations on the matter after receiving complaints from residents of Malindi in March 2015. The Commission also directed that transactions on the said land be halted and later issued a gazette notice on 11th December 2018, in which a 14-day ultimatum was issued to all landowners to present their ownership documents to the NLC offices in Nairobi for verification failure to which the said titles would be cancelled after 90 days. However, no documents were submitted to the commission at the expiry of the said deadline.
33. The Ag. Managing Director indicated that ADC welcomed investigations into the allocation of the land in question to individuals and companies to establish any breach of the law. He also argued that it was in the best interest of the public that ADC continued to occupy the land for furtherance of its mandate. He further argued that it was in the best interest of the government and the local community that the land was vested in the ADC for the sake of peace and tranquility among local community members. He also promised that ADC would endeavor to protect the land from being irregularly acquired by other parties.

c) Submissions by the Ag. Deputy Chief Executive Officer, National Land Commission and the County Coordinator, Kilifi County

34. The Committee also received submissions from the Ag. Deputy Chief Executive Officer, National Land Commission and the County Coordinator, Kilifi County. The two officers informed the

Committee that the Commission had made efforts to address the matters raised in the Petition since 2014 following complaints lodged by residents of Malindi.

35. The officers further stated that the former Commission Chairperson, Prof. Muhammed Swazuri held a public rally in Sabaki in February 2014. After the said rally the Commission vide a letter dated 13th March 2015 directed that all transactions involving the land in question be stopped.
36. The Malindi ADC farms were bought by Lands Ltd that fully is owned by ADC, from departing settlers on 1976. The farms comprise Top farm covering an area of 3000 acres and Home Farm covering an area of 1000 acres. The Petitioners' claims relate to Home Farm
37. The entire 1000 acres of land in the Kiswani Home Farm was disposed and allocated to individuals and companies by former ADC managers. Some of the allottees later sold the land to third parties. They further stated that Kshs. 40 million was realized from the sale.
38. The Commission issued a notice to persons owning land in the ADC farms to submit their ownership documents to the Commission for verification. However, no documents were submitted for verification at the expiry of the notice.

3.2 Submissions by the Cabinet Secretary Ministry of Lands & Physical Planning

39. The Committee held a meeting with the Cabinet Secretary, Ministry of Lands & Physical Planning on Tuesday 7th May 2019. During the meeting the Committee was informed that the ADC Kiswani Complex was previously known as Kisima farm. It is situated within land registration Nos. 540, M53, M3B and LR. No. 5061 in Malindi.
40. **Background:** The Cabinet Secretary further informed the Committee that after Kenya attained independence the government bought the land from departing settlers through Lands Limited. Further ADC was established by an Act of Parliament in 1965 and assumed full control of Lands Limited.
41. In July 1976, Lands limited bought land portion No. 540 measuring 470 acres, which was later consolidated with land portions Nos. 19,36,569, and LR. No. 5061 from Kisima Farm Limited at a sum of Kshs. 1,309,900.
42. **Subdivisions:** The Cabinet Secretary also stated that according to records at the Ministry the ADC Kiswani Complex is situated within Portion No. 540 (411.5 acres, Portion No. M53(128.5 acres) Portion M3B (237.96 acres) and LR. MNO506 (470) acres. The said parcels were surveyed in 1930 vide survey plan F/R/41/37.
43. L.R No. 5061 measuring 470 acres was still intact and had not been subdivided. The other portions had been subdivided into 125 parcels as follows:
 - In May 1994, portion No. 540 was subdivided into 31 parcels (portion Nos 8930 to 8961) vide survey plan F/R 247 /77.

- In August 1994, portion M3B was subdivided into 7 parcels (portion Nos 9358 to 9364) vide survey plan F/R 251 /55.
- In August 1995 portions Nos 9363, M53 and 8930 were consolidated and subdivided into 63 parcels vide survey plan No F/R 259/61 resulting in portion Nos. 10144 to 10204.
- In July 1996 portion 10144 was consolidated with 29R vide survey plan F/R No 304/182 and issued into portion No. 10617 measuring 205.28 ha. Portion No. 10617 was further subdivided vide survey plan F/R 267/96 into 53 portions (portion Nos 10618 to 10670).
- In 1997 portion No 10618 was subdivided into 3 portions namely 10618/2 measuring 14.01 ha, 10618/3 measuring 16.80 ha. and 10618/4 measuring 28.47 ha.

44. **List of persons holding title deeds arising from the subdivisions:** The Cabinet Secretary tabled a list of 125 persons and companies who were allocated the land in question following the above-mentioned subdivisions (See Annex I). She also informed the Committee that 92 subdivisions out of the 125 parcels of land had been registered. Title deeds for the said subdivisions had also been issued to the individuals and companies.

3.3 Submissions by the Ag Chief Executive Officer National Land Commission

45. The Committee held a meeting with Ms. Kabale Tache, the Ag Chief Executive Officer, National Land Commission on Tuesday 7th May 2019. She informed the Committee as follows;
46. The Malindi ADC farms were bought by Lands Ltd that fully owned by ADC, from departing settlers on 1976. The farms comprise Top farm covering an area of 300 acre and Home Farm covering an area of 1000 acres.
47. In the 1990s the then management of ADC subdivided and allocated the farm to individuals and companies. ADC received Kshs. 40,000,000 as proceeds from the sale, however Kshs. 1,675,000 was still outstanding.
48. The Commission issued a notice on 11th December 2018 to persons owning land in the ADC farms to submit their ownership documents to the Commission for verification. However, no documents were submitted for verification.
49. The Ag, Chief Executive officer requested the Committee to consider extending the powers of the Commission to review grants to establish their propriety and legality, which lapsed in 2017 by amending section 14 of the National Land Commission Act 2012. She indicated that the lapse of the said provision had rendered the Commission without the power to recommend revocation of titles.
50. The Ag Chief Executive Officer also recommended that the ancestral claim to the land in question made by the Petitioners may be referred to the second Commission as an Historical Land Injustice claim as provided in section 15 of the National Land Commission Act 2012.

3.4 Submissions by the Cabinet Secretary Ministry of Agriculture, Livestock, Fisheries and Irrigation

51. The Committee received oral and written submissions from the Chief administrative Secretary, on behalf of the Cabinet Secretary, Ministry of Agriculture, Livestock, Fisheries and Irrigation during a meeting held on 28th May 2019. He informed the Committee that the ADC Kiswani Complex comprises two farms; Kiswani Home Farm and Kiswani Top Farm. The matters raised in the Petition relate to Kiswani Home Farm which covers an area of 1000 acres.
52. ADC was created through an Act of Parliament in 1965. The current assets of Lands Limited are held in public interest and were gazetted as special farms vide gazette notice No. 37 of 2001. The ADC Kiswani Complex is one of the said special farms.
53. The ADC Kiswani Home Farm was fully allocated to individuals and companies in the early 1990s by the ADC management during the tenure of Dr. Water Kilele (deceased). The said allocations were a subject of investigations by Ethics Anti- Corruption Commission (EACC).
54. Ownership documents of 66% of the land had been issued, while documents for 33% of the allocated land had not been processed following a freeze on the said transaction by the EACC.
55. ADC received Kshs. 40 million from the sale of the farm with an outstanding balance of Kshs. 1.7 million yet to be paid by the beneficiaries.
56. ADC and Lands Limited Board did not make any resolution to allocate the land in question to individuals and companies.
57. Despite the land having been allocated to individuals and companies ADC still occupied the land.
58. The National Land Commission issued a gazette notice on 11th December 2018 in which a 14-day ultimatum was issued to all landowners to present their ownership documents to the NLC offices in Nairobi for verification failure to which the said titles would be cancelled after 90 days. No documents were submitted at the expiry of the said notice.
59. The Chief Administrative Secretary also tabled a list of 125 individuals and companies that were allocated parcels of land in the ADC Kiswani Home Farm (Annex II).

3.5 Submissions by the Vice Chairperson Ethics and Anti- Corruption Commission

60. The Committee held a meeting with the Vice Chairperson Ethics and Anti- Corruption Commission on 13th June 2019. The Committee also received a written progress report from the Commission dated 27th June 2019, on investigations undertaken by the Commission regarding allegations of irregular subdivision and acquisition by private developers of ADC Kiswani Home Farm. The submissions and report outlined the following:

61. **Nature of allegation:** The Commission received a complaint from residents of Sabaki Ward, that land belonging to the Agricultural Development Corporation in Malindi – LR No. 540 had been irregularly sub – divided and acquired by private developers.
62. **Action taken by the Commission:** The Commission initiated investigations into the matter with the objective to verify the allegations and the investigations are still ongoing. The said investigation had revealed that:
- a. The land in question is owned by Agricultural Development Corporation and was purchased from Kisima Ltd on 30th April 1976 through Lands Limited, a subsidiary of ADC at a sum of Kshs. 1,700,300. It is composed of four (4) blocks totaling to 990 acres LR. Nos 540,53, M3B 29, 256, 467,470,480,485,488(all freehold) and LR Nos: 5061 852, and 726 (all leaseholds).
 - b. Parcel 540 measuring 41.5 acres was registered on 19th July 1927 as a Grant in favour of Harold George Robertson for 999 years.
 - c. In 1994, ADC sub- divided the land and allocated it to 125 persons at Ksh. 20,000 per acre. A total of Kshs. 41,348,380 was paid to ADC by the said allottees. The Commission presented a document titled “NOTE FOR THE FILE” obtained from ADC alleging that the former Head of State (H.E Daniel Moi) granted the sale of the land at the best possible market rate of between Ksh. 250,000 to Ksh. 300,000 following a meeting with the then ADC, Managing Director Dr. Walter Kilele (deceased)
 - d. Upon allocation , ADC processed title deeds for the parcels of land and some allottees subsequently sold the land to third parties as the locals could not allow the purchasers to take possession of the land as they claim ancestral ownership and that they should have been given priority by ADC to purchase the land . The transfer instruments were signed by the then ADC Managing Director, Dr. Walter Kilele and Ms. Jayne Otieno (both deceased).
 - e. The disposal and sub-division of the subject property was sanctioned by the ADC or the Lands Ltd Board. The land was also sold at Kshs. 20,000 per acre as opposed to the alleged proposal made to the then President of Kshs. 250,000 to Kshs 300,000 per acre.
 - f. The residents of Sabaki’s ancestral claim on the land is not valid as the land was bought and paid for by Lands Ltd in April 1976. As such the locals claim on the land is that if ADC does not utilize the land and decided to allocate it to private parties, the locals should be given priority.

The matter was handled by the National Land Commission, but the commission did not deal with it conclusively due the expiry of the power of the commission to review grants and disposition as stipulated in section 14 of the National land Commission Act 2012. Although the Commission had issued a notice to the public on 11th December 2018, seeking to revoke all title issued in regard of the land in question.

63. **Conclusions:** The Commission made the following conclusions:

- The land in question is public land that was illegally subdivided and sold. The decision was undertaken unilaterally by the Managing Director, Walter Kilelee and there are no Board minutes to ratify the said decision.
- The consideration paid by the allottees for the parcels of land was below the market rates
- Some of the allottees have since sold third parcels of land to third parties, However the land in question has not been fully occupied
- The National Land Commission (NLC) did not conclusively dealt with the matter despite having been seized of it due the expiry of the mandate to revoke title deeds.
- The squatters claiming ancestral ownership of the land have no valid claim on the land

64. **Recommendation:** The Commission undertook to place caveats to restrict further sub – division of the land, to file a civil suit to recover the public land and to conclude criminal investigations and take appropriate action against ADC officials found culpable

4.0 COMMITTEE OBSERVATIONS

The Committee made the following observations:

1. The Committee observed that the evidence tabled before it supported a position that the Petitioners had a valid historical land injustice claim noting they were originally occupying the land before independence and were subsequently dispossessed during the colonial era to pave way for the establishment of Kisima farm by a foreign national without receiving any compensation.
2. The Committee also observed that the land in question, ADC Kiswani Home Farm, is public land that was illegally subdivided and sold to different persons without being sanctioned by either the ADC or Lands Limited Board.
3. The Committee observed that the ADC Kiswani Home Farm land was illegally sold to 125 persons and companies at Kshs 20,000 per acre as opposed to the proposal to sell the land at Kshs 250, 000 to Kshs 300, 000 as indicated in a document titled “NOTE FOR THE FILE” obtained from ADC by the EACC. (Annex iv). The note also indicated that the former President H.E Daniel Moi reportedly granted the sale of the land at the best possible market rate following a purported meeting with the then ADC, Managing Director Dr. Walter Kilele (deceased).
4. The Committee observed that land that is the subject matter of the petition, which was illegally subdivided and sold to different persons, included land presently occupied by ADC offices.
5. The Committee observed that EACC tabled submissions/Report that contained evidence that the land under consideration in this petition was granted to a foreign national in 1927 and the disposition of the latter was illegal.
6. The Committee observed that it was suspicious that the National Land Commission-
 - (a) Had taken three years from the date the complaint regarding irregular allocation of land in ADC Kiswani Home Farm was filed by the petitioners to conduct an inquiry on verification of titles in respect to the said land.
 - (b) Issued a notice for verification of titles in 2018, when the commission had no power to review grants and titles as prescribed under section 14 (1) of the National Land Commission Act as it was barred by time.
7. Despite the National Land Commission issuing a notice inviting persons with titles as proof of ownership of land on ADC to submit the documents, no documents were presented for verification.

8. There has been reluctance by the National Land Commission and EACC to have the claims by the Petitioners resolved noting the claim by Petitioners has been pending for several years and to date the EACC has also not put caveats to restrict further sub-division of land.
9. The Committee noted with concern the inordinate delay by the Ethics and Anti- Corruption Commission and the National land Commission to investigate allegations of irregular allocation of ADC Kiswani Home Farm despite having received complaints on the same in 2010 and 2014 respectively.
10. The Committee observed that the circumstances in which the former managing director of ADC Dr. Andrew Tuimur acquired one share of Lands Limited a subsidiary of the ADC.

5.0 RECOMMENDATIONS

In response to the prayers by the Petitioners, the Committee recommends that within ninety days of tabling of this Report:

1. Pursuant to section 15 of the National Land Commission Act, 2012, the National Land Commission investigates the historical land injustice claim of the Petitioners and where it establishes valid claims of historical land injustice consider ordering the revocation of titles issued in respect of ADC Kiswani Home Farm, comprising land registration numbers 540, M53, M3B and LR. No. 5061 in Malindi. and reallocation of the land to the Petitioners.
2. The Ethics and Anti – Corruption Commission should expedite and conclude investigating all persons who may have been involved in illegally disposing of the ADC Kiswani Home Farm, comprising land registration numbers 540, M53, M3B and LR. No. 5061 in Malindi, including issuance of titles on public land and recommend prosecution to the Director Public Prosecutions if any person is found culpable within ninety days of tabling of this report.
3. Pursuant to the procedure provided under section 76 of the Lands Registration Act, 2012, the Registrar of Lands does immediately place restrictions on the ADC Kiswani Home Farm, comprising land registration numbers 540, M53, M3B and LR. No. 5061 in Malindi to guard against further illegal disposal of the land upon tabling of this Report.
4. The Ethics and Anti – Corruption Commission investigates the circumstances a person serving as an officer of a state corporation acquired a share in the said same state corporation and therefore establish the propriety under which the former managing director of ADC Dr. Andrew Tuimur acquired one share of Lands Limited a subsidiary of the ADC.

Signed..........Date..........

Hon. Dr. Rachael Kaki Nyamai, MP
Chairperson, Departmental Committee on Lands

MINUTES OF THE 40TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON TUESDAY, 2ND JULY 2019 IN THE BOARDROOM, 11TH FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS AT 11.30 A.M

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Khatib Mwashetani, M.P - **Vice Chairperson**
3. Hon. Kimani Ngunjiri, M.P
4. Hon. Mishi Mboko, M.P
5. Hon. George Risa Sunkuyia, M.P
6. Hon. Jane Wanjuki Njiru, M.P
7. Hon. Owen Baya, M.P
8. Hon. Ali Mbogo, M.P
9. Hon. Catherine Waruguru, M.P
10. Hon Caleb Kipkemei Kositany, MP
11. Hon. Simon Nganga Kingara, M.P
12. Hon. Teddy Mwambire, M.P
13. Hon. Samuel Kinuthia Gachobe, M.P

APOLOGIES

1. Hon. Jayne Kihara, M.P
2. Hon. Omar Mwinyi Shimbwa, M.P
3. Hon. Joshua Kutuny, M.P
4. Hon. Babu Owino, M.P
5. Hon. George Aladwa, M.P
6. Hon. Josphat Gichunge Kabeabea, M.P

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Leonard Machira - Clerk Assistant I
2. Mr. Ahmad Guliye - Clerk Assistant III
3. Mr. Joseph Tiyan - Research Officer
4. Mr. Nimrod Ochieng - Audio Officer
5. Ms. Peris Kaburi - Serjeant – At - Arms

MIN. NO. NA/DCS/LANDS/2019/157: PRELIMINARIES

- i. The meeting was called to order at twenty-four minutes to twelve o'clock, prayers said and thereafter introductions were made.

MIN. NO. NA/DCS/LANDS/2019/158: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as outlined in the notice of the meeting after it was proposed and seconded by Hon. Simon Kingara, M.P and Hon. George Sunkuyia, M.P respectively.

MIN. NO. NA/DCS/LANDS/2019/159: CONFIRMATION OF MINUTES

- i. The minutes of the 37th sitting held on Tuesday, 18th June 2019 were confirmed as true record of the Committee's deliberations after it was proposed and seconded by Hon. Mishi Mboko, M.P and Hon. Simon Kingara, M.P respectively.
- ii. The minutes of the 38th sitting held on Thursday, 20th June 2019 were confirmed as true record of the Committee's deliberations after it was proposed and seconded by Hon. Jayne Kihara, M.P and Hon. Simon Kingara, M.P respectively

MIN. NO. NA/DCS/LANDS/2019/160: ADOPTION OF THE REPORT ON A PETITION BY RESIDENTS OF SABAKI WARD, MAGARINI CONSTITUENCY REGARDING DISPOSSESSION OF ANCESTRAL LAND

The Committee unanimously adopted the report having been proposed by and seconded respectively with the following observations and recommendations;

Observations

The Committee made the following observations:

1. The Committee observed that the evidence tabled before it supported a position that the Petitioners had a valid historical land injustice claim noting they were originally occupying the land before independence and were subsequently dispossessed during the colonial era to pave way for the establishment of Kisima farm by a foreign national without receiving any compensation.
2. The Committee also observed that the land in question, ADC Kiswani Home Farm, is public land that was illegally subdivided and sold to different persons without being sanctioned by either the ADC or Lands Limited Board.
3. The Committee observed that the ADC Kiswani Home Farm land was illegally sold to 125 persons and companies at Kshs 20,000 per acre as opposed to the proposal to sell the land at Kshs 250, 000 to Kshs 300, 000 as indicated in a document titled "NOTE FOR THE FILE" obtained from ADC by the EACC. The note also indicated that the former President H.E Daniel Moi reportedly granted the sale of the land at the best possible market rate

following a purported meeting with the then ADC, Managing Director Dr. Walter Kilele (deceased).

4. The Committee observed that land that is the subject matter of the petition, which was illegally subdivided and sold to different persons, included land presently occupied by ADC offices.
5. The Committee observed that EACC tabled submissions/Report that contained evidence that the land under consideration in this petition was granted to a foreign national in 1927 and the disposition of the latter was illegal.
6. The Committee observed that it was suspicious that the National Land Commission-
 - (a) Had taken three years from the date the complaint regarding irregular allocation of land in ADC Kiswani Home Farm was filed by the petitioners to conduct an inquiry on verification of titles in respect to the said land.
 - (b) Issued a notice for verification of titles in 2018, when the commission had no power to review grants and titles as prescribed under section 14 (1) of the National Land Commission Act as it was barred by time.
7. Despite the National Land Commission issuing a notice inviting persons with titles as proof of ownership of land on ADC to submit the documents, no documents were presented for verification.
8. There has been reluctance by the National Land Commission and EACC to have the claims by the Petitioners resolved noting the claim by Petitioners has been pending for several years and to date the EACC has also not put caveats to restrict further sub-division of land.
9. The Committee noted with concern the inordinate delay by the Ethics and Anti- Corruption Commission and the National land Commission to investigate allegations of irregular allocation of ADC Kiswani Home Farm despite having received complaints on the same in 2010 and 2014 respectively.
10. The Committee observed that the circumstances in which the former managing director of ADC Dr. Andrew Tuimur acquired one share of Lands Limited a subsidiary of the ADC.

Recommendations

In response to the prayers by the Petitioners, the Committee recommends that:

1. Pursuant to section 15 of the National Land Commission Act, 2012, the National Land Commission investigates the historical land injustice claim of the Petitioners and where it establishes valid claims of historical land injustice consider ordering the revocation of titles issued in respect of ADC Kiswani Home Farm, comprising land

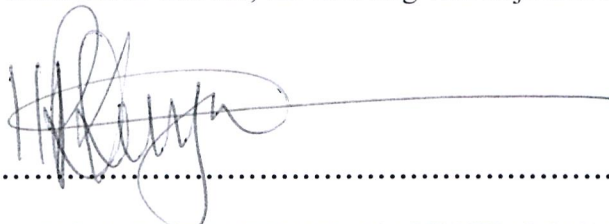
registration numbers 540, M53, M3B and LR. No. 5061 in Malindi. and reallocation of the land to the Petitioners within ninety days of tabling of this Report.

2. The Ethics and Anti – Corruption Commission should conclude investigating all persons who may have been involved in illegally disposing of the ADC Kiswani Home Farm, comprising land registration numbers 540, M53, M3B and LR. No. 5061 in Malindi, including issuance of titles on public land and recommend prosecution to the Director Public Prosecutions if any person is found culpable within ninety days of tabling of this report.
3. Pursuant to section 76 of the Lands Registration Act, 2012, the registrar of lands does immediately place restrictions on the ADC Kiswani Home Farm, comprising land registration numbers 540, M53, M3B and LR. No. 5061 in Malindi to guard against further illegal disposal of the land upon tabling of this Report.
4. The Ethics and Anti – Corruption Commission investigates the circumstances a person serving as an officer of a state corporation acquired a share in the said same state corporation and therefore establish the propriety under which the former managing director of ADC Dr. Andrew Tuimur acquired one share of Lands Limited a subsidiary of the ADC.

MIN. NO. NA/DCS/LANDS/2019/161: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at fourteen minutes past one o'clock.

Signature



HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date.....

20/11/2019

MINUTES OF THE 32ND SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON TUESDAY, 28TH MAY 2019 IN THE BOARDROOM, 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 11.30 A.M.

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Jayne Kihara, M.P
3. Hon. Mishi Mboko, M.P
4. Hon. Caleb Kositany, M.P
5. Hon. Catherine Waruguru, M.P
6. Hon. George Risa Sunkuyia, M.P
7. Hon. Owen Baya, M.P
8. Hon. Samuel Kinuthia Gachobe, M.P
9. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Khatib Mwashetani, M.P - **Vice Chairperson**
2. Hon. Joshua Kutuny, M.P
3. Hon. Kimani Ngunjiri, M.P
4. Hon. Omar Mwinyi Shimbwa, M.P
5. Hon. Ali Mbogo, M.P
6. Hon. Babu Owino, M.P
7. Hon. Jane Wanjuki Njiru, M.P
8. Hon. George Aladwa, M.P
9. Hon. Josphat Gichunge Kabeabea, M.P
10. Hon. Simon Nganga Kingara, M.P

THE NATIONAL ASSEMBLY

Hon. Michael Thoya Kingi, M.P

MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND IRRIGATION

1. Dr. Andrew Tuimur, - Chief Administrative Secretary
2. Prof. Hamadi Boga, - Principal Secretary, State Department of Crop Development
3. Ms. Grace Agili, - Deputy Director, Crop Development
4. Mr. Mohamed Bulle, - Ag. Managing Director, Agricultural Development Corporation

- | | | |
|-------------------------------------|---|--|
| 5. Mr. Wilson Cherop
Corporation | - | Legal Department, Agricultural Development |
| 6. Ms. Agola Akinyi,
Corporation | - | Legal Department, Agricultural Development |

THE NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|---------------------|
| 1. Mr. Leonard Machira | - | Clerk Assistant I |
| 2. Mr. Ahmad Guliye | - | Clerk Assistant III |
| 3. Mr. Nimrod Ochieng | - | Audio Officer |

MIN. NO. NA/DCS/LANDS/2019/127: PRELIMINARIES

- i. The meeting was called to order at fifteen minutes to twelve noon, prayers said and thereafter, introduction were made.
- ii. The agenda of the meeting was adopted as outlined in the notice of the meeting.

MIN. NO. NA/DCS/LANDS/2019/128: SUBMISSION BY THE MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND IRRIGATION ON A PETITION BY RESIDENTS OF SABAKI WARD REGARDING DISPOSSESSION OF ANCESTRAL LAND

Appearing before the Committee, the Chief Administrative Secretary, Ministry of Agriculture, Livestock, Fisheries & Irrigation submitted the following before the Committee regarding the petition by residents of SABAKI Ward on the dispossession of their ancestral land:

- i. The land in question was sold to Kisiwani Estate Limited in 1955 by individuals who were six in number, thereafter, Kisiwani Estate Limited sold various parcels of land to Kisima Farm Limited.
- ii. ADC, through its subsidiary company, Lands Limited subsequently purchased the said land from Kisima Farm Limited in 1976.
- iii. The farm has been subdivided and allocated to individuals and companies in early 1990s by the then management and a proceed of Ksh. 41 million has been realized from the sales.
- iv. The Ethics and Anti – Corruption Commission initiated investigations in 2010 and subsequently frozen transactions on the farm.

- v. The National Land Commission also halted transactions on the farm after it received complaints from the local residents of Malindi.
- vi. Approximately 66% of the farm has been transferred to individuals and documentations issued the remaining 33% are awaiting processing of their documentations.
- vii. The Agricultural Development Corporation Board of Directors has not made a resolution to dispose off Kiswani Home Farm to third parties.

Committee Observations

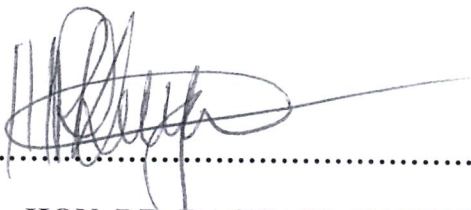
Arising from the interactions with the Ministry, the Committee made the following observations;

- i. Despite irregular allotments of land by the previous management, Agricultural Development Corporation has not made meaningful efforts to reclaim the irregularly allotted land.
- ii. Ethics and Anti – Corruption Commission has not released a report in respect of this matter despite commencing the investigations nine (9) years ago.
- iii. The Committee resolved to invite the Ethics and Anti – Corruption Commission on Thursday 6th June, 2019 at 11.30 a.m. to shed light on the matter.

MIN. NO. NA/DCS/LANDS/2019/129: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at fourteen minutes to one o'clock.

Signature



HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date.....

13/06/2019

**MINUTES OF THE 26TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON TUESDAY 7TH MAY 2019 IN COMMITTEE ROOM 1ST FLOOR, MINI
CHAMBER-COUNTY HALL, PARLIAMENT BUILDINGS, AT 9:30 A.M**

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Jayne Kihara, M.P
3. Hon. Ali Mbogo, M.P
4. Hon. Caleb Kositany, M.P
5. Hon. Catherine Waruguru, M.P
6. Hon. George Risa Sunkuyia, M.P
7. Hon. Josphat Gichunge Kabeabea, M.P
8. Hon. Owen Yaa Baya, M.P
9. Hon. Samuel Kinuthia Gachobe, M.P
10. Hon. Simon Nganga Kingara, M.P
11. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Khatib Mwashetani, M.P - **Vice Chairperson**
2. Hon. Joshua Kutuny, M.P
3. Hon. Mishi Mboko, M.P
4. Hon. Omar Mwinyi Shimbwa, M.P
5. Hon. Babu Owino, M.P
6. Hon. Kimani Ngunjiri, M.P
7. Hon. George Aladwa, M.P
8. Hon. Jane Wanjuki Njiru, M.P

THE NATIONAL ASSEMBLY

Hon. Michael Kingi

MINISTRY OF LANDS AND PHYSICAL PLANNING

1. Ms. Farida Karoney, - Cabinet Secretary
2. Hon. Gideon Mungaro - Chief Administrative Secretary
3. Dr. Eustace Kithumbu - Land Adjudication & Settlement
4. Mr. Paul Ndungu - Land Surveyor
5. Mr. Chacha Maroa - Land Registrar
6. Mr. A.A. Ombima - Admin General

NATIONAL LAND COMMISSION

- | | | |
|-----------------------|---|------------------------------------|
| 1. Ms. Kabale Tache | - | Ag. Chief Executive Officer |
| 2. Mr. Francis Bor | - | Ag. Deputy Chief Executive Officer |
| 3. Mr. Joseph Kariuki | - | Lands Officer |
| 4. Mr. Samuel Odari | - | Deputy Director |
| 5. Mr. Ali Ibrahim | - | Principal Investigator |

THE NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|---------------------|
| 1. Mr. Leonard Machira | - | Clerk Assistant I |
| 2. Mr. Ahmad Guliye | - | Clerk Assistant III |
| 3. Ms. Jemimah Waigwa | - | Legal Counsel |
| 4. Mr. Nimrod Ochieng | - | Audio Officer |
| 5. Ms. Peris Kaburi | - | Serjeant-At-Arms |

MIN. NO. NA/DCS/LANDS/2019/107: PRELIMINARIES

- i. The meeting was called to order at eight minutes to ten o'clock prayers were said and thereafter, introductions were made.
- ii. The agenda of the meeting was adopted as outlined in the notice of the meeting.

MIN. NO. NA/DCS/LANDS/2019/108: SUBMISSION BY THE CABINET SECRETARY, MINISTRY OF LANDS & PHYSICAL PLANNING ON THE PETITION REGARDING DISPOSSESSION OF ANCESTRAL LAND IN SABAKI WARD, MAGARINI CONSTITUENCY

Appearing before the Committee, the Cabinet Secretary informed the Committee of the following in respect of the above matter:

- i. Sabaki farm was previously known as Kisima Farm and is currently known as ADC Kisiwani Complex located within portion numbers 540, M53, M3B & LR No. 5061 in Malindi. These parcels were surveyed in 1930 vide survey plan F/R 41/37.
- ii. In July 1976, Lands Limited purchased portion No 540 measuring 411.5 acres (a consolidation of portions 19, 36, 569 & M52) and L.R No. 5061 measuring 470 acres from Kisima Farm Limited. The two portions were bought for a consideration of Ksh.1,309,900/-.
- iii. LR No. 5061 measuring 470 acres is intact and has no subdivisions. The other portions have been subdivided into 152 parcels as per the survey record.
- iv. The chronology of the subdivisions are as follows;
 - a. In May 1994, portion no. 540 was subdivided into 31 parcels (nos. 8930 to 8961) vide survey plan F/R 247/77.

- b. In August 1994, portion M3B was subdivided into 7 parcels (nos. 9358 to 9364) vide survey plan F/R 251/55.
- c. In August 1995, portions no. 9363, M53, & 8390 were consolidated and subdivided into 63 parcels vide survey plan no. F/R 259/61 resulting into portions nos. 10144 to 10204.
- d. In July 1996, portion 10144 was consolidated with 29R vide F/R NO 304/182 and issued with portion No. 10617 measuring 205.28 Ha. Portion no 10617 was further subdivided vide survey plan F/R 267/96 into 53 portions (portion nos. 10618 to 10670).
- e. In 1997, portion 10168 was subdivided into 3 portions namely 10168/2 measuring 14.01 Ha, 10168/3 measuring 16.80 Ha & 10168/4 measuring 28.47 Ha.

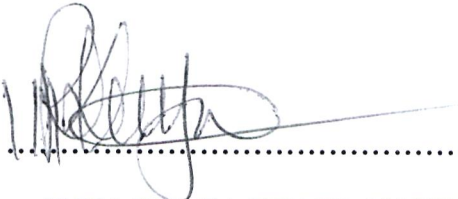
MIN. NO. NA/DCS/LANDS/2019/109: SUBMISSION BY THE CHIEF EXECUTIVE OFFICER, NATIONAL LAND COMMISSION ON THE PETITION REGARDING DISPOSSESSION OF ANCESTRAL LAND IN SABAKI WARD, MAGARINI CONSTITUENCY

Appearing before the Committee, the Acting Chief Executive Officer, National Land Commission informed the Committee of the following in respect of the above matter:

- I. In February 2014, a public rally was held in one of the farms where the Commission was represented by its immediate former Chairperson,
- II. The Chairperson directed a stop of all transactions on the said land vide a letter dated 13th March 2015.
- III. The Commission issued a notice to persons owning land in the farms to submit their ownership documents for verification. However, no documents were submitted for verification. The next Commission will give a direction on how to proceed with the matter.
- IV. Section 14 of the National Land Commission Act – review of grants – lapsed in 2017. With the lapse of this provision, the Commission is unable to recommend revocation of titles.
- V. The Commission requests the Committee to consider amending the National Land Commission Act to provide for more time for review of grants.
- VI. The ancestral claim of the land may be referred to the second Commission for investigations as claims arising out of historical injustices as provided in section 15 of the National Land Commission Act.

MIN. NO. NA/DCS/LANDS/2019/110: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at five minutes past eleven o'clock. The next meeting will be held on Thursday 9th May 2019 at 1st floor, Mini-Chamber, County Hall, Parliament Buildings at 9.30 a.m.

Signature 

HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date..... 13/06/2019

MINUTES OF THE 15TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON TUESDAY 19TH MARCH 2019 IN THE MINI-CHAMBER COUNTY HALL, PARLIAMENT BUILDINGS, AT 9:30 A.M.

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Khatib Mwashetani, M.P - **Vice Chairperson**
3. Hon. Caleb Kositany, M.P
4. Hon. Catherine Waruguru, M.P
5. Hon. George Risa Sunkuyia, M.P
6. Hon. Jane Wanjuki Njiru, M.P
7. Hon. Owen Yaa Baya, M.P
8. Hon. Simon Nganga Kingara, M.P
9. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Jayne Kihara, M.P
2. Hon. Joshua Kutuny, M.P
3. Hon. Kimani Ngunjiri, M.P
4. Hon. Mishi Mboko, M.P
5. Hon. Omar Mwinyi Shimbwa, M.P
6. Hon. Ali Mbogo, M.P
7. Hon. Babu Owino, M.P
8. Hon. George Aladwa, M.P
9. Hon. Josphat Gichunge Kabeabea, M.P
10. Hon. Samuel Kinuthia Gachobe, M.P

THE NATIONAL ASSEMBLY

1. Hon. Michael Kingi, M.P

RESIDENTS OF MAGARINI CONSTITUENCY/PETITIONERS

1. Mr. Stembo Kaviha
2. Mr. Charo Kaindi Baya
3. Mr. Sahuri Charo Randu
4. Mr. Samson maitha
5. Mr. Edward Dele

6. Mr. Kavumbi Karisa

THE NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|-------------------|
| 1. Mr. Leonard Machira | - | Clerk Assistant I |
| 2. Mr. Ahmad Guliye | - | Clerk Assistant I |
| 3. Mr. Nimrod Ochieng | - | Audio Officer |
| 4. Ms. Peris Kaburi | - | Serjeant-At-Arms |

MIN. NO. NA/DCS/LANDS/2019/059: PRELIMINARIES

The meeting was called to order at thirty eight minutes past nine o'clock and prayers were said. The agenda of the meeting was adopted as outlined in the notice of the meeting.

MIN. NO. NA/DCS/LANDS/2019/060: CONFIRMATION OF MINUTES

The item was differed to the next sitting.

MIN. NO. NA/DCS/LANDS/2019/061: MEETING WITH THE PETITIONERS IN A PETITION BY HON. MICHAEL KINGI, M.P ON BEHALF OF RESIDENTS OF SABAKI WARD, MAGARINI CONSTITUENCY REGARDING DISPOSSESSION OF ANCESTRAL LAND IN MAGARINI CONSTITUENCY

The Hon. Michael Kingi, M.P and the petitioners informed the Committee as follows;

- i. The residents of Sabaki Ward were evicted by the colonial government from their ancestral land without compensation to pave way for the establishment of Kisima Farm which was by then allocated to a foreign national;
- ii. After independence, the Kenyan Government repossessed the land and allocated it to the Agricultural Development Corporation (ADC), who renamed it Sabaki Farm;
- iii. The management of Agricultural Development Corporation (ADC) later illegally facilitated the allocation of the land to well-connected individuals and the said individuals had since been issued of title deeds to approximately 1000 acres of the land in question that is located within Magarini Constituency, including the land where the office of the ADC farm manager is located ;


- iv. The National Land Commission vide a letter dated 13th March 2015, addressed to the Kilifi County Commissioner confirmed that the ADC management illegally allocated land to individuals;
- v. The residents who were evicted from the land in question by the colonial government were currently living as squatters on un-arable land and sought to be allocated their ancestral land given that it was no longer held by the Agricultural Development Corporation; and
- vi. The petitioners prayed that the National Assembly through the Departmental Committee on Lands;
 - a. Cause the government to resettle the evicted people on the Sabaki ADC farm.
 - b. Cause the National Land Commission to investigate allocation of ADC Sabaki farm land with a view of revoking all the title deeds that were illegally issued to individuals.
 - c. Makes any other direction that it deems fit in the circumstances of this matter.

Committee resolution

The Committee resolved to undertake a field visit to the area from 4th to 7th April 2019 to gather more information on the matter and to later invite all the relevant stakeholders to attend a meeting to address the matters raised in the petition.

MIN. NO. NA/DCS/LANDS/2019/062: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at twelve minutes past eleven o'clock. The next meeting will be held on Thursday 21st March 2019 at 11.30 a.m. at 4th floor, Continental House.

Signature 

HON. DR. RACHAEL KAKI NYAMAI, M.P.
(Chairperson)

Date..... 29/03/2019

Approved for tabling.

BW
SNA
31/7/19

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION – 2019

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE CONSIDERATION OF A PETITION BY RESIDENTS OF SABAKI
WARD MAGARINI CONSTITUENCY REGARDING DISPOSSESSION ANCENTRAL
LAND

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	31 JUL 2019 Wednesday
TABLED BY:	Hon. Dr. Rachael Nyamira Chairperson of the Committee
CLERK AT THE TABLE:	Halima Ahmad

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS
NAIROBI

JULY, 2019



Approved.
SNA
13/19

TWELFTH PARLIAMENT - (THIRD SESSION)

THE NATIONAL ASSEMBLY

PUBLIC PETITION

(No. 009 of 2019)

REGARDING DISPOSSESSION OF ANCESTRAL LAND

I, the **UNDERSIGNED**, on behalf of the residents of Sabaki Ward of Magarini Constituency;

DRAW the attention of the House to the following;

1. **THAT**, before independence, the residents of Sabaki Ward were forcefully evicted from their ancestral land and relocated by the colonial Government to pave way for establishment of the Kisima Farm owned by a foreign national;
2. **THAT**, the forceful eviction and subsequent relocation was done without any compensation despite the abandoned farms being rich in cash crops like cashew nut trees, coconut trees, mango trees among others;
3. **THAT**, after independence, the Kenyan Government repossessed Kisima Farm including the land and vested it to Agricultural Development Corporation (ADC), a state Corporation and later renamed Sabaki Farm;
4. **THAT**, with time, the once thriving livestock enterprise started to dwindle under the management of ADC. The local residents felt that this was a deliberate attempt to allow well-connected individuals to get easy access to the prime land;
5. **THAT**, ADC Management has illegally allocated the land to well-connected individuals and have them issued with Title Deeds;

**PUBLIC PETITION
REGARDING DISPOSSESSION OF ANCESTRAL LAND**

6. THAT, the National Land Commission vide a letter dated 13th March, 2015 addressed to the Kilifi County Commissioner, confirmed that ADC Management was allocating land illegally to individuals;
7. THAT, residents who were evicted from Sabaki Ward ADC farm are currently squatters on land which is not arable;
8. THAT, efforts to have the matter resolved with relevant Government agencies have been futile; and,
9. THAT, the matter in respect of which this petition is raised is not pending in any court of law, constitutional or legal body.

THEREFORE, your humble petitioners **PRAY** that the National Assembly, through the Departmental Committee on Lands: -

1. That the government resettles the evicted people on the Sabaki ADC farm which is their ancestral land;
2. Causes the National Land Commission to investigate allocation of ADC Sabaki Farm Land with a view of revoking all the Title Deeds issued to individuals who were illegally allocated; and
3. Makes any other direction that it deems fit in the circumstances of this matter.

And your **PETITIONERS** will ever pray.

PRESENTED BY:-



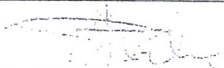
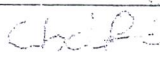




HON. MICHAEL THOYAH KINGI, MP
MEMBER FOR MAGARINI CONSTITUENCY

Date: 26th - 02 - 2019

PUBLIC PETITION

(No. 009 of 2019)

REGARDING DISPOSSESSION OF ANCESTRAL

NO.	NAME	CONTACT	ID NO.	SIGN
1.	STANLEY K. RUI	0724000000	13740000	
2.	CHRIS K. RUI	0724000000	23210000	
3.	ROBERT K. RUI		30810000	
4.	ALVIN K. RUI	0710700000	43880000	
5.	STANLEY K. RUI	0724000000	56260000	
6.	STANLEY K. RUI	0724000000	21280000	
7.	STANLEY K. RUI	0724000000	00830000	
8.	SAMSON MAITHA	0788538837	22868927	
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ANNEX I

**SUBMISSIONS BY THE CABINET SECRETARY MINISTRY OF LANDS
AND PHYSICAL PLANNING**



MINISTRY OF LANDS AND PHYSICAL PLANNING

PETITIONS TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON LANDS

PETITION NO. 009 OF 2019: PETITION BY THE RESIDENTS OF SABAKI WARD MAGARINI CONSTITUENCY

1.0. PETITION

It is alleged that before independence, the residents of Sabaki Ward in Magarini were forcefully evicted from their ancestral land and relocated by the colonial Government to pave way for the establishment of Kisima Farm, owned by a foreign national. The petitioner further alleges that the forceful eviction and subsequent relocation was done without any compensation.

At Independence, the Kenyan Government repossessed Kisima Farm and vested it to Agricultural Development Corporation (ADC) and later renamed it as Sabaki Farm. The crux of the petition is that the management of ADC has illegally allocated the land while the residents who were evicted from the farm remain as squatters on land which is not arable.

The prayers of the petitioner are that the National Assembly, through the Departmental Committee on Lands:

- a) Directs the Government to resettle the evicted people on the Sabaki ADC Farm

- b) Causes the National Land Commission to investigate alienation of ADC Sabaki Farm with a view to revoking all the title deeds issued to individuals who were illegally allocated the land
- c) Makes any other direction that it deems fit in the circumstances of this matter.

The Departmental Committee on Lands resolved to invite the Cabinet Secretary, Ministry of Lands and Physical Planning to attend a meeting on Tuesday May 7, 2019 to consider the petition. The Committee requires the Cabinet Secretary to respond to issues raised in the petition and to provide: -

- a) Information on all subdivisions on **LR No 726 Malindi** and **LR No 852 Malindi**
- b) List of persons holding title deeds arising from the subdivision of **LR No 726** and of **LR No 852**, Malindi.

1.1. Clarification

Honourable Chair,

Sabaki farm was previously known as Kisima Farm and is currently known as ADC Kiswani Complex. In the question, reference has been made to **L.R No 726** and **LR No 852**, Malindi. However, our records indicate that **LR. No 726** is located in Naivasha while **L.R. No 852** is located at Uasin Gishu. The two land references are thus not related to ADC Kiswani Complex which is in Malindi.

However, our survey records establish that ADC Kiswani complex is situated within **Portion Nos 540, M53, M3B and LR. No 5061** in Malindi.

2.0 BACKGROUND

At independence, the Government of the Republic of Kenya bought land previously owned by departing settlers through Lands Limited. The farms were later leased or

sold to Kenyans through Lands Limited, a subsidiary of ADC. ADC was established by an Act of Parliament in 1965 and it assumed full control of Lands Limited.

In July 1976, Lands Limited purchased **Portion No 540** measuring 411.5 acres (a consolidation of **Portions 19, 36, 569 & M52**) and **L.R No 5061** measuring 470 acres from Kisima Farm Limited. The two portions were bought for a consideration of **Kshs.1,309,900/-**.

ANSWERS

2.1 Subdivisions within ADC Kiswani Complex.

Honourable Chair I wish to respond as follows:

According to our records, ADC Kiswani complex is situated within **Portion No 540 (411.5 Acres), Portion No M53 (128.5 Acres) Portion No M3B (237.96 Acres) and LR. No 5061(470 Acres)**. These parcels were surveyed in 1930 vide survey plan **F/R 41/37** attached as **Annex 1**.

L.R. No 5061 measuring (470 acres) is intact and has no subdivisions. The other portions have been subdivided into **152** parcels as per our survey records. The chronology of subdivisions is as follows honourable Chair;

In May 1994, **Portion No 540** was subdivided into **31** parcels (Portion Nos **8930** to **8961**) vide survey plan **F/R 247/77** attached as **Annex 2**.

In August 1994, **Portion M3B** was subdivided into **7** parcels (Portion Nos **9358** to **9364**) vide survey plan **F/R 251/55** attached as **Annex 3**.

In August 1995, Portions Nos **9363**, **M53**, and **8930** were consolidated and subdivided into **63** parcels vide survey plan no. F/R 259/61 (**Annex 4**) resulting into Portion Nos **10144** to **10204**.

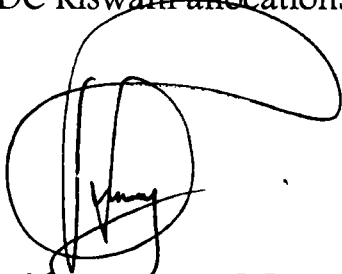
In July 1996, Portion **10144** was consolidated with **29R** vide F/R No **304/182** (**Annex 5**) and issued with Portion No **10617** measuring **205.28 ha**. Portion No **10617** was further subdivided vide survey plan F/R **267/96** (**Annex 6**) into **53** portions (Portion Nos. **10618** to **10670**).

In 1997, Portion No **10618** was subdivided into 3 Portions namely **10618/2** measuring **14.01 ha**, **10618/3** measuring **16.80 ha** and **10618/4** measuring **28.47 ha**. See F/R No **273/83** attached as **Annex 7**.

3.0 List of persons holding title deeds arising from the subdivisions.

Hon Chair,

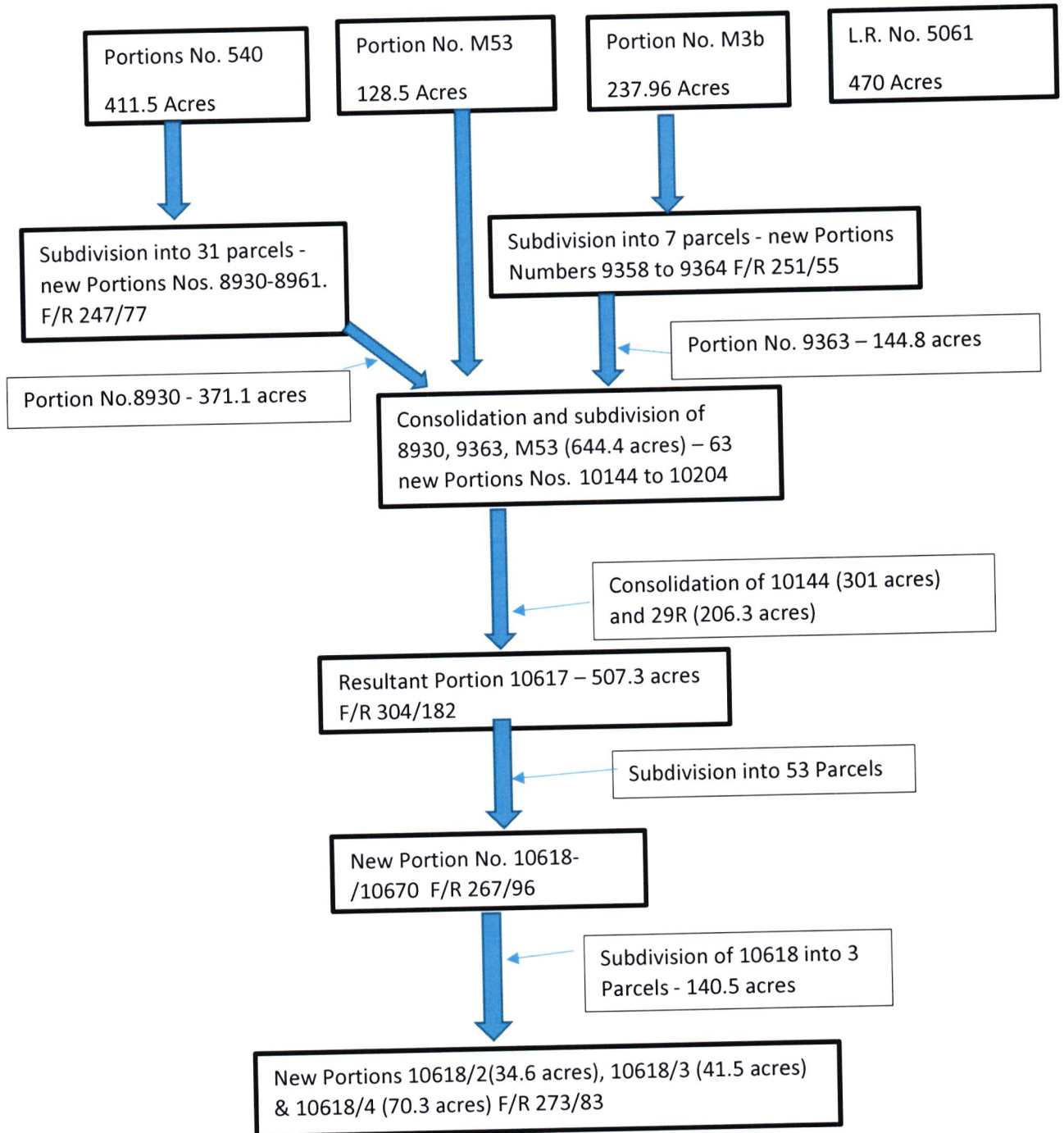
Portion No **540** is registered as **CR 7982** at the Mombasa Coastal Registry. Currently, 92 subdivisions have been registered as indicated in the attached search certificate **Annex 8**. It isn't clear honourable Chair from available information whether all subdivisions have been registered. However, a list of **125** allottees of ADC Kiswani allocations is attached as **Annex 9**.



Farida Karoney, OGW
CABINET SECRETARY

May 7, 2019

FLOW CHART FOR SUBDIVISIONS OF AGRICULTURAL DEVELOPMENT CORPORATION LAND, SABAHI FARM IN MALINDI, KILIFI COUNTY



REPUBLIC OF KENYA

Amex 8

THE MATTER OF LAND REGISTRATION ACT NO 3 OF 2012
IN THE MATTER OF LAND ACT NO. 6 OF 2012
THE REGISTRATION OF TITLES ACT

CAP.281 (REPEALED)

CERTIFICATE OF POSTAL SEARCH AS MAY, 2019

PLOT NUMBER : 540 - MALINDI

TITLE NUMBER : CR. 7982

AREA : 411.5 ACRES

TENURE : LEASEHOLD
TERM: 999 YEARS
FROM: 1.6.1927
RENT: KSHS.82/30 P.A.

REGISTERED OWNER : **LANDS LIMITED**

ENCUMBRANCE : THE PLOT HAS BEEN SUBDIVIDED INTO
VARIOUS PORTIONS



REGISTRAR OF TITLES

9

WHEREAS it has been agreed that the terms of the within written Grant shall be altered in manner hereinafter appearing NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS that the GOVERNOR and COMMANDER-IN-CHIEF of the Colony and Protectorate of Kenya on behalf of HIS MOST GRACIOUS MAJESTY KING GEORGE THE FIFTH do hereby under and by virtue of the powers vested in him DECLARE that the within written Grant shall be amended by the addition of the following clause which shall be read as Special Condition No.5 in the within written Grant.

For a period of 10 years after the date hereof the Grantee shall in the month of January of each year forward to the Commissioner for Local Government, Lands and Settlement a progress report accompanied by a plan both of which shall be dated and signed. In the report the grantee shall certify the area under cultivation and on the plan he shall indicate the position of cultivation and all other improvements temporary and permanent. The statement and plan shall be certified by an affidavit.

SAVE as hereby modified the terms and conditions of the within written Grant shall continue in full force and operation.

IN WITNESS WHEREOF I William Marston Logan Acting Commissioner of Lands have by Order of the Governor hereunto set my hand and seal this thirch day of October One thousand nine hundred and thirty one in the presence of:-

Morgan

W. Marston Logan
REGISTRAR OF TITLES.

REGISTRATION FEES
STAMP DUTY
S.H.S.
S.H.S.
S.H.S.

Survey & Registration Dept., Casey and Proctorhouse at Nairobi.
Land Registration Division.
Coast Registry, Mombasa
Registered No. C.R. 1992/12
Date 13/10/31
Time 11 a.m.
Registrar of Titles

REVENUE
FEES PAID
DATE - 8th May 1931
2019

THE FOLLOWING INSTRUMENTS HAVE BEEN REGISTERED AGAINST THIS TITLE:-
C.R. 7982/3

Letters of Administration (with Will annexed) in favour of Marjorie Cecilia Robertson as representative of Harold George Robertson deceased

Presentation No. 209/42 Date of Registration 25/2/42 Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
C.R. 7982/4

Transfer to Marjorie Cecilia Robertson

Presentation No. 356/42 Date of Registration 30/3/42 Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
C.R. 7982/5

Transfer to: William Cyril Samuel Raitt

Presentation No. 583/44 Date of Registration 4.7.44 Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-

Charge: In favour of Marjorie Cecilia Robertson

Presentation No. 884/44 Date of Registration 4.7.44 Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
C.R. 7982/7

Discharge of charge of No. 6 above

Presentation No. 143/44 Date of Registration 23/1/44 Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
C.R. 7982/8

Transfer to Johannes George Joubert

Presentation No. 584/50 Date of Registration 22/4/50 Registrar of Titles

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE:-
C.R. 7982/9

Messrs of Charge: In favour of The Standard Bank of South Africa Limited

Presentation No. 927/50 Date of Registration 30/6/50 Registrar of Titles

DATE - 8th May 2017

Dated the _____ day of _____ 1927.

HAROLD GEORGE ROBERTSON.

CROWN

to

GRANT.

Portion No. 540,
Malindi District,
Coast Province.

Registry of Titles,
KENYA.

① + ②

UNCERTIFIED / CERTIFIED
TAXES PAID ADHESIVE REVENUE STAMPS
DATE _____

Memo of discharge of Charge of No. 9 above

10

2526

16/11/54

D.H. Price

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Transfer: - TO KISIMA FARM LIMITED

11

2527

16/11/54

D.H. Price

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE

Declaration by the Crown dated 5th September, 1961
declaring the annual rent payable for the land comprised in the
within-written grant to be Shs. 823/- with effect from 1st January 1961

12

Presentation No. 41 Date of Registration 2-9-61 REGISTRAR OF TITLE

Easement dated 3rd December 1963
By The East African Power and Lighting Co. Ltd.
claiming a grant of Easement

13

Presentation No. 43 Date of Registration 6-12-63 REGISTRAR OF TITLE

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Easement dated 21st July 1967
By The East African Power & Lighting Co. Ltd.
claiming a grant of easement

14

Presentation No. 96 Date of Registration 26-7-67 REGISTRAR OF TITLE

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THIS TITLE
Transfer dated 7th June 1976
To Lands Limited for Shs. 1,309,900/-
(with other land)

15

Presentation No. 44 Date of Registration 3-7-76 REGISTRAR OF TITLE

UNIDENTIFIED / IDENTIFIED
REVENUE
8th May 2019

16. Transfer dated 20th June 1944
Chebek Company Limited
div. no. 8958, area 0.3732 ha
for lot 92, 2181
Vill. no. 26080
374

17. Transfer dated 20th June 1944
Chebek Company Limited
sub div. no. 8932, area 0.3768 ha
for lot 93, 1071
Vill. no. 26081
375

18. Transfer dated 20th June 1944
Chebek Company Limited
sub div. no. 8933, area 0.3923 ha
for lot 92, 8361
Vill. no. 26082
376

19. Transfer dated 20th June 1944
Chebek Company Limited
sub div. no. 8931, area 0.5393 ha
for lot 132, 6761
Vill. no. 26083
377

20. Transfer dated 20th June 1944
Chebek Company Limited
sub div. no. 8934, area 0.572 ha
for lot 127, 7741
Vill. no. 26084
378

21. Transfer dated 20th June 1944
Chebek Company Limited
sub div. no. 8935, area 0.486 ha
for lot 119, 9921
Vill. no. 26085
379

22. Transfer dated 20th June 1944
Chebek Company Limited
sub div. no. 8938, area 0.3972 ha
for lot 98, 2721
Vill. no. 26086
380

UNIDENTIFIED / IDENTIFIED
AND ADDRESSEE REVENUE STAMP
209 May 20 1944

Transfer dated 20 June 1994
GO. Chebek Company Limited
Sub div. no 2937 area 0.3947 ha.
23. for kfr 97,530/-
vide in 26087 dated 16.8.94
381

Transfer dated 20 June 1994, GO.
Chebek Company Limited
Sub div. no 2938 area 0.4602 ha.
24. for kfr 113,715/40/-
vide in 26088 dated 16.8.94
382

Transfer dated 20 June 1994
GO. Chebek Company Limited of
Sub div. no 2939 area 0.4239 ha.
25. for kfr 104,746/-
vide in 26089 dated 16.8.94
383

Transfer dated 20 June 1994
GO. Chebek Company Limited
Sub div. no 2940 area 0.3961 ha.
26. for kfr 97,276/-
vide in 26090 dated 16.8.94
384

Transfer dated 20 June 1994, GO.
Chebek Company Limited
Sub div. no 2941 area 0.3482 ha.
27. for kfr 86,164/-
vide in 26091 dated 16.8.94
385

Transfer dated 20 June 1994, GO.
Chebek Company Limited, sub div
28. number 2942 area 0.3704 ha.
for kfr 91,517/-
vide in 26092 dated 16.8.94
386

Transfer dated 20 June 1994
GO. Naki Investments Company
Limited sub div. no 2943, area 0.6336
29. for kfr 156,563/-
vide in 26093 dated 16.8.94
387

UNCERTIFIED/CERTIFIED
TILES PAID INHESIVE REVENUE STAMP 3-4
DATE - 24 May 2019
15

30. Transfer dated 20th June 1994, G.O.
Chebek Company Limited, sub. div.
no. 8944, area 0.508 ha. for life.
123,995/-
KATE on 26094 valued. *388*

31. Transfer dated 20th June 1994, G.O.
Chebek Company Limited, sub.
div. no. 8945, area 0.4121 ha.
for life. 101,830/-
Vale on 26095 *389*

32. Transfer dated 20th June 1994
G.O. Chebek Company Limited,
sub. div. no. 8946, area 0.3750 ha.
for life. 92,663/-
Vale on 26096 *390*

33. Transfer dated 20th June 1994,
G.O. Chebek Company Limited
sub. div. no. 8947, area 0.4208 ha.
for life. 103,000/-
Vale on 26097 *391*

34. Transfer dated 20th June 1994,
G.O. Chebek Company Limited
sub. div. no. 8948, area 0.3846 ha.
for life. 95,235/-
Vale on 26098 *392*

35. Transfer dated 20th June 1994, G.O.
Chebek Company Limited
sub. div. no. 8949, area 0.4478 ha.
for life. 110,651/-
Vale on 26099 *393*

36. Transfer dated 20th June 1994,
G.O. Chebek Company Limited
sub. div. no. 8950, area 0.4250 ha.
for life. 105,081/-
Vale on 26100 *394*

INCERTIFIED / CERTIFIED
REVENUE STAMP
Errol May 2019

37. Transfer dated 20th June 1994
to Chesek Company Limited
Sub div. no. 8951, area 0.411 ha.
for 16/4 101,583/-
value in 26101.10/-
395 10.11.74

38. Transfer dated 20th June 1994, 10.
Chesek Company Limited
Sub div. no. 8952, area 0.1342 ha.
for 16/4 33,284/-
value in 26102.10/-
396 10.11.74

39. Transfer dated 20th June 1994, 10.
Chesek Company Limited
Sub div. no. 8953, area 0.2568 ha.
for 16/4 63,457/-
value in 26103.10/-
397 10.11.74

40. Transfer dated 20th June 1994
to Chesek Company Limited
Sub div. no. 8954, area 0.4010 ha.
for 16/4 117,125/-
value in 26104.10/-
398 10.11.74

41. Transfer dated 20th June 1994
to Chesek Company Limited
Sub div. no. 8955, area 0.4300 ha.
for 16/4 106,253/-
value in 26105.10/-
399 10.11.74

42. Transfer dated 20th June 1994
to Chesek Company Limited
Sub div. no. 8956, area 0.5438
for 16/4 134,373/-
value in 26106.10/-
400 10.11.74

UNIDENTIFIED / CERTIFIED
BY THE INDIAN REVENUE STAMP
OFFICE - 829 May 2019

43. Transfer dated 20th June 1994,
G.D. Chebek Company Limited
Sub. div. no. 8957, a/c no. 0.3742 hr.
for ltr. 92,465/-
Vide on 2610718. 16.7.94.
401

44. Transfer dated 20th June 1994,
G.D. Chebek Company Limited
Sub. div. no. 8959, a/c no. 0.5255 hr.
for ltr. 124,934/-
Vide on 2610818. 16.7.94.
402

45. Transfer dated 20th June 1994,
G.D. Chebek Company Limited
Sub. div. no. 8960, a/c no. 0.4744 hr.
for ltr. 99,087/-
Vide on 2610918. 16.7.94.
403

46. Transfer dated 24th June 1994, G.D.
Chebek Company Limited
Sub. div. no. 8961, a/c no. 0.713 hr.
for ltr. 432,282/-
Vide on 2611018. 16.7.94.
404

47. Transfer dated 23rd August 1994, G.D.
Riding Investment (Africa) Limited
Sub. div. no. 9273, a/c no. 2907 hr.
for ltr. 718,088/-
Vide on 2612118. 24.8.94.
361

48. Transfer dated 23rd August 1994, G.D.
Katendema Limited, sub. div. no. 9274 &
9275, a/c no. 2.045 hr. & 2.028 hr.
respectively for ltr. 1,006,000/-
Vide on 2612218 & 2612218 respectively
562 24.8.94.

49. Angles dated 9th August 1993
To Dany Investments Limited for Shs. 100,000/-
Action No. 10293 (0191014/90) A/c no. 2.816 hr.
for Shs. 100,000/- Vide CT/CR 249525
338 25.11.96

UNCERTIFIED/CERTIFIED
TAXPAYER'S INCLUSIVE REVENUE STAMP
6th May 2019

Memorandum dated 7th August 1996.
To: Frank Lamonde Mwangi - Portion of CR 31274
No. 10196 and 10197 Areas: 2.025 and 2.112 in respect of
HA - respectively for S/S 200 and CR 29786 issued for 10197
339 Date of Registration: 25/11/96 Registrar: PORTION No. 10196

50

IN FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE CIVIL.
Transfer dated 10th April 1997
To: SIS COMPANY LIMITED.
Portion No. 10622 (original No. 106175)
Area: 2.111 HA. vide CR 29786 issued
140 Date of Registration: 10-4-97 Registrar: [Signature]

51

IN FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE CIVIL.
Transfer dated 10th April 1997
To: SIS COMPANY LIMITED.
Portion No. 10625 (original No. 106178)
Area: 2.067 HA. vide CR 29782 issued
141 Date of Registration: 10-4-97 Registrar: [Signature]

52

IN FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE CIVIL.
Transfer dated 10th April 1997
To: SIS COMPANY LTD.
Portion: No. 10623 (original No. 106176)
Area: 1.997 HA. vide CR 29783 issued
142 Date of Registration: 10-4-97 Registrar: [Signature]

53

IN FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE CIVIL.
Transfer dated 10th April 1997
To: SIS COMPANY LIMITED
Portion No. 10624 (original No. 106177)
Area: 1.975 HA. vide CR 29784 issued
143 Date of Registration: 10-4-97 Registrar: [Signature]

54

IN FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE CIVIL.
Transfer dated 10th April 1997.
To: SIS COMPANY LIMITED.
Portion No. 10621 (original No. 106174)
Area: 1.909 HA. vide CR 29785 issued
144 Date of Registration: 10-4-97 Registrar: [Signature]

55

IN FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE CIVIL.
Transfer dated 10th April 1997.
To: SIS COMPANY LIMITED.
Portion No. 10620 (original No. 106173)
Area: 1.909 HA. vide CR 29785 issued
144 Date of Registration: 10-4-97 Registrar: [Signature]

56

DECLINED
Under Sec. 33(2)
[Signature]

INDEXED / CERTIFIED
BY THE REVENUE STAMP
MAY 2019
[Signature]

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE VAT

Transfer dated 10th April 1997
To: KIRUTO COMPANY LIMITED
Portion: N^o 10626 (original N^o 106199)
Area: 2.092 HA. Viole CR/30942

Registration No. 143, Dept of Registrars *Phedya*

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE VAT

Transfer dated 10th April 1997
To: KIRUTO COMPANY LTD.
Portion N^o 10627 (original N^o 10617/10)
Area: 2.860 HA. Viole CR/30942

Registration No. 146, Dept of Registrars *Phedya*

58

Transfer dated 31st October, 1997
To: Auto Import Limited
Portion No. 10618/3. Area: 16.80 Hectares
(Viole CR/30942 issued)
090 1-2-98 *Phedya*

59

Transfer dated 31st October, 1997
To: Auto Import Limited
Portion No. 10618/2. Area: 14.01 Hectares
(Viole CR. 30943 issued)
090 1-2-98 *Phedya*

Transfer dated 9th August 1996
To: Kamunde Mwambi
Portion Nos 10196 and 10197. Area: 2.5 HA and 2.40 HA
Respectively for Sh. 200,000/-
Viole CR/31275
2-2-96 *Phedya*

CANCELLED

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE VAT

UNIDENTIFIED / IDENTIFIED
REG. AND ADHESIVE REVENUE STAMP
DATE 2nd May 2009

TRANSFER DATED 11th AUGUST, 1998 TO: RICHARD S. ODINGO PORTION NO 10635 (ORG. 10617/18) AREA: 1.978HA FOR KSHS. 129,000= NIBE CT/CR 33663 ISSUED
151 20.7.2000

TRANSFER DATED 11th AUGUST, 1998 TO: MARTHA MKAMORBO MASHANGA PORTION NO 10637 (ORG. 10617/20) AREA: 1.533HA FOR KSHS. 129,000= NIBE CT/CR 33671 ISSUED
149 20.7.2000

TRANSFER DATED 11th AUGUST, 1998 TO: WILLIAM SIMBAH DHURI PORTION NO 10639 (ORG. 10617/22) AREA: 1.978HA FOR KSHS. 129,000= NIBE CT/CR 33672 ISSUED
148 20.7.2000

TRANSFER DATED 11th AUGUST 1998 TO: ALI YISLAM HARIZ and SHEIKHA ALI HARIZ PORTION NO 10640 (ORG. 10617/23) AREA: 1.978HA FOR KSHS. 129,000= NIBE CT/CR 33673 ISSUED
155 20.7.2000

TRANSFER DATED 11th AUGUST, 1998 TO: GEORGE BENARD ODHAMBO KIDEMBA PORTION NO 10645 (ORG. 10617/28) AREA: 1.978 HA FOR KSHS. 129,000= NIBE CT/CR 33685 ISSUED
147 20.7.2000

TRANSFER DATED 11th AUGUST, 1998 TO: PHILLIP KIBIRECH NGETICH PORTION NO 10643 (ORG. 10617/26) AREA: 2.004HA FOR KSHS. 129,000= NIBE CT/CR 33674 ISSUED
154 20.7.2000

TRANSFER DATED 11th AUGUST, 1998 TO: JANE WANDIKU MUREITHI PORTION NO 10648 (ORG. 10617/31) AREA: 1.980HA FOR KSHS. 129,000= NIBE CT/CR 33675 ISSUED
153 20.7.2000

UNCERTIFIED/CERTIFIED
TAXES PAID ADHESIVE REVENUE STAMP
DATE = 6th May 2019

TRANSFER DATED 11th AUGUST, 1998 TO: MOSES
HAIJARI KUBO PORTION NO 10650 (ORS.10617/33)
AREA - 1.978HA FOR SHS. 129,000=
VIDE CT/CR 33676 ISSUED.
152 20.7.2000

~~REG~~

TRANSFER DATED 11th AUGUST, 1998 TO: JAMES
MUSAM PETER PORTION NO 10651 (ORS.10617/34)
AREA - 1.978HA FOR KSHS. 129,000=
VIDE CT/CR 33677 ISSUED.
161 20.7.2000

~~REG~~

TRANSFER DATED 11th AUGUST, 1998 TO: DAVID
MWANDIA PORTION NO 10655 (ORS.10617/38)
AREA - 1.486HA FOR KSHS. 129,000=
VIDE CT/CR 33678 ISSUED.
160 20.7.2000

~~REG~~

TRANSFER DATED 11th AUGUST, 1998 TO: NGENMILEL
LIMITED PORTION NO 10658 (ORS.10617/41)
AREA - 1.978HA FOR SHS. 129,000=
VIDE CT/CR 33679 ISSUED.
159 20.7.2000

~~REG~~

TRANSFER DATED 11th AUGUST, 1998 TO: CHIVARA
REGISTRARS LIMITED PORTION NO 10660 (ORS.10617/43)
AREA - 1.800HA FOR KSHS. 129,000=
VIDE CT/CR 33680 ISSUED.
158 20.7.2000

~~REG~~

TRANSFER DATED 11th AUGUST, 1998 TO: CAROLINE
CHEBET SOI PORTION NO 10660 (ORS.10617/49)
AREA - 1.980HA FOR SHS. 129,000=
VIDE CT/CR 33681 ISSUED.
157 20.7.2000

~~REG~~

UNCERTIFIED / CERTIFIED
LES PAID ADD SIVE REVENUE STAM
DATE - 20th May 2019

TRANSFER DATED 11th AUGUST, 1998 To: SAMUEL
KIPROTICH SOI. PORTION NO 10667 (O/S. 1067/50)
AREA: 1.9684 HA FOR KSHS. 129,000=
73 VIDE CT/CR 33682 ISSUED
156 20,720,000

TRANSFER DATED 11th AUGUST, 1998 To: ZARINA
KASY PORTION NO 10628 (O/S. 10617/11)
AREA: 1.915 HA. FOR SHS. 100,000=
74 VIDE CT/CR 33683 ISSUED
146 20,720,000

TRANSFER DATED 11th AUGUST, 1998 To: SHUKRI
BARAMADI PORTION NO 10636 (O/S. 10617/19)
AREA: 1.980 HA. FOR KSHS. 100,000=
75 VIDE CT/CR 33684 ISSUED
150 20,720,000

Transfer dated 11th August, 1998
To: LUKAS KOSILGET (Vide Cr 33773 issued)
Parti No. 10646 (O/S. 10617/29)
Area: 1.978 Ha. FSR: Ksh. 129,000/
76 172 22,920,000

Transfer dated 11th August, 1998
To: ERIC NOUNEN MWANDIA (Vide Cr 33774 issued)
Parti No. 10654 (O/S. 10617/37)
Area: 1.691 Hectares. FSR: Ksh. 129,000/
77 173 22,920,000

TRANSFER DATED 11th August 1998
To: STANLEY KIPROTICH SOI. PORTION NO. 10663
(O/S. 10617/40) AREA: 1.950 Hectares
FSR: Ksh. 129,000 (Vide Cr. 34386 issued)
78 170 28,820,000

TRANSFER DATED 11th AUGUST 1998
To: HENRY WATGWA KIBOI
Parti No. 10631 (O/S. 10617/14)
Area: 1.980 Ha. (Vide Cr. 34387 issued)
79 180 28,520,000

UNIDENTIFIED/CERTIFIED
LSD AND ADHESIVE REVENUE STAMP
DATE: 2nd May 2009

78

TRANSFER DATED 11th August 1998
To: - STANLEY KIPUM MANYINYA
Portion No. 10663 (orig. 10617/46)
Area: 1.978 Hectares (Vide cr. 34386 issued)
179
28.5.2001

79

TRANSFER DATED 11th August 1998
To: - HENRY WAGWA
(orig. 10617/14) Area: 1.950 H. FY: 129,000/-
(Vide 34387 issued)
180
28.5.2001

80

TRANSFER DATED 11th August 1998
To: - JOSEPH KUGO CHEEKWAYI
Portion No. 10629 (orig. 10617/12) Area: 2.329 H.
FY: 129,000/- (Vide cr. 34388 issued)
181
28.5.2001

81

TRANSFER DATED 17th July 2000
To: - DANIEL WAGWA
KAMUTI KIKUR
Portion No. 10647 (orig. 10617/30)
Area: 1.978 Hectares. FY: 129,000/-
(Vide cr. 34389 issued)
182
28.5.2001

82

TRANSFER DATED 11th August 1998
To: - HESBON KIDUKA and UNITED PANDELA
KIDUKA
Portion No. 10642 (orig. 10617/25)
Area: 1.978 H. FY: 258,000/- (with other lands)
(Vide cr. 34390 issued)
183
28.5.2001

83

TRANSFER DATED 11th August 1998
To: HESBON KIDUKA and UNITED PANDELA KIDUKA
Portion No. 10641 (orig. 10617/24) Area: 1.978 H.
FY: 258,000/- (with other lands) (Vide cr. 34394 issued)
183/A
28.5.2001

UNIDENTIFIED, CERTIFIED
NO INHIBITIVE REVENUE STAMP
20th May 2009

85

TRANSFER TO JONATHAN KAYANA NZAI
PORTION No. 10173 (CORIG. 10145/50)
AREA 2.004 HECTARES
VIDE CT/CL 43738 (ISSUED)
20/8/2007

86

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
TRANSFERRED TO TEBER LIMITED ON 5TH OCTOBER 2007.
PORTION No. 10166 (ORIG. 10145/23)
AREA 2.003 HA
FOR KSHS 700,000/= (VIDE CT/CL 44177 (ISSUED))
Registration No. 83 Date of Registration 11TH AUGUST 2008

87

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
TRANSFERRED TO TEBER LIMITED ON 5TH OCTOBER 2007.
PORTION No. 10167 (ORIG. 10145/24)
AREA 2.004 HA
FOR KSHS 700,000/= (VIDE CT/CL 44178 (ISSUED))
Registration No. 84 Date of Registration 11TH AUGUST 2008

88

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
TRANSFERRED TO TEBER LIMITED ON 5TH OCTOBER 2007.
PORTION No. 10168 (ORIG. 10145/25)
AREA 2.004 HA
FOR KSHS 700,000/= (VIDE CT/CL 44179 (ISSUED))
Registration No. 85 Date of Registration 11TH AUGUST 2008

89

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
TRANSFERRED TO TEBER LIMITED ON 5TH OCTOBER 2007.
PORTION No. 10171 (ORIG. 10143/28)
AREA 1.973 HA
FOR KSHS 1,000,000/= (VIDE CT/CL 44180 (ISSUED))
Registration No. 86 Date of Registration 11TH AUGUST 2008

90

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
TRANSFERRED TO TEBER LIMITED ON 5TH OCTOBER 2007.
PORTION No. 10172 (ORIG. 10143/29)
AREA 1.934 HA
FOR KSHS 1,000,000/= (VIDE CT/CL 44181 (ISSUED))
Registration No. 87 Date of Registration 11TH AUGUST 2008

91

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
TRANSFERRED TO TEBER LIMITED ON 5TH OCTOBER 2007.
PORTION No. 10178 (ORIG. 10145/55)
AREA 2.007 HA
FOR KSHS 1,000,000/= (VIDE CT/CL 44182 (ISSUED))
Registration No. 88 Date of Registration 11TH AUGUST 2008

DATE - 20TH MAY 2009

(176)

THE FOLLOWING INSTRUMENT HAS BEEN REGISTERED AGAINST THE TITLE
TRANSFER DATED 9th AUGUST 1988 TO
JOSEPHINE LAUREN MWAJARHI & ALICE
MWAMBE NGATHO FOR KES 100,000
(NINE LAKH NINE HUNDRED)

182 Date of Registration 15/10/2008

8th May 2019
[Signature]

Handwritten signature/initials

ADC KISWANI ALLOCATION

No.	Name	Acreage	Value	Date	CT No.	Amount Paid	Balance
1	Sabaki Estate R.L. Kukadia, K.D. Kukadia	68	21,760,000.00	7/27/1994		7,040,000.00	
				5/23/1994		2,176,000.00	
				2/21/1995		7,360,000.00	
2	Hon. E.K. Barngeturny	5	100,000.00	09/05/1995		2,999,974.00	
3	Hon. E.K. Barngeturny	5	100,000.00	04/06/1995		2,184,026.00	
4	Roving Inv. Ltd - F.K. Diwani & R.K. Diwani	9	188,000.00	04/06/1995		100,000.00	
5	Katendewa Ltd - F.K. Baya & Peris Darna Baya	5	100,000.00			188,000.00	
6	Hon. K. Kones	10	200,000.00				100,000.00
7	Hon. S. Nyachae	15.265	305,300.00				200,000.00
8	Silver Blades Holding Ltd & Gatko Ltd.	17.815	343,000.00	26/07/2006		343,000.00	305,300.00
9	Disneyland Inv. Ltd (J.K. Chepkwony)	5	100,000.00	02/11/1997		14473	
10	Disneyland Inv. Ltd (J.K. Chepkwony)	5	100,000.00	9/19/2006		20520	
11	Disneyland Inv. Ltd (J.K. Chepkwony)	5	100,000.00	9/19/2006		20520	
12	Ptrose Agencies (K) Ltd. (P. Kilel)	5	100,000.00	9/19/2006		20520	
13	Sotken Co. Ltd (Kimalab)	5	100,000.00	02/08/1995		196942	
14	Ruth K. Agui	5	100,000.00	15/09/1994			100,000.00
15	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00				100,000.00
16	M/s Teber Company Ltd (N.K. Tum)	10	200,000.00	12/07/1994		196381	
17	Marcella Taruss	2	40,000.00	12/07/1994		196381	
18	Zena Cheruto Taruss	5	100,000.00	27/06/2003		18318	
19	Francis Kipkurui Sang	5	100,000.00	25/06/1996		14397	
20	Bernard Kiplangat Rono	5	100,000.00	3/25/1997		16660	
21	Hon. Abubakary Badawy	5	100,000.00	3/29/2006		19593	
22	Hon. Jonathan Katana Nzai	5	100,000.00	13-Apr	H/2 19708		100,000.00
23	Gideon Toroitich	5	100,000.00	2/15/1995	H/2 19695		100,000.00

30/01/1995 H/2 19603

ADC KISWANI ALLOCATION

No.	Name	Acreage	Value	Date	F-CT No.	Amount Paid	Balance
24	John Safaimumba (Feddis Kadii Mumba)	5	100,000.00	01/08/2001	17808	30,000.00	
				11/28/2000	17786	40,000.00	
				2/28/2001	17854	30,000.00	
25	Ziporah Kitony	5	100,000.00	10/09/1998	17252	100,000.00	
26	James Tuitoek	5	100,000.00	8/14/2002	18096	55,000.00	
				10/29/2002	18222	30,275.00	
				12/17/2002	18222	14,725.00	
27	Soyonin Farm Ltd. (B. Kipkulei)	5	100,000.00	1/31/1995	196922	100,000.00	
28	Atsumani Inv. Ltd (G.Towett)	5	100,000.00	1/27/1995	13633	100,000.00	
29	Sewenei Ltd (Hosea K.)	5	100,000.00	30/01/1995	196920	100,000.00	
30	Christine Ruto (Tumur)	5	100,000.00	13/03/1998	17064	24,900.00	
				3/26/1996	14355	75,100.00	
31	Ali Noor	5	100,000.00	12/05/1996	14393	100,000.00	
32	Dr. Sarah Siele	5	100,000.00	01/09/1996	14215	100,000.00	
33	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12/07/1994	196381	100,000.00	
34	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12/07/1994	196381	100,000.00	
35	Kinolyo Ltd. (A. Kiptanui)	5	100,000.00	2/22/1995	196979	100,000.00	
36	Lelmor Ltd (Chemngorem)	5	100,000.00	9/26/1994	196333	100,000.00	
37	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12/07/1994	196381	100,000.00	
38	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12/07/1994	196381	100,000.00	
39	Alice Soi	5	100,000.00				100,000.00
40	Daniel K. Yegon (Prof. Ngeno)	5	100,000.00	02/08/1995	196940	100,000.00	
41	Sajjad Mohamedali Rashid	5	100,000.00	02/01/1995	196926	100,000.00	
42	Eldora farm (W.Kilele. P.J. Ransley)	5	100,000.00	11/04/2008	20960	100,000.00	
43	Sanur Ltd (Fatuma Noor, H. Noor)	5	100,000.00	05/05/2000	17693	100,000.00	
44	Alexander Sifienei	5	100,000.00	09/05/1996	14379	100,000.00	
45	Disneyland Inv. Ltd (J.K. Chepkwony)	5	100,000.00	19/09/2006	20520	100,000.00	
46	Disneyland Inv. Ltd (J.K. Chepkwony)	5	100,000.00	19/09/2006	20520	100,000.00	

ADC KISWANI ALLOCATION

No.	Name	Acreage	Value	Date	FCT No.	Amount Paid	Balance
47	Sajjad Mohamedali Rashid	5	100,000.00	02/01/1995	196926	100,000.00	
48	Lucas Kosilbet	5	100,000.00	26/06/1996	14399	100,000.00	
49	Moses Mbauni Malha	5	100,000.00	06/07/1995	197732	100,000.00	
50	Sedema Enterprises	5	100,000.00				100,000.00
51	J.M. Sawe	5	100,000.00	21/05/1997	16693	100,000.00	
52	Joan Cheptoo Ngeno	5	100,000.00	27/06/1996			
53	Singwaya Inv. Ltd. (M. Keah)	10	100,000.00	3/16/1995	14403	200,000.00	
54	Hon. Shaban Isaack	5	100,000.00	22/04/1996	14372	100,000.00	
55	Kiko Ltd. (Hon. Kones)	5	100,000.00	13/05/1996	14381	100,000.00	
56	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12/07/1994	196381	100,000.00	
57	Kosgam (Sang & Co.)	5	100,000.00	26/03/1998	17070	100,000.00	
58	David Kipkemoi Korir	5	100,000.00	02/07/1995	196936	100,000.00	
59	Hon. Katana Ngala	5	100,000.00	10/11/2000	17760	80,000.00	
				3/13/2003	18289	20,000.00	
60	Stephen T. Ngambo	5	100,000.00	09/06/2006	19895	100,000.00	
61	Hon. Abu Mohammed	5	100,000.00	2/22/1995	196988	100,000.00	
62	Mrs. Hellen Chepkoech Kiplagat	5	100,000.00	02/03/1995	196932	100,000.00	
63	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12/07/1994	196381	100,000.00	
64	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12/07/1994	196381	100,000.00	
65	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12/07/1994	196381	100,000.00	
66	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	13/07/1994	196381	100,000.00	
67	Dr. Frank Mwangera	5	100,000.00	3/23/1995	197057	100,000.00	
68	Dr. Frank Mwangera	5	100,000.00	3/23/1995	197057	100,000.00	
69	Livingstone Ruto	5	100,000.00	3/20/1995	197045	100,000.00	
70	Dayax Inv. Ltd (M.H. Mohammed)	5	100,000.00	04/11/1995	197081	100,000.00	
71	Zahari Bunu Mohammed (ABM)	5	100,000.00	2/22/1995	196987	100,000.00	
SECOND PORTION							

ADC KISWANI ALLOCATION

No.	Name	Acreage	Value	Date	R/C T No.	Amount Paid	Balance
72	Stephen Lukeine Meoli	5	100,000.00	03/03/2009		21032	100,000.00
73	Sis Company B.K. Rono & A.N. Ketere	5	100,000.00	04/03/2006		19608	100,000.00
74	Sis Company B.K. Rono & A.N. Ketere	5	100,000.00	11/04/2008		20959	100,000.00
75	Sis Company B.K. Rono & A.N. Ketere	5	100,000.00	11/04/2008		20959	100,000.00
76	Sis Company B.K. Rono & A.N. Ketere	5	100,000.00	11/04/2008		20959	100,000.00
77	Sis Company B.K. Rono & A.N. Ketere	5	100,000.00	11/04/2008		20959	100,000.00
78	Kiruto Co. Ltd (T. Kirui)	5	100,000.00	24/24/2000	MD/34/C/CM		100,000.00
79	Kiruto Co. Ltd (T. Kirui)	5	100,000.00	24/08/2001	MD/34/C/CM		100,001.00
80	Moses Kipleting	5	100,000.00				100,000.00
81	Benson Nyaga Njeru	5	100,000.00				100,000.00
82	Catherine Muthoni Mukere	5	100,000.00				100,000.00
83	Margaret Beatrice Apondi	5	100,000.00				100,000.00
84	S. Manyinya	5	100,000.00	27/11/1995		14124	70,000.00
85	James Mulama	5	100,000.00	27/11/1995		14125	30,000.00
86	Mary Wairimu Chege	5	100,000.00	05/12/2007		20907	100,000.00
87	Caroline Chebet Soi	5	100,000.00	12/03/2008		20938	100,000.00
88	Samuel Kiprotich Soi	5	100,000.00	08/12/1996		14333	100,000.00
89	Hilarius Kifalu	5	100,000.00	06/03/1996		14289	100,000.00
				10/07/1996		14400	50,000.00
				04/12/2007		20906	60,000.00
90	Chivara Registrars Ltd (M. Lewa)	5	100,000.00	10/30/1996		14414	100,000.00
91	Barnabas Kiplagat	5	100,000.00	03/07/2006		19519	10,000.00
92	Ngennyil Ltd. (N.Too)	5	100,000.00	11/14/1996		14424	100,000.00
93	Jane Atieno Gai	5	100,000.00	03/08/2009		21866	100,000.00
94	Seinab Abulahi Jubat	5	100,000.00				100,000.00
95	Moses Hanjari Kubo	5	100,000.00				100,000.00

ADC KISWANI ALLOCATION

No.	Name	Acreage	Value	Date	RCT No.	Amount Paid	Balance
104	Alice Chesire	5	100,000.00	06/06/1997		16706	100,000.00
105	G.B.O Kidenda	5	100,000.00	16/02/1996		14267	100,000.00
106	J.M. Kirorei	5	100,000.00	07/11/1997		16737	100,000.00
107	F.K. Thuku	5	100,000.00	12/28/1998		17320	100,000.00
108	William Simba Dhuri	5	100,000.00	9/3/1999		14347	100,000.00
109	Eng. A.Y. Haritz	5	100,000.00	08/09/1995		13880	100,000.00
110	Mrs. Uniter Pamela Kidula	5	100,000.00	08/09/1995		13881	50,000.00
						13862	50,000.00
111	Mrs. Uniter Pamela Kidura	5	100,000.00	08/02/1995		13877	50,000.00
						13932	50,000.00
112	Phillip K. Ngetich	5	100,000.00	06/06/1996		14390	100,000.00
113	Mrs. Martha Maghanga	5	100,000.00	8/22/1995		13895	100,000.00
114	Shukri Barmadi	5	100,000.00	2/19/1996		14268	100,000.00
115	Prof. R.S. Odingo	5	100,000.00	08/07/1996		14110	100,000.00
116	Mrs. Dorothy Kwonjike	5	100,000.00	07/10/1996		14323	100,000.00
117	Adan Abdirahman Hassan	5	100,000.00	24/04/1998		17122	100,000.00
118	Joseph Kugo Chepkwony	5	100,000.00	17/01/1997	N/D/19/5/19/FO.60		73,000.00
						14459	27,000.00
119	Wilfred Mwalazi Deche	5	100,000.00	1/17/1997			100,000.00
120	Henry Waigwa Kiboi	5	100,000.00	11/21/1996		14428	30,000.00
						14375	70,000.00
121	Alphonso V. Kombo	5	100,000.00	7/28/1998		17204	100,000.00
122	Zarina Kasu	5	100,000.00	07/08/1997		16732	100,000.00
123	Jayesh Auto Spares (N.Patel, M.K. Patel)	148	5,000,000.00	03/05/1996		197949	5,000,000.00
124	Jayesh Auto Spares (N.Patel, M.K. Patel)	5	2,000,000.00	03/05/1996		197949	2,000,000.00
125	Chemusian Ltd.	47.3	946,880.00	20/03/1995	H/O 197046		860,820.00

ADC KISWANI ALLOCATION

No.	Name	Acreage	Value	Date	RCT No.	Amount Paid	Balance
				14/07/2008	3260	86,560.00	
	TOTAL	912.38	42,483,180.00			41,348,381.00	1,245,300.00

ANNEX II

**SUBMISSIONS BY THE CABINET SECRETARY MINISTRY OF
AGRICULTURE, LIVESTOCK, FISHERIES AND IRRIGATION**



**MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES AND
IRRIGATION**

**RESPONSE TO DEPARTMENTAL COMMITTEE ON LANDS TO A
PETITION BY THE RESIDENTS OF SBAKI WARD IN MAGARINI
CONSTITUENCY REGARDING DISPOSSESSION OF THEIR
ANCESTRAL LAND**

**BY
HON. MWANGI KIUNJURI, EGH, MGH**

CABINET SECRETARY

MAY, 2018

CABINET SECRETARY'S RESPONSE TO DEPARTMENTAL COMMITTEE ON LANDS TO A PETITION BY THE RESIDENTS OF SABAKI WARD IN MAGARINI CONSTITUENCY REGARDING DISPOSSESSION OF THEIR ANCESTRAL LAND

Below are the issues that were raised and their corresponding responses;

1. *THAT before independence, the residents of Sabaki Ward were forcefully evicted from their ancestral land and relocated by the colonial Government to pave way for establishment of the Kisima Farm owned by a foreign national.*

- The records in our possession show that before independence the registered proprietors, who were individuals(six in number) sold the land in question to Kiswani Estates Limited in 1955.
- Our records further indicate that Kiswani Estates Limited sold various land parcels initially acquired from the registered owners to Kisima Farm Limited.
- ADC through its subsidiary company, Lands limited, subsequently purchased the said land from Kisima Farm Limited in 1976.
- Matters to do with forceful eviction of residents of Sabaki Ward cannot be verified.

2. *THAT the forceful, and subsequent relocation was done without any compensation despite the abandoned farms being rich in cash crops like cashew nut trees, coconut trees, mango trees among others*

Please refer to the response in question 1 above.

3. THAT, after independence, Kenyan Government repossessed Kisima farm including the land and vested it to Agricultural Development Corporation (ADC) and renamed Sabaki farm.

- The government through Agricultural Development Corporation (ADC) (Lands Limited) bought a part of Kisima farm in 1976.
- ADC has been using the farm for livestock production.
- In early the 1990s this Farm was subdivided and allocated to individuals and companies by the then management at a cost of **Kshs. 41 million**.
- In 2010, ethics and anticorruption commission (EACC) initiated investigation into the said allocations and subsequently froze transactions on this farm.
- The National Land Commission also picked up the matter and directed transactions on the farm to be halted as a result of complaints received from the local residents of Malindi.
- Approximately 66% of the farm has been transferred to individuals, private companies who have title documents, the remaining 33% are yet to receive theirs .

4. THAT with time, the once thriving livestock enterprise started to dwindle under the Management of ADC. The local residence felt like this was a deliberate to allow well connected individuals to get access to the prime land.

- ADC Kiswani Complex has built a name regionally in developing and supplying highly performing Sahiwal-Ayrshire Dairy breeds, winning accolades in the annual Mombasa International ASK Show.
- The goats are highly performing and suitable to the local climate.
- Local community depends on the farm for the supply of Gala goats alongside.

The following is ADC Kiswani farm activities with respect to livestock production

High grade breeding dairy crosses;

- a. Improved bull calves;
- b. A.I services to farmers;
- c. Well finished Fat steers;
- d. Well-prepared Broiler Chicken;
- e. Milk as fresh and cultured;
- f. Sorghum for silage and pasture.

In terms of livestock and livestock products, livestock numbers are the following;

a. Dairy Crosses	149
b. Cows in Milk	50
c. Sahiwal Beef Herd	281
d. Gala Goats	317
e. Broilers Live birds	500
f. Milk Production	400.5 Litres/day
g. Average Milk Production	8.0 Litres/herd

5. THAT ADC management has illegally allocated the land to well connected individuals.

The illegally allocated land to individuals and private companies in early 1990's is a subject of investigations by EACC and NLC.

6. THAT the national Land Commission vide a letter dated 13th March 2015 addressed to the Kilifi County Commissioner, confirmed that ADC Management was allocating land illegally to individuals.

It is true that the transactions leading to the disposal of Kiswani Farm (Home Farm) are under investigation by the Ethics and Anti-corruption Commission

(EACC) and National Land Commission (NLC), the same is still on-going so as to establish whether there were irregularities during the allocation.

7. THAT residents who were evicted from Sabaki Ward ADC farm are currently squatters on land which is not arable.

This question should be referred to Director of Land Adjudication and Settlement which is responsible for settling of the squatters.

8. THAT efforts to have the matter resolved with relevant Government agencies have been futile and

EACC, NLC and DCI have all initiated investigations into the said alleged allocation of land in Kiswani and are yet to conclude their findings

9. THAT the matter in respect of which this petition is raised is not pending in any court of law constitutional or legal body.

The matter is not yet in a court of law

ADDITIONAL INFORMATION

Below are the responses to the committee questions.

1. Whether ADC Board made a resolution to alienate and allocate part of LR No. 726 Malindi and LR No. 852 Malindi to third parties.

ADC Board/or Lands Limited Board which is subsidiary company has not made such a resolution.

2. Provide a list of persons who were allocated portions of land in LR No. 726 and LR No. 852 Malindi.

The List is appended below:

ADC KISWANI LAND ALLOTEES

No.	Name	Acree ge	Value	Date	RCT No.	Amount Paid	Balance
1	Sabaki Estate R.L. Kukadia, K.D. Kukadia	68	21,760,000.00	7/27/1994	196270	7,040,000.00	
				5/23/1994	196222	2,176,000.00	
				2/21/1995	196976	7,360,000.00	
	K.R. Kukadia & N.K.N. Pankhania			2/21/1995	196977	2,999,974.00	
				09-05-95	197820	2,184,026.00	
2	Hon. E.K. Barngetuny	5	100,000.00	04-06-95	197077	100,000.00	
3	Hon. E.K. Barngetuny	9	188,000.00	04-06-95	197077	188,000.00	
4	Roving Inv. Ltd - F.K. Diwani & R.K. Diwani	5	100,000.00				100,000.00
5	Katendewa Ltd - F.K. Baya & Peris Dama Baya	10	200,000.00				200,000.00
6	Hon. K. Kones	15.265	305,300.00				305,300.00
7	Hon. S. Nyachae	17.815	343,000.00	26-07-06	212738	343,000.00	
8	Silver Blades Holding Ltd & Gatko Ltd.	5	100,000.00	02-11-97	14473	100,000.00	
9	Disneyland Inv. Ltd (J.K. Chepkwony)	5	100,000.00	9/19/2006	20520	100,000.00	
10	Disneyland Inv. Ltd (J.K. Chepkwony)	5	100,000.00	9/19/2006	20520	100,000.00	
11	Disneyland Inv. Ltd (J.K. Chepkwony)	5	100,000.00	9/19/2006	20520	100,000.00	
12	Pttrose Agencies (K) Ltd. (P. Kilel)	5	100,000.00	02-08-95	196942	100,000.00	
13	Sotken Co. Ltd (Kimalat)	5	100,000.00	15-09-94		100,000.00	
14	Ruth K. Agui	5	100,000.00				100,000.00

15	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12-07-94	196381	100,000.00
16	M/s Teber Company Ltd (N.K. Tum)	10	200,000.00	12-07-94	196381	200,000.00
17	Marcella Taruss	2	40,000.00	27-06-03	18318	40,000.00
18	ZenaCherutoTaruss	5	100,000.00	25-06-96	14397	100,000.00
19	Francis Kipkurui Sang	5	100,000.00	3/25/1997	16660	100,000.00
20	Bernard KiplangatRono	5	100,000.00	3/29/2006	19593	100,000.00
21	Hon. AbubakaryBadawy	5	100,000.00	13-Apr	H/O 197083	100,000.00
22	Hon. Jonathan Katana Nzai	5	100,000.00	2/15/1995	H/O 196952	100,000.00
23	Gideon Toroitich	5	100,000.00	30-01-95	H/O 196921	100,000.00
24	John Safaimumba (FeddisKadiiiMumba)	5	100,000.00	01-08-01	17808	30,000.00
				11/28/2000	17786	40,000.00
				2/28/2001	17854	30,000.00
25	ZiporahKitony	5	100,000.00	10-09-98	17252	100,000.00
26	James Tuitoek	5	100,000.00	8/14/2002	18096	55,000.00
				10/29/2002	18222	30,275.00
				12/17/2002	18222	14,725.00
27	Soyonin Farm Ltd. (B. Kipkulei)	5	100,000.00	1/31/1995	196922	100,000.00
28	Atsumani Inv. Ltd (G.Towett)	5	100,000.00	1/27/1995	13633	100,000.00
29	Sewenei Ltd (Hosea K.)	5	100,000.00	30-01-95	196920	100,000.00

30	Christine Ruto (Tuimur)	5	100,000.00	13-03-98	17064	24,900.00
				3/26/1996	14355	75,100.00
31	Ali Noor	5	100,000.00	12-06-96	14393	100,000.00
32	Dr. Sarah Siele	5	100,000.00	01-09-96	14215	100,000.00
33	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12-07-94	196381	100,000.00
34	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12-07-94	196381	100,000.00
35	Kinoiyo Ltd. (A. Kiptanui)	5	100,000.00	2/22/1995	196979	100,000.00
36	Lelmor Ltd (Chemngorem)	5	100,000.00	9/26/1994	196333	100,000.00
37	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12-07-94	196381	100,000.00
38	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12-07-94	196381	100,000.00
39	Alice Soi	5	100,000.00			100,000.00
40	Daniel K. Yegon (Prof. Ngeno)	5	100,000.00	02-08-95	196940	100,000.00
41	SajjadMohamedali Rashid	5	100,000.00	02-01-95	196926	100,000.00
42	Eldora farm (W.Kilele. P.J. Ransley	5	100,000.00	11-04-08	20960	100,000.00
43	Sanur Ltd (Fatuma Noor, H. Noor)	5	100,000.00	05-05-00	17693	100,000.00
44	Alexander Sitienei	5	100,000.00	09-05-96	14379	100,000.00
45	Disneyland Inv. Ltd (J.K. Chepkwony)	5	100,000.00	19-09-06	20520	100,000.00
46	Disneyland Inv. Ltd (J.K. Chepkwony)	5	100,000.00	19-09-06	20520	100,000.00
47	SajjadMohamedali Rashid	5	100,000.00	02-01-95	196926	100,000.00

48	Lucas Kosilbet	5	100,000.00	26-06-96	14399	100,000.00
49	Moses MbauniMaina	5	100,000.00	06-07-95	197732	100,000.00
50	Sedema Enterprises	5	100,000.00			100,000.00
51	J.M. Sawe	5	100,000.00	21-05-97	16693	100,000.00
52	Joan CheptooNgeno	5	100,000.00	27-06-96		
53	Singwaya Inv. Ltd. (M. Keah)	10	100,000.00	3/16/1995	14403	200,000.00
54	Hon. ShabanIsaack	5	100,000.00	22-04-96	14372	100,000.00
55	Kiko Ltd. (Hon. Kones)	5	100,000.00	13-05-96	14381	100,000.00
56	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12-07-94	196381	100,000.00
57	Kosgam (Sang & Co.)	5	100,000.00	26-03-98	17070	100,000.00
58	David KipkemoiKorir	5	100,000.00	02-07-95	196936	100,000.00
59	Hon. Katana Ngala	5	100,000.00	10-11-00	17760	80,000.00
				3/13/2003	18289	20,000.00
60	Stephen T. Ngambo	5	100,000.00	09-06-06	19895	100,000.00
61	Hon. Abu Mohammed	5	100,000.00	2/22/1995	196988	100,000.00
62	Mrs. HellenChepkoechKiplagat	5	100,000.00	02-03-95	196932	100,000.00
63	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12-07-94	196381	100,000.00
64	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12-07-94	196381	100,000.00
65	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	12-07-94	196381	100,000.00

66	M/s Teber Company Ltd (N.K. Tum)	5	100,000.00	13-07-94	196381	100,000.00
67	Dr. Frank Mwongera	5	100,000.00	3/23/1995	197057	100,000.00
68	Dr. Frank Mwongera	5	100,000.00	3/23/1995	197057	100,000.00
69	Livingstone Ruto	5	100,000.00	3/20/1995	197045	100,000.00
70	Dayax Inv. Ltd (M.H. Moharred)	5	100,000.00	04-11-95	197081	100,000.00
71	ZahariBunu Mohammed (Abu)	5	100,000.00	2/22/1995	196987	100,000.00
	SECOND PORTION					
72	Stephen LukeineMeoli	5	100,000.00	03-03-09	21032	100,000.00
73	Sis Company B.K. Rono& A.N. Ketere	5	100,000.00	04-03-06	19608	100,000.00
74	Sis Company B.K. Rono& A.N. Ketere	5	100,000.00	11-04-08	20959	100,000.00
75	Sis Company B.K. Rono& A.N. Ketere	5	100,000.00	11-04-08	20959	100,000.00
76	Sis Company B.K. Rono& A.N. Ketere	5	100,000.00	11-04-08	20959	100,000.00
77	Sis Company B.K. Rono& A.N. Ketere	5	100,000.00	11-04-08	20959	100,000.00
78	Kiruto Co. Ltd (T. Kirui)	5	100,000.00	24/24/2000	MD/34/C/CM	100,000.00
79	Kiruto Co. Ltd (T. Kirui)	5	100,000.00	24-08-01	MD/34/C/CM	100,001.00
80	Moses Kipteling	5	100,000.00			100,000.00

81	Benson NyagaNjeru	5	100,000.00				100,000.00	
82	Catherine MuthoniMukere	5	100,000.00				100,000.00	
83	Margaret Beatrice Apondi	5	100,000.00				100,000.00	
84	S. Manyinya	5	100,000.00	27-11-95	14124		70,000.00	
				27-11-95	14125		30,000.00	
85	James Mulama	5	100,000.00	05-12-07	20907		100,000.00	
86	Mary WairimuChege	5	100,000.00	12-03-08	20938		100,000.00	
87	Caroline ChebetSoi	5	100,000.00	08-12-96	14333		100,000.00	
88	Samuel KiprotichSoi	5	100,000.00	06-03-96	14289		100,000.00	
89	HilariusKifalu	5	100,000.00	10-07-96	14400		50,000.00	
				04-12-07	20906		60,000.00	
90	Chivara Registrars Ltd (M. Lewa)	5	100,000.00	10/30/1996	14414		100,000.00	
91	Barnabas Kiplagat	5	100,000.00	03-07-06	19519		10,000.00	90,000.00
92	Ngenyilel Ltd. (N.Too)	5	100,000.00	11/14/1996	14424		100,000.00	
93	Jane AtienoGai	5	100,000.00	03-08-09	21866		100,000.00	
94	SeinabAbulahiJubat	5	100,000.00				100,000.00	100,000.00
95	Moses Hanjari Kubo	5	100,000.00	5/21/1997	16692		100,000.00	
96	James Musau Peter	5	100,000.00	23-02-96	14281		100,000.00	

97	Arthur Kariuki	5	100,000.00	03-07-06	19520	100,000.00
98	Mrs. Priscillar Mirabu	5	100,000.00	13-09-01	17974	100,000.00
99	David Mwandia	5	100,000.00	12/18/1996	14438	100,000.00
100	Eric Ndumbu Mwandia	5	100,000.00	12/18/1996	14438	100,000.00
101	Fredrick Kamondia	5	100,000.00	03-07-06	19521	10,000.00
				04-04-06	19612	10,000.00
				05-02-06	19645	30,000.00
102	Mrs. Jane W. Mureithi	5	100,000.00	12/20/1995	14204	100,000.00
103	Daniel J. K. Kiilur	5	100,000.00	23-02-96	14282	100,000.00
104	Alice Chesire	5	100,000.00	06-06-97	16706	100,000.00
105	G.B.O Kidenda	5	100,000.00	16-02-96	14267	100,000.00
106	J.M. Kirorei	5	100,000.00	07-11-97	16737	100,000.00
107	F.K. Thuku	5	100,000.00	12/28/1998	17320	100,000.00
108	William Simba Dhuri	5	100,000.00	9/3/199	14347	100,000.00
109	Eng. A.Y. Haritz	5	100,000.00	08-09-95	13880	100,000.00
110	Mrs. Uniter Pamella Kidula	5	100,000.00	08-09-95	13881	50,000.00
				07-05-95	13862	50,000.00
111	Mrs. Uniter Pamella Kidura	5	100,000.00	08-02-95	13877	50,000.00

					10-11-95	13932	50,000.00	
112	Philip K. Ngetich	5	100,000.00	06-06-96	14390		100,000.00	
113	Mrs. Martha Maghanga	5	100,000.00	8/22/1995	13895		100,000.00	
114	ShukriBarmadi	5	100,000.00	2/19/1996	14268		100,000.00	
115	Prof. R.S. Odingo	5	100,000.00	08-07-96	14110		100,000.00	
116	Mrs. Dorothy Kwonyike	5	100,000.00	07-10-96	14323		100,000.00	
117	AdanAbdirahman Hassan	5	100,000.00	24-04-98	17122		100,000.00	
118	Joseph KugoChepkwony	5	100,000.00	17-01-97	MD/19/5/19/FO.6 0		73,000.00	
				1/17/1997	14459		27,000.00	
119	Wilfred Mwalozideche	5	100,000.00					100,000.00
120	Henry WaigwaKiboi	5	100,000.00	11/21/1996	14428		30,000.00	
				26-04-96	14375		70,000.00	
121	Alphonso V. Kombo	5	100,000.00	7/28/1998	17204		100,000.00	
122	ZarinaKasu	5	100,000.00	07-08-97	16732		100,000.00	
123	Jayesh Auto Spares (N.Patel, M.K. Patel)	148	5,000,000.00	03-05-96	197949		5,000,000.00	
124	Jayesh Auto Spares (N.Patel, M.K. Patel)	5	2,000,000.00	03-05-96	197949		2,000,000.00	
125	Chemusian Ltd.	47.3	946,880.00	20-03-95	H/O 197046		860,820.00	

			14-07-08	3260	86,560.00	
		912.38	42,483,180.00		41,348,381.00	1,245,300.00
	TOTAL					



3. Whether ADC received any payment from the allottees

ADC received **Ksh. 41 Million** from the said sale of the land as is evident from the table above.

ANNEX III

**SUBMISSIONS BY THE AG. CHIEF EXECUTIVE OFFICER NATIONAL
LAND COMMISSION**



NATIONAL LAND COMMISSION

**RESPONSE TO PETITION BY RESIDENTS OF SABAKI WARD
MAGARINI CONSTITUENCY REGARDING REPOSESSSION
OF ANCESTRAL LAND**

PRESENTED TO

DEPARTMENTAL COMMITTEE ON LANDS

BY

**KABALE TACHE ARERO
AG. SECRETARY/CEO**

7TH MAY 2019

Hon Chair,

The National Land Commission is established under Article 67 of the Constitution and is operationalized by the National Land Commission Act No. 5 of 2012, and has in its fundamental functions, the management of public land on behalf of the National and County Governments.

The petition by residents of Sabaki Ward - Magarini**Hon chair**

- This is one of the matters that remained unresolved despite efforts made by the National Land Commission since 2014.
- In February 2014 a public rally was held in one of the farms where National Land Commission was represented by the then Commission chairman Prof. Muhammad Swazuri.
- After the rally, the National Land Commission chair directed a stop to transactions on the said land vide a letter dated 13th March 2015.
- As late as 11th Dec, 2018 the Commission Chair issued a notice to persons owning land in the farms to submit their ownership documents for verification. However no documents were submitted for verification. The next Commission will give direction on how to proceed with the matter.
- Upon invitation by this committee, members of the Secretariat attended public hearings in Malindi on 12th April 2019. During the hearings local residents made ancestral claims on the ADC farms.

Background information

- The 4000 acres Malindi ADC farms (Home farm 1000 acres and Top farm 3000 acres) were bought by lands limited (fully owned by ADC) from departing settlers in 1976.
- In the 1990s, the management of ADC decided to sell the whole 1000 acres of the Home Farm to individuals and companies. Kenya shillings 40 million was realised from the sales. Some of the original allottees/ purchasers sold to third parties some of whom have not been able to access the land due to hostility by the neighbouring community.

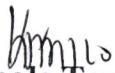
- Out of the 3000 acres of Top Farm , 1000 acres have been invaded by squatters
- It is important to note that before the settlers took over the land there were people who regarded the farms as their ancestral lands. These are the people who are against the allocation/sale of the farms.

PRAYERS BY THE PETITIONERS

The petitioners pray that the Commission investigate the allocation of ADC Sabaki farm with a view of revoking all Tittle Deeds issued illegally.

Hon chair,

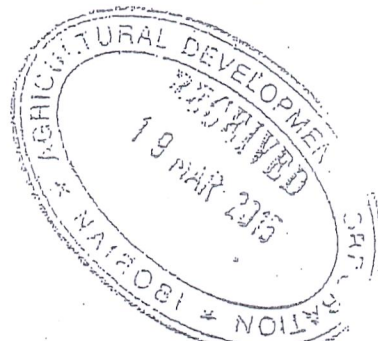
- We wish to bring to the attention of this esteemed committee that the most efficient mechanism for review of grants – section 14 of the National Land Commission, Act 2012 lapsed in 2017. The section allowed the Commission to within five years of commencement of the Act and upon complaint by the National or County Government, Community or Individual review all grants and dispositions of public land to establish their propriety or legality. *With the lapse of the provision, the Commission has been left without the powers to recommend revocation of tittles.*
- We therefore request the committee to consider amending the NLC Act as previously requested by the first Commission to provide more time for review of grants. This should be made in consideration that a selection panel for the second Commission has been appointed and some of initial assignments of the second Commission may require revocation of illegally allocated land. The Commission will require an enabling legal framework to accomplish this.
- *The ancestral claims on the land may also be referred to the second Commission for investigation as claims arising out of historical land injustices as provided in Section 15 of the National Land Commission Act.*


Kabale Tache Arero
Ag. Secretary/CEO

7TH May 2019



NATIONAL LAND COMMISSION



4
GNY

Tel.0202718050

Email:info@nlc.or.ke

Website:www.nlc.or.ke

AA CS
a 233

ARDHI HOUSE
1st NGONG AVENUE
P.O. Box 44417
NAIROBI

REF: NLC/CHAIRMAN/VOL.IX/153

Date: 13th March, 2015

Governor
MILIMBA COUNTY

County Commissioner
MILIMBA COUNTY

ADC PARCELS AT KISHIMANI - MALINDI

The National Land Commission received complaints from the residents of Malindi over the above land parcels. A public rally was held at the venue in 2014 by the National Land Commission, the County Government, the County Commissioner and elected leaders.

It was resolved that National Land Commission shall investigate the issue. We wrote to ADC and they replied as per the attached letter. This is to direct that all transactions on this effected lands should be halted immediately i.e. subdivision, amalgamation, sale, transfer, exchange or physical development of structures.

Any person who contravenes this directive should be dealt with under the relevant land and related laws.

Please implement this in order to arrest the deteriorating situation on the ground.

Thank you.

**MUHAMMAD A. SWAZURI, PhD, CGW
CHAIRMAN, NATIONAL LAND COMMISSION**



**MINISTRY OF AGRICULTURE, LIVESTOCK,
FISHERIES AND IRRIGATION**
STATE DEPARTMENT FOR CROPS DEVELOPMENT

NATIONAL AGRICULTURAL AND RURAL INCLUSIVE GROWTH PROJECT
INVITATION FOR BIDS (IFB)

NATIONAL COMPETITIVE BIDDING (NCB)

01/21580
Supply and Delivery of ICT equipment
MOA/LS/SDCD/NARR/P05/2018-15
NARR/ALF/5218/10-RIIB

The project has received financing from the World Bank toward the cost of the National Agricultural and Rural Inclusive Growth Project (NARRIG) and intends to apply part of the proceeds toward payments under the contract for supply and delivery of ICT equipment.

The following terms, conditions and guidelines have been developed and are available for bidders to supply and deliver ICT equipment.

Item Description	Quantity
Desktop Computers	99 Nos
Laptop Computers	96 Nos
Printers	99 Nos
Primers	24 Nos
Scanner	5 Nos
LCD projector	26 Nos
Voice recorder	26 Nos
Mainframe Computers	12 Nos
Photocopiers	24 Nos

Open to bid for any one or more lots. bids will be evaluated and contract(s) awarded on lot by lot basis. The selection of the bid for the National Competitive Bidding (NCB) procedure as specified in the World Bank's requirement of the bid. Works are from Catalogue Supplies under BRD Loans and are Credit 5 contracts by World Bank January 2011. Standard of 2014 Procurement guidelines, and in open to all eligible bidders as defined under Regulation 1. In addition, please refer to paragraphs 1.0 and 1.7 setting forth the World Bank's Policy on procurement.

Eligible bidders may obtain further information and inspect the bidding documents at the National Agricultural and Rural Inclusive Growth Project Procurement Office situated at Capital Hill Towers, Cathedral Road Nairobi from 10.00am to 5.00pm on weekdays.

Documents in English may be obtained by interested bidders upon successful completion of a written application, payment of a non-refundable fee of KSh. 1000/- cash or Bankers Cheque in favour of State Department for Crops Development at the state office situated at Kilimo House, Lower Industrial Area, Nairobi. The bidding documents may be received from the NARR Supply Chain Management Unit of a purchase receipt. The bidding documents may also be downloaded free of charge from the website www.tenders.go.ke under the heading "download the bidding documents" are requested to inform the Procurement Unit of their contact details. This will be used to the extent of need to communicate to all the interested bidders.

Delivered to the address below addressed to the Principal Secretary, State Department for Crops Development 34168 00100 Nairobi on or before 11th January 2019, at 10.00 a.m. East African Time. Electronic Bidding documents will be rejected; bids will be publicly opened in the presence of the bidders' designated representatives, unless to attend at the address below.

Each bid must be accompanied by a bid security in the form of a bank guarantee in Kenya Shillings or an equivalent amount payable to the order of the issuer.

Item Description	Quantity	Required Bid Security in the Amount of (KShs) or an equivalent amount in a freely convertible currency
Desktop Computers	99 Nos	800,000
Laptop Computers	96 Nos	
Printers	99 Nos	
Primers	24 Nos	
Scanner	5 Nos	
LCD projector	26 Nos	600,000
Voice recorder	26 Nos	
Mainframe Computers	12 Nos	
Photocopiers	24 Nos	500,000

The above information is subject to the validity date of the tender.

Principal Secretary
Ministry of Agriculture, Livestock, Fisheries and Irrigation
State Department for Crops Development
Main reception: Ground floor
P.O. Box 34168
Nairobi
Tel: 2715466
www.miy.gov.go.ke



LAKE VICTORIA SOUTH WATER SERVICES BOARD
P.O. Box 3325 – 40100, Lavictor's House, Off Ring Road Millimani, Kisumu
Tel. 057- 2625128, Mobile 0736 202512, 0716 525251
Email: info@lvswaterboard.go.ke Website: www.lvswaterboard.go.ke

INVITATION TO TENDER

Lake Victoria South Water Services Board (LVSWSB) invites tenders from interested bidders for the following Works:

No.	Tender No	Description	Tender Security (Ksh)	Pre tender conference meeting	Registration Requirement	Category
1	LVSWSB/T/19/2018-19 (R)	Completion of Ringeze Water Project Phase II	1500000	Tuesday 18 th December 2018 Time: 10:00am Venue: Ringeze (Kisumu) (RtM)	National Commission Authority (NCA) (water works) and Finance	

Tender documents may be obtained from the project office situated at Lavictor's House, Ringeze (as detailed in e below) upon payment of a non-refundable of KSh. 1,000 per tender document on view and downloaded from LVSWSB website (www.lvswaterboard.go.ke) or the Government tenders portal www.tenders.go.ke free of charge. Upon downloading bidders MUST immediately send email their names and contact details (including physical address) to the following email address for recording and issuance of a clarification or addenda: procurement@lvswaterboard.go.ke

Addenda/ clarifications will also be posted in the LVSWSB website whenever they become available. Completed bid documents in plain sealed envelope clearly marked with the "Tender No." and "Tender Description" as more particularly described in the tender document should be addressed to:

The Chief Executive Officer
Lake Victoria South Water Services Board
P.O. Box 3325 – 40100
Kisumu, Kenya

Or be deposited in the tender box situated on the 1st floor, Lavictor's House so as to be received not later than 10.00am on 3rd January, 2019.

Tenders will be opened immediately thereafter in the board room B, Lavictor's House, Off Ring Road, Millimani Kisumu in the presence of the tenderers' representatives who choose to attend the opening.

CHIEF EXECUTIVE OFFICER



NATIONAL LAND COMMISSION

PUBLIC NOTICE

The National Land Commission is a body mandated to manage, administer and protect public lands, amongst other functions.

Upon complaints from the Agriculture Development Corporation (ADC), the National Land Commission investigated and confirmed that several listed properties were illegally alienated from the ADC Kisumu Home Farm Plot Nos. 29, 54b, M3B and M53 in Malindi, and also Kisumu Butchery Farm within the same area.

Notice is now hereby given that the "owners" and/or occupants of the said properties should:

- Submit their ownership documents to the NLC within 15 days of this notice, pursuant to Section 6 of the NLC Act.
- Prepare to vacate the said lands within 90 days of the same notice as required by Section 155 of the Land Act of 2012 and Sections 152A, 152B and 153C of the Land Laws (Amendment) Act of 2016.
- The so mentioned titles shall be revoked as per Section 14 of the NLC Act and a single title be issued for the ADC Kisumu Home Farm and Kisumu Butchery Farm.

Prof. Muhammad A. Swaziri, PhD, OGW
Chairman, National Land Commission and
Associate Professor of Land Economics



THE NATIONAL LAND COMMISSION

ARDHI HOUSE 1ST NGONG AVENUE,
OFF NGONG ROAD
P.O. BOX: 44417-00100, NAIROBI.
Telephone: 2718050

PUBLIC NOTICE

The National Land Commission is a body mandated to manage, administer and protect public land, amongst other functions.

Upon complaints from the Agriculture Development Corporation, the National Land Commission investigated and confirmed that the under listed properties were illegally alienated from the ADC Kisiwani Home Farm Malindi

1.	LR NO. 726 MALINDI
2.	LR NO. 852 MALINDI

Notice is now hereby given that the "owners" and/or occupiers of the said properties should:-

- (a) Submit their ownership documents to the NLC within 14 days of this notice, pursuant to Section 6 of the NLC Act.
- (b) Prepare to vacate the said lands within 90 days of the same notice as required by Section 155 of the Land Act of 2012 and Sections 152A 152B and 152C of the Land Laws (Amendment) Act of 2016.
- (c) The so mentioned titles shall be revoked as per Section 14 of the NLC Act and a single title be issued for the ADC Kisiwani Home Farm Malindi

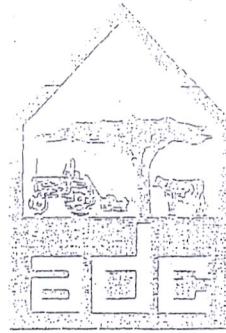
Prof. Muhammad A. Swazuri, PhD, OGW
Chairman, National Land Commission and
Associate Professor of Land Economics

Standard Newspaper
June 12, 20

Address all correspondence
to the Managing Director

AGRICULTURAL DEVELOPMENT CORPORATION

P.O. BOX 47101-00100, DEVELOPMENT HOUSE, TEL: 2250695/135 Fax: 254-020-2243371,
Cell: 0724-930920 / 0735-930920 NAIROBI.



Our Ref: MD/54/2/C/Vol. 4/AKT

Your Ref: NLC/CHAIRMAN/VOL. IV/84

9th September, 2014

Dr. Mohamed A. Swazuri PhD, OGW
Chairman
The National Land Commission
Ardhi House
P.O. Box 30450
NAIROBI

Dear

M Swazuri,

RE: ADC LAND PARCELS AT KISWANI HOME FARM (MALINDI)

Reference is made to the above matter and specifically our letter dated 1st April 2014 which is attached hereto for ease of reference.

You will note that in our letter under reference, we did highlight the issues relating to the ADC Farms at Kiswani. Further to the contents in that letter, we wish to provide further information that there was no prior board approval before the allocations were done in the 1990's in Home Farm as should have been the case. However since the allottees were unable to take actual occupation of their plots due to hostility emanating from the local community, ADC has continued to occupy the farm which currently is being used for cultivation and livestock rearing. This land that was allocated is the only ADC farm in the coast region that provides breeds of livestock adaptable to the region and it would really be a loss to the people of the region.

It has now come to our notice that some of the allottees have lately been scheming with some local individuals and subdividing the land as there is no caveat or caution in place. It is our considered opinion that all land that was allocated without board approval should be repossessed and the land should revert back to ADC. In the meantime we would request that all transactions

relating to the affected land should be halted immediately as further alienation and subdivision of the land may lead to loss of this vital property to the corporation. We further believe that a meeting at your offices would be in order in view of the urgency of this matter.

Yours

Sincerely
A. K. Tuimur

A. K. TUIMUR (DR.)

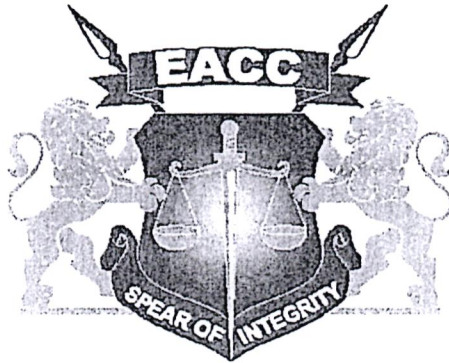
MANAGING DIRECTOR

cc. Mr. Felix Kiptarus Koskei
Cabinet Secretary – Ministry of Agriculture, Livestock &
Fisheries Development
NAIROBI

Encl: Letter dated 1st April, 2014

ANNEX IV

**SUBMISSIONS BY THE CHIEF EXECUTIVE OFFICER ETHICS AND
ANTI – CORRUPTION COMMISSION**



**EACC REPORT TO THE NATIONAL ASSEMBLY'S DEPARTMENTAL
COMMITTEE ON LANDS REGARDING A PETITION BY RESIDENTS OF
SABAKI WARD MAGARINI CONSTITUENCY ON DISPOSSESSION OF
ANCESTRAL LAND**

**COMMITTEE ROOM
2ND FLOOR CONTINENTAL HOUSE
PARLIAMENT BUILDINGS**

=====
**Thursday,
27th June, 2019 at 9.30 a.m**
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**EACC REPORT TO THE NATIONAL ASSEMBLY'S DEPARTMENTAL COMMITTEE
ON LANDS REGARDING A PETITION BY RESIDENTS OF SABAKI WARD
MAGARINI CONSTITUENCY ON DISPOSSESSION OF ANCESTRAL LAND**

Preamble

Vide your letters **Ref. No. NA/DC/LANDS/2019/(037)** dated **31st May 2019** and **NA/DC/LANDS/2019/(038)** dated 10th June 2019, the Commission was invited by the Departmental Committee on Lands of the National Assembly to give a progress report on investigation undertaken by the Commission into the subject matter.

On 13th June 2019, the Commission appeared before the Committee and after deliberation, the Commission was tasked to prepare a comprehensive report on the ADC land investigation.

Consequently, the Commission has prepared its submissions to the Committee as elaborated below.

1.0 Nature of the Allegation

The Commission received a complaint from some residents of Sabaki Ward, Magarini Constituency that, land belonging to the Agricultural Development Corporation (ADC) in Malindi - LR No. 540, measuring **912.38 acres** had been irregularly sub - divided and acquired by private developers.

2.0 Actions taken by the Commission

The Commission initiated investigations into the matter with the objective to verify the allegation and make appropriate recommendations. So far, the investigation has revealed the following findings:

1. The land in question is registered as Title No. CR 7982 that includes parcel No. 540, measuring 411.5 acres was registered on 19th July 1927 as a Grant in favour of one Harold George Robertson from 01.06.1927 for 999 years.
2. On 16th November 1954, the parcel of land was transferred to Kisima Farm Limited and registered at the Mombasa Lands Registry.
3. On 30th April 1976, Lands Limited purchased the parcels of land L.R Nos. 540, 53, M3B, 29, 456, 467, 489, 470, 480, 485, 488, 513 (all freeholds) and L.R Nos: 5061, 852, and 726 (all leaseholds) from Kisima Farm Limited. The consideration was Kshs. 1,700,300. The same was registered on 3rd July 1976 to Agricultural Development Corporation (ADC), through its subsidiary, Lands Limited.
4. Lands Limited is a wholly owned Subsidiary of the ADC which was incorporated in 1958 as per the Certificate of incorporation No. 4239. The functions of the company as per the Memorandum and Articles of Association objectives include:
 - a) To purchase or otherwise acquire, manage any lands, buildings and any other real property of every description and tenure in the Republic and any other interests in or any rights connected therewith.
 - b) To sell or otherwise dispose of, or grant rights over the whole or any part of the property, investment or undertaking of the Company either together or in portions for such consideration as the company may think fit among others.
5. The Memorandum and Articles of Association of Lands Limited were amended to provide that the number of Directors shall be between 5 (five) and 12(twelve). The amendment also provided that the Chairman and the Vice Chairman of the Board shall be appointed by the ADC, hence giving ADC full control of the Lands Limited. Currently ADC holds 999 shares of Lands Limited and 1 share if held by Dr. Andrew Tuimur.
6. That in 1994, the ADC land, measuring 912.38 acres was sub-divided and the parcels allocated to 125 persons. That from a "Note to File" record, it is alleged that this was

pursuant a meeting between the then ADC Managing Director, Walter Kilele (deceased) and the former President, HE Daniel Arap Moi. That an offer of Kshs 250,000/= to 300,000/= per acre was mooted.

7. That this decision to sub-divide and sell the ADC Kisiwani farm land was not sanctioned by the ADC Board or the Lands Limited Board. The land was subsequently sold at Kshs 20,000 per acre as opposed to the earlier proposal of Kshs 250,000/= to 300,000/= per acre.
8. That the allottees were required to pay a total of Kshs 129,000/= to cater for the cost of the land and transfer fees for blocks of five (5) acres. As at November 2010, a total of Kshs 41,348,380/= had been paid to ADC for the purchase of the land, leaving a balance of Kshs 1,245,300/=.
9. That some of the allottees submitted the transfer instruments to the Mombasa Lands Registry and the parcels of land were transferred to them. The transfer instruments were signed by the Director and Company Secretary for Lands Limited. Most of the transfers were effected in August 1998 by Walter Kilele (deceased) and Jayne Otieno (deceased).
10. That most of the land is still intact on the ground due to hostility by the local residents to ensure that the new owners do not gain access the land. However, some of the parcels have recently been occupied and development commenced.
11. That the local residents' ancestral claim on the land is not valid as the land was bought and paid for by Lands Limited for consideration of Kshs 1,700,300/= in April 1976. As such, the locals claim on the land is that if ADC does not utilize the land and decide to allocate to private persons, they local natives should be given priority.
12. That the matter was handled by the National Land Commission, which was not conclusive. NLC had issued a notice to the public on 11th December 2018, seeking to revoke all the Titles issued. However, they later asserted that it had no mandate in

Law to cancel any Titles because of expiry of Section 14 of the Land Act, that expired on 2nd May 2017.

3.0 Conclusions

1. The ADC Kiswani land is public land that was illegally sub-divided and sold. The decision was undertaken unilaterally by the then Managing Director, Walter Kilele (deceased). There are no Board minutes to ratify the said decision.
2. That the allottees paid for these parcels of land at prices well below the market rates. However, not full occupation of the land has been taken to date.
3. That some of the allottees have since sold the parcels to third parties and have been issued with title deeds. These Titles can only be revoked by Court of Law.
4. That the National Land Commission (NLC) despite being seized of the matter have not dealt with the same conclusively and is said not to have the requisite mandate to revoke the Titles.
5. The squatters or the people claiming ancestral ownership of the land have no valid claim on the land.

4.0 Recommendations

In view of the aforementioned, the Commission recommends as follows:

- a) EACC to place caveats to restrict further sub-division of the land.
- b) EACC to file civil suit to recover the public land.

- c) The Commission to conclude the criminal investigation and take appropriate action against ADC officials found culpable.

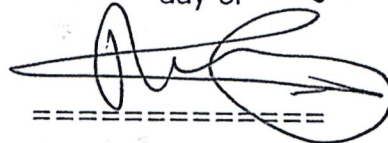
DATED at Nairobi this

26th

day of

June

2019



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TWALIB MBARAK
SECRETARY/CHIEF EXECUTIVE OFFICER