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THE NATIONAL ASSEMBLY


THIRTEENTH PARLIAMENT - THIRD SESSION - 2024  
PUBLIC PETITIONS COMMITTEE

PARLIAMENT  
OF KENYA  
LIBRARY

REPORT ON-

CONSIDERATION OF PUBLIC PETITION NO. 45 OF 2023 REGARDING DELAYED  
ADJUDICATION AND SETTLEMENT OF RESIDENTS OF KIDOMAYA/MIUNGONI VILLAGE  
IN VANGA WARD, KIVWEGU SUB LOCATION, LUNGA LUNGA CONSTITUENCY BY THE  
HON. CHIFOROMODO MANGALE, M.P.

NOVEMBER 2024

 THE NATIONAL ASSEMBLY PAPERS LAID		
DATE:	27 NOV 2024	DAY: Wednesday
TABLED BY:	Hon. Ninsod M. Mui (Chairperson)	
CLERK-AT THE-TABLE:	Lomale	

Directorate of Legislative & Procedural Services  
Clerk's Chambers  
Main Parliament Buildings  
NAIROBI

## TABLE OF CONTENTS

CHAIRPERSON'S FOREWORD.....	2
PART ONE .....	3
1. PREFACE.....	3
1.1 Establishment and Mandate of the Committee.....	3
1.2 Committee Membership .....	4
1.3 Committee Secretariat .....	5
2. BACKGROUND TO THE PETITION .....	6
2.1 Introduction .....	6
2.2 Prayers .....	6
3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION .....	8
3.1 Petitioners .....	8
3.2 Haki Yetu Organisation.....	11
3.3 County Government of Kwale.....	14
3.4 National Lands Commission .....	15
3.5 Ministry of Lands, Public Works, Housing and Urban Development.....	15
4. COMMITTEE OBSERVATIONS.....	18
5. ANALYSIS OF ISSUES FOR DETERMINATION .....	19
6. COMMITTEE RECOMMENDATIONS.....	21
ANNEXURES .....	22



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## CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Public Petitions Committee regarding Public Petition No. 45 of 2023 on Delayed Adjudication and Settlement of Residents of Kidomaya/Miungoni Village in Vanga Ward, Kiwegu sublocation, Lunga Lunga Constituency. The Petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Hon. Chiforomodo Mangale, MP. on behalf the residents of Lunga Lunga Constituency.

The Petitioners prayed that the Committee inquires into the ownership of the land occupied by the residents of Kidomaya/Miungoni Village in Vanga Ward, Kiwegu Sub-Location - Lungalunga Sub-County, Plot No. 12224, and investigates the cause of the continued delayed in carrying out the adjudication and settlement of the residents.

The Committee observed that, while records at the Ministry of Lands indicate that the parcels of land are owned privately and that the process of further subdivision can only be initiated by the registered owner, the NLC has previously acted on the premise that the land reverted to the County Government of Kwale upon expiry of the lease.

The Committee undertook an inquiry by listening to the various stakeholders and state agencies and established that the land was subdivided in compliance with a court ruling and now registered under the names Karsan V. Velani & Manji V. Velani (L.R. No. 12224/6), County Government of Kwale (L.R. No. 12224/5) and Muungano Self Help Group (LR. No. 12224/1). The land is privately owned by three parties being Karsan V. Velani & Manji V. Velani (L.R. No. 12224/6), County Government of Kwale (L.R. No. 12224/5) and Muungano Self Help Group (LR. No. 12224/1), hence the adjudication can only be initiated by the registered owners if necessary.

The Committee recommends that County Government of Kwale resettles the squatters on the land L.R. No. 12224/5 as planned and budgeted.

The Committee expresses appreciation to the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support during the discharge of its duties. The Chairperson extends gratitude to the Committee Members for their devotion and commitment to duty throughout the consideration of the petition.

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

  
HON. NIMROD MBITHUKA MBAI, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

Date:  .....

## PART ONE

### 1. PREFACE

#### 1.1 Establishment and Mandate of the Committee

The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

- a) Considering all public petitions tabled in the House;
- b) Making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) Recommending whether the findings arising from consideration of a petition should be debated; and
- d) Advising the House and reporting on all public petitions committed to it.

## 1.2 Committee Membership

The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

### Chairperson

Hon. Nimrod Mbithuka Mbai, M.P.  
Kitui East Constituency  
**United Democratic Alliance (UDA)**

### Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.  
Turbo Constituency  
**United Democratic Alliance (UDA)**

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

Hon. Patrick Makau King'ola, M.P.  
Mavoko Constituency  
**Wiper Democratic Movement-Kenya  
(WDM-K)**

Hon. Bidu Mohamed Tubi, M.P.  
Isiolo South  
**Jubilee Party (JP)**

Hon. Edith Vethi Nyenze, M.P.  
Kitui West Constituency  
**Wiper Democratic Movement-Kenya  
(WDM-K)**

Hon. Caleb Mutiso Mule, M.P.  
Machakos Town Constituency  
**Maendeleo Chap Chap Party (MCCP)**

Hon. Ernest Kivai Ogesi Kagesi, M.P.  
Vihiga Constituency  
**Amani National Congress (ANC)**

Hon. John Bwire Okano, M.P.  
Taveta Constituency  
**Wiper Democratic Movement-Kenya  
(WDM-K)**

Hon. Maisori Marwa Kitayama, M.P.  
Kuria East Constituency  
**United Democratic Alliance (UDA)**

Hon. Peter Mbogho Shake, M.P.  
Mwatate Constituency  
**Jubilee Party (JP)**

Hon. Joshua Chepyegon Kandie, M.P.  
Baringo Central Constituency  
**United Democratic Alliance (UDA)**

Hon. Sloya Clement Logova, M.P.  
Sabatia Constituency  
**United Democratic Alliance (UDA)**

Hon. John Walter Owino, M.P.  
Awendo Constituency  
**Orange Democratic Movement (ODM)**

Hon. Suzanne Ndunge Kiamba, M.P.  
Makueni Constituency  
**Wiper Democratic Movement-Kenya  
(WDM-K)**

### **1.3 Committee Secretariat**

The Public Petitions Committee was facilitated members of the secretariat:

**Lead Clerk**  
**Mr. Ahmed Kadhi**  
**Principal Clerk Assistant II**

**Ms. Anne Shibuko**  
**First Clerk Assistant**

**Mr. Willis Obiero**  
**Clerk Assistant III**

**Ms. Patricia Gichane**  
**Legal Counsel II**

**Ms. Roselyne Njuki**  
**Senior Serjeant-at-Arms**

**Mr. Calvin Karungo**  
**Media Relations Officer III**

**Ms. Miriam Modo**  
**First Clerk Assistant**

**Ms. Isaac Nabiswa**  
**Legal Counsel II**

**Mr. Martin Sigei**  
**Research Officer III**

**Mr. Paul Shana**  
**Serjeant-at-Arms**

**Mr. Peter Mutethia**  
**Audio Officer**

## PART TWO

### 2. BACKGROUND TO THE PETITION

#### 2.1 Introduction

1. Public Petition No. 45 of 2023 regarding delayed adjudication and settlement of residents of Kidomaya/Miungoni Village in Vanga Ward, Kiwegu sublocation in Kwale County was presented to the House on 15<sup>th</sup> August 2023 by the Member for Lungalunga Constituency, Hon. Chiforomodo Mangale, M.P. on behalf of the residents of Lungalunga.
2. The Petitioners stated that residents of Kidomaya/Miungoni Village in Vanga Ward of Kiwegu sublocation in Lungalunga Constituency have occupied the parcel of land registered as Plot No. 12224 for more than 35 years.
3. The parcel of land of 1,506.5 acres of Conservation Restrictions (CR.) 15083 and was granted to one Mr. Velji Parabat, now deceased, under a lease for 33 years running from December 1973. Upon application, to the Kwale County Council, for lease extension on 1st June, 1980, Mr. Velji Parabat was granted 27 years and 6 months that was to lapse on 1st June, 2007.
4. Currently, the lessee has control management of around 600 acres of the total land on the said plot while the locals are settled on the remaining land and are worried of impending evictions.
5. A budget of Kshs. 3 million was allocated by the County Government of Kwale during the 2017/2018 Financial Year for the purposes of demarcation and survey of the area considering that the lease was not renewed. The community had the expectation that the area would be adjudicated, formally recognized and settled, however up to date, adjudication is yet to commence.
6. Several attempts by the community to resolve the dispute by involving Mr. Velji's son, the leadership of the County Government of Kwale and relevant government agencies via its leaders such as Dr. Swazuri (former chair of National Land Commission proved futile.

#### 2.2 Prayers

7. The Petitioners prayed that the National Assembly through the Public Petitions Committee—



- (i) Inquires into the ownership of the land, Plot No. 12224, occupied by the residents of Kidomaya/Miungoni Village in Vanga Ward of Kiwegu Sub-Location in Lungalunga Sub County;
- (ii) Investigates the cause of continued delay in carrying out the adjudication and settlement of the residents of Kidomaya/Miungoni Village in Vanga Ward of Kiwegu Sub-Location in Lungalunga Sub County;
- (iii) Recommends that the Government under the one million-acre Compulsory Land Acquisition Programme, acquires the land for the local residents and that the land be adjudicated so as to ensure that residents acquire Title Deeds; and
- (iv) Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.

## PART THREE

### 3. STAKEHOLDERS' SUBMISSIONS ON THE PETITION

#### 3.1 Petitioners

On Tuesday, 12<sup>th</sup> March, 2024, the Member for Lunga Lunga Constituency, Hon. Chiforomodo Mangale, M.P. appeared before the Committee and submitted as follows—

8. The petitioners are citizens of Kenya living in Miungoni village specifically Vanga Ward, Kiwegu Sub-location, Lungalunga Sub county.
9. Vide CR No.15083, one Velji Parbat, the leasee (now deceased) was granted a lease over 609.9 hectares, approximately 1,506.5 acres, of land for 33 years running from 1<sup>st</sup> December 1973.
10. On 1<sup>st</sup> June, 1980, Mr. Parbat applied for an extension of the lease through the Kwale County Council. He was granted 27.5 years, meaning it would have lapsed on 1<sup>st</sup> June, 2007.
11. While the lease of 27 years and 6 months was still subsisting, Mr. Parbat applied for the renewal of the lease and in a full council meeting held on 21<sup>st</sup> July 1993, the County Council of Kwale passed a resolution extending the lease for a period of 66 years commencing 1<sup>st</sup> January 2009 subject to Mr. Parbat hiving out 115 acres to the council for its development agenda and 185 acres for settlement of squatters. The total acres hived out being 300 acres. Mr Parbat remained with 1200 acres. Mr. Parbat accepted the conditions and implemented them.
12. On 20<sup>th</sup> December, 2010, the Town Planning, Trade and Market Committee which is a subcommittee of the council met and resolved that Velji Parbat be given 400 acres for a lease of 33 years, County Council of Kwale to get 200 acres for planning of Public Utilities and 903 acres be granted to squatters.
13. On 6<sup>th</sup> August, 2012, Parbat's son went to court and filed Miscellaneous Civil Application No.19 of 2012 to protest the committee's resolutions.
14. On 14<sup>th</sup> February, 2014, the Court ruled that the decision to extend the lease by 66 more years was valid since the committee was a creation of the Kwale County Council which authorized the extension.
15. On 19<sup>th</sup> September 2014, the National Land Commission through a public notice in the print media stated that the 99-year leases for Kidomaya, among other blocks in Tiwi, had expired in 2013. It further averred that the leases have never been extended or renewed and that they have in fact reverted to the County Government of Kwale.

16. Consequently, the owners of the leased properties moved to the High Court which issued temporary orders ahead of inter-parties hearings. The former chair of the National Land Commission however affirmed that all the court battles were inconsequential and the county government would proceed with the reallocation to its logical conclusion.
17. The leasee had managed to use just slightly 600 acres of the total land.
18. Some of the locals had already settled in the underutilized land but are worried that they will be evicted sooner or later.
19. In the County Budget of 2017/2018, a budget of Kshs. 3 million was set aside for demarcation and survey of the area. This was a clear indication that the lease was not renewed.
20. The community therefore had legitimate expectation that the area would be adjudicated and their land interests formally recognised. However, in unclear circumstances the funds were reallocated. To date, adjudication is yet to commence in the area.
21. The matter was presented before the Deputy Governor and Governor Kwale County in 2019 who cited that the delayed adjudication was as a result of existing conflicts at the community level and tasked Haki Yetu Organisation to reconcile existing differences which Haki Yetu did.
22. The County Government of Kwale had not made a successful implementation of the Survey and squatter settlement activity as initially budgeted or allocated for as shown in their Annual Development Plan FY 2017/2018.
23. The petitioners were anxious about the ongoing evictions that had been witnessed in the country.
24. For a long period, the petitioners had sought audience from the relevant government agencies but their efforts to resolve the issues raised in the petition with the relevant organs of the government have proved futile.
25. The petitioners pray that the parliament through its relevant committee to—
  - (i) Conduct a fact-finding mission in Miungoni village, vanga ward, Kiwegu Sub-location, Lungalunga Sub-County on Plot No. 12224 to ascertain and verify the facts as highlighted in the petition.
  - (ii) Find out accurate information on the ownership status of the land in question, the actual acreage of entire land that is to be allocated to the petitioners and

the status of the pending adjudication of the area and subsequent resettlement of the squatters.

- (iii) Investigate the cause of the continued delay, sidelining of resettlement of the, petitioners and solutions being applied to address the delays.
- (iv) Intervene to have the petitioners' resettlement process fast tracked.

**During a public participation meeting conducted on 27<sup>th</sup> April 2024 at Miungoni Village in Vanga Ward, the Petitioners further submitted as follows:**

26. A certificate of postal search conducted on 4<sup>th</sup> September 2007 for Plot No. 12224 in Kwale under the Title No. CR. 15766 and measuring 609.9 Hectares with a leasehold term of 27 years and 6 months under the names Karsan V. Velani & Manji V. Velani and was found to have nil encumbrances.
27. Vide a letter dated 10<sup>th</sup> May, 2011, the Clerk to the County Council of Kwale wrote to the Commissioner of Lands transmitting the Council resolution recommending the renewal of the lease of 400 acres of land to Mr. Velji Parabat, 200 acres for public amenities and 905 acres be for the settlement of squatters. The lease for Mr. Velji Parabat would be renewed for a maximum of 33 years. The resolution was intended to solve the conflict between the local community and Mr. Velji Parabat.
28. In a consultative meeting that took place in 2014, the then chairperson of the National Lands Commission Chairman announced that there would be no renewal of license of four plots that had been in the hands of private developers, among which was the plot at Vanga (Plot No. 12224). The plots would be converted to settlement schemes.
29. In the Financial Year 2017/2018, Kwale County allocated a sum of Kshs. 3 million in its County Annual Development Plan, for the survey and settlement of the Veji Parabat Farm slotted for July- Sept 2017. However, this was not implemented.
30. On 15<sup>th</sup> October 2020, a certificate postal search was conducted for Plot No. 12224 in Kwale under the Title No. CR. 15766 and measuring 609.9 Hectares with a leasehold term of 27 years and 6 months under the names Karsan V. Velani & Manji V. Velani and was found to have nil encumbrances.

### **3.2 Haki Yetu Organisation**

During a site visit conducted on 27<sup>th</sup> April 2024 at Miungoni Village in Vanga Ward, the Petitioners further submitted as follows—

31. Haki Yetu, a human rights organization, was founded in 2008 in Mombasa's Bangladesh Slums. The organization is registered as a Trust and its mandate covers the areas of Access to Justice, Governance and Accountability as well as Land and Urban Development.
32. To this end, the organization has been advocating for the rights of the Kidomaya Vanga community for nine years.
33. Haki Yetu's engagement in the matter began in 2014 when the organization learnt through a public notice dated 19 September 2014, that the National Land Commission indicated that the 99-year leases for Kidomaya among other blocks in Tiwi had expired in 2013. It further indicated that those leases had never been extended or renewed and that the land had reverted to the County Government of Kwale.
34. This position is justifiable with the conduct of several searches confirming that the lease has not been renewed.
35. A series of meetings with the community followed in the following months and years with a view of establishing an amicable resolution to the matter.

#### **Ownership of the land in question- L.R No. 1224**

36. The official search records indicate that the land in question is registered as 12224-Kwale measuring 1,506.5 acres of land on a 27-year lease to Velji Parbat.
37. Vide CR No.15083, Mr. Velji Parbat, the lessee (now deceased) was granted a lease over 609.9 hectares approximately 1,506.5 acres of land for 33 years running from 1<sup>st</sup> December 1973.
38. On 1<sup>st</sup> June 1980, Mr. Parbat applied for an extension of the lease through the Kwale County Council and was granted 27 ½ years, meaning it would have lapsed on 1<sup>st</sup> June, 2007.
39. While the lease of 27 years and 6 months was still subsisting, Mr. Parbat applied for the renewal of the lease and in a full council meeting held on 21<sup>st</sup> July 1993, the County Council of Kwale passed a resolution extending the lease for a period of 66 years commencing on 1 January 2009 subject to Mr. Parbat giving out 115 acres to the council for its development agenda and 185 acres for settlement of

squatters. The total acres hived out being 300 acres. Mr. Parbat remained with 1,200 acres.

40. However, on 20<sup>th</sup> December, 2010, the Town Planning, Trade and Market Committee which is a sub-committee of the Kwale Council met and resolved that Velji Parbat be given 400 acres for a lease of 33 years, County Council of Kwale to get 200 acres for planning of Public Utilities and 903 acres be granted to the community of Miungoni.

### **Litigation**

41. On 6<sup>th</sup> August 2012, the son of the late Velji Parbat went to court and filed Miscellaneous Civil Application No.19 of 2012 to protest the committee's resolutions. On 14<sup>th</sup> February, 2014, the Court ruled that the decision to extend the lease by 66 more years was valid since the committee was a creation of the Kwale County Council which had authorized the same.

### **National Land Commission position in 2014**

42. On 19<sup>th</sup> September 2014, the National Land Commission through a public notice stated that the 99-year leases for Kidomaya, among other blocks in Tiwi, had expired in 2013. It further averred that the leases were never extended or renewed and that they have in fact reverted to the County Government of Kwale.
43. The family of the Velji Parbat moved to the High Court where the court issued temporary orders quashing the public notice published in the East African Standard Newspaper of 19<sup>th</sup> September 2014 revoking the lessee's lease over Plot No. L. R.12224.

### **Enumeration by Haki Yetu**

44. In 2023, the organization facilitated the enumeration of residents within the land to establish the extent of emerging interest in the land. This was made possible through a committee, chosen by the community to represent their interests. In the enumeration exercise conducted in 2023, it was established that 315 households claimed recognition of their interests on the land.
45. The enumeration report conducted by Haki Yetu earlier, provided a guide on how many families had discernable interest in the land. The numbers stated may have increased over time and therefore the Kwale County Government in conjunction with the County Commissioner's office must conduct its due diligence to establish the number of families residing and farming on the land.

### **Mediation conducted by Haki Yetu**

46. The matter was presented before the former Governor of Kwale and his Deputy Governor in 2019 who cited that the delayed adjudication was as a result of existing conflicts at the community level and tasked Haki Yetu to reconcile the existing differences which Haki Yetu did.

### **County Budget Allocation of Kshs. 3 Million (FY 2017/2018)**

47. There was a County Budget allocation of Kshs. 3 Million which was set aside for demarcation and Survey of the area (FY 2017/2018). Therefore, the community had legitimate expectation that the area would be adjudicated and their land interests formally recognised.

48. The County Government of Kwale did not make a productive follow up in the implementation of the Survey and Squatter settlement activity as was initially budgeted or allocated as shown in their Annual Development Plan FY 2017/2018.

### **Stalemate in Resolution**

49. For a better part of 2021, at Haki Yetu, felt that they had reached a stalemate. On various occasions, the organisation sought audience with the then Member of Parliament, and the County Government of Kwale to resolve the issues raised in the petition but our efforts proved futile.

50. Vide a letter dated 3rd May 2021 by Haki Yetu Organisation to the then Member for Lungalunga Constituency, communicating that the community had resorted to present a petition before the Lands Parliamentary Committee as well as engage the County Government of Kwale.

51. Vide a letter dated 7<sup>th</sup> May 2021 to the County Executive Committee Member of Lands, Environment and Natural Resources in the County of Kwale, Haki Yetu Organisation explained that they have been advocating for the Kidomaya-Vanga community and wished to engage the County Government in resolving the matter.

52. Vide a letter dated 24<sup>th</sup> October 2022 by Haki Yetu Organisation to the Governor of the County Government of Kwale, the organisation had made several efforts to engage the previous administration in resolving the Kidomaya-Vanga matter and requested to pay a courtesy visit to the Governor to discuss the matter.

53. The organisation prays that—

- (i) Since the lessee" (currently the son to the late Velyi Parbat) was only able to develop a section of the land, with the larger section developed by the

community, the Committee to recommend an offer for sale to the "lessee" must be guided by this reality.

(ii) The County Government and the National Land Commission must conduct a fresh survey to establish the proportion of the land occupied by the lessee *vis-à-vis* that occupied by the community with a view to establishing the competing interests on the land between the community and the "lessee".

(iii) The adjudication should be in favour of the community.

### 3.3 County Government of Kwale

Vide a letter dated 22<sup>nd</sup> April 2024, the County Executive Member of Environment, Physical Planning and Urban Development, County Government of Kwale, Ms. Saumu Beja made submissions as follows—

54. The County Government acknowledges that the land situated in Kidomaya & Mungoni Village in Vanga ward, Lunga Lunga Sub-County Kwale County has had a long standing dispute between the former leaseholder and the local community who have squatted within the land for many years.
55. The land LR.NO 12224 measuring approximately 609.9 Hectares belongs to the County Council of Kwale which was leased to one Velji Parbat of P.O.Box 81027, Mombasa for a term of twenty seven (27) years and six (6) months from 1<sup>st</sup> June 1980.
56. The Leasee was granted the land to undertake agriculture activities, going by these terms the lease ought to have expired by the mid year of year 2007.
57. Around the year 1993, the County Council of Kwale deliberated a proposal to extend the lease by sixty six (66) years after expiry of the original term.
58. Records of the Council meeting in which the proposal was discussed indicate that the Council resolved to approve the application for the extension of the lease for a period of 66 years. This came with the condition that the lease would surrender a total of 300 Acres with 185 Acres being land to be used to settle squatters and 115 Acres being land for Council for future development.
59. On 4<sup>th</sup> September 2008, the County Council of Kwale wrote to the Commissioner of Lands to affirm the Council's decision of 1993.
60. At the time of coming into existence of the County Government, nothing had progressed with regards to the extension of the lease of the land.
61. Subsequently, on 19<sup>th</sup> September 2014, NLC published a notice for intended review of expired leases and reversion of land to the County Government of Kwale.



62. The land of Kidomaya was identified as one of those leases which had expired and which ought to have reverted to the County Government. Consequently the County Government cognisant of the squatter problem in the area allocated budget in the FY 2017/2018 for the settlement of all the squatter residing within LR. NO. 12224.
63. However, the implementation of the project was halted when it became apparent that there was an active legal suit under Misc. Civil Application No. 19 of 2012 in which Karsam Velji Velani, the administrator of the Estate of Velji Parbart had sued the County Council of Kwale, Chief Land Registrar and Commissioner of Lands seeking judicial Review proceedings for an order of Mandamus for the Registration of the said LR. 12224.
64. The awareness of the suit is what halted the plans to go ahead with the settlement project and subsequently the funds were repurposed through the supplementary budget.
65. The County Government is still in court on the matter seeking adverse possession over the land and did not give any comments or approval for extension of the lease.

### **3.4 National Lands Commission**

66. During a site visit conducted on 27th April 2024 at Miungoni Village in Vanga Ward, the National Lands Commission submitted that the matter was still pending in court and no action could be taken, pending a ruling by the courts.

### **3.5 Ministry of Lands, Public Works, Housing and Urban Development**

On 12<sup>th</sup> September 2024, the Cabinet Secretary, Ministry of Lands, Public Works , Housing and Urban Development, Hon. Alice Wahome appeared before the Committee and submitted as follows—

67. L.R. No. 12224 situated in Kwale was allocated to Mr. Velji Parbat vide a letter of allotment Ref. LND/3/1/4/22/122 dated December 24, 1973 for agricultural purposes. The lease term was 33 years with effect from December 1, 1973. Upon survey, the land measured 609.9 Hectares. A title was registered in favour of Velji Parbat on May 12, 1977.
68. Mr. Velji Parbat applied for change of user from agricultural to ranching purposes vide a letter dated October 16, 1979. The request was granted by the then County Council of Kwale subject to excision of 100 Acres for purposes of settling squatters in a letter Ref. CC/KWL/LND. 16/18/81 dated October 25, 1979. Mr. Velji Parbat accepted the condition vide a letter dated January 9, 1980.

69. The County Council of Kwale however noted that the number of squatters on the land was 47 and not 13 as alleged by the registered owner and recommended surrender of 420 Acres vide a letter Ref. CC/KWL/LND.16/18/97 dated January 24, 1980. At this point, Mr. Velji Parbat had taken the squatters to court and the case was ongoing. After the change of user, a new title was issued with an enhanced rent and the remainder of the term of 27.5 years with effect from June 1, 1980, vide the Commissioner of Lands letter Ref.88881/114 dated April 23 1986.
70. Pursuant to Civil Suit No. 630 of 1979 at the High Court in Mombasa, orders were issued that 185 Acres of land be subdivided equally in portions of 5 acres among 37 squatter families, while the remaining portion of land be given in vacant possession to Mr. Velji.
71. An application for extension of lease to secure a loan to expand the farming business by Mr. Velji was made to the Commissioner of Lands on May 5, 1992. The Commissioner of Lands vide a letter Ref. 88881/1 18 dated June 24, 1992 circulated the proposal to the relevant offices.
72. The County Council of Kwale approved the extension of lease subject to the land being reduced to exclude a total of 300 Acres; 185 Acres for settlement of squatters and 115 Acres for the Council's future plans. The lease was extended for 50 years with effect from December 1, 1995.
73. Mr. Velji Parbat passed on leaving Karsan V. Velani and Manji V. Velani as the administrators of the estate. The advocate for the estate in a letter Ref. KKK/KCCMVV/4132/CNK dated June 6, 2008 confirmed subdivision of the land to enable the required surrenders. The County Council of Kwale in its letter Ref. CC/KWL/LND.16/18/ (140) dated September 4, 2008 confirmed compliance.
74. L.R. No. 12224 was initially subdivided into L.R. No. 12224/ 1 and L.R. No. 12224/2. LR. No. 12224/2 was further subdivided into two portions, L.R. No. 12224/5 and L.R No, 12224/6. This resulted into the following scenario:
  - (i) LR. No. 12224/1 measuring 75.14 Hectares set aside for squatter settlement;
  - (ii) L.R. No. 12224/5 measuring 65.83 Hectares for public use by the County Council of Kwale; and
  - (iii) L.R. No. 12224/6 measuring 468.9 Hectares to be retained by the estate of Mr. Velji Parbat for farming activities
75. The lease for L.R. 12224 expired in 2007 before the new lease in favor of the Estate of Velji Parbat was prepared.

76. In a judicial review application MISC, CIVIL, APPL. NO. 327 of 2010 in the High Court of Kenya at Mombasa by James M. Katinga & Others as trustees of Mungano Farmers Self Help Group, it was ordered that titles for LR. No's 12224/1 & 5 be issued in favour of the group. It was also ordered that the title for L.R. No. 12224/6 be issued in favour of Velji Parbat.
77. In compliance with the court order, the Ministry prepared leases for the parcels as ordered and therefore the parcels of land are private. The process of further subdivision can only be initiated by the registered owner.

## PART FOUR

### 4. COMMITTEE OBSERVATIONS

78. Upon hearing from the Petitioners, Haki Yetu Organisation, County Government of Kwale, Ministry of Lands, Public Works, Housing and Urban Development, the Committee observed that—

- (i) While records at the Ministry of Lands indicate that the parcels of land are owned privately and that the process of further subdivision can only be initiated by the registered owner, the National Lands Commission has previously acted on the premise that the land reverted to the County Government of Kwale upon expiry of the lease.
- (ii) A court ruling declared that the Public Notice by the National Land Commission (Respondent) was irregular, unreasonable and procedurally unfair as the land belonged to the petitioner in the case, Karsan Velji Velani.
- (iii) The conflicting interpretations have resulted in the County Government of Kwale seeking adverse possession of the land.

## PART FIVE

### 5. ANALYSIS OF ISSUES FOR DETERMINATION

79. Upon hearing from the Petitioners and other witnesses, the Committee makes determination on prayers sought in the Petition as follows—

**(i) Ownership of Land Reference Number 12224 comprised in the Grant registered as C.R. 15766/1**

(a) The land in the Grant was at first registered to Valji Parbat, the leasee, for a term of 27 years and six months from 1<sup>st</sup> June, 1980. Therefore, the term of the lease was expiring in 2008.


(b) In 1993, the leasee applied to the County Council of Kwale for an extension of lease. The County Council of Kwale agreed to extend the term of the lease for a term of 66 years commencing on 1<sup>st</sup> January, 2009 on condition that the leasee shall surrender 300 acres out of which 185 acres was to be used to settle squatters, and 115 acres was to be used by the Council for future development. As a result, the land was subdivided but the issuance of new leases was not effected.

(c) In 2010, the Trade, Planning and Markets Committee of the County Government of Kwale resolved to renew the term of the lease for 33 years which granted the leasee 400 acres. Through a judicial review application, the decision was quashed.

(d) In 2014, the National Land Commission published a notice of the expiry of the lease and the reversion of the land to the County Government of Kwale. In a judgement of the High Court delivered in 2015, the notice was quashed in respect to the land LR. No. 12224.

(e) Based on the foregoing, the land measuring 1200 acres as contained in the Deed Plan No. 884111 belongs to the Administrators of the Estate of Valji Parbat for a term of 66 years commencing 1<sup>st</sup> January 2009.

**(ii) Adjudication and settlement of the residents of Kidomaya, Miungoni Village in Vanga Ward:** By virtue of the decision made in 1993 by the County Council of Kwale to extend the term of the lease for a term of 66 years commencing on 1<sup>st</sup> January, 2009, the squatters were to be settled on the land measuring 185 acres contained in Deed Plan No. 189817.



(iii) **One Million Acre Compulsory Land Acquisition Programme:** The One Million Acre Compulsory Land Acquisition Programme was a land reform programme that run between 1962 and 1966 whose main objective was to acquire land from Europeans and allocating the land to Kenyans. Therefore, the programme ended once its objectives were achieved.

PART SIX

6. COMMITTEE RECOMMENDATIONS

80. Pursuant to the provisions of Standing Order 227, the Committee responds to the prayers in the Petition as follows—

*Prayer 1: Inquires into the ownership of the land, Plot No. 12224, occupied by the residents of Kidomaya/Miungoni Village in Vanga Ward of Kiwegu Sub-Location in Lungalunga Sub County*

(i) The Committee undertook this inquiry by listening to the various stakeholders and state agencies and established that the land was subdivided in compliance with a court ruling and now registered under the names Karsan V. Velani & Manji V. Velani (L.R. No. 12224/6), County Government of Kwale (L.R. No. 12224/5) and Muungano Self Help Group (L.R. No. 12224/1).

*Prayer 2: Investigates the cause of continue delay in carrying out the adjudication and settlement of the residents of Kidomaya/Miungoni Village in Vanga Ward of Kiwegu Sub-Location in Lungalunga Sub County*

(ii) The land is privately owned by three parties being Karsan V. Velani & Manji V. Velani (L.R. No. 12224/6), County Government of Kwale (L.R. No. 12224/5) and Muungano Self Help Group (L.R. No. 12224/1), hence the adjudication can only be initiated by the registered owners if necessary.

*Prayer 3: Recommends that the Government under the one-million-acre Compulsory Land Acquisition Programme, acquires the land for the local residents and that the land be adjudicated so as to ensure that residents acquire title deeds.*

(iii) The Committee recommends that County Government of Kwale resettles the squatters on the land L.R. No. 12224/5 as planned and budgeted.

Signed: \_\_\_\_\_ Date: 27/11/2024

THE HON. NIMROD MITHUKA MBAI, M.P.  
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 27 NOV 2024	DAY: Wednesday
TABLED BY:	Hon. Nimrod Mthai (Chairperson)
CLERK-AT-THE-TABLE:	Lomale

## ANNEXURES

Annex 1: The Adoption List

Annex 2: Public Petition No. 45 of 2023 regarding Delayed Adjudication and settlement of residents of Kidomaya/ Miungoni village in Vanga Ward, Kiwegu sublocation, Lunga Lunga Constituency

Annex 3: Minutes of 8<sup>th</sup> Sitting of 2024 held on 12<sup>th</sup> March, 2024

Annex 4: Minutes of 52<sup>nd</sup> Sitting of 2024 held on 12<sup>th</sup> September, 2024

Annex 5: Minutes of 61<sup>st</sup> Sitting of 2024 held on 9<sup>th</sup> November 2024





**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**  
**THIRTEENTH PARLIAMENT - THIRD SESSION - 2024**  
**PUBLIC PETITIONS COMMITTEE**

**ADOPTION SCHEDULE**  
**OF THE REPORT ON CONSIDERATION OF PETITION NO. 45 OF 2023 REGARDING**  
**DELAYED ADJUDICATION AND SETTLEMENT OF RESIDENTS OF KIDOMAYA/MIUNGONI**  
**VILLAGE IN VANGA WARD, KIVWEGU SUB LOCATION, LUNGA LUNGA CONSTITUENCY**

DATE.....9<sup>TH</sup> NOVEMBER 2024

We, the undersigned Honourable Members of the Public Petitions Committee, do hereby affix our signatures to this Report on the consideration of **Petition No. 45 of 2023 Regarding Delayed Adjudication and Settlement of Residents of Kidomaya/Miungoni Village in Vanga Ward, Kivwegu Sub Location, Lunga Lunga Constituency** to confirm our approval and confirm its accuracy, validity and authenticity:

NO.	NAME	DESIGNATION	SIGNATURE
1.	Hon. Nimrod Mbithuka Mbai, M.P.	Chairperson	
2.	Hon. Janet Jepkemboi Sitienei, M.P.	Vice Chairperson	
3.	Hon. Patrick Makau King'ola, M.P.	Member	
4.	Hon. Joshua Chepyegon Kandie, M.P.	Member	
5.	Hon. John Walter Owino, M.P.	Member	
6.	Hon. Ernest Ogesi Kivai, M.P.	Member	
7.	Hon. Maisori Marwa Kitayama, M.P.	Member	
8.	Hon. Edith Vethi Nyenze, M.P.	Member	
9.	Hon. Bidu Mohamed Tubi, M.P.	Member	
10.	Hon. Caleb Mutiso Mule, M.P.	Member	
11.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	Member	
12.	Hon. Peter Mbogho Shake, M.P.	Member	
13.	Hon. Suzanne Ndunge Kiamba, M.P.	Member	
14.	Hon. John Bwire Okano, M.P.	Member	
15.	Hon. Sloya Clement Logova, M.P.	Member	



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY  
THIRTEENTH PARLIAMENT (SECOND SESSION)

**PUBLIC PETITION**

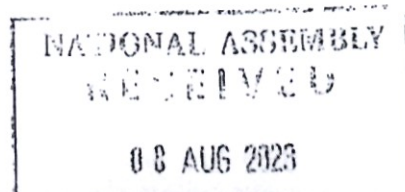
(No. 45 of 2023)

**REGARDING DELAYED ADJUDICATION AND SETTLEMENT OF RESIDENTS OF KIDOMAYA/MIUNGONI VILLAGE IN VANGA WARD, KIWEGU SUB-LOCATION - LUNGALUNGA CONSTITUENCY RESIDING IN PLOT NO. 12224.**

I, the **UNDERSIGNED**, on behalf of the residents of Lungalunga Constituency;

**DRAW** the attention of the House to the following:

1. **THAT**, the people of Kidomaya/Miungoni Village in Vanga Ward, Kiwegu Sub-Location - Lungalunga Constituency have occupied the parcel of land registered as Plot No. 1224 under the dispute for more than **35** years;
2. **THAT**, aware that, the 1,506.5 acres of land of Conservation Restrictions No. (CR.) 15083 was granted to one Mr. Velji Parbat now deceased under a lease for 33years running from December 1973;
3. **THAT**, upon application for extension of lease on 1<sup>st</sup> June, 1980, through the Kwale County Council, Mr. Velji Parbat was granted 27 years and 6 months that was to lapse on 1<sup>st</sup> June,2007;
4. **THAT**, currently the lessee has control management of around 600 acres of the total land on the said plot while the locals are settled in the remaining land and are worried of impending evictions;
5. **THAT**, a budget of Kshs. 3 million was set aside by the County Government of Kwale during the 2017/2018 Financial Year for for purposes of demarcation and survey of the area considering that the lease was not renewed;
6. **THAT**, the community had expectation that the area would be adjudicated, formally recognized and settled, however up to date, adjudication is yet to commence in the area;



Hon. Speaker,  
You may approve.  
Crispin KIPS  
9/8/23

Approved  
SNA  
9/8/23

**REGARDING DELAYED ADJUDICATION AND SETTLEMENT OF RESIDENTS OF KIDOMAYA/MIUNGONI VILLAGE IN VANGA WARD, KIWEGU SUB-LOCATION - LUNGALUNGA CONSTITUENCY RESIDING IN PLOT NO. 12224.**

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7. **THAT**, following several attempts by the community to resolve the dispute by involving Mr. Velji Parbat's son, the County Government of Kwale and Dr. Swazuri (former Chair of the National Land Commission) were futile;
8. **THAT**, efforts to have the issues resolved by the relevant government agencies including the Leadership of the County Government of Kwale County have proved futile;
9. **AND THAT**, the issues in respect of which this particular Petition is made are not pending before any Court of law or any Constitutional or legal body.

---

**THEREFORE**, your humble Petitioners pray that the National Assembly through the Public Petitions Committee;

- i. To inquire into the ownership of the land occupied by residents of *Kidomaya/Miungoni Village in Vanga Ward, Kiwegu Sub-Location - Lungalunga Sub County, Plot No. 12224*;
  - ii. To investigate the cause of continued delay in carrying out the adjudication and settlement of the residents of *Kidomaya/Miungoni Village in Vanga Ward, Kiwegu Sub-Location - Lungalunga Sub County*.
  - iii. To recommend that the Government under the 1 million Acre Compulsory Land acquisition Programme, acquires the land for the local residents and that the land be adjudicated so as to ensure that residents acquire Title Deeds; and,
  - iv. Makes any other recommendation or action it deems fit in addressing the plight of the Petitioners.
-

**REGARDING DELAYED ADJUDICATION AND SETTLEMENT OF RESIDENTS  
OF KIDOMAYA/MIUNGONI VILLAGE IN VANGA WARD, KIWEGU SUB-  
LOCATION - LUNGALUNGA CONSTITUENCY RESIDING IN PLOT NO.  
12224.**

---

And your **PETITIONERS** will ever pray.

**PRESENTED BY:**



**THE HON. CHIFOROMODO MANGALE, MP  
MEMBER FOR LUNGALUNGA CONSTITUENCY**

**DATE: .....**

9/8/2023



**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 8<sup>TH</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, MARCH 12, 2024, IN COMMITTEE ROOM 12, NEW WING, MAIN PARLIAMENT BUILDINGS AT 12.00 NOON**

**PRESENT**

1. Hon. Janet Jepkemboi Sitienei, M.P. - Vice Chairperson
2. Hon. Ernest Ogesi Kivai, M.P.
3. Hon. Bidu Mohamed Tubi, M.P.
4. Hon. John Walter Owino, M.P.
5. Hon. Joshua Chepyegon Kandie, M.P.
6. Hon. Edith Vethi Nyenze, M.P.
7. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
8. Hon. Sloya Clement Logova, M.P.

**APOLOGIES**

1. Hon. Nimrod Mbithuka Mbai, M.P. - Chairperson
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Maisori Marwa Kitayama, MP
4. Hon. Caleb Mutiso Mule, M.P.
5. Hon. Peter Mbogho Shake, M.P.
6. Hon. John Bwire Okano, M.P.
7. Hon. Suzanne Ndunge Kiamba, M.P.

**IN ATTENDANCE**

Hon. Chiforomodo Mangale, MP - Petitioner

**SECRETARIAT**

1. Mr. Ahmed Kadhi - Senior Clerk Assistant
2. Ms. Miriam Modo - Clerk Assistant I
3. Ms. Anne Shibuko - Clerk Assistant I
4. Ms. Patricia Gichane - Legal Counsel II
5. Mr. Willis Obiero - Clerk Assistant III
6. Mr. Martin Sigei - Research Officer III
7. Mr. Calvin Karungo - Media Relations Officer III
8. Mr. Paul Shana - Serjeant-at-Arms
9. Mr. Cosmas Ahonya - Audio Assistant
10. Ms. Felistas Muiya - Public Communications Officer

**MIN./PPETC/2024/ 056: PRELIMINARIES**

The Chairperson called the meeting to order at 12:00 noon and proceedings began with prayers by Hon. Ernest Kagesi, M.P.

**MIN./PPETC/2024/057: ADOPTION OF AGENDA**

**AGENDA**

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Consideration of Public Petition No. 45 of 2023 regarding delayed adjudication and settlement of residents of Kidomaya/Miungoni Village in Vanga Ward in Lunga Lunga Constituency
  - Meeting with the Petitioner (Hon. Chiforomodo Mangale, MP)
6. Any Other Business
7. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Clement Sloya, M.P. and seconded by Hon. Mohammed Tubi, M.P.

**MIN./PPETC/2024/058: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

Minutes of the 7<sup>th</sup> Sitting held on Thursday, 7<sup>th</sup> March 2024 were confirmed, having been proposed by Hon. Ernest Kagesi, M.P and seconded by Hon. Edith Nyenze, M.P.

**MIN./PPETC/2024/059: CONSIDERATION OF PUBLIC PETITION NO. 45 OF 2023 REGARDING DELAYED ADJUDICATION AND SETTLEMENT OF RESIDENTS OF KIDOMAYA/MIUNGONI VILLAGE IN VANGA WARD IN LUNGA LUNGA CONSTITUENCY**

**Meeting with the Petitioner**

The Member for Lunga Lunga Constituency Hon. Chiforomodo Mangale, MP appeared before the Committee and submitted as follows—

- a) The people of Kidomaya/Miungoni Village in Vanga Ward, Kiwegu Sub-Location in Lungalunga Constituency have occupied the parcel of land registered as Plot No. 1224 under the dispute for more than 35 years.
- b) 1,506.5 acres of land of Conservation Restrictions No. (CR.) 15083 was granted to one Mr. Velji Parbat now deceased under a lease for 33 years running from December, 1973.

- c) Upon application for extension of the lease on 1<sup>st</sup> June, 1980, through the Kwale County Council, Mr. Velji Parbat was granted 27 years and 6 months that was to lapse on 1<sup>st</sup> June 2007.
- d) Currently, the lessee has control management of around 600 acres of total land on the said plot while the locals are settled in the remaining land and are worried of impending evictions.
- e) A budget of Kshs. 3 Million was set aside by the County Government Kwale during the 2017/2018 Financial Year for purposes of demarcation a survey of the area considering that the lease was not renewed.
- f) The community had expectation that the area would be adjudicated formally recognized and settled, however up to date, adjudication is yet to commence in the area.
- g) Attempts by the community to resolve the dispute by involving Mr. Velji Parbat's son, the County Government of Kwale and Dr. Swazuri (former Chair of the National Land Commission) have not been fruitful.
- h) Efforts to have the issues resolved by the relevant government agencies including the Leadership of the County Government of Kwale County have proven futile;
- i) The Petitioners prayed that the National Assembly through the Public Petitions Committee—
  - a) inquires into the ownership of the land occupied by residents of Kidomaya/ Miungoni Village in Vanga Ward, Kiwegu Sub-Location - Lungalunga Sub County, Plot No. 12224;
  - b) investigates the cause of continued delay in carrying out the adjudication and settlement of the residents of Kidomaya Miungoni Village in Vanga Ward, Kiwegu Sub-Location - Lungalunga Sub County and
  - c) recommends that the Government under the 1 million Acre Compulsory Land acquisition Programme, acquires the land for the local residents and that the land be adjudicated to ensure that residents acquire Title Deeds.
- j) The matter had been introduced to the National Assembly by the predecessor in the 12<sup>th</sup> Parliament by way of a petition.

## Committee concerns

- i. ***Size of the land:*** The Committee sought clarification on whether the 600 acres of *land* under active use was part of the 1,506.5 acres of land. The Petitioner clarified that it was the section of land under control by the lessee, and the rest of the land was occupied by locals.
- ii. ***Status of the lease:*** The Committee enquired whether the lease that is said to have expired in June 2007 was renewed. The Petitioner clarified that the land had reverted to the Kwale County Government upon expiry of the lease. Further, a report by the National Land Commission stated that there had been no application for renewal of the lease.
- iii. ***Ownership of the land:*** the Committee inquired on the basis upon which the son of Mr. Velji Parbat (the late) was threatening to evict the affected families from the land yet their lease on the land had lapsed on 1<sup>st</sup> June, 2007. The petitioner explained that the family of Mr. Velji Parbat had no legitimate document to renew his lease.
- iv. ***Role of the County Government:*** the Committee enquired on the role of the County Government of Kwale in adjudication of the land. The Petitioner responded that the Governor was aware of the matter and was in full support of the upcoming survey and adjudication of the land.
- v. ***Fate of the Petition by the Member for Lunga Lunga Constituency in the 12<sup>th</sup> Parliament:*** the Committee enquired about the outcome of the Petition in the 12<sup>th</sup> Parliament. The Petitioner explained that the Petition had not borne any fruit.
- vi. ***Number of residents on the land-*** The Committee enquired on the approximate number of people occupying the land. The Petitioner explained that before the issuance of the lease to Mr. Velji Parbat, fifteen (15) households had occupied the land. Upon expiry of the lease, the 15 households and additional people comprising a total of over 300 households moved back to the land.
- vii. ***Original status of the land:*** The Committee enquired on whether the land was a Trust Land before occupation by Mr. Velji Parbat. The Petitioner was not sure of the original status of the land. He however explained that the land was adjudicated in 1973 whereupon Mr. Parbat put an application to lease 1500 acres, which he was granted.
- viii. ***Content of Conversion Restriction 15023:*** The Committee enquired on the contents of the Conversion Restriction 15023. The Petitioner did not know what it provided for and sought more time to avail proper feedback.



## Committee Resolution

The Committee resolved that the Petitioner establishes the facts about the land and present the further information to the Committee alongside any relevant documents to enable it to comprehensively consider the Petition.

### MIN./PPETC/2024/060    ANY OTHER BUSINESS

- i. **Consideration of a Public Petition regarding Delays in posting Medical Interns, Absorption of Universal Health Coverage contract staff, conclusion of Collective Bargaining Agreements (CBAs) and Recognition Agreements in the Health sector in the country by the Hon. (Dr.) Pukose.**

The meeting recalled that on Thursday, 7<sup>th</sup> March, 2024, the Member for Endebess, the Hon. (Dr.) Robert Pukose, MP, presented a petition regarding unfair labour practices in the Medical Sector on behalf of representatives of the health sector unions, societies and associations.

Further, the Speaker committed the petition to Public Petitions Committee and directed that the Committee fast-tracks its consideration and reports progress to the House on Tuesday, 9<sup>th</sup> April, 2024.

The Committee noted that the issues raised in the petition were topical and needed to be prioritised as directed by the Speaker. Therefore, the Committee resolved to invite the petitioner and other relevant stakeholders during the week commencing Tuesday, 19<sup>th</sup> March 2024.

- ii. **Report Writing Retreat by the Committee**

The Committee noted the need to undertake a report writing retreat to finalise a number of petitions. The Committee, therefore, resolved to undertake the retreat from Sunday 24<sup>th</sup> March 2024 to Thursday, 28<sup>th</sup> March 2024 in Mombasa County.

- iii. **Request to hold Committee meetings during sitting time of the House**

Having acknowledged that there were several pending petitions, the Committee resolved to request the Speaker for permission to convene during the sitting time of the House to facilitating the expedited processing of the petitions.

- iv. **Reports scheduled for tabling by the Committee**

The Chairperson informed the Committee that after completion of their completion, the reports of the following petitions were scheduled for tabling on Tuesday, 12<sup>th</sup> March 2024 in the afternoon sitting—

- a) Petition No. 4 Of 2022 Regarding Funds Spent by the National Government Contrary to the Provisions of Article 223 of the Constitution by Mr. Stephen Mutoro; and
- b) Public Petition No. 3 Of 2022 regarding Degazettement of Hola Irrigation Scheme Land to Allow for The Expansion of the County Headquarters of Tana River by Hon. Said Buya Hiribae, MP.

MIN./PPETC/2024/062: ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 01:30 p.m. The next meeting will be held on Thursday, 14<sup>th</sup> March, 2024 at 12.00 noon.

Sign:  .....

(CHAIRPERSON)

Date: 12/03/2024 .....



**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 52<sup>ND</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, SEPTEMBER 12, 2024, IN CONFERENCE ROOM GARDEN SUITE 1&2, 6<sup>TH</sup> FLOOR, GARDEN INN HOTEL AT 2.00. P.M**

**PRESENT**

- |                                             |                  |
|---------------------------------------------|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P.          | Chairperson      |
| 2. Hon. Janet Jepkemboi Sitienei, M.P.      | Vice Chairperson |
| 3. Hon. Joshua Chepyegon Kandie, M.P.       |                  |
| 4. Hon. John Walter Owino, M.P.             |                  |
| 5. Hon. Ernest Ogesi Kivai, M.P.            |                  |
| 6. Hon. Maisori Marwa Kitayama, MP          |                  |
| 7. Hon. Bidu Mohamed Tubi, M.P.             |                  |
| 8. Hon. (Eng.) Bernard Muriuki Nebart, M.P. |                  |
| 9. Hon. Edith Vethi Nyenze, M.P.            |                  |
| 10. Hon. Peter Mbogho Shake, M.P.           |                  |
| 11. Hon. Suzanne Ndunge Kiamba, M.P.        |                  |
| 12. Hon. Caleb Mutiso Mule, M.P.            |                  |

**APOLOGIES**

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Sloya Clement Logova, M.P.
3. Hon. John Bwire Okano, M.P.

**IN ATTENDANCE**

**SECRETARIAT**

- |                         |                                   |
|-------------------------|-----------------------------------|
| 1. Ms. Miriam Modo      | Clerk Assistant I                 |
| 2. Mr. Willis Obiero    | Clerk Assistant III               |
| 3. Ms. Patricia Gichane | Legal Counsel II                  |
| 4. Mr. Martin Sigei     | Research Officer III              |
| 5. Ms. Nancy Akinyi     | Research Officer III              |
| 6. Ms. Felistus Muiya   | Public Communications Officer III |
| 7. Mr. Peter Mutethia   | Audio Officer                     |
| 8. Mr. Calvin Karungo   | Media Relations Officer III       |
| 9. Mr. Paul Shana       | Sergeant-at-Arms                  |

**MINISTRY OF LANDS**

- |                         |                                         |
|-------------------------|-----------------------------------------|
| 1. Hon. Alice Wahome    | Cabinet Secretary                       |
| 2. Mr. Kennedy Njenga   | Director, Land Adjudication             |
| 3. Mr. Maritim Weldon   | Director of Survey                      |
| 4. Mr. Nyandoro David   | Chief Land Registrar                    |
| 5. Mr. Hilton Kamau     | Assistant Director, Land Administration |
| 6. Mr. Harrison Matevwa | Parliamentary Liaison Officer           |
| 7. Ms. Stella Murugi    | Technical Assistant to CS               |

MIN./PPETC/2024/325: PRELIMINARIES

The Chairperson called the meeting to order at 12:00 noon. and proceedings began with prayers by Hon. Edith Nyenze, M.P.

MIN./PPETC/2024/326: ADOPTION OF AGENDA  
AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Meeting with the Ministry of Lands in consideration of—
  - *P/No. 45 of 2023 on Delayed Adjudication and Settlement of residents of Kidomaya/Miungoni Village in Vanga Ward in Lunga Lunga Constituency;*
  - *P/No. 10 of 2023 on Resettlement of residents of Muthanga Farm;*
  - *PI No. 59/2023 on Settlement of Ontulili Mount Kenya Forest Squatters;*
  - *P/No.69 of 2023 on Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County; and*
  - *P/No. 5/2024 on Illegal acquisition of parcels of land registered as Kapkakaran farm LR. No. 5423/2 and LR. No. 6053 in Nandi Hills Sub-County, Nandi County*
6. Any Other Business
7. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Joshua Kandie, M.P. and seconded by Hon. Edith Nyenze, M.P.

MIN./PPETC/2024/327: CONFIRMATION OF MINUTES OF PREVIOUS  
SITTINGS

The agenda was deferred.

MIN./PPETC/2024/328: MEETING WITH THE MINISTRY OF LANDS

The CS, Hon. Alice Wahome appeared before the Committee and responded to the petitions as follows:

P/No. 45 of 2023 on Delayed Adjudication and Settlement of residents of Kidomaya/Miungoni Village in Vanga Ward in Lunga Lunga Constituency

1. According to the records, L.R. No. 12224 situated in Kwale was allocated to Mr. Velji Parbat vide a letter of allotment Ref. LND/3/1 /4/22/1 22 dated December 24, 1973 for agricultural purposes. The lease term was 33 years with effect from December 1, 1973.
2. Upon survey, the land measured 609.9 Hectares. A title was registered in favour of Velji Parbat on May 12, 1977 as evidenced by a copy of the Memorandum of Registration of Transfer of Lands (MRT).

3. Mr. Velji Parbat applied for change of user from agricultural to ranching purposes vide a letter dated October 16, 1979. The request was granted by the then County Council of Kwale subject to excision of 100 acres for purposes of settling squatters in a letter Ref. CC/KWL/LND.16/18/81 dated October 25, 1979. Mr. Velji Parbat accepted the condition as per his letter dated January 9, 1980.
4. The County Council of Kwale however noted that the number of squatters on the land was 47 and not 13 as alleged by the registered owner and recommended surrender of 420 acres vide a letter Ref. CC/KWL/LND.16/18/97 dated January 24, 1980.
5. At this point, Mr. Velji Parbat had taken the squatters to court and the case was ongoing. After the change of user, a new title was issued with an enhanced rent and the remainder of the term of 27.5 years with effect from June 1, 1980 as per the then Commissioner of Lands vide letter Ref. 8888 1 /1 14 dated April 23, 1986.
6. Pursuant to Civil Suit No. 630 of 1979 at the High Court in Mombasa, orders were issued that 185 Acres of land be subdivided equally in portions of 5 acres among 37 squatter families, while the remaining portion of land be given in vacant possession to Mr. Velji.
7. An application for extension of lease to secure a loan to expand the farming business by Mr. Velji was made to the Commissioner of Lands on May 5, 1992. The Commissioner of Lands vide a letter Ref. 88881/118 dated June 24, 1992 circulated the proposal to the relevant offices.
8. The County Council of Kwale approved the extension of lease subject to the land being reduced to exclude a total of 300 Acres; 185 Acres for settlement of squatters and 115 acres for the Council's future plans. The lease was extended for 50 years with effect from December 1, 1995.
9. Mr. Velji Parbat passed on leaving Karsan V. Velani and Manji V. Velani as the administrators of the estate. The advocate for the estate in a letter Ref. KKK/KCCMVV/4132/CNK dated June 6, 2008 marked annexure 11 confirmed subdivision of the land to enable the required surrenders. The County Council of Kwale in its letter Ref. CC/KWL/LND.16/18/ (140) dated September 4, 2008 confirmed compliance.
10. L.R. No. 12224 was initially subdivided into L.R. No.12224/1 and L.R. No. 12224/2. LR. No. 12224/2 was further subdivided into two portions, L.R. No. 12224/5 and L.R. No. 12224/6. This resulted into the following scenario:
  - i. LR. No. 12224/1 measuring 75.14 Hectares set aside for squatter settlement;
  - ii. LR. No. 12224/5 measuring 65.83 Hectares for public use by the County Council of Kwale;
  - iii. LR. No. 12224/6 measuring 468.9 Hectares to be retained by the estate of Mr. Velji Parbat for farming activities
11. The lease for L.R. 12224 expired in 2007 before the new lease in favour of the Estate of Velji Parbat was prepared.

12. In a judicial review application MISC. CIVIL APPL. NO. 327 of 2010 in the High Court of Kenya at Mombasa by James M. Katinga & Others as trustees of Mungano Farmers Self Help Group, it was ordered that titles for L.R. No's 12224/1 & 5 be issued in favour of the group. It was also ordered that the title for L.R. No. 12224/6 be issued in favour of Velji Parbat.
13. In compliance with the court order, the Ministry prepared leases for the parcels as ordered and therefore the said parcels of land are private as ordered. The process of further subdivision can only be initiated by the registered owner(s).

### Committee Concerns

14. **Regarding the delay in the adjudication process**, the CS clarified that the claimants who were sorted was the Muungano Farmers Group and not Haki Development Group. The total acreage land was 1,506 acres which was subdivided into six parcels, and it was possible that the petitioners' claim was before and were part of the people in court who were not satisfied with the court ruling. It was important to establish whether the petitioners were the claimants who went to court or a new list after the court had made a ruling. However, pre-emptive rights existed but there could be new terms and conditions such as availing land for settlement and that is how the squatters could get the land sometimes if the land was not used for terms, it was originally allotted. They may be people who were not satisfied or not included in the Muungano claimants at the court ruling as sometimes its not possible to include everybody.
15. **Regarding the status of the lease**, the Ministry submitted that the issue of the land had been determined by court and during subdivision, there would be automatic renewal of the lease as ordered and the parcels were on the names of private entities listed. The new titles were issued pursuant to the court order and the two parcels came with a new term on the new lease. The fact that the lease was expiring was not automatic availability of the land as one can apply for extension. The Ministry to provide copies of the leases that may have emanated from the subdivision pursuant to the court order to establish whether the claimants have a place to be accommodated. However, ordinarily, squatters have their own list which has gone through several process. The Ministry to establish the list of Muungano claimants to address any pending issues.

### Committee Resolution

After deliberations, the Committee resolved that the Cabinet Secretary provides additional information regarding; when the lease was renewed, sizes of the different parcels, number of tittles out of the subdivision and the court order accompanying the subdivisions within fourteen days.

### P/No. 10 of 2023 on Resettlement of residents of Muthanga Farm

1. Muthanga farm was purchased by a teacher's cooperative society comprising of 54 members from Gatundu area of Kiambu County from the Land settlement fund in 1988.
2. During this period, the Settlement Fund Trustee (SFT) could sell land to private cooperatives. The members subdivided the land amongst themselves, and title

deeds were issued to the beneficiaries. Most of the members could not take possession of their parcels of land since a portion of the land had been occupied by squatters whose interests were not taken into consideration when the land was purchased by the teachers' cooperative.

3. The beneficiaries filed several court cases to evict the squatters, and the squatters also filed counter cases claiming adverse possession.
4. Finally, the Environment and Land Court at Nairobi in ELC SUIT NO. 1159 of 2000 issued the following orders against the squatters in a judgement delivered on June 12, 2020.
  - i. The defendants shall vacate and handover to the plaintiffs all those parcels of land known as Makuyu/Kambiti/ Block I/ 17,44, 6, 27, 48, 83, 20, 15, 32 and 43 respectively within ninety (90) days from the date hereof in default of which the plaintiffs shall be at liberty to apply for their forceful eviction from the said properties.
  - ii. A permanent injunction is issued restraining the defendants by themselves or through their agents, servants or representatives from re-entering Makuyu/Kambiti/Block/17, 44, 6, 27, 48, 83, 20, 15, 32 and 43 once they vacate or are evicted therefrom.
  - iii. The defendants' counterclaim is dismissed.
  - iv. The plaintiffs shall have the costs of the Suit and the counterclaim.
5. The Cabinet Secretary, Ministry of Interior and National Administration formed a committee comprising of officers from National government, National Land Commission, National Intelligence Service and Murang'a County Government with Maragua Member of Parliament being a co-opted member.
6. The committee is chaired by the Regional Commissioner, Central Region assisted by the County Commissioner, Murang'a County. The technical team is led by Murang'a South Sub County Deputy County Commissioner and the secretariat is the State Department for Lands and Physical Planning.
7. The committee has held meetings with the representatives of the Muthanga Farm owners and the squatters and has laid down terms of engagement. The committee recommended that the Government buys the land at market rate then subdivide to settle the squatters.
8. The committee has since presented the report to the Cabinet Secretary, Ministry of Interior and National Administration. A data capturing exercise by a technical committee made up of surveyors, cartographers, land settlement officers, and National Government Administration Officers was undertaken, culminating in identification of 388 households (constituting a population of over 2,000 occupants).
9. The team is currently valuing the land for purposes of purchasing from the title holders and subsequent allocation to the squatters as land loan according to a valuation report from the State Department for Lands and Physical Planning.

10. A ten-day valuation exercise was completed on 12<sup>th</sup> June 2024. A report is being prepared for adoption by the Multiagency Committee before embarking on the next activity, which is re-planning of the land.
11. There was a proposal that the government purchases the land, but the costs were too high hence the solution requires engaging the people who bought the land from SFT for a practical solution.

### **Committee Resolution**

After deliberations, the Committee resolved to allow the Ministry additional two weeks to prepare a comprehensive response to the petition.

### **P/ No. 59/2023 on Settlement of Ontulili Mount Kenya Forest Squatters**

1. The Ministry was aware of the long-standing matter which ultimately went before the National Land Commission. The NLC in determining the case of historical land injustice NLC/HLI/025/20 17 after being ordered by the court in JR MISC CIVIL APPLICATION NO. 5 OF 2019 to hear the petition afresh gave the following recommendations:
  - i. The Ministry of Interior and Coordination of National Government to identify and profile genuine squatters from the claimants.
  - ii. The Ministry of Lands, Public Works, Housing and Urban Development to confirm the names of those from the profiled squatters who have not benefitted from any settlement programmes.
  - iii. The identified and confirmed claimants shall thereafter be referred to the Land Settlement Fund Board of Trustees who shall identify and acquire appropriate land to resettle the claimants.
  - iv. The 1<sup>st</sup> respondent (Estate of Jackson H. Angaine) shall contribute 25% of the costs of resettlement of the identified claimants.
2. The Ministry of Lands was yet to receive names of the profiled squatters from the Ministry of Interior and National Administration to enable flagging out those who have benefited from other settlement programmes.

### **Committee Concerns**

1. **Regarding the Land Settlement Fund**, the Cabinet Secretary (CS) mentioned that there is a Directorate responsible for land adjudication and settlement, known as the Land Settlement Fund Board. This board is chaired by the CS, with trustees including the Cabinet Secretaries for Lands, National Treasury, Interior and National Administration, Agriculture and Forestry, and representatives from the National Land Commission (NLC). The board's primary role is to identify public or government land available for settlement. It can also purchase privately owned land, particularly where squatting is an issue, and make it available for the settlement of landless Kenyans.
2. **On the involvement of the Ministry of Interior and National Administration in identifying squatters**, the CS clarified that a request for the list of squatters had been made. However, no list can be accepted without thorough



ground verification, a process that requires collaboration with the Ministry of Interior and National Administration. The CS added that the NLC routinely shares its rulings with relevant ministries, even without a formal request.

3. **As to why the squatters have not yet been settled**, the CS explained that there was a revision of the NLC initial ruling. Consequently, the Ministry of Lands needed a verified list of legitimate claimants. The NLC had sought assistance from the Ministry of Interior and National Administration to confirm that these claimants have not previously benefited from similar settlements. Once funds become available, the Ministry will move forward with the settlement of verified claimants. This process involves vetting the list, followed by the Ministry of Lands submitting a funding proposal to the National Treasury, after approval by the Land Settlement Fund Board. Settlements can take place anywhere in the country, provided the necessary funds are available.

**P/No.69 of 2023 on Resettlement of Squatters in Koibem Village, Chepkumia Location, Nandi County**

The Cabinet Secretary requested for more time to allow engagement with Kenya Forest Service (KFS) and the County Government of Nandi on the issues raised in the petition.

**Committee Concern**

**Regarding the status of the land**, the Cabinet Secretary explained that the land in question is currently classified as forest land, and it must be degazetted before the Ministry of Lands can issue titles. This process requires approval from both the Cabinet and Parliament. Additionally, efforts are underway to identify all forest lands requiring degazettement, which will be addressed collectively in a single Gazette Notice.

**P/No. 5/2024 on Illegal acquisition of parcels of land registered as Kapkaron farm LR. No. 5423/2 and LR. No. 6053 in Nandi Hills Sub-County, Nandi County**

The Cabinet Secretary requested for more time to provide a comprehensive response.

**Committee Resolution**

After deliberations, the Committee resolved that the Cabinet Secretary, Ministry of Lands, Public Works, Housing, and Urban Development appears before the Committee after two weeks to provide additional responses to the Petitions not addressed.

**MIN./PPETC/2024/329:**

**ADJOURNMENT AND DATE OF NEXT MEETING**

The Chairperson adjourned the meeting at 4:30 p.m. The next meeting will be by notice.

Sign:  .....

*for*  
(CHAIRPERSON)

Date..... 19-11-2024 .....



**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 61<sup>ST</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON SATURDAY, NOVEMBER 09, 2024, IN MEDUSA 2 ROOM, ENGLISH POINT MARINA AT 02.00. P.M**

**PRESENT**

- |                                                    |   |                  |
|----------------------------------------------------|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P.                 | - | Chairperson      |
| 2. Hon. Janet Jepkemboi Sitienei, M.P.             | - | Vice Chairperson |
| 3. Hon. Maisori Marwa Kitayama, MP                 |   |                  |
| 4. Hon. Edith Vethi Nyenze, M.P                    |   |                  |
| 5. Hon. (Eng.) Bernard Muriuki Nebart, M.P.        |   |                  |
| 6. Hon. Suzanne Ndunge Kiamba, M.P.                |   |                  |
| 7. Hon. Ernest Ogesi Kivai, M.P.                   |   |                  |
| 8. Hon. Joshua Chepyegon Kandie, M.P <sup>ca</sup> |   |                  |
| 9. Hon. Bidu Mohamed Tubi, M.P.                    |   |                  |
| 10. Hon. Peter Mbogho Shake, M.P.                  |   |                  |
| 11. Hon. John Walter Owino, M.P.                   |   |                  |

**APOLOGIES**

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Caleb Mutiso Mule, M.P.
3. Hon. John Bwire Okano, M.P.
4. Hon. Sloya Clement Logova, M.P.

**SECRETARIAT**

- |                         |                              |
|-------------------------|------------------------------|
| 1. Mr. Samuel Kalama    | Principal Clerk Assistant II |
| 2. Mr. Ahmad Kadhi      | Principal Clerk Assistant II |
| 3. Ms. Roselyn Njuki    | Senior Sergeant at Arms I    |
| 4. Ms. Anne Shibuko     | Clerk Assistant I            |
| 5. Ms. Patricia Gichane | Legal Counsel II             |
| 6. Mr. Issaac Nabiswa   | Legal Counsel II             |
| 7. Mr. Willis Obiero    | Clerk Assistant III          |
| 8. Ms. Nancy Akinyi     | Research Officer III         |
| 9. Mr. Benson Muchiri   | Audio Officer                |
| 10. Mr. Calvin Karungo  | Media Relations Officer III  |

**MIN./PPETC/2024/387: PRELIMINARIES**

The Chairperson called the meeting to order at 10:00 a.m. and proceedings began with prayers by Hon. Joshua Kandie, M.P.

**MIN./PPETC/2024/388: ADOPTION OF AGENDA**  
**AGENDA**

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings

4. Matters Arising
5. Consideration of Public Petition No. 45 of 2023 regarding delayed adjudication and Settlement of Residents of Kidomaya/Miungoni Village in Vanga Ward in Lunga Lunga Constituency
6. Consideration of Public Petition No. 06 of 2024 regarding delays in posting Medical Interns, Absorption of Universal Health Coverage (UHC) Contract Staff, Conclusion of Collective Bargaining Agreement (CBAs) and Recognition of Agreement in the Health Sector in the Country
7. Consideration of Public Petition No. 31 of 2023 regarding Review of Boundaries of the Tana Delta
8. Any Other Business
9. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Joshua Kandie, M.P. and seconded by Hon. Bidu Tubi, M.P.

**MIN./PPETC/2024/389: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

The Agenda was deferred.

**MIN./PPETC/2024/390: CONSIDERATION OF PUBLIC PETITION NO. 45 OF 2023 REGARDING DELAYED DJUDICATION AND SETTLEMENT OF RESIDENTS OF KIDOMAYA/MIUNGONI VILLAGE IN VANGA WARD IN LUNGA LUNGA CONSTITUENCY**

Observations

The Committee considered the draft report and observed that:

- i. While records at the Ministry of Lands indicate that the parcels of land are owned privately and that the process of further subdivision can only be initiated by the registered owner, the National Lands Commission has previously acted on the premise that the land reverted to the County Government of Kwale upon expiry of the lease.
- ii. A court ruling declared that the Public Notice by the National Land Commission (Respondent) was irregular, unreasonable and procedurally unfair as the land belonged to the petitioner in the case, Karsan Velji Velani.
- iii. The conflicting interpretations have resulted in the County Government of Kwale seeking adverse possession of the land.

Recommendations

Pursuant to the provisions of Standing Order 227, the Committee made the following recommendations—

- i. On the prayer that the Committee inquires into the ownership of the land, Plot No. 12224, occupied by the residents of Kidomaya/Miungoni Village in Vanga Ward of Kiwegu Sub-Location in Lungalunga Sub County, the Committee undertook this inquiry by listening to the various stakeholders and state agencies and established that the land was subdivided in compliance with a court ruling and now registered under the names Karsan

V. Velani & Manji V. Velani (L.R. No. 12224/6), County Government of Kwale (L.R. No. 12224/5) and Muungano Self Help Group (LR. No. 12224/1).

- ii. On the prayer that the Committee investigates the cause of continue delay in carrying out the adjudication and settlement of the residents of Kidomaya/Miuongoni Village in Vanga Ward of Kiwegu Sub-Location in Lungalunga Sub County, the Committee notes that the land is privately owned by three parties being Karsan V. Velani & Manji V. Velani (L.R. No. 12224/6), County Government of Kwale (L.R. No. 12224/5) and Muungano Self Help Group (LR. No. 12224/1), hence the adjudication can only be initiated by the registered owners if necessary.
- iii. On the prayer that that the Government under the one-million-acre Compulsory Land Acquisition Programme, acquires the land for the local residents and that the land be adjudicated so as to ensure that residents acquire title deeds, the Committee recommends that County Government of Kwale resettles the squatters on the land L.R. No. 12224/5 as planned and budgeted.

**MIN./PPETC/2024/391: CONSIDERATION OF PUBLIC PETITION NO. 06 OF 2024 REGARDING DELAYS IN POSTING MEDICAL INTERNS, ABSORPTION OF UNIVERSAL HEALTH COVERAGE (UHC) CONTRACT STAFF, CONCLUSION OF COLLECTIVE BARGAINING AGREEMENT (CBAS) AND RECOGNITION OF AGREEMENT IN THE HEALTH SECTOR IN THE COUNTRY**

#### Observations

The Committee considered the draft report and observed that:

- i. Internship for health practitioners is a mandatory requirement for registration and subsequent licensing to practice.
- ii. The allocation of Kshs.20.4 billion from FY 2019/2020 to FY 2023/2024 towards posting of graduate interns for mandatory internship has not been sufficient to accommodate all the graduate interns coming through the years.
- iii. The delay in posting of interns affects the smooth running and interrupts service delivery in county health facilities as the facilities have inadequate human resources.
- iv. KMPDU was agitating for posting of interns based on the 2017-2021 CBA for which the Ministry of Health had no budgetary provisions to cater for the resultant costs. However, the matter was pending before the Employment and Labour Relations Court in Eldoret under Petition No. E003 of 2024. The Judgement was delivered on 17<sup>th</sup> October 2024, where the court ordered the parties to renegotiate on the terms of interns provided for in the CBA.
- v. There were clear disparities in remuneration across the different cadres of health workers, for instance laboratory or nutritionists or dietician cadres were not remunerated during their internship.

- vi. The contracts for the UHC staff have been extended over the years, to allow for the two levels of governments time to deliberate on the modalities on the permanent and pensionable terms, with the latest extension set for a further two years after the lapse between April and October 2024.
- vii. Transitioning the UHC staff to permanent and pensionable terms has not been possible due to inadequate budgetary allocation to county governments which are expected to absorb both UHC and CHERP staff.
- viii. The disparity in compensation of interns in the health sector was occasioned by the fact that the Ministry of Health was allocated Kshs5.7 billion to cater for the internship programme which was not enough to place all the interns at the initial stipend rates. Therefore, the rates were revised to accommodate 3759 interns from April 2024.
- ix. County Governments had recognized three unions in the health sector namely, the Kenya National Union of Nurses (KNUN) (December 2016); Kenya Medical Practitioners and Pharmacists and Dentist Union (July 2017); and Kenya Union of Clinical Officers (December 2017). Only six (6) county governments had signed and executed the recognition agreements with the respective unions.
- x. The Ministry of Health was in the process of receiving requests for recognition agreements from health sector unions and was in the process of verifying submitted membership list as required under the Labour Relations Act.

#### Recommendations

Pursuant to the provisions of Standing Order 227, the Committee made the following recommendations—

- i. The Ministry of Health in collaboration with Public Service Commission (PSC), SRC and all relevant stakeholders to fast-track the comprehensive policy proposal to guide on the management of internship in the health sector to address concerns about postings and disparities witnessed in the payment of stipends to interns. The Ministry of Health to present the policy proposal to the Committee on Health within ninety (90) days of tabling of this report.
- ii. The Ministry of Health in collaboration with the Council of Governors fast-tracks and presents a policy proposal on the employment of the UHC and CHERP staff on permanent and pensionable terms, including budgetary provision, to the Committee on Health within sixty (60) days. In the meantime, the Ministry of Health and the county governments continuously renews the contracts for UHC and CHERP staff until adequate provision of budget for their employment on permanent and pensionable terms.
- iii. Health sector unions without recognition agreements to engage the Council of Governors and the Ministry of Health to develop a framework as per the provisions of Section 54 (3) the Labour Relations Act. The Cabinet Secretary in charge of the Ministry of Health and the Council of Governors

to facilitate the verification of the membership register of the various unions to fast-track the adoption of recognition agreements across the 47 counties.

**MIN./PPETC/2024/391: CONSIDERATION OF PUBLIC PETITION NO. 31 OF 2023 REGARDING REVIEW OF BOUNDARIES OF THE TANA DELTA**

**Observations**

The Committee considered the draft report and observed that:

- (i) The Tana Delta Irrigation Project initiated by TARDA had covered an area of about 77,500 acres with the Authority undertaking a rice scheme project in about 4,000 acres with a possibility of extension by 30,000 acres. The proposed project plan aims to develop about 12,000 hectares of land
- (ii) The southern parts of the TDIP land referred by the Petitioner is occupied by local communities while the eastward side towards Boni Forest is expansive and secluded by nature making it a potential security threat.
- (iii) On 3<sup>rd</sup> February 1987 the Commissioner of Lands gave authority to TARDA to utilise the land for purposes of development. TARDA was later lawfully issued with the grant No. IR 152049 LR No. 28026 by the Ministry of Land on 20<sup>th</sup> November 2013.
- (iv) The public participation and community engagement undertaken by TARDA during the implementation of TDIP was not extensive.

**Recommendations**


Pursuant to the provisions of Standing Order 227, the Committee made the following recommendations—

- (i) On the proposal for the review of the boundaries of land managed by the Tana Delta Irrigation Project in order to, among other interventions, ensure that the Tana Delta Irrigation Project does not extend beyond the southern parts of Garsen-Lamu Road and should instead be extended eastwards towards the border of Boni Forest to create a security buffer zone. The Committee rejects this prayer based on public and national interest of the project, as such a review will be economically unsustainable as TARDA has invested Kshs 6 billion on the project.
- (ii) On the proposal to facilitate the clear demarcation of boundaries of TARDA land from the general community land. The Committee recommends that the National Land Commission undertakes a survey of any community land within the Tana Delta and if there were any historical injustices occasioned to the community upon the issuance of allotment in 1987 and grant of LR No. 152049 to TARDA.
- (iii) On the proposal to compel TARDA to comprehensively engage residents of Tana River in all aspects of the project's design and implementation, the Committee recommends that TARDA undertakes an extensive periodic and continuous public participation exercise on the project design and implementation to sensitize the community on the phases of the project and its impact to the community and the county.

MIN./PPETC/2024/394:

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 02:00 p.m. The date of the next meeting will be communicated by Notice.

Sign:  .....

*for* (CHAIRPERSON)

Date: 19-11-2024 .....