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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION – 2019

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE CONSIDERATION OF A PETITION BY MR. JOHN BERNARD NTHUKU REGARDING RECTIFICATION OF LAND PARCEL NO. ISEMBE/NDOLELI ATHIRU RUUJINE 2554

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 18 JUN 2019	DAY: TUESDAY
TABLED BY:	HON. RACHEL NYAMAI CHAIRPERSON LANDS COMMITTEE
CLERK-AT THE-TABLE:	

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

JUNE, 2019

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CHAIRPERSON'S FOREWORD

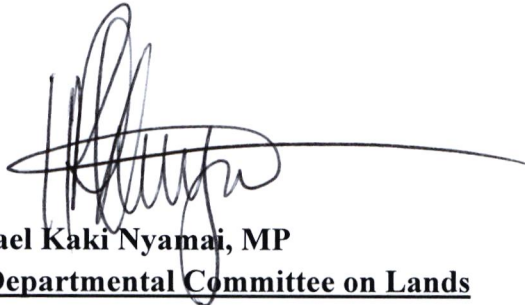
The Petition regarding land area rectification for Igembe/Ndoleli Athiru Ruujine 2554 by Mr. John Bernard Nthuku was presented on 28th March 2019 pursuant to Article 119 (1) of the Constitution and Standing Order No. 225 (1) (b) by the Hon. Kubai Iringo, MP.

The House, pursuant to Standing Order 227 referred the Petition to the Departmental Committee on Lands on 28th March 2019 for consideration and reporting.

In considering the Petition the Committee held meetings with the Hon. Kubai Iringo, MP, the Petitioner, and the Cabinet Secretary, Ministry of Lands & Physical Planning.

The Committee is grateful 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 grateful to the Principal Secretary, Ministry of Lands and Physical Planning, the Petitioner, for the submissions 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 public Petition by Mr. John Bernard Nthuku regarding land area rectification for Igembe/Ndoleli Athiru Ruujine 2554.



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

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) *investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
 - (ii) *study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;*
 - (iii) *study and review all legislation referred to it;*
 - (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;*
 - (vi) *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve except those under Standing Order 204 (Committee on Appointments);*
 - (vii) *Examine treaties, agreements and conventions;*
 - (viii) *make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - (ix) *consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 2534 of the Constitution; and*
 - (x) *examine any questions raised by Members on a matter within its mandate*

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 regarding land area rectification For Igembe/Ndoleli Athiru Ruujine 2554 was presented in the House on 28th March 2019 pursuant to Article 119 (1) of the Constitution and Standing Order No. 225 (1) (b) by the Hon. Kubai Iringo, MP on behalf of Mr. John Bernard Nthuku and his family. Pursuant to the House rules, the petition was referred to the Committee on 28th March 2019 for consideration and reporting.
7. The Petitioner wished to draw the attention of the House to the following, that: -
 - i. Mr. John Bernard Nthuku is the owner of land registration No. 2554 /Igembe Ndoleli Athiru, which he acquired during the adjudication of the said land;
 - ii. In view of his rightful ownership of the said land, Mr. Nthuku has been in occupation of the land since the adjudication and has further fenced it with a combination of a live fence and a barbed wire as defined by its true boundaries;
 - iii. The ground measurements of the parcel of land were larger than the scaled area indicated in the Registry Index Map of the Meru North Land Registry;
 - iv. Six parcels land referenced as No 10028, No. 13280, No. 10200, No. 10924, No. 3076 and No. 8762 appear on the Area MAP as being subdivisions within the land owned and occupied by Mr. Nthuku but they do not in reality exist on the ground;
 - v. The owners of these fraudulent subdivisions were unknown to Mr. John Bernard Nthuku;
 - vi. Efforts to have the matter addressed by the registrar of lands in Meru North had been futile;
 - vii. The matter was not pending before any court, or any constitutional or legal body;
8. The petitioner prayed that the National Assembly through the Departmental Committee on Lands:
 - i. Compels the Office of the Registrar of Lands to rectify the subdivision anomaly to ensure that the Petitioner, Mr. John Bernard Nthuku does not lose any part of his land registered as Igembe/ Ndoleli Athiru Ruujine 2554.
 - ii. Makes any other order or direction that it deems fit in the circumstances of the matter.

3.0 SUBMISSIONS

3.1 Submission by the Petitioner

9. The Committee held a meeting with Mr. John Bernard Nthuku, the Petitioner on 25th April 2019. During the Meeting the Petitioner, who was accompanied by Hon Kubai Iringo MP, informed the Committee that he is the owner of land registration No. 2554 /Igembe Ndoleli Athiru and had occupied the said land since it was adjudicated.
10. During the adjudication of the parcel of land the Petitioner was issued with a booklet indicating that he had been allocated the said land. However, the booklet did not indicate the acreage of the land in question.
11. When the Petitioner went to pick the title deed for the land in question from the Nyambene land registry on 18th January 2018, he discovered that the acreage indicated in the title was 0.64 Ha instead of the actual size of the land that is 2.36 Ha. Further, the Petitioner discovered that the said land had been subdivided into seven plots and allocated to six other persons as follows:
 - a) No 10028 – Mr. Stanley Kubai M’kathia – 0.032 – Ha.
 - b) No. 13280 – Mr. Henry K. Minauta – 0.25 – Ha.
 - c) No. 10200 – Mr. Joseph Kaberia Kibaku – 0.09 Ha.
 - d) No. 10924 – Mr. George Baikia Mutua – 0.05 Ha.
 - e) No. 3076 – Ms. Marcel Wanja Meene – 0.28 – Ha.
 - f) No. 8762 – Mr. Jeremiah Kabui – 0.30 Ha.
12. The six other persons who were fraudulently allocated the subdivided land were unknown to Mr. John Bernard Nthuku and did not physically occupy any part of the parcel of land.
13. The Petitioner complained to the Nyambene lands offices, but he was asked to present the other six persons before the matter would be addressed. He was not able to do so since the said six persons were unknown to the Petitioner.
14. Efforts to have the matter addressed by the registrar of lands in Meru North had been futile.

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

15. The Committee held a meeting with Ms. Farida Karoney, the Cabinet Secretary, Ministry of Lands & Physical Planning on Thursday, 9th May, 2019. During the meeting the Committee was informed of the following regarding the petition:
16. The registered proprietor of Igembe/Ndoleli Athiru Ruujine 2554 is one John Bernard Nthuku of P.O BOX 146, Maua.
17. The approximate area of the parcel as per the land register is 0.64 Ha. No subdivision/mutation has been registered against the land as per the records.

18. Upon receipt of a complaint, a survey was conducted, and the following were the findings:
- i.** The parcel is fenced off with a live fence and a barbed wire fence.
 - ii.** The actual ground measurements are bigger than the scaled distances from the registry index map.
 - iii.** The computed area is 2.36 Ha.
 - iv.** Parcels 10028, 13280, 10200, 10924, 3076, 8762 appears on the map and not on the ground.
 - v.** A road indicated on the map is not on the ground.
19. Arising from the findings, the Land Registrar has been directed to notify all parties with interests on the parcels of intention to rectify the register in accordance with the provision of the Land Registration Act, 2012.
20. The Survey Department has been directed to conduct a new survey and rectify the records upon the recommendations of the Land Registrar.

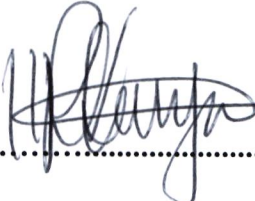
4.0 COMMITTEE OBSERVATIONS

The Committee observed that:

1. The Committee noted inconsistency in the acreage of the Igembe/Ndoleli Athiru Ruujine 2554. The land register indicated that the parcel was 0.64 Hectares, while the Petitioner stated that the actual acreage of the parcel of land is 2.36 Hectares
2. The Committee observed that Cabinet Secretary, Ministry of Lands and Physical Planning confirmed that the Ministry had undertaken a site visit to the Petitioner parcel of land and confirmed that the actual measurements were bigger than the scaled distances from the Registry Index Map.

5.0 COMMITTEE RECOMMENDATION

In response to the prayers by the Petitioner, the Committee recommends that the Ministry of Lands and Physical Planning conducts a new survey and rectifies the record in the land register for Land parcel Igembe/Ndoleli Athiru Ruujine 2554 within sixty (60) days from the date of tabling of this report.

Signed..........Date.....13/06/2019.....

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

MINUTES OF THE 34TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON THURSDAY, 6TH JUNE 2019 IN THE BOARDROOM, 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 9.00 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. Omar Mwinyi Shimbwa, M.P
5. Hon. Caleb Kositany, M.P
6. Hon. Catherine Waruguru, M.P
7. Hon. George Risa Sunkuyia, M.P
8. Hon. Samuel Kinuthia Gachobe, M.P
9. Hon. Simon Nganga Kingara, 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. Ali Mbogo, M.P
5. Hon. Babu Owino, M.P
6. Hon. Jane Wanjuki Njiru, M.P
7. Hon. George Aladwa, M.P
8. Hon. Josphat Gichunge Kabeabea, M.P
9. Hon. Owen Baya, M.P
10. Hon. Teddy Mwambire, M.P

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. Joseph Tiyan - Research Officer III
5. Mr. Nimrod Ochieng - Audio Officer
6. Ms. Peris Kaburi - Serjeant At Arms

MIN. NO. NA/DCS/LANDS/2019/133: PRELIMINARIES

- i. The meeting was called to order at twenty minutes past nine o'clock and prayers said.
- ii. The Committee was informed that Chief Executive Officer, Ethics and Anti – Corruption Commission who was scheduled to appear before the Committee had requested for the rescheduling of the meeting.
- iii. The Committee resolved that Ethics and Anti – Corruption Commission appear before the Committee on Thursday 13th June 2019 at 11.30 a.m.

MIN. NO. NA/DCS/LANDS/2019/134: ADOPTION OF A REPORT ON AN INQUIRY INTO A COMPLAINT BY KAMITI ANMER FOREST SQUATTERS ASSOCIATION REGARDING ALLOCATION OF LAND LR.NO. 8390 IN KAMITI /ANMER FOREST

The Committee considered the draft report on the inquiry into a complaint by Kamiti/Anmer Forest Squatters Association and adopted it with the following recommendations having been proposed by Hon Caleb Kositany MP and seconded by Hon. Simon Kingara MP:

- i. Pursuant to section 34 of the Forest Conservation and Management Act, 2016, the LR. No. 8390 Kamiti/ Anmer forest be de-gazetted and excised from the Kamiti forest for purposes of settlement of the members of the Kamiti Forest Squatters Association, Kamiti Anmer Development Association, Muungano Kamiti Group and Kamiti Anmer Development Welfare Group.
- ii. The Cabinet Secretary, Ministry of Lands & Physical Planning in consultation with the Cabinet Secretaries, Ministry of Interior and Coordination of National Government, Ministry of Environment and Forestry and the National Land Commission do ensure through alternative dispute resolution mechanisms that the allocation of LR. No. 8390 Kamiti/ Anmer is regularized taking into consideration the membership of the four groups, physical developments undertaken on the land and the public utilities existing on the land within sixty days of tabling of the report.

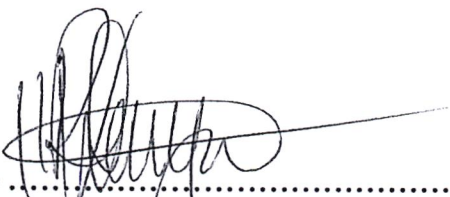
MIN. NO. NA/DCS/LANDS/2019/135: ADOPTION OF A REPORT ON THE CONSIDERATION OF A PETITION BY MR. JOHN BERNARD NTHUKU REGARDING RECTIFICATION OF LAND PARCEL NO. IGEMBE/NDOLELI ATHIRU RUUJINE 2554

The Committee unanimously adopted the report on the Petition by Mr. John Bernard Nthuku regarding rectification of land parcel number Igembe/Ndoleli Athiru Ruujine 2554 having been proposed by Hon. Caleb Kositany MP and seconded by Hon. Simon Kingara MP:

with the recommendation that the Ministry of Lands and Physical Planning resurveys and rectifies the record in the land register for Land parcel Igembe/Ndoleli Athiru Ruujine 2554 within sixty (60) days from the date of tabling of the report.

MIN. NO. NA/DCS/LANDS/2019/136: ADJOURNMENT

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

Signature 

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

(Chairperson)

Date..... 13/06/2019

MINUTES OF THE 27TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON THURSDAY 9TH MAY 2019 IN THE MINI-CHAMBER, 1ST FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS, AT 10:30 A.M.

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Joshua Kutuny, M.P
3. Hon. Kimani Ngunjiri, M.P
4. Hon. Ali Mbogo, M.P
5. Hon. Caleb Kositany, M.P
6. Hon. Catherine Waruguru, M.P
7. Hon. George Risa Sunkuyia, M.P
8. Hon. Jane Wanjuki Njiru, 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. Mishi Mboko, M.P
3. Hon. Jayne Kihara, M.P
4. Hon. Omar Mwinyi Shimbwa, M.P
5. Hon. Babu Owino, M.P
6. Hon. George Aladwa, M.P
7. Hon. Josphat Gichunge Kabeabea, M.P
8. Hon. Owen Yaa Baya, M.P

THE NATIONAL ASSEMBLY

1. Hon. Gideon Mulyungi, M.P
2. Hon. Stephen Dalu Tayari, M.P
3. Hon. Kubai Iringo, M.P

MINISTRY OF LANDS AND PHYSICAL PLANNING

1. Ms. Farida Karoney, - Cabinet Secretary
2. Dr. Eustace Kithumbu, - Land Adjudication and Settlement
3. Mr. Charles Githenya - Land Administration
4. Mr. Paul Ndungu - Land Surveyor
5. Mr. Chacha Maroa - Land Registrar

PETITIONER

Mr. John B Nthuku, - Petitioner

THE NATIONAL ASSEMBLY SECRETARIAT

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

MIN. NO. NA/DCS/LANDS/2019/111: PRELIMINARIES

The meeting was called to order at twenty minutes past ten 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/2019/112: RESPONSE TO MEMBERS' QUESTIONS BY THE CABINET SECRETARY FOR LANDS AND PHYSICAL PLANNING

The Cabinet Secretary, Ministry of Lands and Physical Planning, responded to the questions as follows:

1. **Question No. 160/2019 by the Member for Mwingi Central Constituency, Hon. Gideon Mutemi Mulyungi, M.P**
 - I. Errors on the details of a few parcels were made during demarcation of the coal basin area.
 - II. The Director of Survey has since been instructed to resurvey the affected area and correct errors in the land records.
 - III. Officers who contravene the laid down procedures while executing their mandates are liable to disciplinary measures.

Committee Observation

The Committee noted the questions were addressed satisfactorily and asked the Cabinet Secretary to complete the process of the error rectification within ninety (90) days.

2. Question no. 060/2019 by the Member for Kinango Constituency (Hon. Benjamin Dalu Stephen Tayari, M.P)

- i. Maji ya Chumvi adjudication section was declared an adjudication section on 24th September 2014 under the Land Adjudication Act, Cap 284.
- ii. A land adjudication committee comprising of 13 persons who are residents was formed.

- iii. Interested parties to the area were required to make claims to the Committee and point out their boundaries to the demarcation team within four (4) months.
- iv. Upon completion of the demarcation/survey exercise, the adjudication register was published on July 20, 2018.
- v. A total of 197 objections were received, heard, determined and implemented.
- vi. After the closure of the objection register, records of parcels not affected by objections were forwarded to Director of land adjudication and settlement for checking and onward submission to the Chief Land Registrar for registration.
- vii. Upon completion of the checking of the records, a certificate of finality was forwarded to the Chief Land Registrar for Registration and issuance of title deeds.
- viii. Complaints were launched on the legality of the process while issuing a title to Kinango/Maji Ya Chumvi/Plot No. 2.
- ix. The title was recalled and a restriction registered against the title to prevent registration of any transaction.
- x. A review of the adjudication process of Maji Ya Chumvi adjudication section will be undertaken to correct any anomalies and this process is expected to be completed by the end of September, 2019.

Committee observation

The Committee noted that the question has been responded satisfactorily and the member was satisfied with the response.

3. Petition by the Member for Igembe Central Constituency, Hon. Kubai Iringo, M.P regarding land rectification for Igembe/Ndoleli Athiru Ruujine 2554

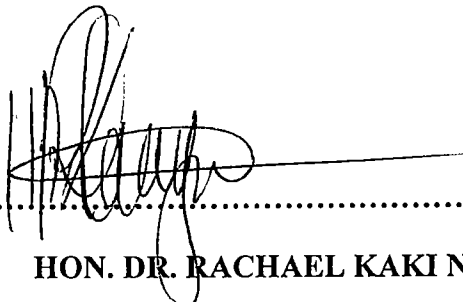
- I. The registered proprietor of Igembe/Ndoleli Athiru Ruujine 2554 is one John Bernard Nthuku of P.O BOX 146, Maua.
- II. The approximate area of the parcel as per the land register is 0.64 Ha. No subdivision/mutation has been registered against the land as per the records.
- III. Upon receipt of a complaint, a survey was conducted and the following were the findings:
 - a. The parcel is fenced off with a live fence and a barbed wire fence.
 - b. The actual ground measurements are bigger than the scaled distances from the registry index map.
 - c. The computed area is 2.36 Ha.
 - d. Parcels 10028, 13280, 10200, 10924, 3076, 8762 appears on the map and not on the ground.
 - e. The road on the map is not on the ground.
- IV. Arising from the findings, the Land Registrar has been directed to notify all parties with interests on the parcels of her intention to rectify the register in accordance with the provision of the Land Registration Act, 2012.
- V. The Survey Department has been directed to resurvey and rectify the records upon the recommendations of the Land Registrar.

Committee Observation

The Committee noted efforts done by the Ministry in order to address the matter and directed that the Ministry concludes the process of rectification of the records in the Lands Registry regarding the parcel of land within sixty (60) days.

MIN. NO. NA/DCS/LANDS/2019/113: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at eleven minutes to twelve o'clock. The next meeting will be held by notice.

Signature 

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

(Chairperson)

Date.....13/06/2019.....

MINUTES OF THE 24TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON 25TH APRIL 2019 IN THE BOARD ROOM GROUND FLOOR, COUNTY HALL, PARLIAMENT BUILDINGS, AT 10:00 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. Jayne Kihara, M.P
5. Hon. Omar Mwinyi Shimbwa, M.P
6. Hon. Mishi Mboko, M.P
7. Hon. Ali Mbogo, M.P
8. Hon. Babu Owino, M.P
9. Hon. Catherine Waruguru, M.P
10. Hon. Jane Wanjuki Njiru, M.P
11. Hon. Owen Yaa Baya, M.P
12. Hon. Samuel Kinuthia Gachobe, M.P
13. Hon. Caleb Kositany, M.P
14. Hon. George Risa Sunkuyia, M.P
15. Hon. Simon Nganga Kingara, M.P
16. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Omar Mwinyi Shimbwa, M.P
2. Hon. Joshua Kutuny, M.P
3. Hon. Josphat Gichunge Kabeabea, M.P
4. Hon. George Aladwa, M.P

IN ATTENDANCE

NATIONAL ASSEMBLY

Hon. Kubai Iringo MP

PETITIONER

Mr. John B. Nthuku

THE NATIONAL ASSEMBLY SECRETARIAT

1. Mr. Leonard Machira - Clerk Assistant I
2. Ms. Jemimah Waigwa - Legal Counsel 1

3. Mr. Nimrod Ochieng - Audio Officer
4. Ms. Peris Kaburi - Serjeant-At-Arms

MIN. NO. NA/DCS/LANDS/2019/099: PRELIMINARIES

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

MIN. NO. NA/DCS/LANDS/2019/100: CONSIDERATION ON A PETITION BY MR JOHN BERNARD NTHUKU REGARDING LAND AREA RECTIFICATION FOR IGEMBE/NDOLELITHIRU RUUJINE 2554

The Hon Kubai Iringo MP and the Petitioner, Mr. John Bernard Nthuku informed the Committee that:

- i. Mr John Bernard Nthuku is the owner of land registration No. 2554 /Igembe Ndolesi Athiru and had occupied the said land since it was adjudicated;
- ii. During the adjudication of the parcel of land the Petitioner was issued with a booklet indicating that he had been allocated the said land. However, the booklet did not indicate the acreage of the land in question;
- iii. On 18th January 2018 when the Petitioner went to pick the title deed for the land in question from the Nyambene land registry, he discovered that the acreage indicated in the tile was 0.64 Ha instead of the actual size of the land that is 2.36 Ha. Further, the Petitioner discovered that the said land had been subdivided into seven plots and allocated to six other persons as follows:
 - No 10028 – Mr. Stanley Kubai M’kathia – 0.032 – Ha.
 - No. 13280 – Mr. Henry K. Minauta – 0.25 – Ha.
 - No. 10200 – Mr. Joseph Kaberia Kibaku – 0.09 Ha.
 - No. 10924 – Mr George Baikia Mutua – 0.05 Ha.
 - No. 3076 – Ms. Marcel Wanja Meene – 0.28 – Ha.
 - No. 8762 – Mr. Jeremiah KABUI – 0.30 ha
- iv. The six other persons who were fraudulently allocated the subdivided land were unknown to Mr. John Bernard Nthuku and did not physically occupy the said parcels of land;
- v. The Petitioner complained to the Nyambene lands offices, but he was asked to present the other six persons in order to address the matter. He was not able to do so since the said six persons were unknown to the Petitioner;

- vi. Efforts to have the matter addressed by the registrar of lands in Meru North had been futile;
- vii. ~~The matter was not pending before any court, or any constitutional or legal body;~~
- viii. The Petitioner prayed that the Committee;
 - Compels the office of the registrar of lands to rectify the subdivision anomaly to ensure that the Petitioner, MR John Bernard Nthuku does not lose any part of his land registered as Igembe/ Ndoleli Athiru Ruujine 2554.
 - Makes any other order or direction that it deems fit in the circumstances of the matter.

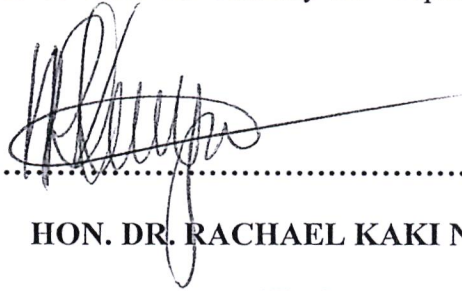
Committee resolution

The Committee resolved to invite the Cabinet Secretary to attend a meeting on 9th May 2019 to address the matters raised in the petition.

MIN. NO. NA/DCS/LANDS/2019/101: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at seven minutes to noon. The next meeting will be held on Tuesday 30th April 2019 at 9.30 a.m. at a venue to be communicated.

Signature

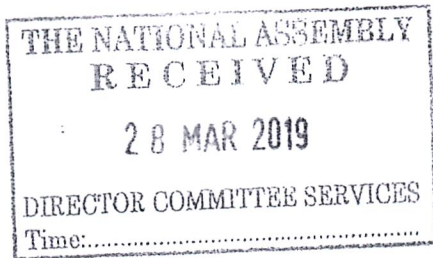


HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date.....

13/06/2019



Directorate of Legislative & Procedural
Services (NA)
The Table Office

MEMO

TO: DIRECTOR, COMMITTEE SERVICES (NA)

FROM: HEAD OF TABLE OFFICE DEPARTMENT

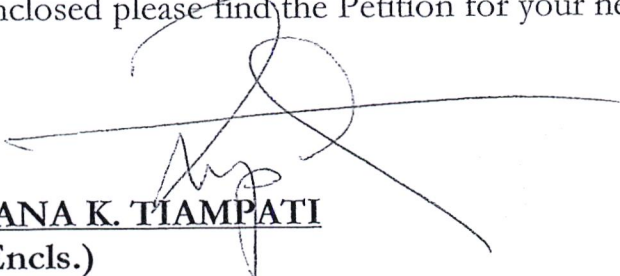
DATE: MARCH 28, 2019

SUBJECT: PUBLIC PETITION

The following Petition was conveyed to the House, today, Thursday, March 28, 2019:-

- Public Petition regarding land area rectification for Igembe/Ndoleli Athiru Ruujine 2554 by the Hon. Kubai Iringo, MP (Igembe Central) (*referred to the Departmental Committee on Lands*).

Enclosed please find the Petition for your necessary action.


RANA K. TIAMPATI
(Encls.)

Copy to: -

1. Clerk of the National Assembly
2. Director of Legislative and Procedural Services
3. Chairperson, Departmental Committee on Lands
4. Chairperson, Committee on Implementation

① MAETIRA ✓
pls deaf
FA
28/3/19

② AMETOR
pls note
FA
28/3/19

REPUBLIC OF KENYA



TWELFTH PARLIAMENT

THE NATIONAL ASSEMBLY – THIRD SESSION

Approved,

28/3/19

Mr. Speaker,
you may approve
the issuance/presentation
28/3/19

PUBLIC PETITION

(No. 32 of 2019)

REGARDING LAND AREA RECTIFICATION
FOR IGEMBE/ NDOLELI ATHIRU RUUJINE 2554

I, the **UNDERSIGNED**, on behalf of Mr. John Bernard Nthuku and his family;

DRAW the attention of the House to the following:-

1. **THAT**, Mr. John Bernard Nthuku of Identity Card Number 0002067 is the bonafide and registered owner of the entire parcel of land referenced as Igembe/ Ndoleli Athiru Ruujine 2554 which he acquired during adjudication of the said land;
2. **THAT**, in view of his rightful ownership of the said parcel of land, Mr. Nthuku has been in occupation of the land since the adjudication and has further fenced it with a combination of a live fence and barbed wire as defined by its true boundaries;
3. **THAT**, the computed area of the land is 2.36 Hectares but the ground measurements of the land are, however, bigger than the scaled distances from the Registry Index Map of the Meru North Land Registry;
4. **THAT**, six parcels of land referenced as 10028, 13280, 10200, 10924, 3076 and 8762 appear on the Area Map as being subdivided within the land owned and occupied by Mr. Nthuku but they do not in reality exist on the ground;
5. **THAT**, the owners of these fraudulent subdivisions within Mr. Nthuku's land are unknown to Mr. Nthuku;
6. **THAT**, efforts have been made to have the Office of the Registrar of Lands in Meru North investigate the fraud and rectify the situation but to no avail; and

**REGARDING LAND AREA RECTIFICATION
FOR IGEMBE/ NDOLELI ATHIRU RUUJINE 2554**

7. THAT, the issues in respect of which this Petition is made are not pending before any court, or any constitutional or legal body.

THEREFORE your humble Petitioner PRAYS that the National Assembly, through the Departmental Committee on Land:-

1. Compels the Office of the Registrar of Lands to rectify the subdivision anomaly so as to ensure that Mr. John Bernard Nthuku does not lose any part of his land registered as Igembe/ Ndoleli Athiru Ruujine 2554; and,
2. Makes any other order or direction that it deems fit in the circumstances of the matter.

And your **PETITIONER** will ever pray.

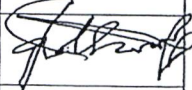
PRESENTED BY:

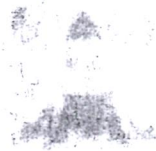


HON. KUBAI IRINGO, MP
MEMBER FOR IGEMBE CENTRAL CONSTITUENCY

DATE: 27th March 2019

PUBLIC PETITION
REGARDING AREA RECTIFICATION FOR ISEMBE/ DOLELI
ATHIRU RUUJINI 2554

S/No	NAME OF PETITIONER	ID NUMBER	CONTACT	SIGNATURE
1.	JOHN BERNARD NIYUKU	0002067	0727250344	
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				



MINISTRY OF LAND AND PHYSICAL PLANNING

Telephone

SUB COUNTY MUMBAI DISTRICT MERU NORTH

P.O. BOX 446

MAUA

11/09/2018

When replying please quote
Email: soknyambone@yahoo.com

REF: MN/RM/PD/C/OM/VOL II/168

DISTRICT LAND REGISTRAR
MERU NORTH
P.O. BOX 706-60600
MAUA

RE: AREA RECTIFICATION FOR IGEMBE/NDOLF/ETHRE/REG/INT/1554

Refer to your letter reference No. MN/LN/RECT/REG/VOL II/24 dated 19th January 2018.

A site visit was made and the following are the findings:-

1. The above parcel of land is well fenced with a life fence and barbed wire which defines its extent.
2. On taking the measurements, it shows that the ground measurements are bigger than the scaled distances from the registry index map. See attached copy of sketch.
3. The computed area is 2.36 Ha.
4. The above parcels 10028, 13280, 10200, 10924, 3076, 8762 appears on the map and not on the ground.
5. The road on the map doesn't appear on the ground. Enclosed is the sketch showing ground measurement.


SURVEYOR

RAPHAEL KIUNGU
FOR: SUB COUNTY SURVEYOR
MERU NORTH

CC
DIRECTOR OF SURVEYS
P.O. BOX 30046
Nairobi

WING ...
TO ...

93m

255m

259m

92m

~~255m~~

Abstract ...
Sub ...



ALBONIA / A-Rua
SHEET No. 22/3
SCALE 1:2500
2447

THIS MAP IS NOT AN AUTHORITY ON BOUNDARIES

- The land belongs to or John Bernard Atkinson which he acquired from the adjudication stage
- That he has enjoyed peaceful occupation up to date.
- The land ~~measures~~ has an area of 2.36 Ha on the ground
- That the land ~~has~~ well fenced and a with a life fence
- That the sketch map has other pieces subdivided in the said land. i.e. 10028, ¹³²⁸⁰~~13280~~ 10200, 10924, 3076 and 2762 but they are nowhere on the ground
- That the office of registrar of lands has failed to rectify ~~the~~ or investigate the provenance of this fraud.
- The the owners of the said parcels are unknown to the petitioner

Kubai
 Jan 10
 Isambert
 Centre



MINISTRY OF LANDS AND PHYSICAL PLANNING

QUESTIONS FROM THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON LANDS

Q1. QUESTION NO. 32 OF 2019 - BY THE MEMBER FOR IGEMBE CENTRAL, (HON. HON. KUBAI IRINGO) REGARDING THE RECTIFICATION FOR IGEMBE/NDOLELI ATHIRU RUUJINE 2554

Honourable Chair,

According to our records, the registered proprietor of IGEMBE/NDOLELI ATHIRU RUUJINE 2554 is John Bernard Nthuku of P.O. Box 146 Maua. Attached as Annex 1 is a current search of the property. The title deed to the parcel was issued to him on June 6, 2017. The approximate area of the parcel as per the land register is 0.64 Hectares. The contents of the Land Register are as per the contents of the Adjudication Record (Annex 2). According to the records no subdivision/mutation has been registered against the land.

Following a complaint by Mr. John Bernard Thuku, a site visit was carried out by the Sub- County Surveyor, Meru North and the following were the findings: -

- a) The parcel of land is fenced off with a live fence and barbed wire.
- b) The actual ground measurements are bigger than the scaled distances from the Registry Index Map.
- c) The computed area is 2.36 Ha.

- d) Parcels 10028, 13280, 10200, 10924, 3076, 8762 appear on the map and not on the ground.
- e) The road on the map is not on ground.

In view of the above findings, the Land Registrar has been directed to notify all parties with interests on the parcels of her intention to rectify the land register in accordance with the provisions of the Land Registration Act, 2012. The Survey Department has been directed to resurvey and rectify the records upon the recommendations of the Land Registrar.

Q2. QUESTION NO. 060/2019 BY THE MEMBER FOR KINANGO (HON. BENJAMIN DALU STEPHEN TAYARI) TO THE CABINET SECRETARY FOR LANDS REGARDING ADJUDICATION PROCESS AT MAJI YA CHUMVI AREA IN KINANGO CONSTITUENCY.

Questions:

- a) Could the Cabinet Secretary explain how the adjudication process at Maji Ya Chumvi area of Kinango Constituency was done and how the following parcels of land were adjudicated: Kinango/Maji Ya Chumvi/Plot No. 2, 3, 67, 68, 69, 70, 275, 358, 365, 366, 367, 423, and 424

Honourable Chair,

Maji ya Chumvi Adjudication Section is located in Kinango Constituency, Kwale County. It was declared an adjudication section on September 24, 2014 under the Land Adjudication Act, Cap 284. Subsequently, a Land Adjudication Committee, comprising of 13 persons resident within the section, was appointed to assist in the adjudication process (Annex 3).

Demarcation and Survey

Upon declaration and appointment of the committee, the land adjudication process commenced. Every person who considered that he/she had interest in land within

the section, was required to make the claim and point out their boundaries to the demarcation team within four months. The demarcation/survey was done resulting in the following parcels: -

1. Kinango/Maji Ya Chumvi/2- Afromark Solution Ltd
2. Kinango/Maji Ya Chumvi/3-
 1. Kwenenda Mudzomba Nyawa
 2. Duncan Mudzomba Nyawa
 3. William Mudzomba Nyawa
3. Kinango/Maji Ya Chumvi/67-
 1. Dzomo Magongo Ngala
 2. Lawrence Chizigwa Magongo
 3. Chitsonyo Magongo
 4. Josphat Mundu Dzomo
 5. Gibson Dzomo Magongo
4. Kinango/Maji Ya Chumvi/68-
 1. Ruwa Nzao Ruwa
 2. Ruwa Mwavula Ruwa
 3. Chikophe Katana Ruwa
 4. Foleni Ruwa Guta
5. Kinango/Maji Ya Chumvi/69-
 1. Katembe Nzembe Ruwa
 2. Baya Nyawa Yama
 3. Chongogwe Yama Yama
 4. Mgandi Lewa Dzembe
 5. Alfani Katembe Munga
6. Kinango/Maji Ya Chumvi/70-1. Mwazero Clan
7. Kinango/Maji Ya Chumvi/275-
 1. Alfonse Menza Mgandi
 2. Charles Chale Hunde
 3. Ndegwa Katembo

4. Yawa Mangale
5. Lawrence Ndegwa

8. Kinango/Maji Ya Chumvi/358-1. Dzomo Magongo Ngala
2. Lawrence Chizigwa Magongo
 3. Chitsonyo Magongo
 4. Josphat Mundu Dzomo
 5. Gibson Dzomo Magongo

9. Kinango/Maji Ya Chumvi/366-1. Sikukuu Hamisi Munuve
2. Paul Mvita Munuve
 3. Mulwa Munuve Mdachi
 4. Omar Munuve Mdachi
 5. Allan Juma Munuve

10. Kinango/Maji Ya Chumvi/367-1. Mangale Mwanongo
2. Nyamawi Mangale Mwanongo

11. Kinango/Maji Ya Chumvi/423-1. Shehi Mrisa Mwabangu
2. Shedrack Tsuma Mrisa
 3. Shauri Mrisa Mwabwanga
 4. Nono Mrisa Mwabwanga
 5. Mrisa Mwabwanga Mrisa

12. Kinango/Maji ya chumvi/424-1. Mwangoma Mvoya Chirunga
2. Mdalu Mrabu
 3. Mvoya Chirunga Mvoya
 4. Richard Dzombo Chirunga

Publication of Adjudication Register

Upon completion of the demarcation/survey exercise, the Adjudication Register was published on July 20, 2018. The publication would allow any person who considered the register to be incomplete or incorrect, to file an objection. A total of 137 objections were received, heard, determined and implemented (Annex 4).

After the closure of the objection register, records of parcels not affected by objections were forwarded to Director of Land Adjudication and Settlement (DLAS) for checking and onward submission to the Chief Land Registrar for registration.

Certificate of Finality

Upon completion of the checking of the records, the DLASO issued a certificate of finality and the records forwarded to the Chief Land Registrar for registration and issuance of title deeds (Annex 5).

- a) Could the Cabinet Secretary further explain why the title deed for land reference number **Kinango/Maji Ya Chumvi/Plot No.2** has not been returned to the Registrar of Lands as requested?

Honourable Chair,

On September ,13 2018, the title for **Kinango/Maji Ya Chumvi/Plot No.2** was collected by one Felix Mweni a representative of Afro Mark Solutions Limited. Following complaints the legality of the process, the Land Registrar, Kwale wrote to Afro Mark Solutions Limited requiring them to surrender their title pending determination of the complaint.

Concurrently, a restriction was registered against the title to prevent registration of any transaction. The title is yet to be returned as requested.

Honourable Chair,

We undertake to review the adjudication process at Maji Ya Jumvi adjudication section with a view to correcting any anomalies and bring the matter to a closure. This process should be completed by end of September, 2019.

Q3. QUESTION NO. 160/2019 BY THE MEMBER FOR MWINGI CENTRAL (HON. GIDEON MULYUNGI)

- a) Is the Cabinet Secretary aware that land owners in Mwingi Central Constituency and in particular the Coal Basin area of Mui, Enziu and Endui Locations of Mwingi Central Constituency are being issued title deeds with inconsistencies and errors on actual acreage?

Honourable Chair,

Our officers carry out their work with outmost good faith. However, during demarcation of the Coal Basin area, errors on the details of a few parcels were made. The registered proprietors of the affected parcels have been requested to notify the County Land Registrar on any anomaly. Concurrently, our surveyors have been directed to resurvey the affected parcels for necessary rectifications to be undertaken.

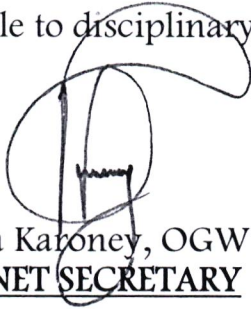
- b) Could the Cabinet Secretary undertake to ensure that the said title deeds are corrected and, further, consider taking the necessary disciplinary action against public officials responsible for the inconsistencies and errors?

I have directed the Director of Survey to resurvey the affected areas and correct errors in the land records.

Honourable Chair,

All officers of the Ministry of Lands and Physical Planning are required to execute their duties in a professional manner, in accordance with the law and absolute

fidelity to the Constitution. Any officer who contravenes any provision of the law is liable to disciplinary.



Farida Karoney, OGW
CABINET SECRETARY

May 9, 2019



PARLIAMENTARY SERVICE COMMISSION

RE: TRANSPORT ALLOWANCE CLAIM FORM TO BE COMPLETED BY;
MEMBER OF PARLIAMENT

Will you please prepare my transport allowance claim in respect of the following journey, which I made in my vehicle no.make..... cc.....while visiting my constituency:-

K.M. claimed.....

DATE I LEFT NAIROBI

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12

DATE I LEFT HOME

-
-
-
-
-
-
-
-
-
-
-
-

I certify that no Government vehicle was used for the above trips and that I have not claimed the same journey from any other public organization.

NAME

SIGNATURE..... *J. Le*

CONSTITUENCY.....

DATE.....