

NATIONAL ASSEMBLY OF KENYA - A REPORT OF THE SELECT
COMMITTEE ON AN INQUIRY INTO THE CHEBORORWA F.T.C. 94 CATTLE
CATTLE THEFT BY THE HON. G.N. MWICIGI, M.P. 1978

Mr. Speaker,

PARLIAMENT
OF KENYA
LIBRARY

1. This Inquiry has been conducted, and this Report is made, pursuant to Section 9-13 of the National Assembly (Powers and Privileges) Act No. 6 and rules made by the National Assembly thereunder. Standing Orders 156-157 and the related written laws.

2. On the 14th July, 1978, the House passed the following resolution moved by the Hon. C.C. Murgor, M.P.

"That, this House being dissatisfied with the explanation given by the Minister for Agriculture in the House on 30th June, 1978 in connection with the removal of 94 head of cattle from Chebororwa Farmer's Training Centre eighteen (18) months ago by an Assistant Minister for Agriculture, the Hon. G.N. Mwicigi, without payment, resolves that a Select Committee be set up to probe this matter and determine the price at which the cattle ought to have been sold; to investigate why and how employees of that centre came to lose their jobs over the issue; to propose measures which ought to be taken to rectify what took place, and that the Committee should have powers under, "Clause (9) of the National Assembly (Powers and Privileges) Act," and that the membership of the Committee should be:-

The Hon. C.C. Murgor, M.P. (Chairman).
The Hon. W. Kanja, M.P.
The Hon. W. Wabuge, M.P.
The Hon. Z.O. Olang, M.P.
The Hon. Dr. J. Muriuki, M.P.
The Hon. S.K. Kurgat, M.P.
The Hon. M. Kubo, M.P.
The Hon. J.N.L. Konchellah, M.P.
The Hon. J.I. Kalweo, M.P.

3. Consequently, the Committee started its business by drawing up a working programme and discussed in great details the best approach to tackle the issue and agreed to make a physical visit to Chebororwa F.T.C. and Kandara Division to collect oral evidence as well as to see the farmer, who were involved.

4. The Hon. J.N.L. Konchellah, M.P. was unable to accompany the Committee when it visited Chebororwa and Kandara because he was committed in attending the Public Accounts Committee at the same time.

5. (a) The Committee met on occasions. Three of these meetings were held at Chebororwa and Kandara respectively, when oral evidence was collected from the public. The rest of the meetings were held in Nairobi, either to organise the visit, hear evidence, determine the procedure or to draft the report.

(b) In all, witnesses and written memoranda were examined and notes on the evidence were taken and are available in the library for any Member who would want to study them.

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(c) The Minutes of the meetings held are attached to this report, as required by Standing Order 157(3).

(d) For convenience, each of the items investigated by the Committee is dealt with separately and a final summary of the Committee's observations are made hereunder.

GENERAL OBSERVATIONS

The Committee carried out a thorough survey and research on 94 cattle transactions from Chebororwa F.T.C. interviewed the Provincial Director of Agriculture Rift Valley Nakuru, the Veterinary Department, the Ministry of Agriculture Headquarters and the officers of the Livestock Marketing Division, the Committee also collected evidence from the Minister of Agriculture, Mr. Mwicigi, the Permanent Secretary, Director of Agriculture and the Accounts Controller, the farm manager of Mitubiri Ranch and the members of the Kandara Grade Cattle Self-help Scheme.

It found that there were conflicting views among the witnesses. In course of time the evidence received indicates that the proper produceres were not followed strictly. The Committee has not been convinced by the statements made in the House by the Minister and Mr. Mwicigi. They were misleading and conflicting as a whole. In view of these issues, the Committee finds that it was serious and makes its following observations:-

1. That there was no auction of any kind conducted on the sale of the 94 cattle to the Hon. Member.
2. That the payment for 94 cattle was not delayed due to lack of an invoice, since the Hon. Member had receipt a list of animals and their values at the time of moving the cattle from Chebororwa F.T.C. on 19th August, 1976 but kept silent without checking with his Ministry.
3. That the transportation of animals were transported by the Livestock Marketing Division G.K. vehicles and the payment made on 3/3/77 which contradicts the statements made in the House by the Minister of Agriculture and Mr. Mwicigi on 30th June, 1978.
4. The Committee deploras with great dissatisfaction the fact that the auctioneers sold some cattle on 20th August, 1976 valued at Kshs.33,850/80 without remitting the same amount to the Government until October, 1978.
5. The Committee notes with serious concern that the movement of the 94 cattle from Chebororwa F.T.C. to Mitubiri Ranch contravenes Act No.364, Sec.9(e), schedule Part III Rules 17(4) Animal Diseases, without lawful authority.
6. The Committee notes that the lists of animals sold to Kandara Grade Cattle Self-Help Scheme and that of Ng'ang'a Njoroge are completely contradicting and reflect untrue statement of facts, thereby representing an indirect misappropriating of Government by those who were involved in the transactions.

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7. The Committee observes that the regulations and procedures of disposing of the livestock in the Government institutions were not strictly adhered to by the Ministry's officials as laid down in the Model Departmental Stores Regulations Section 11, Appendix 2.
8. It is regretable that it appears that the evidence given by the two witnesses, namely Mr. Tigiti, Manager of Mitubiri Ranch and of Mr. G.K. Kariuki, Director of Elgon Auctioneers' Co. Ltd., rose a number of doubts. The identity of their evidences do not justify a correct record of any court in a true sense. Under Cap. 63 Section 113, they knowingly intentionally and unlawfully gave fabricating evidence.
9. The Committee took trouble and examined the details of the Minister's statements made on 28th - 30th June, 1978 in the House and finds them to be unsatisfactory and misleading. This is because he claimed to be misled by his Ministry's officials in course of giving his evidence before the Committee.
10. The Committee investigated the utterances which appeared in the local press concerning, its deliberations and finds that two Hon. Members of this House deliberately infringed the Standing Orders No.71 and 156.
11. The Committee notes and deploras unauthorised open demonstration staged at Kandara Division, Murang'a District which intended to obstruct, scare and disrupt the independence and impartiality of witnesses.
12. The Committee observes with great concern the conspiracy, irregularities and the mistrust, which existed between the Chebororwa F.T.C., Rift Valley Provincial Agriculture office and the Ministry's officials on the transaction of the sale. On the strength of these observations, material evidence collected from the witnesses, who appeared before the Committee; written memoranda and documentary evidence. The Committee, therefore makes the following recommendations to the House for the appropriate actions:-
 1. The Committee examined the details of the Ministerial Statement made in the House on 28th and 30th June, 1978, and received evidence from the Minister himself. Considering these factors, the Committee is in the opinion that the correct procedures were not followed which misled the Minister to issue misleading statements in the House. The Committee therefore recommends that the Minister should withdraw these statements and apologise to the House, in order to set right the records and clear way the impression which went to the Public at large.

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The Committee on the Administration of the Government
has the honor to acknowledge the receipt of your letter
of the 10th inst. in relation to the proposed
amendment to the Constitution of the United States
relating to the election of the President and Vice President.

It is respectfully suggested that the proposed
amendment is not in accordance with the
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