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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FOURTH SESSION - 2016

REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS

THE REPORT ON LAND DISPUTES IN SOLAI BETWEEN THE SHAREHOLDERS
AND DIRECTORS OF NYANDARUA PROGRESSIVE AGENCIES LIMITED IN
NAKURU COUNTY

CLERK'S CHAMBERS,
DIRECTORATE OF COMMITTEE SERVICES,
THE NATIONAL ASSEMBLY,
PARLIAMENT BUILDINGS,
NAIROBI.

NOVEMBER, 2016

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CHAIRMAN'S FOREWORD

The Member of Parliament for Rongai Constituency, Hon. Raymond Kipruto Moi, M.P. who is also a member of the Committee presented his concern regarding a land dispute between Nyandarua Progressive Agencies shareholders and the Directors of the company in Nakuru County. He further tabled documents in support of his claims and informed the Committee that the two warring functions presented a danger and a security risk which should be prevented.

The Committee having carefully considered the matter presented to it by the Member for Rongai Constituency resolved pursuant to provisions of Standing Order 216 (5) to conduct an investigation into the matter and report to the House pursuant to Standing Order 199(6).

The Committee appreciates the assistance provided by the Office of the Speaker and the Clerk of the National Assembly that enabled it to discharge its functions in considering the petition. On behalf of the Committee, and pursuant to Standing Order, 227 it is my duty to table on the Floor of the House the Report of the Committee on the petition.

EXECUTIVE SUMMARY

The Committee commenced its findings by holding various sittings within the precincts of Parliament with various stakeholders who included the Cabinet Secretary in charge of Land and Physical Planning, Chairperson National Land Commission and in addition the Committee undertook an inspection visit to the said area in Nakuru with a view to appraise itself with the matters on the ground and try to resolve/seek to determine solutions to the problems.

The report investigates the issues on the land dispute between Nyandarua Progressive Agencies shareholders and the former Directors of the company.

MANDATE OF THE COMMITTEE

The Departmental Committee No. K on Lands is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations, and estimates of the assigned ministries and departments;
- b) Study the Programme and policy objectives of Ministries and Departments and effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, assess and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with their stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as they may be referred to them by the House;
- f) 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);
- g) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

The Committee is mandated to Consider the following subjects:-

- a) Land Policy,
- b) Physical Planning,
- c) Land Transactions,
- d) Survey and Mapping,
- e) Land Adjudication,
- f) Settlement,
- g) Land registration,
- h) Land Valuation,
- i) Administration of Private, community and Public Land,
- j) Land Information and Management System.

Oversight

In executing its Mandate, The Committee oversees the following Government Departments, Namely:-

- i. The Ministry of Lands and Physical Planning
- ii. The National Lands Commission

COMPOSITION OF THE COMMITTEE

Chairperson	The Hon. Alex Mwiru, M.P.
Vice Chairperson	The Hon. Moses Ole Sakuda, M.P.
	The Hon. Mutava Musyimi, M.P.
	The Hon. John Kihagi, M.P.
	The Hon. Francis W. Nderitu, M.P.
	The Hon. Kipruto Moi, M.P.
	The Hon. Hellen Chepkwony, M.P.
	The Hon. Sarah Korere, M.P.
	The Hon. Benson Mbai, M.P.
	The Hon. Suleiman Dori, M.P.
	The Hon. George Oner, M.P.
	The Hon. Mathew L. Lempurkel, M.P.
	The Hon. Shakila Abdallah, M.P.
	The Hon. Dr. Paul Otuoma, M.P.
	The Hon. Thomas Mwadeghu, M.P.
	The Hon. Joseph Magwanga, M.P.
	The Hon. Ali Shariff Athman, M.P.
	The Hon. Francis Njenga, M.P.
	The Hon. Hezron Awiti Bollo, M.P.
	The Hon. Benard Bett, M.P.
	The Hon. Esther Murugi, M.P.
	The Hon. Oscar Sudi, M.P.
	The Hon. Onesmus Ngunjiri, M.P.
	The Hon. Julius Ndegwa, M.P.
	The Hon. Patrick Kingola, M.P.
	The Hon. Kanini Kega, M.P.
	The Hon. Eusilah Ngeny, M.P.
	The Hon. Lawrence Aburi, M.P.

SECRETARIAT

Clerk Assistant I	Mr. James Ginono
Clerk Assistant III	Mr. Joshua Ondari
Clerk Assistant III	Mr. Emmanuel Muyodi
Legal Counsel II	Ms. Mercy Wanyonyi

LIST OF RECOMMENDATIONS

- a) The Registrar of companies, the State Department for Interior and the State Department in charge of Co-operatives coordinates the convening of the AGM for the land buying Company and ensure that the two factions/all members are given an equal opportunity to participate during the AGM.
- b) The National Land Commission probes the land within Arutani to ensure that land allocated for public utilities reverts to government for the intended purpose.
- c) The Ministry of Lands and Physical Planning surveys and subdivides the 160 acres in dispute and allocates the same to genuine members equally.
- d) The Ministry of Land and Physical Planning should ensure that the shareholders who do not have title deeds to the land they occupy are issued with titles and that the grant of the surrendered mother titles, which resulted into sub-division of plots be cancelled.
- e) The National Cohesion and Integration Commission should take up the issue with a view of ensuring that there is harmony amongst the people living in the area.

1.0 EVIDENCE

1.1 Evidence from Hon. Raymond Moi, Member of Parliament, Rongai Constituency

He informed the Committee as follows:-

- 1.1.1 Nyandarua Progressive Agencies Limited company was incorporated in 1974 with the sole purpose of settling its shareholders;
- 1.1.2 The company bought four farms with titles: - LR 9939 (IR 165150), LR. 9936 (IR 19198), LR. 9942 (IR 16609) and LR. 6289 (IR 17195) totaling seven thousand(7000) acres;
- 1.1.3 The first and second group of Directors was voted out of office by the shareholders because of mismanaging the Company Affairs. As a result, the company was unlawfully managed by the Provincial Administration under the Chairmanship of successive District Commissioners from 1986 to 1997;
- 1.1.4 In 1997 some of the shareholders moved to court and the Court ordered that they hold a special Annual General Meeting to elect new Directors;
- 1.1.5 After the Court Order, Pastor Francis Wairimu and other six shareholders were elected as Directors;
- 1.1.6 The newly elected shareholders faced problems in accessing the Company's records, re-registration of the shareholders in the absence of the shareholders' register, opposition from the previous two set of group of directors among others;
- 1.1.7 Three hundred (300) title deeds were issued in 1992 by the District Commissioner and the Nakuru Land Registrar without the surrender of the head titles, map, area list. The titles were cancelled by the Court's via Civil Case No. 235 of 1999;
- 1.1.8 Development in the area has been slowed down by a small group of shareholders who incite shareholders not to pay for survey work;
- 1.1.9 In 2012 a Senior Registrar of Companies, the late Mr. Ng'ang'a imposed on the shareholders the old directors who had been rejected; The shareholders rejected them (imposed Directors) and in four years the Company operated without elected Directors; and
- 1.1.10 Owners of the land bought by the land buying company were not able to access their title deeds due to wrangles between the various directors of the agency.

The Hon. Raymond Moi, MP requested the Committee to intervene so as:-

1. The Directors of the Company conduct an election of Directors;
2. Nakuru Land Registrar is stopped from issuing title deeds on the said land;
3. Stop the national government administration in the area from interfering with the Company's affairs;
4. The Ministry of Land and Physical Planning surveys the remaining land which is

- under coffee and trading centre; and
5. The grabbed land by the Catholic Diocese of Nakuru is reverted back to the shareholders so that they can build the proposed public institutions for which the land was set aside.

1.2 Evidence from the Cabinet Secretary Ministry of Lands and Physical Planning

Prof. Jacob Kaimenyi, Cabinet Secretary Ministry of Lands and Physical Planning accompanied by Ms. Mariam El. Maawy, Principal Secretary, informed the Committee as follows, that:-

- 1.2.1 In 1974 Nyandarua Progressive Agency Limited identified and bought land at Solai Nakuru District from a European owner known as Joseph Richard Knight Milton and his sister Reeder. The Land measures 7,104 acres
- 1.2.2 The land referred as Solio/Arutani Block 1 is land initially registered under Registration of Title Act (RTA) as RL. 6289 (IR 17195), LR 9938 (IR 19190), LR 9939 (IR 16515) and LR 9942 (IR16609) registered under the name of Nyandarua Progressive Agencies Limited;
- 1.2.3 The land was demarcated and surveyed by the Land Adjudication and Settlement Department and the land was subdivided and allocated to shareholders each getting 4 acres;
- 1.2.4 The shareholders lived in the allocated plots harmoniously but discontent commenced in 1987 when the Annual General Meeting (AGM) and elections were held and the directors were ousted out of office;
- 1.2.5 The conversion process of the land was finalized in 1992 after which four title deeds namely LR 9938, 9939, 9942 and 6289 were surrendered to the lands head office, Nairobi;
- 1.2.6 The Chief Land Registrar then forwarded the compiled documentation namely Registry Index Map (RIM), Area List and members register vide his letter dated 23rd December, 1992;
- 1.2.7 Based on the above instructions the District Land Registrar Nakuru initiated the process of issuing individual title deeds to the shareholders of Nyandarua Progressive Agency Limited, until 30th June, 1999 when a Court Order was issued restraining the Land Registrar from issuing title deeds; However, on 24th September, 1999 the same order was set aside and the process discontinued;
- 1.2.8 In the year 1999 the surrendered titles were confirmed as missing in the Ministry's custody. Efforts to trace them was in vain, later the Chief Land Registrar was informed that the titles were in possession of one Mr. Francis Wainaina Mugo despite the fact that the title deeds were supposed to be in possession of the Ministry;
- 1.2.9 Despite numerous correspondences to have him re-surrender the grants, he has refused to surrender the titles;

- 1.2.10 The National Land Commission met the members of the company and the founding directors agreed to re-surrender the said title deed on 23rd October, 2015 ;
- 1.2.11 The catholic diocese of Nakuru Trustee registered as corporate body under the Trustee's Act, Cap 164 of the Laws of Kenya was allocated Solai/Arutani Block 1(1/1151, 1152, 1153 and 1154 which were issued on 11th March, 1993) by Nyandarua Progressive Agency Limited; and
- 1.2.12 The re-surrender of the mother title deed is non-consequential as conversion of the land was already done way back in 1990 and issuance of the title deeds by the Land Registrar Nakuru has fulfilled requirements of the law.

1.3 Evidence from the Nakuru County Commissioner

Mr. Joshua Nkanatha, the County Commissioner accompanied by Mr. Joseph Nyanamba the Nakuru Land Registrar and Mr. Justine Mayaka the County Physical Planner informed the Committee as hereunder:- That,

- 1.3.1 SOLAI/ARUTAI was initially registered under the Registration of Titles Act (RTA) as LR 6289 (IR 17195); LR 9938 (IR 19190); LR 9939 (IR 16515); and LR 9942 (IR 16609; in the name Nyandarua Progressive Agencies Limited;
- 1.3.2 The said land was demarcated and surveyed by Nakuru District Land Adjudication and Settlement Department and in 1992, the conversion process was finalized after which four title deeds, namely LR 9938, LR 9939; LR 999942 and LR 6289 were surrendered to the Ministry of Land's head office in Nairobi; and the then Chief Land Registrar in Nairobi forwarded to Nakuru the compilation documentation, namely Registry Index Map (RIM) area list and numbers register;
- 1.3.3 Based on the instructions, the District Land Registrar Nakuru initiated the process of issuing individual title deed; However, on 24th September, 1999, the same order was set aside and later on the process discontinued when in the same year the surrendered titles were confirmed missing in Nakuru Lands custody and they could not be traced
- 1.3.4 The Chief Land Registrar was eventually informed that the lost mother titles were in possession of one Mr. Francis Wainaina Mugo despite the fact that the titles were supposed to be in possession of the Ministry of Lands; later when approached Mr. Francis Wainaina Mugo declined to surrender the mother titles to the Ministry of Lands;
- 1.3.5 The National Land Commission met shareholders of Nyandarua Progressive Agencies Limited and together with the founding directors of the Company and it was resolved that Mr. Francis Wainaina Mugo would re-surrender the said title deed on October 2015, which he has not done to up to date;
- 1.3.6 It was noted that the surrender of the mother title deed is non-consequential as conversion of the land had already been done in 1990 and issuance of title deeds by the Land Registrar met all requirements as per the Law and the Ministry consented to the issuance

of individual title deeds after the head title deeds were surrendered to the Ministry of Lands in Nairobi;

- 1.3.7 Two hundred and thirty (230) title deeds were issued in 1992; three hundred and sixty (360) titles issued in 1993; two hundred (200) titles issued in 2015 and partly 2016.
- 1.3.8 The disputed land is a round 160 acres; and the directors had met and agreed that they would meet and decide on what to do with the 160 acres of land under the coffee plantation; and,
- 1.3.9 Planning had not been taken into consideration and this where Nakuru County is supposed to collect revenue from and Planning is necessary so that sustainable human settlement can be achieved.

1.4 Evidence from Nakuru County Government

Ms. Rachel Maina the Nakuru County Executive Committee Member for Lands informed the Committee as follows, that:-

- 1.4.1 Nyandarua Progressive Company was formed in 1978 by people from Nyandarua mostly teachers; they bought the land, balloted for it and were settled by the Government; initially, there were no disputes amongst themselves however, problems arose when delays in processing title deeds for the land occurred and the original group of shareholder disintegrated and formed a parallel group which proceeded to elect their different and parallel group of directors resulting in the former directors going to court;
- 1.4.2 The other contentious issue is the 160 acres of land which was planted with coffee at the time of balloting and which was set aside; by then the shareholders agreed to not interfere with coffee and title deeds was not issued in the piece of land because the land wasn't sub-divided;
- 1.4.3 The new group of shareholders scheduled an Annual General Meeting on the same day the Committee was to meet them in order to discuss the issues touching on the 160 acres. They had requested that the Committee meeting be postponed; and
- 1.4.4 Despite the President's directive that all land buying companies should deposit their title deeds and other documents to the County Commissioners or County Surveyor it is only the Nakuru land buying companies which have refused to comply.

1.5 Evidence from Members of the First Group of Nyandarua Progressive Society

Mr. Francis Kiarie, Ms. Beatrice Wanjiru Kamau, Mr. Peter Macharia Njoroge and Pastor Francis Wanaina Mugo members from the first group of Directors informed the Committee as follows, that:-

- 1.5.1 They are shareholder numbers 1036; 10; 334 and 478 respectively of Nyandarua Progressive Agency Limited which has a set of two groups of Directors and their desire is the Company's affairs to be transacted and managed by one legitimate group of Directors;

- 1.5.2 The second group of Directors led by Mr. Samuel Maina Waweru is illegal because it was elected by the minority of the shareholders and since it was elected by 160 out of the 1800 shareholders and they continue to bribe the National Government Administration in Nakuru to help in managing the affairs of the company illegally and who are constantly harassing, intimidating and issuing death threats to members of the original Directors of Nyandarua Progressive Agency Limited;
- 1.5.3 The National Government Administration in Nakuru County is the major cause of disputes and conflict in the company because some officers have vested interest in the land since 2012 have not facilitated election of directors in the Annual General Meeting;
- 1.5.4 The Nakuru Deputy County Commissioner is managing the company's affairs regardless of the set out company laws, further The Deputy County Commissioner and the Chairman National Land Commission have an interest on the land because they have been informed of the title deeds issued irregularly and illegal company representation and they have not taken any action on the matter;
- 1.5.5 The Plot number nine (9) as per Commissioner Omolo's report belongs to Ms. Wanjiru but in the other registry it belongs to Ms. Wairimu Ndoyo;
- 1.5.6 Public utilities were allocated as follows; Arutani Primary School 10 acres, Arutani Secondary School 20 acres, Arutani Dispensary 6 acres, and Arutani Polytechnic 6 acres; all this plots benefited a none member however no Annual General Meeting was held to ratify and inform members on the decision to allocate the public utilities the said land;
- 1.5.7 Mr. Pastor Francis Wanaina Mugo was the Company's Chairman between 1997 and August, 2012 and has lived in his plot for the last twenty years without a title deed;
- 1.5.8 In 1992, the Company of other Directors tried to surrender the mother title deeds to the Government but they were rejected because no survey and Path Development Plans were available consequently, in the same year three hundred and sixty title deeds were issued but the government later stopped issuance of titles because it was alleged that they were not genuine;
- 1.5.9 On 13th July, 1994, the Directors wrote a letter to Nakuru District Surveyor attaching a cheque amounting to Kshs.150,000 requesting the surveyor to start surveying the land and this was two years after 360 titles had been issued; and on 7th April, 1999, the Chief Land Registrar wrote a letter to the Nakuru Registrar asking him to explain why titles were being issued irregularly and for him to stop the exercise.

1.6 Evidence from Members of the Second Group of Nyandarua Progressive Society

Mr. Samuel Maina Waweru the Chairman of the second group informed the Committee as follows, that:-

- 1.6.1 Nyandarua Progressive Agencies Company is a land buying company which was formed in 1974. The sole objective of the Company since inception was and is to buy land and settle its shareholders on the same land;
- 1.6.2 The company has a total of 1575 shareholders and is owned by former Nyandarua teachers who bought land because they used to live in shanties, in 1975-1976, the Company bought land LR Nos. 6289, 9938, 9939 and 9942 all measuring 7104 acres. The price covered the land at Kshs. 5.4 million where shareholders contribution was Kshs. 2.4 million and Agricultural Finance Corporation loan was Kshs. 3 million;
- 1.6.3 In 1977 the company with the consent of the Agricultural Finance Corporation subdivided part of the land, The land adjudication surveyors, surveyed and demarcated the land into three acres plots which were allocated to the shareholders in accordance with the amount of shares contributed by each of them;
- 1.6.4 In 1979-1987, the company through the Annual General Meeting (A.G.M) voted in the second batch of directors;
- 1.6.5 After the shareholders repaid the Agricultural Finance Corporation loan in full, it was agreed that the land was to be re-surveyed and demarcated into four acres plots by the land adjudication surveyors and then be allocated to the shareholders as per the number of shares each had;
- 1.6.6 In 1987-1997, due to prevailing complaints emanating from land allocation and among others, the shareholders voted out the second batch of directors and then replaced them with Government Management Committee led by the then Nakuru District Commissioner. Consequently a government probe committee (Omolo Commission) was appointed which came up with a report on all the land allocations and a list of shareholders;
- 1.6.7 In 1988 the shareholders resolved to allocate the following plots to the Catholic Diocese of Nakuru to develop:-
 - a) Plot No. 1151 (6 acres) health centre,
 - b) Plot No. 1152 (20.2 acres) Secondary School,
 - c) Plot No. 1153 (10.0 acres) primary school, and
 - d) Plot No. 1154 (15 acres) polytechnic;
- 1.6.8 Mr. Charles Maina Momo and others who neighbor Arutani School bought Plot No. 1150 from Mr. Sammy Cosmas Kabaruru which measures 20 acres. He alleged that the neighbors living next to Plot Nos. 1150, 1151, 1152, 1153, and 1154 are claiming to be the owners of the plots which is not true considering the number of acreage for all the plots;
- 1.6.9 In 1992 the mother title deeds was surrendered to the Land Commissioner to pave way for issuance of individual shareholders title deeds therefore in 1993, 360 title deeds were issued upon acknowledgement of receipt of the head title deeds. However the issuance of the individual title deeds stalled due to technicalities, for example the lack of discharge from the Agricultural Finance Corporation to enhance the registration of the same; but in

- 1998, the mother title deeds was gazetted as lost in the Kenya Gazette notices Nos. 5162, 5163, 5164 and 5165 and this was to enhance issuance of provisional certificates to Shareholders who petitioned the loss whereof the Lands Commissioner denied the loss.
- 1.6.10 Prof. Mohammed Swazuri informed him that the former directors through their own confession had pointed out that the mother title deeds was not lost but in possession of the former Chairman Pastor F. W. Mugo he further directed the then District Land Registrar in conjunction with the District Officer Bahati to retrieve the said title deeds for the custody of his office on or by 23rd October, 2015;
- 1.6.11 In 1997-2012, the shareholders disbanded the Government Management Committee and voted in the third batch of directors whose terms of reference were:- to find out any irregular allocations; enhance continuation of issuance of title deeds to all the shareholders; and to conclude all matters of the company;
- 1.6.12 On 26th June, 2015 shareholders held a Special General Meeting which confirmed the current directors as per CR 12 from the Registrar of companies and it was resolved that the former directors hand over all company documents to the Deputy County Commissioner Rongai within one week and this has not been done to date;
- 1.6.13 On 9th October, 2015 the former and the current directors were summoned by the Chairman National Land Commission, Prof. Mohammed Swazuri with the sole intention of issuance of title deeds to Nyandarua Progressive Agency shareholders; Prof. Mohammed Swazuri gave out over 215 title deeds on 25th February, 2016 to individual shareholders; and
- 1.6.14 The land under coffee plantation is 140 acres and not as 160 acres as it's alleged by the other group of shareholders.

2.0 COMMITTEE OBSERVATIONS

The Committee made the following observations from evidence adduced in meetings and the field visit, that:

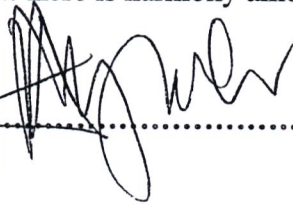
1. The Land in dispute is 160 hectares. Initially the land buying company bought land, balloted for it and members were settled. However, the land in dispute was not subdivided because it was a coffee plantation which has since been uprooted.
2. The shareholders lived in the allocated plots harmoniously but discontent commenced in 1987 when the annual general meeting and elections were held and the directors were ousted out of office due to mismanagement;
3. The first and second group of directors were voted out of office by the shareholders because of mismanaging the company's affairs and as a result, the company was unlawfully managed by the Provincial Administration under the Chairmanship of Successive District Commissioners between 1986 to 1997;
4. Officers working for the National Government in the area have vested interest in the land resulting into disputes in the area;
5. Three hundred (300) title deeds were issued in 1992 by the District Commissioner and Nakuru Land Registrar without the surrender of the Mother/head titles, Maps, Members list and were later cancelled by the Court's Civil Case No. 235 of 1999;
6. In 1999, the surrendered titles were confirmed missing in the Ministry of lands custody. Efforts to trace them were in vain, later the Chief Land Registrar was informed that titles were in the possession of one Mr. Francis Wainaina Mugo despite the fact that the title deeds were supposed to be in the possession of the Ministry;
7. There exists two warring factions in Solai land who are hostile towards each other pitting the first group who claims the leadership of the land buying company while the second group is marginalized due to lack of resources;
8. The mother title of Arutani farm is in the possession of a private citizen and the Land Registrar Nakuru is not aware of where the title is; However there exist claims that it is in the possession of one Mr. Francis Wainaina Mugo, who has refused to surrender the same title to the Government.
9. Mr. Mugo was a former chairman of the Land buying company but was removed in an AGM which was held in 2012; however this election was disputed by a faction claiming to have won those elections and it claims that he has declined/ refused to hand over power.
10. The Nakuru Land Registrar continues unabated to issue title deeds despite the existing conflict.
11. Some of the shareholders don't have title deeds to the land they own.

3.0 RECOMMENDATIONS

The committee having heard from various stakeholders on the matter recommends as follows, that:-

1. The Registrar of companies, the State Department for Interior and the State Department in charge of Co-operatives coordinates the convening of the AGM for the land buying Company and ensure that the two factions/all members are given an equal opportunity to participate during the AGM.
2. The National Land Commission probes the land within Arutani to ensure that land allocated for public utilities reverts to government for the intended purpose.
3. The Ministry of Lands and Physical Planning surveys and subdivides the 160 acres in dispute and allocates the same to genuine members equally.
4. The Ministry of Land and Physical Planning should ensure that the shareholders who do not have title deeds to the land they occupy are issued with titles and that the grant of the surrendered mother titles, which resulted into sub-division of plots be cancelled.
5. The National Cohesion and Integration Commission should take up the issue with a view of ensuring that there is harmony amongst the people living in the area.

SIGNED:



DATE:

24th Nov. 2016

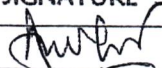
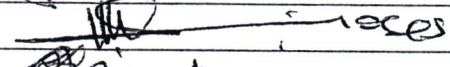
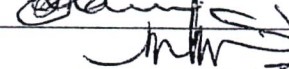



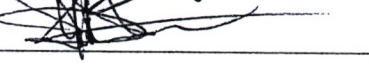
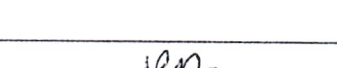





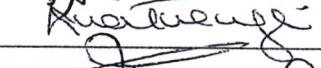
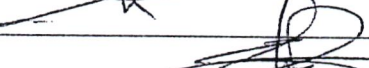

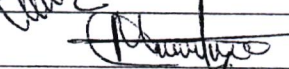



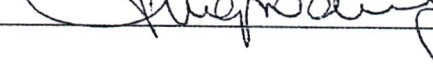

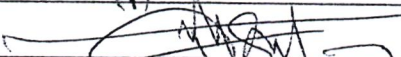

HON. ALEX M. MWIRU, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON LANDS

DEPARTMENTAL COMMITTEE ON LANDS

Agenda: Consideration and adoption of the Reports on Report on Land Disputes in Solai by
the Nyandarua Progressive Agencies Limited in Nakuru County;

Date: Friday 2nd September, 2016 Venue: Travellers Hotel, Mombasa Time: 9.00 a.m.

NO.	NAME	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)	
2.	The Hon. Moses Ole Sakuda, M.P (Vice-Chairperson)	
3.	The Hon. Onesmas Ngunjiri, M.P.	
4.	The Hon. Mutava Musyimi, M.P.	
5.	The Hon. John Kihagi, M.P.	
6.	The Hon. Francis W. Nderitu, M.P.	
7.	The Hon. Francis Njenga, M.P.	
8.	The Hon. A. Shariff, M.P.	
9.	The Hon. Eusilah Jepkosgei, M.P.	
10.	The Hon. Benard Bett, M.P.	
11.	The Hon. Kipruto Moi, M.P.	
12.	The Hon. Hellen Chepkwony, M.P.	
13.	The Hon. Sarah Korere, M.P.	
14.	The Hon. Julius Ndegwa, M.P.	
15.	The Hon. Benson Mbai, M.P.	
16.	The Hon. Kanini Kega, M.P.	
17.	The Hon. Esther Murugi, M.P.	
18.	The Hon. Hezron Awiti Bollo, M.P.	
19.	The Hon. Suleiman Dori Ramadhani, M.P.	
20.	The Hon. George Oner Ogalo, M.P.	
21.	The Hon. Lekidime L. Mathew, M.P.	
22.	The Hon. Shakila Abdallah, M.P.	
23.	The Hon. Paul Otuoma, M.P.	
24.	The Hon. Thomas Mwadeghu, M.P.	
25.	The Hon. Magwanga Joseph Oyugi, M.P.	
26.	The Hon. Aburi Lawrence Mpuru, M.P.	
27.	The Hon. King'ola Patrick Makau, M.P.	
28.	The Hon. Omar Mwinyi, M.P.	

ANNEXES

MINUTES OF THE 36th SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 22ND APRIL 2016 IN NAKURU COUNTY 10.00 AM

PRESENT:

1. The Hon. Alex Mwiru, M.P. Chairperson
2. The Hon. John Kihagi, M.P.
3. The Hon. Kanini Kega, M.P.
4. The Hon. Hellen Chepkwony, M.P.
5. The Hon. Onesmus Ngunjiri, M.P.
6. The Hon. Francis Njenga Kigo, M.P.
7. The Hon. Bernard Bett, M.P.
8. The Hon. Eusilah Ngeny, M.P.
9. The Hon. Francis W. Nderitu, M.P.
10. The Hon. Kipruto Moi, M.P.
11. The Hon. Benson Mbai, M.P.
12. The Hon. Mathew L. Lempurkel, M.P.
13. The Hon. Joseph Oyugi Magwanga, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Moses Ole Sakuda, M.P. Vice - Chairperson
2. The Hon. A. Shariff, M.P.
3. The Hon. Patrick Makau, M.P.
4. The Hon. Julius Ndegwa, M.P.
5. The Hon. Mpuru Aburi, M.P.
6. The Hon. Dr. Paul Otuoma, M.P.
7. The Hon. Sarah Korere, M.P.
8. The Hon. Shakila Abdallah, M.P.
9. The Hon. Mutava Musyimi, M.P.
10. The Hon. Suleiman Dori, M.P.
11. The Hon. Esther Murugi, M.P.
12. The Hon. Hezron Awiti Bollo, M.P.
13. The Hon. George Oner, M.P.
14. The Hon. Thomas Mwadeghu, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE:

- | | |
|------------------------|----------------------------------|
| 1. Mr. Nkanatha J.M. | County Commissioner |
| 2. Ms. Rachel Maina | CEC Lands |
| 3. Mr. Joseph Motari | Secretary Office of the Governor |
| 4. Mr. Justine Mayaka | Physical Planner |
| 5. Mr. S.C. Njoroge | Settlement Officer |
| 6. Mr. Joseph Nyamamba | Land Registrar |

KENYA NATIONAL ASSEMBLY

- | | |
|-------------------------|----------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Mr. Emmanuel Muyodi | Clerk Assistant III |
| 3. Mr. Joshua Ondari | Clerk Assistant III |
| 4. Mr. Noah Arap Too | Researcher Officer I |
| 5. Ms. Zainabu Wario | Searjant at Arms |
| 6. Ms. Rehema Chepkurui | Hansard Officer |

MINUTE NO. DCL/LN/2016/

PRELIMINARIES

The Chairperson called the meeting to order at 10.10 am, followed by a word of prayer.

MINUTE NO. DCL/LN/2015/

MEETING WITH THE NAKURU COUNTY COMMISSIONER,

MR. JOSHUA NKANATHA

a) Submission from the County Commissioner

While appearing before the Committee the Mr. Joshua Nkanatha County Commissioner informed the Committee as follows, that:-

1. The disputed land is a round 160 hectares;
2. The directors had agreed they were to meet and decide on the 160 hectares;

b) Submission from Ms. Rachel Maina

While appearing before the Committee Ms. Rachel Maina informed the Committee as follows, that:-

1. Nyandarua Progressive Company was formed in 1978 by people from Nyandarua mostly teachers;
2. They bought the land, balloted for it and settled;
3. They had no problems with their neighbor, problem arose amongst themselves when they settled as result delay in processing title deeds for the land;
4. The original group disintegrated and formed another group and elected their directors;
5. The former directors went to court
6. Another contagious issue is the 160 hectare of with coffee;
7. The directors didn't want to issue the title deeds because the land wasn't subdivide;
8. The new group scheduled an AGM meeting in order to discuss matters touching 160 hectares and they were requesting the parliament meeting to be postponed;
9. Despite The president directed that all land buying companies to deposit their title deeds and other documents to the county commissioners or county surveyor is only Land buying in Nakuru who have refused to comply;

c) Submission from Land Registrar Mr. Joseph Nyanamba

While appearing before the Committee Mr. Joseph Nyamamba informed the Committee as follows, that:-

1. SOLAI/ARUTAI was initially registered under the registration of Titles Act (RTA) AS LR 6289 (IR 17195); LR 9938 (IR 19190); LR 9939 (IR 16515); and LR 9942 (IR 16609; registered under the name Nyandarua Progressive Agencies Limited;
2. The said land was demarcated and surveyed by the land adjudication and settlement department;
3. The conversion process was finalized in the year 1992 after four title deeds, namely LR 9938,

- LR 9939; LR 999942 and LR 6289 were surrendered to the lands head office in Nairobi;
4. The then Chief Land Registrar forwarded the compilation documentation, namely Registry Index Map (RIM) area list and numbers register;
 5. Based on the instructions, the District Land Registrar Nakuru initiated the process of issuing individual title. However, on 24th September, 1999, the same order was set aside and later on discontinued;
 6. In the year 1999, the surrendered titles were confirmed missing in their custody and efforts to trace them were made in vain;
 7. The Chief Land Registrar was eventually made to understand that the title were in possession and custody of one Mr. Francic Wainaina Mugo despite the fact that the titles were supposed to be possession of the Ministry of Lands;
 8. Despite numerous correspondences to have the mother titles surrendered to the Ministry of Lands, he remains adamant to do so;
 9. The National Land Commission met the members of the company and the founding directors agreed to re-surrender the said title deed on October 2015, which they never did;
 10. His position is that the surrender of the mother title deed is non-consequential as conversion of the land was already done back in 1990 and issuance of tittle deeds by the Land Rgistrar met all requirements of the Law;
 11. The Ministry consented to issuance of individual tittle deeds after the head title deeds were surrendered to the Ministry of Lands in Nairobi; and
 12. Two hundred and thirty (230) title deeds were issued in 1992; three hundred and sixty (360) titles were in 1993 and two hundred (200) tittles were issued in the years 2015 and partly 2016.

d) **Submission from County Physical Planner Mr. Justine Mayaka**

While appearing before the Committee Mr. Justine Mayaka informed the Committee as follows,

that:-

1. Planning has not been taken into consideration and this where the county tax collection should come from; and
2. Planning is necessary so that sustainable human settlement can be achieved;

MINUTE NO. DCL/LN/2015/ ADJOURNMENT & DATE OF THE NEXT
SITTING

There being no any other business, and the time being 12.30 p.m. the meeting was adjourned.

SIGNED: 

(CHAIRPERSON)

DATE: 26/04/2016



360 titles had been issued;

7. On 7th April, 1999, the Chief Land Registrar wrote to the Nakuru Registrar asking him to explain why titles were being issued irregularly, and to stop the exercise;

MINUTE NO. DCL/LN/2016/

MEETING WITH CHAIRMAN MR. SAMUEL MAINA WAWERU
REPRESENTING THE SECOND NYANDARUA PROGRESSIVE
AGENCY GROUP

While appearing before the Committee Mr. Samuel Maina Waweru the Chairman of the second group informed the Committee as follows, that:-


1. Nyandarua Progressive Agencies Company is a land buying company which was formed in 1974 and the sole objective of the Company since inception was and is to buy land and settle its members on the same land;
2. The company has a total of 1575 shareholders;
3. The company is owned by former Nyandarua teachers; they bought land because the teachers used to live in shanties;
4. In 1975-1976 they bought land LR Nos. 6289, 9938, 9939 and 9942 all measuring 7104 acres. The price covered the land at 5.4 million – shareholders contribution Kshs. 2.4 million and AFC loan Kshs. 3 million;
5. In 1977 the company with the consent of the A.F.C sub-divided part of the land. The settlement land adjudication surveyors surveyed and demarcated the land into three acres plots which were allocated to the shareholders in accordance to their shares;
6. In 1979-1987 the company through Annual General Meeting (A.G.M) voted in the second batch of directors in 1979. The shareholders repaid the AFC loan in full. The land was once again surveyed and demarcated into four acres plots by the land adjudication surveyors which were allocated to the shareholders as per their shares;

7. In 1987-1997, due to prevailing complaints emanating from land allocation among others, the shareholders voted out the second batch of directors and replaced them with Government Management Committee led by then Nakuru District Commissioner. Consequently a government probe committee (Omolo Commission) was appointed which sorted out all the land allocations and left behind its report and a register of all members;
8. In 1988 the shareholders resolved to allocate the following plots to the Catholic Diocese of Nakuru to develop:-
 - a) Plot No. 1151 (6 acres) health centre,
 - b) Plot No. 1152 (20.2 acres) Secondary School,
 - c) Plot No. 1153 (10.0 acres) primary school, and
 - d) Plot No. 1154 (15 acres) polytechnic;
9. Mr. Charles Maina Momo and others who are the neighbor of Arutani School bought Plot No. 1150 from Mr. Sammy Cosmas Kabaru which measures 20 acres. The neighbors allege to be the owners of Plot Nos. 1150, 1151, 1152, 1153, and 1154 which is not true considering the acreage for all plots;
10. In 1992 the mother title deeds were surrendered to Land Commissioner to pave way for issuance of individual shareholders title deeds;
11. In 1993, 360 title deeds were issued upon acknowledgement of the receipt of the head title deeds. However the issuance of the individual title deeds stalled due to technicalities for example lack of discharge from the AFC to enhance the registration of then same;
12. In 1997-2012, the shareholders did away with the Government Management Committee and voted in the third batch of directors and their terms of reference were:- to find out any irregular allocations, enhance continuation of issuance of title deeds for all the members, and to conclude all matters of the company;

13. In 1998, the mother title deeds were gazetted as lost in Kenya Gazette notices Nos. 5162, 5163, 5164 and 5165 to enhance issuance of provisional certificates. Members petitioned that loss whereof the Lands Commissioner denied the loss. The Land Commissioner pointed out that mother title deeds were not lost and were with the former Chairman Pastor F. W. Mugo, he further directed the then District Land Registrar in conjunction with the then District Officer Bahati to retrieve the said title deeds for his office custody;
14. On 26th June, 2015 shareholders held a special general meeting which confirmed the current directors as per CR 12 from the registrar of companies and it was resolved that the former directors hand over all company documents to the Deputy County Commissioner Rongai within one week and this has not been done to date;
15. On 9th October, 2015 the former and the current directors were summoned by the Chairman National Land Commission, Prof. Mohammed Swazuri with sole interest of issuance of title deeds to Nyandarua Progressive Agency shareholders;
16. Prof. Mohammed Swazuri confirmed that the former directors through their own confession that they still hold the mother title deeds and directed them to return the same to his office on 23rd October, 2015;
17. The land under coffee cover is 140 acres and not as 160 acres as it's alleged by the other group. Its 140 because people were allocated which was inside the coffee farm but by then it had no coffee;
18. Prof. Mohammed Swazuri gave out over 215 title deeds on 25th February, 2016 to individual shareholders. This was highly appreciated by the members and wished the exercise to continue; and
19. The stakeholders acknowledge the assistance given to them by all government offices to alleviate all issues affecting them.

MINUTE NO. DCL/LN/2015/ ADJOURNMENT & DATE OF THE NEXT
SITTING

There being no any other business, and the time being 5.30 p.m. the meeting was adjourned.

SIGNED: 
(CHAIRPERSON)

DATE: 26/04/2016
.....

MINUTES OF THE 74TH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 2ND SEPTEMBER, 2016, TRAVELLERS HOTEL & SPA, MOMBASA AT 2.00 PM

PRESENT:

- | | |
|---|------------------|
| 1. The Hon. Alex Mwiru, M.P. | Chairperson |
| 2. The Hon. Moses Ole Sakuda, M.P. | Vice Chairperson |
| 3. The Hon. Omar Mwinyi, M.P. | |
| 4. The Hon. Thomas Mwadeghu, M.P. | |
| 5. The Hon. Patrick Makau, M.P. | |
| 6. The Hon. KaniniKega, M.P. | |
| 7. The Hon. Sarah Korere, M.P. | |
| 8. The Hon. Mathew L. Lempurkel, M.P. | |
| 9. The Hon. Esther Murugi, M.P. | |
| 10. The Hon. Dr. Paul Otuoma, M.P. | |
| 11. The Hon. Benson Mbai, M.P. | |
| 12. The Hon. Hellen Chepkwony, M.P. | |
| 13. The Hon. Bernard Bett, M.P. | |
| 14. The Hon. Joseph OyugiMagwanga, M.P. | |
| 15. The Hon. Francis W. Nderitu, M.P. | |
| 16. The Hon. Suleiman Dori, M.P. | |
| 17. The Hon. OnesmusNgunjiri, M.P. | |
| 18. The Hon. John Kihagi, M.P. | |
| 19. The Hon. Francis NjengaKigo, M.P. | |
| 20. The Hon. MutavaMusyimi, M.P. | |
| 21. The Hon. HezronAwitiBollo, M.P. | |
| 22. The Hon. George Oner, M.P. | |
| 23. The Hon. Julius Ndegwa, M.P. | |
| 24. The Hon. AthmanShariff, M.P. | |

ABSENT WITH APOLOGIES:

1. The Hon. MpuruAburi, M.P.
2. The Hon. KiprutoMoi, M.P.
3. The Hon. EusilahNgeny, M.P.
4. The Hon. Shakila Abdallah, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

- | | |
|-----------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Mr. Joshua Ondari | Clerk Assistant III |
| 3. Ms. Mercy Wanyonyi | Legal Counsel III |
| 4. Ms. Farida Ngasura | Audio Officer |

MINUTE NO. DCL/LN/2016/305

PRELIMINARIES

The chairman called the meeting to order at 2.15 p.m. with a word of prayer.

The Committee considered the report and came up with the following observations and recommendation: -

Observations

The Committee made the following observations from evidence adduced in meetings and the field visit, that:

1. The Land in dispute is 160 hectares. Initially the land buying company bought land, balloted for it and members were settled. However, the land in dispute was not subdivided because it was a coffee plantation which has since been uprooted.
2. The shareholders lived in the allocated plots harmoniously but discontent commenced in 1987 when the annual general meeting and elections were held and the directors were ousted out of office due to mismanagement;
3. The first and second group of directors were voted out of office by the shareholders because of mismanaging the company's affairs and as a result, the company was unlawfully managed by the Provincial Administration under the Chairmanship of Successive District Commissioners between 1986 to 1997;
4. Officers working for the National Government in the area have vested interest in the land resulting into disputes in the area;
5. Three hundred (300) title deeds were issued in 1992 by the District Commissioner and Nakuru Land Registrar without the surrender of the Mother/head titles, Maps, Members list and were later cancelled by the Court's Civil Case No. 235 of 1999;
6. In 1999, the surrendered titles were confirmed missing in the Ministry of lands custody. Efforts to trace them were in vain, later the Chief Land Registrar was informed that titles were in the possession of one Mr. Francis WainainaMugo despite the fact that the title deeds were supposed to be in the possession of the Ministry;
7. There exists two warring factions in Solai land who are hostile towards each other pitting the first group who claims the leadership of the land buying company while the second group is marginalized due to lack of resources;
8. The mother title of Arutani farm is in the possession of a private citizen and the Land Registrar Nakuru is not aware of where the title is; However there exist claims that it is in the possession of one Mr. Francis WainainaMugo, who has refused to surrender the same title to the Government.
9. Mr. Mugo was a former chairman of the Land buying company but was removed in an AGM which was held in 2012; however this election was disputed by a faction claiming to have won those elections and it claims that he has declined/ refused to hand over power.
10. The Nakuru Land Registrar continues unabated to issue title deeds despite the existing conflict.
11. Some of the shareholders don't have title deeds to the land they own.

RECOMMENDATIONS

1. The Registrar of companies, the State Department for Interior and the State Department in charge of Co-operatives coordinates the convening of the AGM for the land buying Company and ensure that the two factions/all members are given an equal opportunity to participate during the AGM.
2. The National Land Commission probes the land within Arutani to ensure that land allocated for public utilities reverts to government for the purpose it was set aside.
3. The Ministry of Lands and Physical Planning surveys and subdivides the 160 acres in dispute and allocates the same to genuine members equally.
4. The Ministry of Land and Physical Planning should ensure that the shareholders who do not have title deeds to the land they occupy are issued with titles and the grant of the surrendered mother titles which resulted into sub-division of plots cancelled.
5. The National Cohesion and Intergration Commission should take up the issue with a view of ensuring that there is harmony amongst the people living in the area.

The report was adopted after having been proposed by Hon. Onesmus Ngunjiri, MP and seconded by Hon. John Kihagi, MP.

MINUTE NO. DCL/LN/2016/307

CONSIDERATION AND ADOPTION OF THE REPORT
ON THE PETITION BY KIBOROA ALLIANCE ON
ALLEGED EVICTION FROM THEIR ANCESTRAL LAND

The Committee deferred the adoption of the report and resolved to invite the Cabinet Secretary Ministry of Environment and Natural Resources to respond to the following: -

- a) The status of Kiboroa Forest and Sabot Forest
- b) The size of the land occupied by squatters in the said two forests
- c) What is the Ministry doing in regards with the degazettement part of Kiboroa Forest and Sabot Forest occupied by squatters?

MINUTE NO. DCL/LN/2016/308

ADJOURNMENT & DATE OF THE NEXT
SITTING

There being no any other business, and the time being 5:00 pm the meeting was adjourned.

SIGNED..... 02/09/2016
(CHAIRPERSON)

DATE..... 

MINUTES OF THE 37th SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 22ND APRIL 2016 IN NAKURU COUNTY 2.00 PM

PRESENT:

1. The Hon. Alex Mwiru, M.P. Chairperson
2. The Hon. John Kihagi, M.P.
3. The Hon. Kanini Kega, M.P.
4. The Hon. Hellen Chepkwony, M.P.
5. The Hon. Onesmus Ngunjiri, M.P.
6. The Hon. Francis Njenga Kigo, M.P.
7. The Hon. Bernard Bett, M.P.
8. The Hon. Eusilah Ngeny, M.P.
9. The Hon. Francis W. Nderitu, M.P.
10. The Hon. Kipruto Moi, M.P.
11. The Hon. Benson Mbai, M.P.
12. The Hon. Mathew L. Lempurkel, M.P.
13. The Hon. Joseph Oyugi Magwanga, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Moses Ole Sakuda, M.P. Vice - Chairperson
2. The Hon. A. Shariff, M.P.
3. The Hon. Patrick Makau, M.P.
4. The Hon. Julius Ndegwa, M.P.
5. The Hon. Mpuru Aburi, M.P.
6. The Hon. Dr. Paul Otuoma, M.P.
7. The Hon. Sarah Korere, M.P.
8. The Hon. Shakila Abdallah, M.P.
9. The Hon. Mutava Musyimi, M.P.
10. The Hon. Suleiman Dori, M.P.
11. The Hon. Esther Murugi, M.P.
12. The Hon. Hezron Awiti Bollo, M.P.
13. The Hon. George Oner, M.P.
14. The Hon. Thomas Mwadeghu, M.P.

ABSENT WITHOUT APOLOGIES:

1. The Hon. Oscar Sudi, M.P.

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

- | | |
|-------------------------|----------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Mr. Emmanuel Muyodi | Clerk Assistant III |
| 3. Mr. Joshua Ondari | Clerk Assistant III |
| 4. Mr. Noah Arap Too | Researcher Officer I |
| 5. Ms. Zainabu Wario | Searjant at Arms |
| 6. Ms. Rehema Chepkurui | Audio Officer |

MINUTE NO. DCL/LN/2016/

PRELIMINARIES

The Chairperson called the meeting to order at 2.10 pm, followed by a word of prayer.

MINUTE NO. DCL/LN/2015/

**MEETING WITH THE FIRST GROUP OF SHAREHOLDERS OF
NYANDARUA PROGRESSIVE AGENCY**

Submission from area Member of Parliament

While appearing before the Committee the Hon. Kipruto Moi the area M.P. informed the Committee as follows, that:-

1. The Chairman National Land Commission visited the area and issued title deeds without consultations with him as the sitting Member of parliament representing Rongai Constituency;
2. The National Land Commission has no mandate on issuing title deeds on a private land; and
3. Since 1970 no shareholder has been issued with a title deed but the private schools have title deeds.

Submission from the Shareholders

a) Submission from Mr. Francis Kiarie

While appearing before the Committee Mr. Francis Kiarie informed the Committee as follows, that:-

1. He is a shareholder number 1036;

2. The company has two sets of committee and the shareholders don't want to be ruled by two committees;
3. The second Committee is illegal because it was elected by the minority of the shareholders and not the majority of the shareholders;
4. The National Assembly Departmental Committee on Land intervenes so that the shareholders can elect their directors whom they want to lead them; and
5. The National Administration in the area is the major cause of the disputes in the company because it has an interest.

b) Submission from Ms. Beatrice Wanjiru Kamau

While appearing before the Committee Ms. Beatrice Wanjiru Kamau informed the Committee as follows, that:-

1. She is a shareholder number 10
2. Since 2012 no election of directors has been done;
3. The current directors were elected by only 160 shareholders out 1800 shareholders;
4. The current directors have been bribing the National Administration in the area; and
5. The harassment from the National Administration in the area has made other shareholders to free from the land.

c) Submission from Mr. Peter Macharia Njoroge

While appearing before the Committee Mr. Peter Macharia Njoroge informed the Committee as follows, that:-

1. He is a shareholder number 334;
2. The Nakuru Deputy County Commissioner started running the company regardless of the company laws;
3. The Plot number nine (9) as per Omolo registry belongs to Ms. Wanjiru but in the other

registry it shows that the plot belongs to Ms. Wairimu Ndoyo, the director;

4. Deputy County Commissioner and the Chairman National Land Commission have an interest on the land because they have been informed of the title deeds issued irregularly and illegal company representation and no action has been taken;
5. Public utilities were allocated as follows Arutani Primary 10 acres, Arutani Secondary 20 acres, Arutani Dispensary 6 acres and Arutani Polytechnic 6 acres. All these plots benefited a none member;
6. No Annual General Meeting was held when the institutions were being allocated the land;
and
7. The Departmental Committee on Lands intervenes so that Prof. Mohammed Swazuri, Deputy County Commissioner Rongai and Nakuru Land Registrar stopped from doing any transaction on the land owned by the Company.

d) Submission From Pastor Francis Wanaina Mugo

While appearing before the Committee Pastor Francis Wanaina Mugo informed the Committee as follows, that:-

1. He is a shareholder number 478;
2. He was the Company's Chairman from 1997 to August, 2012;
3. He has lived on the land for twenty years without a title deed;
4. In 1992 they tried to surrender the mother title deeds but were rejected because no survey and plans were available;
5. In 1992 only three hundred and sixty title deeds were issued and the government stopped issuance of titles because it was alleged that they were not genuine;
6. On 13th July, 1994, the Company wrote to the Nakuru District Surveyor quoting a cheque amount of 150,000/= asking the surveyor to start the survey and this was two years after