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**PARLIAMENT OF KENYA**  
**THE NATIONAL ASSEMBLY**  
**ELEVENTH PARLIAMENT**  
**(THIRD SESSION - 2015)**

*By the Hon  
Firenze Wanjohi  
on 28/10/2015*

**THE DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL  
AFFAIRS**

# **REPORT**

**ON THE PETITION TO AMEND THE CONSTITUTION OF KENYA,  
2010**

**CLERK'S CHAMBERS,  
PARLIAMENT BUILDINGS,  
NAIROBI.**

**OCTOBER, 2015**

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## **LIST OF APPENDICES**

1. Minutes of the sitting of the Committee which adopted the report
2. Attendance list of Members who attended the sitting that adopted the report
3. The Petition

## **1.0 PREFACE**

**Mr. Speaker Sir,**

On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to Standing Order 216(5), it is my pleasure and duty to present to the House, the Committee's report on the Petition to amend the Constitution of Kenya, 2010.

### **1.1 Committee Membership**

The Committee on Justice and Legal Affairs was constituted by the House on Thursday 16<sup>th</sup> May, 2013 comprising of the following members:

1. The Hon. Samuel Chepkong'a, M.P. – **Chairperson**
2. The Hon. Priscilla Nyokabi, M.P. – **Vice Chairperson**
3. The Hon. Njoroge Baiya, M.P.
4. The Hon. Muriithi Waiganjo, M.P.
5. The Hon. Ndirangu Waihenya, M.P.
6. The Hon. Florence Kajuju, M.P.
7. The Hon. Kang'ata Irungu, M.P.
8. The Hon. Benson Mutura, M.P.
9. The Hon. John Njoroge Chege, M.P.
10. The Hon. William Cheptumo, M.P.
11. The Hon. Mohamed Abdi Haji, M.P.
12. The Hon. James Bett, M.P.
13. The Hon. Sammy Koech, M.P.
14. The Hon. Moses Cheboi, M.P.
15. The Hon. Paul Bii, M.P.
16. The Hon. Charles Gimose, M.P.
17. The Hon. Johana Ng'eno, M.P.
18. The Hon. Boniface Otsiula, M.P.
19. The Hon. David Ouma Ochieng, M.P.
20. The Hon. Neto Agostinho, M.P.
21. The Hon. Kaluma Peter, M.P.
22. The Hon. Fatuma Ibrahim Ali, M.P.
23. The Hon. Ben Momanyi Orori, M.P.
24. The Hon. T. J. Kajwang', M.P.
25. The Hon. (Bishop) Mutua Mutemi, M.P.
26. The Hon. Olago Aluoch, M.P.
27. The Hon. Christine Oduor Ombaka, M.P.
28. The Hon. Munuve G. Mati, M.P.
29. The Hon. Mwamkale William Kamoti, M.P.

## **1.2 Committee's Mandate**

The Departmental Committee on Justice and Legal Affairs derives its mandate from provisions of Standing Order 216(5) which provides as follows:-

- 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 the effectiveness of their implementation;*
- c) *study and review all legislation referred to it;*
- d) *study, assess and analyze the relative success of the ministries and departments 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 may be deemed necessary, and as may be referred to it by the House or a minister;*
- f) *vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those understanding order 204 (Committee on appointments); and*
- g) *make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.*

In accordance with Second Schedule of the Standing Orders, the subjects within the jurisdiction of the Committee are as follows:-

- a) Constitutional Affairs;
- b) The administration of law and justice;
- c) The Judiciary;
- d) Public prosecutions;
- e) Elections;
- f) Ethics, Integrity and anti-corruption; and
- g) Human rights.

### **Mr. Speaker Sir,**

On 25<sup>th</sup> August, 2015 pursuant to Standing Order 227, you conveyed to the House a Petition to amend the Constitution of Kenya, 2010. The Petition is dated 19<sup>th</sup> June, 2015 signed by one Mr. Gibson Machanga Mareko, who prays as follows:-

- a. Article of 81 of the Constitution of Kenya be amended to provide that no person shall hold office for more than two terms, including Members of Parliament;

- b. Article 138(4)(a) be amended to provide that a candidate shall only be declared elected as President if the candidate receives more than seventy per cent (70%) of all the valid votes cast in the election;
- c. Article 143(3)(a) be amended to provide that of the three persons nominated by a medical body, two must be psychiatrists;
- d. Article 144(8) be amended to provide that the report on the tribunal shall be final irrespective of the finding. Articles 144(9) and 144(10) are amended by deleting them to remove the power of voting from the National Assembly;
- e. Articles 145(6)(b) and 145(7) be amended to remove the power of voting from the Senate; and
- f. Article 148(9) be amended to provide that a person shall not be eligible for election as the president if he has served as vice president for two terms.

The Petitioner draws the attention of the National Assembly to the following:-

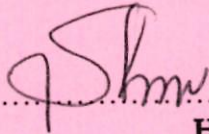
- a. That on the first amendment, the proposed amendment to Article 81 will help to prevent persons from being in the same office for prolonged periods thus stifling development;
- b. On the proposed amendment to Article 138, the Petitioner believes that the amendment will help “detrribalize the Kenyan psych”.
- c. On the proposed amendment to Article 144(3)(a), the Petitioner believes that the amendment will assist in assessing the mental and physical capabilities of the person.
- d. On the proposed amendment to Article 144(8) and repealing of 144(9) and 144(10), the Petitioner submits that the report of the tribunal shall be final and that the National Assembly should not be allowed to vote as, in his opinion, it tantamount to introducing what the Petitioner termed as a back-door appeal.
- e. On the proposed amendment to Articles 145(6)(b) and 145(7), the Petitioner believes that once the Committee has made a finding voting in the House becomes unnecessary.
- f. On the proposed amendment to Article 148(9), the Petitioner seeks to stop any person from dominating the country’s governance for a longer period as a deputy president and as a president.

The Petition was committed to the Departmental Committee on Justice and Legal Affairs pursuant to provisions of Standing Order 227. The Committee considered the Petition pursuant to Article 119 of the Constitution of Kenya, 2010 and other enabling laws.

### 1.3 Acknowledgements

The Committee wishes to express gratitude to the Offices of the Speaker and the Clerk of the National Assembly for the support extended to it in the execution of its mandate.

It is now my pleasant duty and privilege, on behalf of the Committee to present this report to the House.

SIGNED  ..... DATE *28th October 2015* .....  
**Hon. Samuel Chepkong'a, M.P**  
**(Chairperson)**  
**Departmental Committee on Justice and Legal Affairs**

## **2.0 BACKGROUND**

The petition is signed by one Mr. Gibson Machanga Mareko and is dated 19<sup>th</sup> June, 2015, addressed to the National Assembly, seeking amendments to the Constitution of Kenya, 2010 as follows:-

- a. Article 81 be amended to provide that no person shall hold office for more than two terms, including Members of Parliament;
- b. Article 138(4)(a) be amended to provide that a candidate shall only be declared elected as President if the candidate receives more than seventy per cent (70%) of all the valid votes cast in the election;
- c. Article 143(3)(a) be amended to provide that of the three person nominated by a medical body, two must be psychiatrists;
- d. Article 144(8) be amended to provide that the report on the tribunal shall be final irrespective of the finding. Articles 144(9) and 144(10) are amended by deleting them to remove the power of voting from the National Assembly;
- e. Articles 145(6)(b) and 145(7) be amended to remove the power of voting from the Senate; and
- f. Article 148(9) be amended to provide that a person shall not be eligible for election as the president if he has served as vice president for two terms.

The Petitioner believes that the proposed amendments to the Constitution will ensure governance, inclusivity, promote political tolerance, foster political maturity, promote nationalism and detribalize the Kenyan psyche.

## **3.0 CONSIDERATION OF THE PETITION AND FINDINGS**

During its sitting held on the 21<sup>st</sup> September, 2015, the Committee considered the petition and determined as follows:-

- (i) The proposals are not based on any known precedent of law from other jurisdictions of the world;
- (ii) The prayers in the Petition do not solve the real issues of national importance; and
- (iii) The proposed amendments, if passed, will weaken the tenets of democracy that Kenyans have worked so hard to build.

## **4.0 RECOMMENDATIONS**

Having considered the petition in line with the Constitution and the provisions of the Petitions to Parliament (Procedure) Act, and the Standing orders of the National Assembly, the Committee recommends as follows:



- i. The Petition be dismissed. In as much as it raises issues for consideration in shaping our democracy, it proposes unrealistic and unreasonable solutions to matters of national importance.

..... **END** .....



# **APPENDIX 1**



**MINUTES OF THE SIXTY SIXTH SITTING OF THE DEPARTMENTAL COMMITTEE  
ON JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY, 22<sup>ND</sup> OCTOBER, 2015  
AT 10.30 A.M. AT THE MEDIA CENTRE, MAIN PARLIAMENT BUILDING**

**PRESENT**

Hon. Samuel Chepkonga, M.P. - **Chairperson**  
Hon. Priscilla Nyokabi, M.P. - **Vice Chairperson**  
Hon. Neto Agostinho, M.P.  
Hon. Ben Momanyi, M.P.  
Hon. Benson Mutura, M.P.  
Hon. Charles Gimose, M.P.  
Hon. Kang'ata Irungu, M.P.  
Hon. Johanna Ngeno, M.P.  
Hon. John M. Waiganjo, M.P.  
Hon. Olago Aluoch, M.P.  
Hon. Kamoti Mwamkale William, M.P.  
Hon. Mohamed Abdi Haji, M.P.  
Hon. Moses Cheboi, M.P.  
Hon. Paul K. Bii, M.P.  
Hon. Tom J. Kajwang', M.P.  
Hon. Ndirangu Waihenya, M.P.

**APOLOGIES:-**

Hon. Njoroge Baiya, M.P.  
Hon. (Bishop) Robert Mutemi, M.P.  
Hon. David Ochieng, M.P.  
Hon. John Njoroge Chege, M.P.  
Hon. James Bett, M.P.  
Hon. Boniface Otsiula, M.P.  
Hon. Dr. Christine Ombaka, M.P.  
Hon. Munuve Mati John, M.P.  
Hon. Peter Kaluma, M.P.  
Hon. William Cheptumo, M.P.  
Hon. Florence Kajuju, M.P.  
Hon. Fatuma Ibrahim, M.P.  
Hon. Sammy Koech, M.P.

**SECRETARIAT**

Ms. Ella Kendi - Clerk Assistant III  
Mr. Ronald Walala - Legal Counsel II  
Mr. Yezzel Jillo - Serjeant-at-arms

**MIN No. 221/2015:-**

**PRELIMINARIES**

The Chairperson called the meeting to order at twenty minutes past ten in the morning with a word of prayer from himself. He informed Members that the only agenda for the meeting was consideration and adoption of reports on Petitions.

**MIN No. 222/2015:-**

**REPORT ON THE PETITION ON THE ELECTION OF THE CHAIRPERSON OF THE AGRICULTURAL SOCIETY OF KENYA (ASK)**

The Committee considered and adopted the report, the same having been proposed by Hon. Charles Gimose and seconded by Hon. Moses Cheboi. No Member dissented to the adoption.

**MIN No. 223/2015:-**

**REPORT ON THE PETITION ON ENACTMENT OF LEGISLATION TO PROVIDE FOR THE REGISTRATION OF PROPERTIES IN KENYA**

The Committee considered and adopted the report, the same having been proposed by Hon. Johanna Ng'eno, MP and seconded by Charles Gimose. No Member dissented to the adoption.

**MIN No. 224/2015:-**

**REPORT ON THE PETITION ON REVIEW OF CRIMINAL LAWS (PENAL CODE AND CRIMINAL PROCEDURE CODE) TO ALIGN THEM WITH THE CONSTITUTION OF KENYA**

The Committee considered and adopted the report, the same having been proposed by Hon. Moses Cheboi, MP and seconded by Hon. Charles Gimose. There was no dissenting voice to the adoption of the report.

**MIN No. 225/2015:-**

**REPORT ON THE PETITION TO AMEND THE CONSTITUTION OF KENYA, 2010**

The Committee considered and adopted the report, the same having been proposed by Hon. Johanna Ng'eno and seconded by Hon. Moses Cheboi. No Member dissented to the adoption.

**MIN No. 226/2015:-**

**REPORT ON THE PETITION FOR MANDATORY VOTER REGISTRATION AND COMPULSORY VOTING**

The Committee considered and adopted the report. The adoption was proposed by Hon. Agostino Neto and seconded by Hon. Muriithi Waiganjo, subject to the inclusion in the recommendations a clause that *"the proposal to issue Identity cards to persons of 16*

years and above is currently being considered by the Committee and Commission for the Implementation of the Constitution". No Member dissented to the adoption of the report.

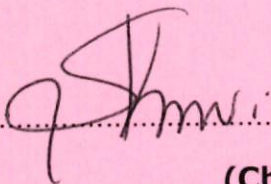
**MIN No. 227/2015:-**      **REPORT ON THE PETITION FOR INTRODUCTION OF "ANTI-HOMOSEXUALITY BILL"**

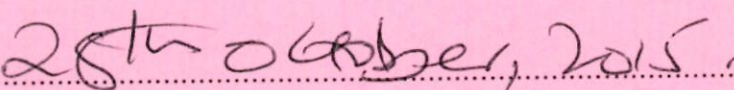
The Committee considered adopted the report after it had been proposed by Hon. Agostino Neto and seconded by Hon. Moses Cheboi. No Member dissented to the adoption.

The Committee, at the same time, resolved to include in the recommendations, the finding that *"it's against Article 45 of the Constitution"*.

**MIN No. 228/2015:-**      **ADJOURNMENT**

There being no other business to transact, the sitting adjourned at forty four minutes past eleven o'clock in the morning.

Signed..... .....  
(Chairperson)

Date..... .....





# **APPENDIX 2**





**KENYA NATIONAL ASSEMBLY  
ELEVENTH PARLIAMENT**

**DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS**

**MEMBERS' ATTENDANCE**

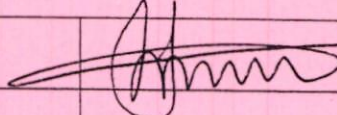
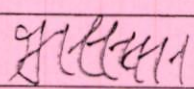
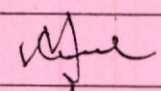

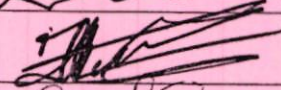
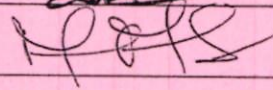
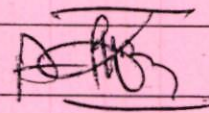
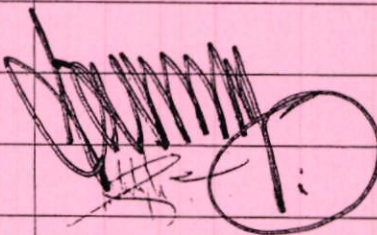
\*\*\*\*\*  
Date: 22<sup>nd</sup> October 2015

Venue: MEDIA CENTER, MAIN PARLIAMENT BUILDING

Agenda: ADOPTION OF REPORTS ON THE FOLLOWING PETITIONS:

1. ELECTION OF THE CHAIRPERSON OF THE AGRICULTURAL SOCIETY OF KENYA
2. ENACT A LEGISLATION REGARDING THE REGISTRATION OF PROPERTIES IN KENYA
3. REVIEW OF CRIMINAL LAWS (PENAL CODE AND CRIMINAL PROCEDURE CODE) TO ALIGN AND CONFORM WITH THE CONSTITUTION OF KENYA, 2010
4. AMEND THE CONSTITUTION OF KENYA, 2010
5. MANDATORY VOTER REGISTRATION AND COMPULSORY VOTING
6. LEGISLATION ON THE SUBJECT OF ANTI-HOMOSEXUALITY

	NAMES	SIGNATURE
1.	Hon. Samuel Chepkonga (Chairperson)	
2.	Hon. Priscila Nyokabi (Vice Chairperson)	
3.	Hon. Agostinho Neto	
4.	Hon. Ben Momanyi Orori	
5.	Hon. Benson Mutura	
6.	Hon. Boniface Otsiula	
7.	Hon. Charles Gimose	
8.	Hon. Christine Ombaka (Dr.)	
9.	Hon. David Ochieng'	
10.	Hon. Fatuma Ibrahim	
11.	Hon. Florence Kajuju	
12.	Hon. Irungu Kang'ata	
13.	Hon. James Bett	

14.	Hon. Johanna Ngeno	
15.	Hon. John Munuve	
16.	Hon. John M. Waiganjo	
17.	Hon. John Njoroge	
18.	Hon. John Olago Aluoch	
19.	Hon. Kamoti W. Mwamkale	
20.	Hon. Mohamed Abdi Haji	
21.	Hon. Moses Cheboi	
22.	Hon. Njoroge Baiya	
23.	Hon. Paul K. Bii	
24.	Hon. Peter Kaluma	
25.	Hon. Robert Mutemi (Bishop)	
26.	Hon. Sammy Koech	
27.	Hon. T.J. Kajwang	
28.	Hon. Waihenya Ndirangu	
29.	Hon. William Cheptumo	

**George Gazemba**

For: The Clerk of the National Assembly

# **APPENDIX 3**



Gibson Machanga Mareko  
P.O. Box  
26-00202, Nairobi.  
Tel:0724481658

Email: [gibsonmareko@yahoo.co.uk](mailto:gibsonmareko@yahoo.co.uk)  
My Ref: IVI/PET/011/2015

Date: 19/06/2015

The Clerk,  
National Assembly,  
P.O. Box 41842, Nairobi.

RE: PETITION TO AMEND THE CONSTITUTION OF KENYA 2010.

Pursuant to article 119 of the constitution of Kenya 2010, and in accordance with the Petitions to Parliament (Procedure) Act, 2012, I, the undersigned, a Kenyan citizen, ID NO. 6485106, hereby draw the attention of the House on the need to amend the constitution of Kenya in accordance with article 256 of the constitution of Kenya as follows:

1. Amend article 81 by inserting sub clause (f)

f. No person shall hold the same elective office for more than two terms.

Justification

This will prevent persons from being in the same office for prolonged periods thus stymieing development.

2. Amend Article 138 by amending sub article 4 (a) and 5 and repealing sub articles 6 and 7.

a. more than 70% of all the valid votes cast in the election;

5. If no candidate is elected, the two leading candidates shall be declared first and second presidents, provided that both of them have garnered at least 40% of the votes cast in the election, to serve first and second terms proportionate to their percentage vote; the first to serve being the one with the highest vote percentage.

Justification

The country finds itself in unusual political circumstances (calling for unusual political solutions) characterized by ethnic political groupings all with their political eyes set on the presidency. Unfortunately, only one group can rule in any given political cycle of five years under the current constitutional dispensation. In the last general elections, Uhuru got 50.51% and Raila 43.7%. Under this constitution, we ignored 43.7% of the voters in governance for this five years. This is too big a constituency for this country to ignore and if we continue this way, as it may well play out in the next several general elections, we shall be definitely

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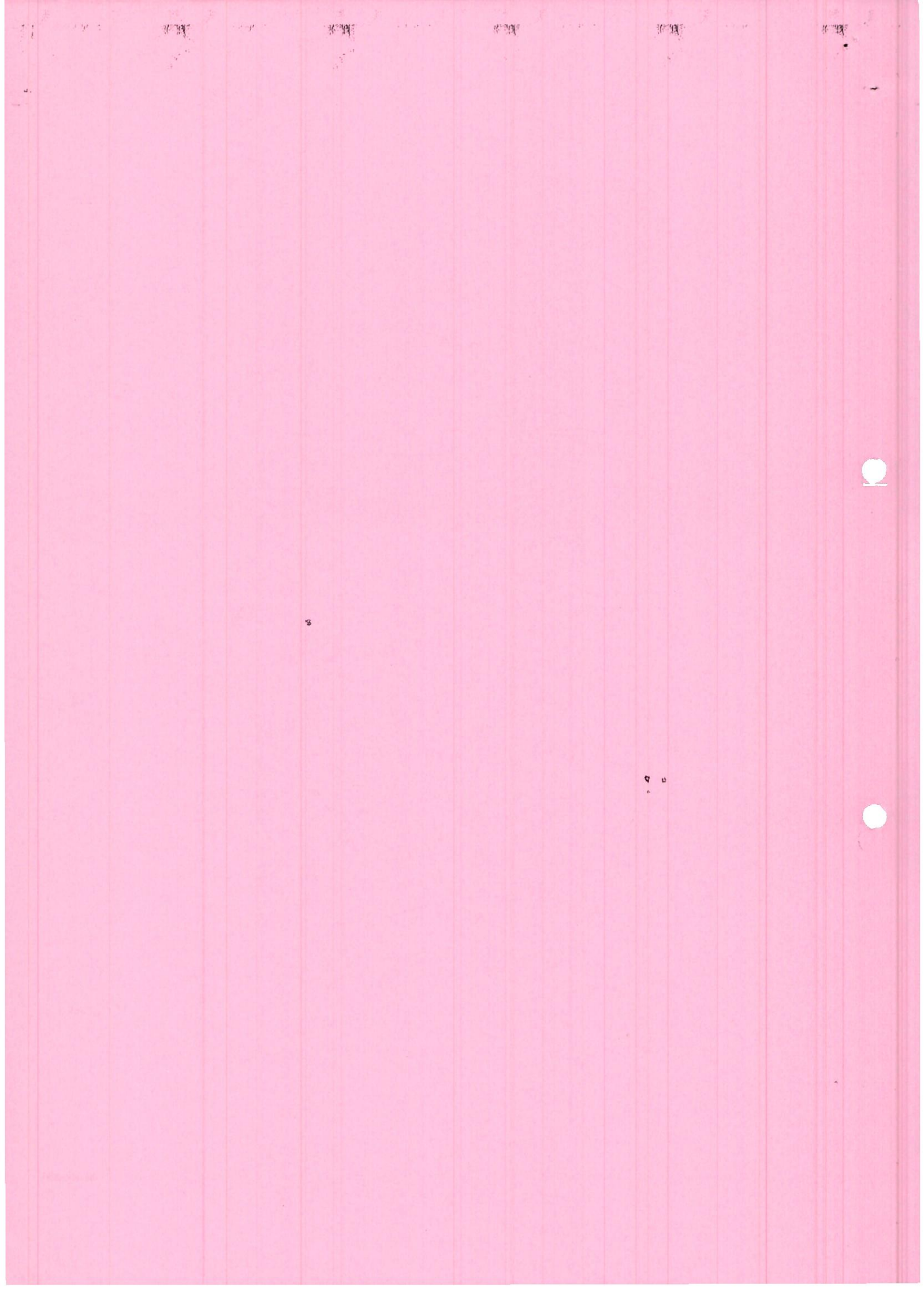
(9) 981

Ndubisi  
25/6

Ms. Sigilai (C)

Kendy pens  
and respond  
accordingly

7/7/2015





PETITION TO AMEND THE CONSTITUTION OF KENYA 2010

Amend article 144 (3) (a).

three persons, two of whom must be psychiatrists, who are qualified to practice medicine under the laws of Kenya, nominated by the body which by law is responsible for regulating professional practice of medicine.

Justification

The purpose of this provision is to assess the mental and physical capabilities of the person. As it is in this article, any doctor is qualified-this is not true.

Amend article 144 by amending sub article (8) and repealing sub article (9) and (10).

The report of the tribunal shall be final and not subject to appeal and if the tribunal reports that the president is capable or not capable of performing the functions of the office, the speaker of the National Assembly shall so announce in the National Assembly.

Justification

Clause 9 and 10 is a contravention of clause 8. The National Assembly, by voting, is in effect introducing an appeal through a legislative back door. The National Assembly should embrace the tribunal report either way. Providing a window for voting while the tribunal composed of experts have given its verdict defeats the purpose of setting up the tribunal in the first place, not to mention that such a process is open to abuse. Imagine if a tribunal reported that the president is incapable and the National Assembly voted that he continues performing! The country would then be under his handlers who haven't taken any oath. This would surely be a disaster.

5. Amend article 145 by amending sub-article (6) (b) and repealing sub article 7.

b. have been substantiated, the president shall cease to hold office.

Justification

The voting is unnecessary and it can be abused.

6. Amend article 148 by inserting sub article (9)

(9). A person shall not hold office as president if he has served as vice president for two terms.

Justification

This is to ensure that the country's governance is not dominated by one person for twenty years- ten as vice president and ten as deputy vice president.

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PETITION TO AMEND THE CONSTITUTION OF KENYA 2010

courting political disaster of monumental proportions.

This should worry us as a country because there is a real danger of a certain political ethnically constituted group ruling for prolonged durations at the expense of other less populous and similarly ethnically constituted groups. This state is unsustainable as it creates a fertile ground for revolutions, social unrests, or coups.

The current threshold for the presidency is too low. This makes the crafting of the winning plan too easy. Just two ethnic groups is all it takes. This needs to be raised to 70% so that a president represents a true and not a false majority, drawn from a wider cross section of the country. This threshold is even lower than the constitutional one of two thirds for the passage of some bills in parliament. A vote meant to decide the president of this country ought to be higher than 67%, the basis for the proposed 70%. This threshold will force political parties to form coalitions that are poly ethnic-thus creating the inter-ethnic glue that we so desperately need in our quest to eliminate negative ethnicity. Several previous presidential election winning margins have been too low even to be explained by election malpractices and this status is likely to prevail for the next several presidential elections. As witnessed in the past, the loser continues grumbling until the next elections. This is politically unhealthy and should be sorted out one way or the other.

Even in the event that there is no outright winner, the margin between the two top contenders will be too small and under the current constitutional dispensation, there should be a run off. Because the difference is too small both sides will be highly charged to win. This creates a situation where the loser will grudgingly concede or go to court claiming nullification of the election on grounds of election malpractices. In the meantime, the country shall be burning. Even after the election case is amicably resolved, the loser will continue grumbling until the next general election, giving the winner a very hard time to rule, as have been witnessed in the last ten years. This is certainly unhealthy for the country and it should be avoided as much as possible. Additionally, given our history, we should avoid runoffs at all costs. But if the winner gets at least 70% of the votes, the Runners up will almost certainly not grumble. With this amendment, we shall have two presidents at the cost of one general election, save money for run off, prevent the country from burning and make every Kenyan a loser and a winner in equal measure.

Advantages

1. Ensure governance inclusivity.
2. Promote political tolerance.
3. Foster political maturity.
4. Promote nationalism.
5. Detribalize the Kenyan psych.



PETITION TO AMEND THE CONSTITUTION OF KENYA 2010

THAT

No efforts have been made to have the matter, as presented in this petition, addressed as the National Assembly is the only body that is charged with this responsibility.

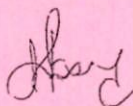
THAT

I confirm that the issues in respect of which this petition is made are not pending before any court of law or legal body.

AND HEREOFRE your humble petitioner pray that:

Parliament (National Assembly) introduces these proposed constitutional amendments in a Bill, in accordance with Article 256 (1) of the constitution and publicises the Bill in accordance with Article 256 (2) of the constitution.

And your PETITIONER will ever Pray.



GIBSON MACHANGA MAREKO

ID No. 6485106

P.O. Box 26, 00202, Nairobi.

Tel. 0724481658

email: gibsonmareko@yahoo.co.uk



**MINUTES OF THE SIXTY SIXTH SITTING OF THE DEPARTMENTAL COMMITTEE  
ON JUSTICE AND LEGAL AFFAIRS HELD ON THURSDAY, 22<sup>ND</sup> OCTOBER, 2015  
AT 10.30 A.M. AT THE MEDIA CENTRE, MAIN PARLIAMENT BUILDING**

**PRESENT**

Hon. Samuel Chepkonga, M.P. - **Chairperson**  
Hon. Priscilla Nyokabi, M.P. - **Vice Chairperson**  
Hon. Neto Agostinho, M.P.  
Hon. Ben Momanyi, M.P.  
Hon. Benson Mutura, M.P.  
Hon. Charles Gimose, M.P.  
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Hon. Johanna Ngeno, M.P.  
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Hon. Moses Cheboi, M.P.  
Hon. Paul K. Bii, M.P.  
Hon. Tom J. Kajwang', M.P.  
Hon. Ndirangu Waihenya, M.P.

**APOLOGIES:-**

Hon. Njoroge Baiya, M.P.  
Hon. (Bishop) Robert Mutemi, M.P.  
Hon. David Ochieng, M.P.  
Hon. John Njoroge Chege, M.P.  
Hon. James Bett, M.P.  
Hon. Boniface Otsiula, M.P.  
Hon. Dr. Christine Ombaka, M.P.  
Hon. Munuve Mati John, M.P.  
Hon. Peter Kaluma, M.P.  
Hon. William Cheptumo, M.P.  
Hon. Florence Kajuju, M.P.  
Hon. Fatuma Ibrahim, M.P.  
Hon. Sammy Koech, M.P.

**SECRETARIAT**

Ms. Ella Kendi - Clerk Assistant III  
Mr. Ronald Walala - Legal Counsel II  
Mr. Yezzel Jillo - Serjeant-at-arms

**MIN No. 221/2015:-**

**PRELIMINARIES**

The Chairperson called the meeting to order at twenty minutes past ten in the morning with a word of prayer from himself. He informed Members that the only agenda for the meeting was consideration and adoption of reports on Petitions.

**MIN No. 222/2015:-**

**REPORT ON THE PETITION ON THE ELECTION OF THE CHAIRPERSON OF THE AGRICULTURAL SOCIETY OF KENYA (ASK)**

The Committee considered and adopted the report, the same having been proposed by Hon. Charles Gimose and seconded by Hon. Moses Cheboi. No Member dissented to the adoption.

**MIN No. 223/2015:-**

**REPORT ON THE PETITION ON ENACTMENT OF LEGISLATION TO PROVIDE FOR THE REGISTRATION OF PROPERTIES IN KENYA**

The Committee considered and adopted the report, the same having been proposed by Hon. Johanna Ng'eno, MP and seconded by Charles Gimose. No Member dissented to the adoption.

**MIN No. 224/2015:-**

**REPORT ON THE PETITION ON REVIEW OF CRIMINAL LAWS (PENAL CODE AND CRIMINAL PROCEDURE CODE) TO ALIGN THEM WITH THE CONSTITUTION OF KENYA**

The Committee considered and adopted the report, the same having been proposed by Hon. Moses Cheboi, MP and seconded by Hon. Charles Gimose. There was no dissenting voice to the adoption of the report.

**MIN No. 225/2015:-**

**REPORT ON THE PETITION TO AMEND THE CONSTITUTION OF KENYA, 2010**

The Committee considered and adopted the report, the same having been proposed by Hon. Johanna Ng'eno and seconded by Hon. Moses Cheboi. No Member dissented to the adoption.

**MIN No. 226/2015:-**

**REPORT ON THE PETITION FOR MANDATORY VOTER REGISTRATION AND COMPULSORY VOTING**

The Committee considered and adopted the report. The adoption was proposed by Hon. Agostino Neto and seconded by Hon. Muriithi Waiganjo, subject to the inclusion in the recommendations a clause that *"the proposal to issue Identity cards to persons of 16*



years and above is currently being considered by the Committee and Commission for the Implementation of the Constitution". No Member dissented to the adoption of the report.

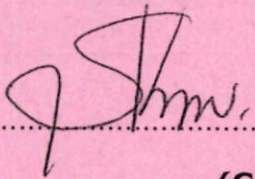
**MIN No. 227/2015:-**      **REPORT ON THE PETITION FOR INTRODUCTION OF "ANTI-HOMOSEXUALITY BILL"**

The Committee considered adopted the report after it had been proposed by Hon. Agostino Neto and seconded by Hon. Moses Cheboi. No Member dissented to the adoption.

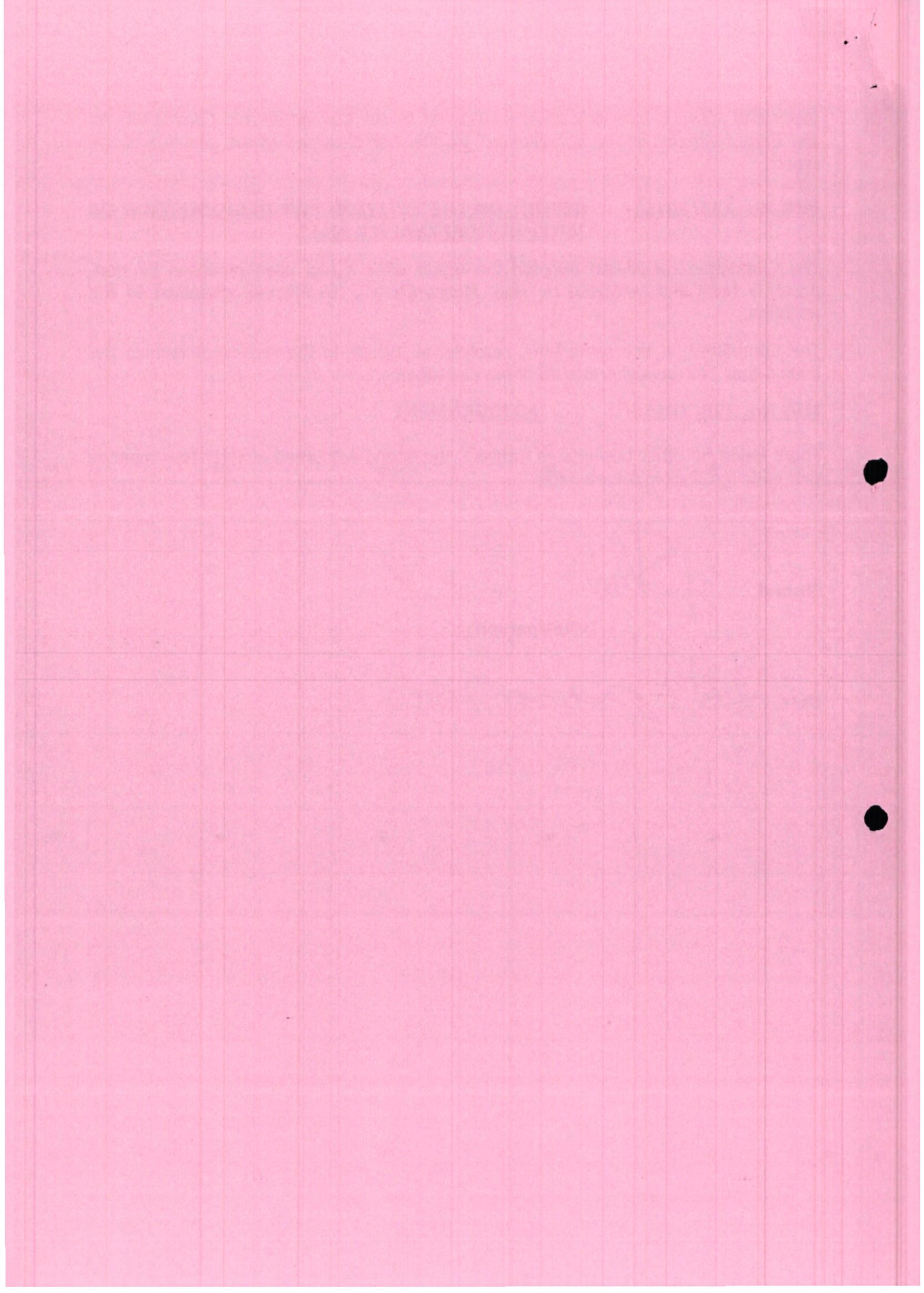
The Committee, at the same time, resolved to include in the recommendations, the finding that *"it's against Article 45 of the Constitution"*.

**MIN No. 228/2015:-**      **ADJOURNMENT**

There being no other business to transact, the sitting adjourned at forty four minutes past eleven o'clock in the morning.

Signed.....  
  
(Chairperson)

Date.....  
28th October, 2015



## **APPENDIX 2**





**DEPARTMENTAL COMMITTEE ON JUSTICE & LEGAL AFFAIRS**

**MEMBERS' ATTENDANCE**

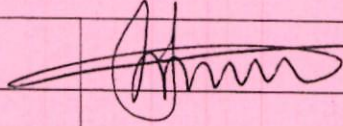
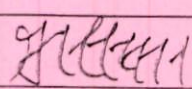
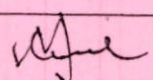
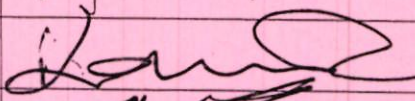
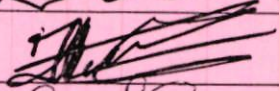
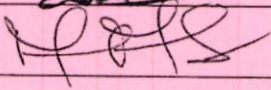
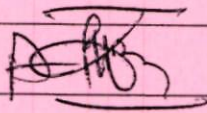

Date: 22<sup>nd</sup> October 2015

Venue: MEDIA CENTER, MAIN PARLIAMENT BUILDING

Agenda: ADOPTION OF REPORTS ON THE FOLLOWING PETITIONS:

1. ELECTION OF THE CHAIRPERSON OF THE AGRICULTURAL SOCIETY OF KENYA
2. ENACT A LEGISLATION REGARDING THE REGISTRATION OF PROPERTIES IN KENYA
3. REVIEW OF CRIMINAL LAWS (PENAL CODE AND CRIMINAL PROCEDURE CODE) TO ALIGN AND CONFORM WITH THE CONSTITUTION OF KENYA, 2010
4. AMEND THE CONSTITUTION OF KENYA, 2010
5. MANDATORY VOTER REGISTRATION AND COMPULSORY VOTING
6. LEGISLATION ON THE SUBJECT OF ANTI-HOMOSEXUALITY

	NAMES	SIGNATURE
1.	Hon. Samuel Chepkonga (Chairperson)	
2.	Hon. Priscila Nyokabi (Vice Chairperson)	
3.	Hon. Agostinho Neto	
4.	Hon. Ben Momanyi Orori	
5.	Hon. Benson Mutura	
6.	Hon. Boniface Otsiula	
7.	Hon. Charles Gimose	
8.	Hon. Christine Ombaka (Dr.)	
9.	Hon. David Ochieng'	
10.	Hon. Fatuma Ibrahim	
11.	Hon. Florence Kajuju	
12.	Hon. Irungu Kang'ata	
13.	Hon. James Bett	

14.	Hon. Johanna Ngeno	
15.	Hon. John Munuve	
16.	Hon. John M. Waiganjo	
17.	Hon. John Njoroge	
18.	Hon. John Olago Aluoch	
19.	Hon. Kamoti W. Mwamkale	
20.	Hon. Mohamed Abdi Haji	
21.	Hon. Moses Cheboi	
22.	Hon. Njoroge Baiya	
23.	Hon. Paul K. Bii	
24.	Hon. Peter Kaluma	
25.	Hon. Robert Mutemi (Bishop)	
26.	Hon. Sammy Koech	
27.	Hon. T.J. Kajwang	
28.	Hon. Waihenya Ndirangu	
29.	Hon. William Cheptumo	

George Gazemba

For: The Clerk of the National Assembly

# **APPENDIX 3**





1

Approved, but since the issues raised are of a legal nature the petition is committed to the departmental Committee on Justice and legal Affairs to deal with



THE NATIONAL ASSEMBLY  
ELEVENTH PARLIAMENT  
(THIRD SESSION)

23 APR 2015  
Mr. Speaker  
The petition is referred to the committee by Mr. Speaker  
for Mr. Speaker's consideration  
23/4/15

PN  
SNA

23/4/15 PUBLIC PETITION

ON THE MATTER OF THE ELECTION OF THE CHAIRPERSON OF THE AGRICULTURAL SOCIETY OF KENYA

I, the undersigned, on behalf of Mr. Joseph Gachagua, a resident of Nanyuki within Laikipia County,

DRAW the attention of the House to the following:

- I. THAT, the Agricultural Society of Kenya (ASK) was formed in December 1901 with its central objective being promotion of agricultural development in Kenya;
- II. THAT, due to the significant role played by the ASK, it is exempted from oversight by the Registrar of Societies under the Societies Act, Chapter 108 of the Laws of Kenya and the oversight functions are carried out by the Ministry of Agriculture;
- III. THAT, Article 20(a) of the Constitution of the ASK provides that there shall be a National Chairman who shall be elected after every five years by the Council from among members of the Council;
- IV. THAT, following complaints of massive irregularities from interested candidates in the elections that were scheduled to take place on 27<sup>th</sup> February, 2015, the Ministry of Agriculture stopped the election and the Returning Officer categorically stated that the elections would not proceed until the cited electoral issues were addressed;
- V. THAT, contrary to the directions given by the Returning Officer, the Chief Executive Officer (CEO) of the society purported to act as the Returning officer and presided over the elections on 27<sup>th</sup> February, 2015 and declared Justice Mrima as the successful candidate of the position of the Chairman of the ASK;

P E T I T I O N

**ON THE MATTER OF THE ELECTION OF THE CHAIRPERSON OF THE  
AGRICULTURAL SOCIETY OF KENYA**

- VI. THAT, prior to the elections, potential candidates for the post of the National Chairperson including the petitioner, had been suspended from the society on flimsy grounds to ensure that they did not challenge the preferred candidates on 27<sup>th</sup> February, 2015;
- VII. THAT, prior to the elections, the CEO and the outgoing chairman of ASK had purported to amend the elections rules, 2009 which they posted on the ASK website without ratification by an AGM with clear intentions to favour Justice Mrima to enable him contest for the post;
- VIII. THAT, by a letter dated 1<sup>st</sup> March, 2015, the Petitioner wrote a letter to the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries on the running of ASK and the elections of national officials and the Ministry wrote back on 9<sup>th</sup> April, 2015 declaring the elections null and void and ordered that the AGM scheduled to take place on 9<sup>th</sup> April, 2015 be postponed until proper elections are done;
- IX. THAT, on the 10<sup>th</sup> April, 2015, the CEO and the National Chairman of ASK disobeyed government instructions and proceeded to plan, organize and host an AGM meeting for purposes of legalizing and regularizing the list of officials elected on the 27<sup>th</sup> February, 2015 when the judge officially took over the office;
- X. THAT, the election of Justice Anthony Mrima is in violation of Article 77 of the Constitution of Kenya, 2010 which restricts a full-time state officer from participating in any other gainful employment;
- XI. THAT, taking into account the busy schedule bestowed upon the National Chairman of ASK, the petitioner is of the strong view that Justice Mrima will have very little time if any to concentrate on the demanding job of the office of the National Chairman;
- XII. THAT, I hereby confirm that the issues in respect of which the petition is made are not pending before any court of law or constitutional or legal body for determination.

THEREFORE your humble petitioner prays that the National Assembly, through the Departmental Committee on Agriculture, Livestock and Cooperatives:-

ON THE MATTER OF THE ELECTION OF THE CHAIRPERSON OF THE  
AGRICULTURAL SOCIETY OF KENYA

- (i) Recommends that the Cabinet Secretary, Ministry of Agriculture finds and holds that his Lordship Justice Anthony Mrima of Kakamega High Court is not qualified to hold an elective office in the name of National Chairman of ASK and call for fresh elections of ASK for purposes of electing new office holders to be presided over by the Returning officer appointed by the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries in accordance with the provisions of the ASK's constitution and elections rules, 2009.
- (ii) Recommends that the ASK Constitution be amended accordingly to provide that the Principal Secretary, Ministry of Agriculture be an automatic board member of the ASK to offer guidance and represent public interest.

And your PETITIONER will ever pray.

PRESENTED BY,



HON. WERU KINYUA, M.P.  
MATHIRA CONSTITUENCY

DATE: 22<sup>nd</sup> April 2015



REPUBLIC OF KENYA

IN THE MATTER OF THE PETITION TO THE NATIONAL ASSEMBLY BY

JOSEPH GACHAGUA

THROUGH

THE PARLIAMENTARY COMMITTEE ON AGRICULTURE, LIVESTOCK AND

COOPERATIVES

AND

THROUGH THE CLERK OF THE NATIONAL ASSEMBLY

AND

SUBMITTED BY HON. WERU KINYUA, MP

AND

IN THE MATTER OF THE AGRICULTURAL SOCIETY OF KENYA

PETITION

I, JOSEPH GACHAGUA, a resident of Nanyuki within Laikipia County do hereby draw the attention of this honourable House to the following:

1. Agricultural Society of Kenya (ASK) was formed in December 1901 with central objective being promotion of agricultural development in Kenya. The President of the Republic of Kenya is the Patron of the society while the Deputy President is the Deputy Patron and their powers are exercised through the Ministry of Agriculture, Livestock and Fisheries and the Cabinet Secretary for the Ministry is 1<sup>st</sup> Vice Patron. Indeed, the Ministry of Agriculture has played key oversight roles in the affairs of the society including dispute resolution.
2. Due to the significant role played by the ASK, it is exempted from oversight by the Registrar of Societies under the Societies Act, Chapter 108 of the Laws of Kenya and the oversight functions are carried out by the Ministry of Agriculture. ASK is however governed through its constitution of rules and regulations. The constitution of the ASK deals with many matters including officers of the Society. *Attached herein is a copy of the constitution.*
3. Article 20(A) of the constitution of the ASK provides that there shall be a National Chairman who shall be elected after every five years by the council from among members of the council. *Attached herein is a copy of the list of the members of the council as at January, 2015.*
4. The council of the ASK is established under Article 33 of the constitution and presently it consists of 101 members including representatives from 16 branches countrywide. It is significant to note that all the branches of ASK have been given

land which they occupy by the Government of Kenya and their activities are tax exempted. It is estimated that the total acreage occupied by ASK is in excess of 1000 acres granted to the society by the government free of charge. In addition, the government has given the society financial support at ASK trade fair.

5. The ASK elections were purportedly conducted on 27<sup>th</sup> February, 2015 when a sitting judge of the High Court was elected to the office of the National Chairman and the Petitioner wishes to bring to the attention of the National Assembly the following irregularities both prior to the elections and after the elections that make the whole exercise fraudulent:

- i. The election rules that came into force in 2009 grants the Cabinet Secretary in charge of Agriculture powers to appoint a Returning Officer and the Deputy Returning Officer to supervise the elections and declare the winner. Any dispute arising from the elections is to be determined by the Returning officer and an appeal can be lodged to the Cabinet Secretary for Agriculture. *A copy of the election rules, 2009 are attached herein for ease of reference.*
- ii. Following complaints of massive irregularities from interested candidates in the elections that were scheduled to take place on 27<sup>th</sup> February, 2015, the Ministry of Agriculture stopped the election and the Returning Officer categorically stated that the elections

would not proceed until the cited electoral issues were addressed. Some of the irregularities included striking out bonafide delegates from the list of council members that vote during the elections on flimsy grounds thereby reducing the members from 101 to 73 members. *Attached herein are copies of the complaints letters addressed to the Ministry of Agriculture and the letter by the Principal Secretary Ministry of Agriculture dated 26<sup>th</sup> February, 2015.*

- iii. Contrary to the directions given by the Returning Officer in his letter dated 26<sup>th</sup> February, 2015, the Chief Executive Officer (CEO) of the society purported to act as the Returning officer and presided over the elections on 27<sup>th</sup> February, 2015 and declared Justice Mrima as the successful candidate. The CEO and the outgoing chairman only allowed less than 50 persons to vote during the sham elections including the organizers of the elections who were biased. The aforesaid action by the CEO is a nullity since Rule L of the election rules 2009 is categorical that the Returning Officer shall be appointed by the Cabinet Secretary in charge of Agriculture in writing. The complaints lodged by the other candidates against the CEO and the then Chairperson of ASK that they were out to rig in the elections were vindicated by what transpired at the elections. Prior to the elections, potential candidates including the petitioner



for the post of the National Chairperson had been suspended from the society on unreasonable grounds to ensure that they did not challenge the preferred candidates on 27<sup>th</sup> February, 2015. The petitioner is of the opinion that the CEO and the outgoing chairman are keen on having a friendly set of new officials so as to cover up their misdeeds during their tenure in the office. For instance, ASK has leased over 600 acres of land to American investors without any supervision by the Ministry of Agriculture which should provide checks and balances especially now that the American Investors have pledged to invest 1 Billion Dollars in the show grounds across the country.

- iv. Prior to the elections, the CEO and the outgoing chairman of ASK had purported to amend the elections rules, 2009 which they posted on the ASK website without ratification by an AGM with clear intentions to favour Justice Mrima to enable him contest for the post. A perusal of elections rules on the website especially on the dispute resolution shows that the CEO was keen to block any appeal to the Cabinet Secretary for Agriculture. *A copy of the purported elections rules downloaded from the ASK website are enclosed herein for ease of reference.*

v. By way of a letter dated 1<sup>st</sup> March, 2015, the Petitioner wrote a letter to the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries on the running of ASK and the elections of national officials. The Ministry wrote a letter dated 8<sup>th</sup> April, 2015 declaring the elections null and void and ordered that the AGM scheduled to take place on 10<sup>th</sup> April, 2015 be postponed until proper elections are done. *Copies of the letter to CS and the response thereto are enclosed herein for ease of reference.*

vi. On the 10<sup>th</sup> April, 2015, the CEO and the National Chairman of ASK disobeyed government instructions and proceeded to plan, organize and host an AGM meeting for purposes of legalizing and regularizing the list of officials elected on the 27<sup>th</sup> February, 2015 when the learned judge officially took over the office. *Attached herein is photo published on the ASK Website on the ceremony.*

6. The Petitioner is well aware that Justice Mrima is not fit to hold the office of the National Chairman of the ASK for the following reasons:

a. The office of a judge is state office as defined by Article 260 of the Constitution of Kenya, 2010. A judge of the High Court of Kenya is expected by the Chapter Six of the Constitution, Judicial Service Act and the Kenyan Judicial Service Code and Ethics to promote public confidence

in the integrity of his office and in execution of his duties be guided by the principle of selfless service based solely on public interest and discipline and commitment in service to the people of Kenya. There is no doubt in the petitioner's minds that Justice Mrima who has ascended to the office of National Chairman of ASK through a flawed elections and corrupt practice is not promoting public confidence in courts and by extension the judiciary. Taking into account the busy schedule bestowed upon the National Chairman of ASK, the petitioner is of the strong view that Justice Mrima will rarely be available to attend to the important functions of ASK as per the calendar of events for year 2015. The effect is that ASK will end up with a chairman who is so busy dispensing justice in courts and leaving the society's affairs to be conducted by the CEO to the detriment and loss of agriculture in this country.

- b. The judge is bound by the supreme law of the land to be committed in service to the people of Kenya as a judge and therefore he will have very little time if any to concentrate on the demanding job of the office of the National Chairman. *Attached herein is calendar of events for 2015.*
- c. According to ASK constitution, the office of the National Chairman is a political office assumed after vigorous campaigns and therefore, justice Mrima cannot have both appointive office of a judge and that the political office even if he had been validly and properly elected.

- d. By holding offices, justice Mrima is likely to demean the Honourable office of the judge of the High Court due to likely conflict of interest. ASK is litigating various disputes in courts all over the country and the judge may be called upon to determine a dispute involving ASK in course of his official duties. Even if he recuses himself, his colleagues may not be comfortable handling the cases.
- e. By offering himself for elections and purporting to assume the office of the National Chairman of ASK, Justice Mrima has failed to behave in a manner that avoids compromising official interest in favour and pursuit of a personal interest in a clear contravention of Article 75(1)(b) of the Constitution of Kenya, 2010.
- f. The election of Justice Anthony Mrima is in violation of Article 77 of the Constitution of Kenya, 2010 which restricts a full-time state officer from participating in any other gainful employment. As a chairman of ASK, Justice Anthony Mrima is entitled to an official vehicle fully fuelled and maintained with a driver for full time use and following allowances:
- i. Subsistence allowance of Kshs. 16,000.00 per day,
  - ii. Out of Pocket allowance of Kshs. 14,000.00 per day,
  - iii. Sitting allowance for each meeting attended at Kshs. 12,000.00 per day,

*iv.* Honorarium of Kshs. 175,000.00 per year,

*v.* Allowances of Kshs. 60,000.00 per day while on overseas trips.

7. I hereby confirm that the issues in respect of which the petition is made are not pending before any court of law or constitutional or legal body for determination.

8. I, PETITIONER THEREFORE HUMBLY PRAYS THAT THIS HOUSE:

i) Find and hold that his Lordship Justice Anthony Mrima of Kakamega High Court is not qualified to hold an elective office in the name of National Chairman of ASK.

ii) Find that the elections held on 27<sup>th</sup> February, 2015 and presided over by the CEO of ASK contrary to rule L of the Elections Rules 2009 and the outcome thereof is null and void.

iii) Direct the Cabinet Secretary, Ministry of Agriculture to call for fresh elections of ASK for purposes of electing new office holders to be presided over by the Returning officer appointed by the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries in accordance with the provisions of the ASK's constitution and elections rules, 2009. Thereafter, the Ministry of Agriculture do preside over the handing over process to the new officials.

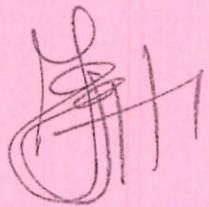
iv) By virtue of being a major stakeholder and financier of ASK, the Principal Secretary, Ministry of Agriculture to be an automatic board member of the ASK to offer guidance and represent public interest. The ASK constitution to be amended accordingly to provide for this post.

Pursuant to the Constitution of Kenya, 2010, the National Assembly represents the people with a mandate to deliberate on and resolves issues of concern to the people of the Republic of Kenya. Taking into account the important role agriculture sector plays in the economy of the Republic of Kenya and its place towards realization of Vision 2030, the Petitioner deems it fit to bring to the attention of the National Assembly matters regarding the Agricultural Society of Kenya.

The Supreme law of the land entrenches national values and principles of governance including public participation, transparency, inclusiveness, accountability and good governance which bind every person in the country. As representative of the people, this Honourable House has mandate and indeed a duty to ensure that the law is followed and citizens' rights protected and upheld at all times in matters regarding ASK.

Submitted By

1. Joseph Gachagua



22/04/2015

Through Hon. Weru Kinyua, MP, Mathira Constituency.



**REPUBLIC OF KENYA**  
THE SOCIETIES ACT  
(CHAPTER 108)



**THE CONSTITUTION OF  
THE AGRICULTURAL SOCIETY OF KENYA**  
(REVISED 2006)

(FURTHER REVISED 2012 AND FURTHER REVISED 2013)



**PREAMBLE**

The Agricultural Society of Kenya is committed to uplifting the practice of Agriculture in Kenya. The Society will work with stake holders in organizing and staging exhibitions, trade fairs and using Information Communication Technologies (ICT) to promote excellence in Agriculture trade and allied industries.

The Society will uphold the ideals of the Constitution of Kenya, with specific reference but not limited to the following Chapters:

1. Chapter One – Sovereignty of the People and Supremacy of Constitution
2. Chapter Two - The Republic (National values and principles of governance)
3. Chapter Four – Bill of Rights
4. Chapter Six – Leadership and Integrity
5. Chapter Seven – Electoral System and Process
6. Chapter Eleven – Counties
7. Chapter Eighteen – Transitional and Consequential Provisions

The Council shall align the Society Constitution to the Constitution of Kenya.

## PART I

### TITLE AND INTERPRETATION

**Article 1** This Constitution is the Constitution of the Agricultural Society of Kenya (Revised 2006, 2012 and further revised in 2013).

**Article 2** Interpretation  
In this Constitution except where the context otherwise requires "branch" means a duly constituted branch of the Agricultural Society of Kenya in accordance with this Constitution.  
"Council" means the council of the Agricultural Society of Kenya as duly constituted in accordance with the constitution.  
"Society" means the Agricultural Society of Kenya.

## PART II

### THE SOCIETY AND OBJECTS

**Article 3** The name of the Society shall be the Agricultural Society of Kenya

**Article 4** The Registered Office of the Society shall be at Jamhuri Park, P.O Box 30176 - 00100 Nairobi.

**Article 5** There shall be established fifteen branches of the Society or such Number as the Society may determine from time to time. The Branches of the society will be classified into International, National and Regional, status and shall cover the counties in the Constitution of Kenya.

The Council shall establish the criteria of and removal of the classification of each Branch.

Subject to the approval of the Council, Any Society Branch(s) could establish Satellite shows affiliated to the said branch(s).

### Article 6

- (I) Affiliated Organizations of the society are;
- (a) The Royal Agricultural Society of the Common wealth (RASC)
  - (b) Royal Agricultural Society of England (RASE)

- (c) World Ploughing Organization (WPO)
- (d) NGO Co-ordinating Board PROVIDED THAT the society may at any time be at liberty to affiliate with any other organizations for purposes of realizing its objects

### (II) Subsidiaries

Subsidiaries of the Agricultural Society of Kenya are as follows:

- (a) Kenya Livestock Breeders Organization (KLBO),
- (b) Kenya Ploughing Organization (KPO),
- (c) Kenya Farmer Magazine (KF)
- (d) Young Farmers Clubs of Kenya (YFCK)

### Article 7 The Objects

The Objects of the Society shall be:

- a) To encourage and assist in the promotion of Agriculture, Trade, Industry, Tourism, and industries related thereto including promotion of research and extension services and preservation of the environment.
- b) To hold competitive Shows and Exhibitions of Livestock and Agricultural and Horticultural produce, Economic Products, Implements, Machinery and Trade Goods and organize trials of skills in the use of implements and machinery employed in the industries herein before mentioned.
- c) To encourage the breeding and importation of purebred stock and improvement of useful indigenous animals.
- d) To publish a Stud Book for Kenya to be known as the Kenya Stud Book and maintain a Grade Register either independently or in association with others including Livestock Breeder Societies.
- e) To encourage and assist on official Milk Recording Services either independently or in association with others.
- f) To correspond with and gain information from persons and societies interested in Agricultural and breeding of purebred stock.
- g) To organize and run Young Farmers Clubs activities.



- h) To collect data and general information relating to the objects of the Society and publish the same from time to time as the society may decide.
- i) To conduct trials of Agricultural Machinery in order to demonstrate the most efficient and suitable types.
- j) To borrow and raise money from Financial Institutions or any other money lending institutions whether by issue of debentures, mortgages or any other securities founded or based upon any of the property and rights of the Society and to solicit and receive donations from individuals or organizations for the furtherance of objects of the Society.
- k) To own or otherwise acquire movable and immovable property in Kenya and elsewhere.
- l) To invest in any tangible or real property rights interests belonging to the Society in any Financial Institution on behalf of and for the benefit of the Society. And to invest and deal in monies of the Society not immediately required in such manner as the Society may deem fit.
- m) To enter into any agreement with the Government or any Local Authority or any person or Company that may seem conducive to objects of the Society.
- n) To apply the property and income of the Society in furthering the objects of the services to it as the Society may deem fit.
- o) To publish the Kenya Farmer Journal or any other journal or media that the society deems fit
- p) To do all other things as are incidental or conducive to the attainment of the above objects.
- q) To uphold the Society as a non-political organization.

**PART III**

**MEMBERSHIP**

- Article 8** Membership  
Members of the society shall be respectable persons or group of persons or corporate bodies, which are involved in the promotion of agriculture, trade or industry or tourism or environment and have been admitted as members in accordance with this constitution and the Rules .
- Article 9** Any person or body corporate wishing to be a member of the society may apply in the prescribed form through the branch of the society in which the applicant ordinary resides or carries in business in the case of a body corporate and the branch shall consider the application and may either admit the applicant as member or reject the application.
- Article 10** Upon admission as a member the branch shall immediately inform the National office, which shall accordingly cause the name of the member to be entered into the register of members and the member, shall be entitled to the privileges and subjected to responsibilities of membership in accordance with this Constitution and the Rules. PROVIDED THAT in the case of Young Farmers Club Members the names of members shall be recorded in a register caused for that purpose and kept in the branch and the Young Farmers Club respectively
- Article 11** Every member whose name appears in the register of members maintained by the national office shall be required to pay an annual Subscription as set out in the Rules hereto and shall be entitled to attend participate and vote in the Annual General Meetings and Special General Meetings of the Branch and the Society.
- Article 12** Categories of Members  
There shall be three categories of members consisting of:-
- (a) **Young farmers Club Members**  
Young farmer's Club Members shall be persons or institutions admitted and governed in accordance with the relevant constitution

governing the Young farmers Clubs as set out in schedule 1 of the rules book and approved by the Society.

(b) Corporate Members  
Corporate Members shall be such partnerships, companies, corporate bodies, government Ministries and Departments who apply as corporate entities for membership in accordance with the Rules made hereunder and shall be entitled to one vote in general and special meetings of their respective branches and the society.

(c) Other Membership Categories include:-  
Single Members, Full Members, Executive Members Kenya ploughing organization and Armed Forces Members.

The Council will be at liberty to establish additional categories of membership, for purposes of achieving the objectives of the society.

#### PART VI

#### RECOGNITION OF DISTINGUISHED SERVICE TO THE SOCIETY

**Article 13** The Society will honour or decorate her members who have offered distinguished services in the following ways;

- (a) Ten year Awards to persons who have rendered distinguished and exceptional service to the society for not less than Ten Years.
- (b) Twenty year Awards to persons who have rendered distinguished and exceptional service to the society for not less than Twenty Years.
- (c) Thirty year Awards to persons who have rendered distinguished and exceptional service to the society for not less than Thirty Years.
- (d) Forty year Award to persons who have rendered distinguished and exceptional service to the society for not less than forty years.

#### Article 14 Honorary Members

(a) Honorary Members are persons whom the Society wishes to accord permanent recognition, in respect of distinguished and exceptional services rendered to the Society, or to Agriculture, trade, industry, tourism, environment and or allied industries for a period of not less than 30 years. Provided that the number of Honorary members shall not exceed twenty (20) at any one time.

Honorary Members shall include retired trustees and retired council members and shall be nominated by the council and elected by the society in an Annual General Meeting.

(b) Honorary Members shall not be required to pay any subscription and their role shall be entirely ceremonial.

#### Article 15 Life Governors

(a) The Society will bestow special lifetime recognition to members not exceeding Two Hundred and Seventy Five (275) who will have continuously rendered distinguished and exceptional service to the society for a period of not less than Twenty Five (25) years and who upon election shall become Life Governors of the society.

(b) The election, privileges responsibilities and conduct of meetings of life Governors shall be in accordance with provisions of the Rules made hereunder.

#### PRIVILEGES OF LIFE GOVERNORS

The privileges of Life Governors shall be as follows;

- a) They shall receive a Life Governor's Badge and one guest badge which will admit them to all Agricultural shows organized by the Society. These Badges will allow free admission to such buildings and enclosures as reserved for Life Governors at the Society's show grounds.
- b) They shall be subjected to the Society membership rules as laid down in the membership rules schedule.

- c) They shall be allocated wherever practicable a special pavillion either for themselves alone or in common with the Council at all Agricultural shows organized by the Society.
- d) They shall be allocated a special car park either for themselves or in common with the Council at all Agricultural shows organized by the Society.
- e) They shall have the use wherever practicable of the Council Pavilions or equivalent accommodations at the Agricultural shows organized by the Society.

#### MEETINGS OF LIFE GOVERNORS

- a) There shall be an Annual General Meeting of Life Governors of the Society where Life Governors may make advisory recommendations to the Council. At the Life Governors meeting, an overview of the Society shall be presented for noting.

The Council may from time to time determine what other agenda may be placed before the Life Governors for consideration

- b) There shall be a Chairman and Deputy Chairman of Life Governors elected by the Life Governors Committee and approved by the Life Governors at the Annual General Meeting. The minimum qualifications for appointment that applies for Life Governors Committee, shall also apply to Chairman and Deputy Chairman and life Governors.

- c) The Chairman and Deputy Chairman of Life Governors once elected shall serve as such for only one term of five years from the date of elections.

- d) The Quorum of Life Governors Annual General Meeting shall be twenty (20) members.

- e) Life Governors General Meetings shall appoint a committee of six (including the Chairman and Deputy Chairman appointed under (b) above), from amongst its members who have been Life Governors for not less than ten (10) years. At every Life

Governors Annual General Meeting, one third of the committee members for the time being or the number nearest to one third shall retire from office provided that no committee member seeks re-election. The committee members to retire every year shall be those who have been longest in office since their last elections but as between persons who become committee members on the same day those to retire shall be determined by lot. The Life Governors' Committee shall meet twice a year for purposes of management of the affairs of Life Governors

- f) The Life Governors' Committee shall be responsible for considering applications for Life Governors three months before the Life Governors Annual General Meeting. Guided by the vacancies available, they shall recommend the names to the Life Governors Annual General Meeting for consideration and approval. The Life Governors' decisions shall be final and subject to no further appeal.
- g) The National Chairman, Financial Advisor and Legal Advisor of the Society shall be ex-officio members of the Life Governors Committee.

#### PART V

#### THE PATRONS AND TRUSTEES

##### Article 16

- a)
  - i) The Patron  
The President of the Republic of Kenya shall upon request and acceptance, be the Patron of the Society.
- b)
  - ii) The Deputy Patron  
The Deputy President of the Republic of Kenya shall upon request and acceptance, be the Deputy Patron of the Society.
- c) **First Vice Patron(s)**
  - i) There shall be First Vice Patron(s) of the Society as follows:

- a) The Cabinet Secretary for the time being in charge of Agriculture.
  - b) The Cabinet Secretary for the time being in charge of Livestock Development and Fisheries.
- (In the event that the functions of Agriculture, Livestock development and fisheries fall under one Cabinet Secretary, there shall be a single First Vice Patron. In the event that they are split, the Cabinet Secretary for Livestock development will hold the other post.)

- ii) The First Vice Patron(s) may at the request of the society alternate in play host at International and National shows in which the Patron of the society or other International visitor is /are in attendance as Chief guest.
- iii) The First Vice Patron(s) may be requested to be the Chief Guest and give a key note address at the annual general meeting of the society and any other official society functions.

#### Article 17

- i) County Patrons  
There shall be County Patrons of the Society which offices will be held by the County Governors where the Society branch is located.
- ii) The County Patrons shall play host to the Patron where the Patron officiates at the official opening of the Branch Show.
- iii) The County Patron shall play host to the invited guest at the official opening ceremony of the Branch Show.
- iv) The County Patron may officiate as guest of honor at the official opening ceremony of the Branch Show where the Patron is not in attendance and any other official society functions within the county.

#### Article 18 Vice Patrons

- a). The number of Vice Patrons of the Society shall not at any time exceed twenty five.
- b). Vice Patrons shall be distinguished members of the society who have rendered dedicated and selfless service to the society for a period of not less than twenty (20) years and have served in

various official capacities and who are recognized and decorated as such by the society for a lifetime.

- c). Vice Patrons will be at liberty to attend all meetings of the council and be entitled to participate in deliberations, but will not have voting rights and will not participate in the day to day running of the Society.
- d). The Chief Executive Officer of the society shall cause a register to be kept in which the names of all vice patrons shall be recorded.

#### Article 19 Trustees

- a). There shall be twelve Trustees nominated by the council and appointed by the annual general meeting of the society from amongst persons of integrity and respectable members of the society, who may be Life Governors and who have not attained the age of Sixty-five at the time of appointment. Provided that they have offered distinguished service, for a period of not less than twenty five years. Trustees shall be appointed from all regions of the Country.
- b). A Trustee shall hold office for a period not exceeding ten years from the date of resumption of office. PROVIDED THAT a trustee may by resolution of a specifically convened meeting be removed from office for gross misconduct or mismanagement of the society assets thereby and replaced by another person.
- c). The trustees shall deal with the property of the Society in such manner as the Council may direct and they shall have authority to sue for and recover all monies, debts and property whatsoever due or belonging to the Society and generally to represent and act for the Society in all legal matters. They will not participate in the day to day running of the Society.
- d). In the event of vacancy occurring amongst trustees, the Council shall appoint a member of the Society in his stead who shall remain in office until the following Annual General Meeting, when such appointment shall be ratified. Should any trustee cease to be ordinarily resident within Kenya, or become insolvent or be of

unsound mind, the trusteeship shall become vacant.

- e). A trustee shall cease to be such only by Council resolution and after approval by the Annual General Meeting of the Society.
- f). The trustees shall ipso facto be honorary members of the Society and shall not participate in the day to day running of the Society.
- g). The trustees shall ensure that all the Society properties are fully insured.
- h). The Trustees shall meet not more than twice a year, for purposes of transacting their business. The Council may from time to time determine what additional agenda may be placed before the Trustees for consideration.
- i). The National Chairman, Financial Advisor and Legal Advisor of the Society shall be ex-officio members of the Trustees Committee.
- j). Trustees shall be registered pursuant to and be subject to the provisions of Trustees Perpetual Succession Act Chapter 164 Laws of Kenya.

#### Article 20 A. OFFICERS OF THE SOCIETY

- a). There shall be National Chairman of the Society who shall be elected every five years by the Council from among members of the Council who have served in the Council for at least five years.
- b). A person shall be qualified to be elected as National Chairman if that person
  - i) Has not previously been convicted of a criminal offence.
  - ii) Shall have a minimum O'level or equivalent qualification with the necessary skills and proven experience to run a large organization.
  - iii) Is below the age of Seventy years.
  - iv) Is in compliance with Chapter 6 (Integrity and Governance) of the Constitution of Kenya 2010.

Article 20 B. The term of office of the National Chairman shall be one term of five years from the date of assumption of office.

Article 21 There shall be three Deputy Chairmen of the society who by council resolution will be elected and designated Deputy Chairmen PROVIDED THAT gender sensitivity is taken into consideration. The Deputy Chairmen shall serve at equal levels with specific duties assigned to them. They shall be recommended to the Annual General Meeting for approval, provided that in the case of an Official of the Society holding the position of a Chairman of any Branch whose term has not expired at the time of this election such official would first be required to resign his/her position before seeking to be elected as a Chairman or Deputy Chairman of the Society.

Article 22 The Qualifications procedure and provision for term of office of the National Chairman shall mutatis mutandi apply to the Deputy Chairmen. PROVIDED THAT the Deputy Chairmen will be at liberty to contest the position of National Chairman.

Article 23 The National Chairman shall preside at all meetings of the society in which he or she is present and in particular the Staff and Finance Committee, the Executive Committee the Council and the Annual General Meeting.

Article 24 In the event of the National Chairman of the society being absent or in the event of any circumstances occurring whereby the office of the National Chairman becomes vacant any of the deputy chairmen will act as National Chairman PROVIDED THAT in the event of the National Chairman and the Deputy Chairmen not being present the Council shall by simple majority appoint any one of the persons qualified to be elected as National Chairman and Deputy Chairman to act as temporary National Chairman and Deputy Chairman.

Article 25 The National Chairman or any one of the Deputy Chairmen may be removed from office by a resolution of specially convened Council Meeting supported by more than fifty per cent of the total council membership on grounds of ill health or gross misconduct.

**Article 26** Where the National Chairman or the Deputy Chairmen are removed from office or in the event of circumstances envisaged in Article 24 occurring whereby the office of the Chairman will become vacant for a period exceeding six months the office shall be held in an acting capacity until the date of the next Annual General Meeting when election of a substantive National Chairman or any Deputy Chairman shall be conducted in accordance with this constitution.

**Article 27** There shall be a Legal Adviser of the Society who shall be an Advocate of the High Court of Kenya for a period of not less than ten (10) years and who shall be nominated by the Council from amongst distinguished members of the Society and elected by the Annual General Meeting of the society.

**Article 28** The functions of the Legal Adviser shall inter alia be to advise all the organs and structures of the society on all legal matters and as an officer of the society to perform such duties as are demanded of the legal profession.

**Article 29** There shall be a Financial Adviser of the Society who shall be a member of the Institute of Certified Public Accountants of Kenya (ICPAK) and a finance specialist of not less than ten (10) years and who shall be nominated by the council from amongst distinguished members of the society and elected by the Annual General Meeting of the society.

**Article 30** The functions of the Financial Adviser shall inter alia be to advise all the organs and structures of the society in all financial matters and as an officer of the society to perform such duties, as are demanded of his or her profession.

**Article 31** The Legal Adviser and the Financial Adviser shall each hold office for a term of five years from the date of their respective assumption of office and shall be eligible for re election for a further one term at the discretion of the Annual General Meeting.

**Article 32** The Legal Adviser or the Financial Adviser may be removed from office on grounds of gross misconduct or upon ceasing to be members of their respective professions and any resolution removing either of the Advisers shall not be effective until a

specially convened meeting of the council has approved it.

## PART VI

**Article 33** The Council, Committees of the Council and Meetings

(a) There is established the council of the Agricultural society of Kenya which shall subject to this constitution and Rules and the Annual General Meetings be the supreme body of the society

(b) The Council shall consist of members drawn from the branches as set out below in addition to the Chairman of the Life Governors Committee the Vice Patrons and the officers of the society and:-

(i) Four persons elected by the members of the Society ordinarily resident within each of the following branches namely Mount Kenya (Nanyuki), Western Kenya (Kakamega) Southern Kenya (Kisii), South Eastern Kenya (Machakos), North Eastern Kenya (Garissa) Kabarnet and Eastern Kenya (Embu).

(ii) Seven persons elected by the members of the Society ordinarily resident within each of the following branches namely Central Rift (Nakuru), Eldoret, Central Kenya (Nyeri), Northern Kenya (Meru) and North Rift (Kitale).

(iii) Eight persons elected by the members of the Society ordinarily resident with the Coast branch( Mombasa) and Nyanza (Kisumu)

(iv) Nine persons elected by the members of the Society ordinarily resident with the Nairobi branch

(v) Council members must be in compliance with Chapter six (Integrity and Governance) of the Constitution of Kenya.

(c) Provided that where a Council member is elected as Branch Chairman, his/her position on the Council will be unaffected until the conclusion of the term of Chairman of the Branch.

- (d) Council Members elected from the branches shall hold office for a term of five years from the date of assumption of office and shall be eligible for re-election.
- (e) Any Member who serves in the council by virtue of being Chairman of the Life Governors Committee does so during their term of office as Chairman Life Governors Committee.
- (f) Members of the council shall be persons of integrity and good standing with exemplary behavior with sound educational background of at least form four or equivalent.
- (g) Any Council member may be removed from his/her position, by simple majority of the Council, present and sitting, in the event of violation of the Constitution and Rules of the Society.

#### Article 34

- (a) There is established the National Staff and Finance Committee of the Society which shall consist of the officers of the society the National Chairman, the Deputy Chairmen, the Legal Advisor, Financial Advisor, the Chief Executive Officer and the Chairman of Nairobi Branch, alternated by a Branch Chairman as maybe determined by the National Staff and Finance Committee from time to time.
- (b) The National Staff and Finance Committee shall be responsible for the day to day running of the society and shall cause minutes of its meetings and resolutions to be laid before the National Executive Committee of the Council for deliberation at least three times in a year.

#### Article 35

- (a) There is established the National Executive Committee of the Council whose members shall consist of the officers of the Society (the National Chairman, the Deputy Chairmen, the Legal Advisor, Financial Adviser and the Chief Executive);, all Chairmen of branches, the immediate past Chairman of the Society, the Chairman Kenya Farmer Journal Editorial Board, the Chairman Young Farmers Clubs of Kenya, the Chairman of Kenya

Ploughing Organization and the Chairman of Livestock Breeders Organization.

- (b) The National Executive Committee shall receive and deliberate on proposals and recommendations of the staff and Finance Committee of the Council and by resolution makes recommendations to the Council.

#### Article 36

- (a) There shall be ex-officio members of the Council who shall include
  - (i) The Principal Secretary Ministry of Agriculture.
  - (ii) The Principal Secretary Ministry of Livestock and Fisheries Development.
  - (iii) The Agriculture Secretary.
  - (iv) The Director of Veterinary Services/ Director of Livestock production/ Director of Fisheries.
  - (v) The Principal Secretary Trade and Industry
  - (vi) The Director of Tourism.
  - (vii) The Director General National Environment Management Authority
  - (viii) The Chairman Kenya National Federation of Agricultural Producers (KENFAP).
- (b) Ex-Officio Members in this Article will not be entitled to vote in the meetings of the Society.

#### Article 37 Powers and Functions of the Council

- (a) The Council shall manage, control turn to account and improve the entire assets immovable and moveable assets of the society and shall collect and administer the revenue of the Society by applying sound financial management policies.
- (b) The Council shall have power to borrow money upon such terms and conditions as it shall deem fit and necessary for the carrying out of any objects of the society but shall not dispose of or pledge the capital assets of the Society or any one of them without approval of the trustees.

- (c) The Council shall have powers to invest the funds of the society in such securities as it may deem fit and necessary.
- (d) Subject only to any general or special direction from the Council, the Staff, and Finance Committee shall manage on behalf of the Council the day to day affairs of the Society in accordance with and subject to this constitution and the Rules.
- (e) The Council shall have power to discipline, suspend, expel or take any action it deems necessary against a branch, council member, committee member, any employee of the Society or any member of the society who disregards Council directives or whose actions are repugnant to the well being of the Society and especially in matters relating to the duties powers and functions of the Council.
- (f) The Council shall have power to co-opt not more than four persons to be members of the council for one year who by reason of their special qualifications are in the opinion the council likely to offer valuable advice and assistance to the council in the administration of the society affairs and pursuant to its objectives.
- (g) The Council shall have the power to appoint any sub-committee as may be necessary for the carrying out any of the functions of the council and may delegate any of its duties, functions and powers to be performed or exercised by the sub-committee.
- (h) The Council shall have the absolute power of control and management over all shows and exhibitions organized by the society and premises belonging to or occupied by the society.
- (i) The Council shall have its exclusive power to initiate in the name of registered Trustees of the Society any legal proceedings on behalf of the society or provide defense for any proceedings against the society.
- (j) Subject to the approval by the Annual General Meeting, the Life Governors and Trustees, the council shall have power to create any new branch of the society, change the area of Jurisdiction of any branch or remove any existing branch.

- (k) All communications for and on behalf of the Council and the Society shall emanate from the office of the Chief Executive of the Society and all correspondences to the Council and the Society shall be addressed to the Chief Executive.
- (l) The Council shall be at liberty to reduce and or suspend, by any number of Council/ Branch positions of any branch, in the event of non-performance of the branch over a period of time.

#### Article 38 BRANCHES.

- (a) For the purpose of pursuing the objectives of the Society, there shall be fifteen Branches or such a number as the Society may determine from time to time which shall cover the counties in the constitution of Kenya and as shall appear in the rules book of the Agricultural Society of Kenya.
- (b) The establishment of a new branch or the continued existence of a branch will be determined by among other factors economic justification and whether the branch will promote or promotes the long term interests of the society.
- (c) There shall be a Branch Committee comprising of twelve members (PROVIDED THAT in the case of Nairobi there shall be fifteen members.) elected from amongst the members of the society who have served any sub-committee of the branch for a continuous period of least five years and who have a minimum of 'O' level or equivalent qualification. The Branch Committee members must be in compliance with Chapter six (6) of the Constitution of Kenya.
- (d) The term of office of branch committee members shall be five years but they shall be eligible for re-election.
- (e) The Council shall be at liberty to reduce and suspend, by any number of branch positions in any branch, in the event of non-performance of the branch, over a period of time (to be determined by the Council).
- (f) The Branch Committee shall be responsible for management of the affairs of the branch in accordance with the best practices and



shall be accountable to the Council, the Executive Committee and the Staff and Finance Committee of the Council.

- (g) The Council may by resolution dissolve any Branch Committee and replace it with a caretaker committee upon being satisfied that there is persistent mismanagement of the branch or if the branch fails to meet the original criteria for which it was established.
- (h) The Branch Committee may appoint sub-committees for the better execution of her functions but responsibility of ensuring that the sub-committees operate in accordance with this constitution and the Rules shall vest in the Branch Committee.
- (i) At the time of election of the Branch Committee during the Branch Annual General meeting members shall elect who among the -Committee Members sits in the council of the society from members who have served the Branch committee for a period of not less than five years.
- (j) There shall be a Branch Chairman who shall be elected by the Annual General Meeting of the branch from amongst members elected to sit in the council and who will have served in the committee of the branch for five years. The term of office of the Branch Chairman shall be five years from the date of assumption of office.

## PART VII

### MEETINGS

#### Article 39 Branch Meetings

- (a) The Branch Committees shall meet quarterly every year or at such intervals as may be necessary to transact such business as relates to their respective branches and deal with such matters as may be referred to them by the council of the Society.
- (b) There shall be held once every year an Annual General Meeting of the Branch to transact the business of the branch in accordance with this Constitution and the Rules. PROVIDING THAT at every third Annual General Meeting after the first meeting there will be

held elections for the office of Chairman of the branch.

- (c) The procedure for Branch meetings shall be in accordance with the Rules made under this constitution.
- (d) There shall be established a Staff and Finance Committee of the Branch. This Committee shall meet at least monthly or at such intervals as may be necessary to deliberate and transact the affairs of the Society in the branch.  
Members of the Branch Staff and Finance Committee shall be made up of members selected from the Council of the Branch. Any branch intending to co-opt a member/s from outside the Council/branch will require authority from the National Staff and Finance Committee. Such co-option may be for purposes of filling a skills gap on the Committee. The criteria of such appointment shall be laid down in rules for that purpose.
- (e) No business shall be conducted at the meeting of the Branch/Staff and Finance unless at least a third (1/3) of its members are personally present.

#### Article 40 Staff and Finance Committees

- (a) There shall be a National Staff and Finance Committee of the Council, consisting up of the following offices;
  - Chairman of the Society
  - Deputy Chairmen of the Society
  - Chairman Nairobi alternated by a Branch Chairman
  - Financial Advisor
  - Legal Advisor
  - Chief Executive Officer (Secretary)
- (b) The staff and Finance Committee of the Council shall meet at least quarterly or at such intervals as may be necessary to deliberate and transact the affairs of the society.

#### Article 41 The Executive Committee

- (a) The Executive Committee shall meet at least quarterly every year to transact the business of the Society referred to the Committee by the Staff and Finance Committee or such business as may be

necessary for the furtherance of the objects of the Society.

- (b) No business shall be conducted at the meetings of the Executive Committee unless at least twenty members be personally present.
- (c) The procedure for meeting of the Executive Committee shall be in accordance with the Rules made hereunder.

#### Article 42 The Council

- (a) The Council shall meet at least quarterly every year to deliberate on matters referred to it by the Executive Committee of the Council or any other matter relating to the affairs of the society.
- (b) No business shall be conducted at the meeting of the Council unless at least thirty members be personally present.

#### Article 43 Annual General Meeting of the Society

- (a) There shall be held every year the Annual General Meeting of the Society which shall be the ultimate authority on all resolutions made by the council and all organs of the society.
- (b) The Annual General Meeting shall be admitted in accordance with the procedure laid down in this constitution and the Rules.
- (c) No business will be conducted at the Annual General Meeting of the Society unless at least forty members are personally present.
- (d) At each Annual General Meeting there shall be presented:-
  - (i) A balance sheet and accounts, for the previous year signed by the Society's auditors.
  - (ii) An income and expenditure account of the Young Farmers Clubs of Kenya for the previous year, whose accounts shall have been previously audited.
  - (iii) An income and expenditure of the Kenya Ploughing Organisation for the previous year, whose accounts shall

have been previously audited.

- (iv) An income and expenditure account of the Kenya Farmer Journal for the previous year whose accounts shall have been previously audited.
- (v) The names of those who have been elected as members of the Council at Branch General Meetings.
- (vi) The names of those who have been elected as Chairmen of the Young Farmers Clubs Kenya, the Kenya Ploughing Organisation and the Kenya Livestock Breeders Organisation at their various General meetings.
- (vii) An annual report covering the previous year.

#### Article 44 Special General Meetings

- (a) The Chairman of the branch may upon requisition made in writing signed by at least a third(1/3) of the Members of the Society Ordinarily resident with the branch convene a special General Meeting of the branch to deliberate upon a specific Matter of importance and urgency as notified in the requisition.
- (b) The Council may whenever it deems fit or upon requisition made in writing to the National Chairman or Chief Executive of the society and signed by not less than forty council members convene the special general meeting of the society to deliberate and resolve on any matter considered important and urgent.
- (c) No business shall be conducted or discussed in Special General Meeting other than the agenda for which the meeting has been convened.
- (d) The procedure for the conduct of special general meetings shall except as in this constitution specifically provided be the same as that pertaining in an Annual General Meeting.

#### Article 45 The Chief Executive Officer and Staff of the Society

- (a) The council shall appoint on such terms as the Council shall resolve the Chief Executive Officer of the Society and such other staff as may be necessary to assist the society in the furtherance of its objects.
- (b) The Chief Executive Officer shall perform the duties assigned to that office in accordance with the terms and conditions of employment and shall be responsible for the overall performance of duties by all society employees.
- (c) The Chief Executive Officer may where he or she considers that there has been a case of gross misconduct on a part of an employee of the society but after consultation with the National Chairman suspend any employee and immediately place the matter before the National Staff and Finance Committee for appropriate action.
- (d) The Chief Executive Officer shall be the Secretary to the Council. He or She shall be secretary to all Committees of the Council, the Annual/Special General Meetings, the Life Governors and the Trustees meetings.
- (e) The Chief Executive Officer shall also be the Secretary of any other meeting convened under the Society constitution.
- (f) The Chief Executive Officer shall have no voting rights.

#### Article 46

- (a) There is established The Young Farmers Club of Kenya which shall consist of members aged between 10 and 30 years who shall be constituted in accordance with this constitution and whose affairs shall be conducted under the general control and management of the Society.
- (b) The business and affairs of the Young Farmers shall subject to this constitution be conducted in accordance with the constitution of the Young Farmers Club of Kenya set up in schedule 4 hereto.
- (c) All monies, which may be raised by the Young Farmers Clubs of Kenya, shall be paid into the Society's Young Farmers Clubs of

Kenya Account and shall be operated and subjected to the same procedures as those of the Society's funds and accounts at the National and Branch level.

- (d) The Balance Sheet and the Accounts of the Society presented at the Annual General Meeting shall show the Income received and the Expenditure incurred by the Young Farmers Clubs of Kenya during the previous year, whose accounts shall have previously been audited. These accounts will be consolidated with other accounts of the Society.

#### Article 47

- (a) For furtherance of the objects of the Society there is established The Kenya Ploughing Organization which shall be under the general control and management of the Society.
- (b) The business and affairs of Kenya Ploughing Organization shall subject to this Constitution be conducted in accordance with the constitution of the Kenya Ploughing Organization set out in Schedule 5 hereto.
- (c) All monies, which may be raised by the Kenya Ploughing Organisation, shall be paid into the Society's Kenya Ploughing Organisation Account and shall be operated and subjected to the same procedures as those of the Society's funds and accounts at the National and Branch level.
- (d) The Balance Sheet and the Accounts of the Society presented at the Annual General Meeting shall show the Income received and the Expenditure incurred by the Kenya Ploughing Organisation during the previous year, whose accounts shall have previously been audited. These accounts will be consolidated with other accounts of the Society.

#### Article 48

- (a) There is established The Kenya Farmer Journal which shall be a periodical publication of the society administered under the general control and management of the society in accordance with the [redacted] set out in this constitution.
- (b) All [redacted] monies which may be delivered from the Kenya Farmer

THE AGRICULTURAL SOCIETY OF KENYA  
REPORT OF COUNCIL  
YEAR ENDED 31 DECEMBER 2013

SOUTH EASTERN KENYA:

- Mr. Fred Nzioki (Chairman)
- Mrs. Damaris Nduva
- Mr. Mathew Kioko
- Mr. John Nzala

NORTH EASTERN KENYA:

- Mr. Ernest Munyi (Chairman)
- Mr. Omar Bidhe
- Mr. A. Shikuku Omushieni
- Mr. Abdullahi Jellow

Ex – Officio Members

- The Principal Secretary - State Department of Agriculture
- The Principal Secretary - State Department of Livestock
- The Principal Secretary - State Department of Fisheries
- The Agriculture Secretary
- The Director of Veterinary Services
- The Director of Livestock Production
- The Chairman, KENFAP
- The Managing Director, Kenya Railways
- The Lands Secretary
- The Chairman, Kenya Livestock Breeders Organisation
- The Chairman, Kenya Ploughing Organisation
- The Chairman, Young Farmers Clubs of Kenya
- The Chairman, Cups and Classes
- The Chairman, Life Governors
- The Chairman, Kenya Farmers Editorial Board

6) AUDITORS

The Auditors Nyabena & Company, Certified Public Accountants, have expressed their willingness to continue in office.

By Order of the Council

Batram M. Muthoka  
Chief Executive / Secretary  
Dated 3<sup>rd</sup> April 2014

AGRICULTURE SOCIETY OF KENYA

ASK NATIONAL OFFICE – ELECTION RULES

PREAMBLE

The 2006 Constitution of the Society requires that rules be put in place for:

*“The proper carrying out of the purposes and provisions of this Constitution”*

In pursuance thereof, the Rules set out herein have been developed to govern the election process, of the elective offices of the National Officials, namely National Chairman and Deputy National Chairmen.

This exercise is intended to uphold the interest of the Society Harmony in the society shall be upheld at all times.

A. Elections Rules

These Rules shall be called the elections rules 2009 to be applied during the elections of National Chairman and Deputy National Chairmen of the Agricultural Society of Kenya

These Rules are made pursuant to Article 53 of the 2006 Constitution

B. Applicability

The Rules shall apply to the elections of the National and Deputy National Chairmen of the Society, by the members of the Council and Vice Patrons.

C. Constitution

The 2006 Constitution of the Society requires that the holders of the position of chairman and deputy chairmen will not hold their respective offices for more than one term

2. There shall be a transparent/translucent Ballot Box (bucket) in which the Ballots shall be placed by the voters.
3. There shall be one ballot box clearly marked "NATIONAL CHAIRMAN", another "DEPUTY NATIONAL CHAIRMEN" and in which the respective ballot papers shall be placed individually by the voters.
4. The ballot boxes shall be placed distinctly to avoid confusion.

#### J. Voting Procedure

1. In the case of the position for Chairman, voters (Council Members/Vice Patrons) will be required to place a mark X or √ next to the name of the person they intend to vote for.
  - a) In the event of a tie of votes of the two highest candidates, there shall be a second round of voting for the two (2) highest candidates that have tied. The other candidates would automatically drop out of the race.
  - b) In the event of a second tie of votes amongst the two, then the decision will be decided by Lot.
  - c) In the unlikely event that a ballot is placed in the wrong ballot box, that ballot shall be marked as spoilt.
2. In the case of the three (3) positions for Deputy Chairmen including Gender Deputy Chairman, the voters (council members/Vice Patrons) will be required to place a mark X or √ adjacent to three names of candidates for the positions of Deputy Chairmen, of their choice.
3. In the case of the Deputy Chairmen, the Gender position shall be reserved for the candidate of the gender that does not get the two highest votes in the election. The candidate with the highest votes amongst that gender will be the third Deputy Chairman.
4. If two male candidates receive the two highest votes then the female candidate with the highest votes amongst other female

- candidates in the list, will be declared the winner of the gender category and become the Gender Deputy Chairman.
5. If two female candidates receive the two highest votes then the male candidate with the highest votes amongst other male candidates in the list, will be declared the winner of the gender category and become the Gender Deputy Chairman.
  6. If however that one female candidate and one male candidate would have been selected as the candidates with the highest votes, then the position for the third Deputy Chairman would go to the candidate with the third highest votes, irrespective of gender.

7. Tying of Votes :

- a) In the event of a tie of votes of two (2) top contestants, then they shall be deemed to have been elected.
- b) In the event that there is a Candidate with the highest votes and the second two have tied, the candidate with the highest vote would be deemed elected and there would be a re-poll of the two next highest that have tied. This will however not be the case if amongst the top three candidates, two male and one female candidate or vice versa would have been amongst the three with the highest votes.
- c) In the event that there is a tie between three (3) candidates, being top three, then there shall be a re-poll to identify the two top candidates. This will however not be the case if amongst the top three candidates, Two male and one female candidate or vice versa would have been amongst the three.
- d) In the event of a tie of the Four (4) or more candidates being the top four, then a second round of balloting shall be carried out, where the top two shall be elected as Deputy Chairmen and subject to 3 above, the Gender Deputy Chairman will have also been identified.
- e) In the event of a second tie of the four (4), then the decision shall be decided by Lot.

- f) In the event of ballot paper for Deputy Chairmen having four (4) marks, the ballot shall be spoilt. In the event it has three (3) marks or less, the marks shall apply.
- g) In the unlikely event that a ballot is placed in the wrong ballot box, that ballot shall be marked as spoilt.

#### K. Voting Process

1. Voting for National Chairman and Deputy National Chairmen shall be carried out simultaneously. The two (2) ballot papers shall be given to the voters together and placed in the Ballot boxes for counting.
2. Voting shall be restricted to Council Member and Vice Patrons. A life Governor who is also a Council Member is entitled to vote in his/her capacity as a Council member.
3. Voting by proxy is not permitted.
4. The Returning officer cannot start counting the ballots until the voting for all the seats has been concluded.
5. Candidates will be at liberty to witness the counting.
6. The results of the elections shall be announced by the Returning Officer immediately upon conclusion of the tallying of votes.

#### L. Returning Officer

The Returning officer and Deputy Returning Officer shall be appointed by the Deputy Patron (Minister for Agriculture), in writing.

#### M. Dispute Resolution

- a) Any dispute arising from the electoral process shall be referred at the first instance to the Returning Officer not later than fourteen (14) days from the occurrence of the



event complained of and an appeal from the decision of the Returning officer shall lie with the Deputy Patron (Minister of Agriculture).

- b) The Returning Officer will communicate the decision within fourteen (14) days of receipt of the complaint/petition. Any appeal from the decision of the Returning Officer must be submitted within forty eight (48) hours of receipt of the decision of the Returning Officer.
- c) Such complaint/petitions/Appeals shall be deposited with the Chief Executive Officer at the Society Head Office, for onward transmission to the Returning Officer and the Deputy Patron, as the case may be.
- d) The Society programme shall not be interrupted, notwithstanding the fact that there lies a complaint or a petition on the concluded elections.
- e) Rules will be gazetted in the public domain.

#### N. Council Decision

The Council shall place before the subsequent AGM, the names of the National Chairman and Deputy National Chairmen elect respectively, for noting.

VALID BALLOT (ONE (1) MARK)

NATIONAL CHAIRMAN		
1	Miss Chaguo Lako	X
2	Mr. Mtu Wetu	
3	Mrs. Aliyesema Nini	
4	Mzee Mzuri Sana	
<p>Voters to place X or <math>\checkmark</math> on <u>one (1)</u> <u>name only.</u></p>		

VALID BALLOT (THREE [3] MARKS)

DEPUTY NATIONAL CHAIRMEN		
1	Mr. Juzi	X
2	Mrs. Kesho Kutwa	X
3	Mr. Good Day	X
4	Ms. Yesterday	
5	Mr. Moor.	
6	Mrs. Rain	
7	Mr Friday	
<p>Voters to place X or <math>\checkmark</math> mark on <u>not</u> <u>more than three (3) names only.</u></p>		

2	Mrs. Kesno Bawa	X
3	MrsMr. Good Day	
4	Ms. Yesterday	
5	Mr. Moon	X
6	Mrs. Rain	
7	Mr Friday	X

Voters to place X or v on not more than three (3) names only.



REF: ASK NATIONAL ELECTIONS DISPUTES

I am writing to appeal to your office to stop the ASK National Elections for the following very important reasons.

1. The Returning officer who is appointed by your ministry should have an independent electoral committee to receive all applications, Vet all applicants and pre-qualify all candidates, and then announce the date of the elections for the National Chairman's seat and Deputy National Chairman's seat. There should not be anybody from the ASK because all of us are interested parties.
2. The Returning officer and her/his committee should work independently without interference from the National Chairman or the CEO as has been the case. Both have a lot of interest in the National Chairman's seat because the CEO wants an absentee National Chairman and the National Chairman wants to manage the Farmers Trust Funds as a Chairman of a company she has been pushing the council to approve but the council has refused.
3. The Ministry of Agriculture is mandated to appoint a returning officer and can appoint the independent committee to oversee the ASK National elections if we are going to have ONE society.
4. The Returning officer and his/her independent committee will vet all the applicants by way of interviewing all of them and then approve or disqualify them according to their findings.
5. The Returning officer will then schedule the date of the elections and prepare a register of all the members that are eligible to vote.
6. The election rules that were approved the council have been altered twice to suit the plans of the National Chairman and the CEO. Please note that any alterations must be approved by the council. (All the 3 copies are in your possession).
7. Mombasa Branch and Garissa Branch have not held their AGM/Elections. This means that those who will come to represent them in the National elections are not duly elected from their respective branches.
8. The Voters register has not been availed to all candidates so that they can be able to solicit votes. The candidates have not been given time to campaign since they do not even know who is on the voters list.
9. On the issue of disciplining the National Chairman and the Deputy National Chairmen only the Council has the mandate to determine their fate. **ARTICLE 25 of the ask Constitution states that and I quote The National Chairman or any one of the Deputy National Chairmen may be removed from office by a resolution of specially convened council meeting supported by more than Fifty per cent of the total council membership on ground of ill health or gross misconduct.** In the case of the 2 Deputies that were accused of using the ASK LOGO the Council was not called and up to date the verdict that was reached by the Executive committee has never been ratified by the council.

10. The Voters list that has been circulated to the Branches to invite the council members for the National Elections is all wrong because of the following:-
- a) Garissa Branch four members have been included in the list whereas it has not held a show and an AGM for 2 years.
  - b) On the same note Embu which has held its Show and AGM has been allowed only 2 members instead of 4 which is allowed in the ASK Constitution ARTICLE 33 (i) states there will be Four Persons elected by the members of the society ordinarily resident within each of the following Branches Eastern Kenya Branch Embu.
  - c) The National Chairman and the CEO when they went to Embu they said that Embu had performed poorly whereas Article 37(j) states that it is only the council that can reduce the numbers of council/ Branch positions in the event of non-performance.
  - d) The Machakos Branch Elections were marred by malpractices where non members were allowed to participate in the elections because the CEO wanted a Lady by the Name Damaris removed because she was the only one who qualified to be elected Chairman of the Branch since The Branch Chairman was retiring. For now Machakos Branch has NO BRANCH CHAIRMAN.
  - e) Nakuru branch which has very vocal council members has only 2 members in the list instead of the 7 allowed in Article 33 (ii) of the ASK Constitution. The reason given is that they did not attach their CVs in their applications which they forwarded to the CEOs office in November 2014. These are members who have served for many years. i.e Mr. Amos Gamba they were with the CEO in Egerton University, he was one time the National Chairman Young Farmers. Dr. Perminus Migwi who is a Lecturer at Egerton University and the Chief Livestock Judge in ASK. If the CEO was genuine enough he would have returned the applications with instructions that they attach their CVs. Just because they are opposed to their choice they have been barred.
  - f) Eldoret Branch Elections were scheduled for 11<sup>th</sup> March 2015 after the Eldoret Show. They were brought forward without notice and a sham election was held where the Deputy Chairman who was scheduled to be elected the Branch Chairman since their Chairman Jack Tuwei had resigned to vie for the Deputy National Chairmans seat, Dr. Wilson Tonui was declared not eligible and the reason given was that he is not a resident of Eldoret. Dr. Tonui has served the Branch for over 15 years and he resides in Soy. All this because he had expressed his reservations in supporting Mrima.
  - g) Kitale Branch the Deputy Chairman Mr. Samuel Bundotich who works with ADC and had applied to vie as the Deputy National Chairman has been removed from the list with a reason that He is no longer a resident of Kitale since he was transferred by his employer to Nairobi.
  - h) The same case should also apply to Hon. Justice Mrima who also moved to Kakamega since 1<sup>st</sup> September 2014 when he was appointed Judge of the High Court of Kenya.

- i) In Kabarnet the Outgoing Chairman Jane Chepkwony resigned to vie for the Deputy National Chairmans and instead of her Very able deputy taking over the National Chairman and the CEO appointed an officer from your ministry to be the Chairman against the ASK constitution. Officers from your ministry are ex-officios in Branches.
- j) In Nanyuki only 3 members appear in the voters list instead of 4. Reason that a lady who has served the Branch deligitly for many years did not attach her Cv. Please note that all our CVs are in the CEOs office.
- k) The Removal of Mr. Paul Njuguna as the National Chairman Kenya Ploughing organisation by National Chairman whereas this is an elective post by the membership of the Kenya Ploughing organization. ARTICLE 47 of the ASK Constitution.
- l) The Removal of Mr. Matthew Kioko as the Chairman of the Kenya Farmer Journal in February just because he opposed what happened in Machakos during the AGM, his term expires in April 2015 and without the consent of the council he has been removed.
- m) Migori Branch which has been participating in all ASK activities since 2012 and remitting its annual contributions has been barred from participating in the National elections just because they are opposed to Mr. Mrimas candidature.
- n) In Nairobi Branch there are only 4 (Four) Council Members instead of 9 Nine as per the ASK Constitution ARTICLE 33 (IV). This positions need to be filled before the National elections are held.
- o) Although this might look trivial it shows that the members of staff who are not supposed to engage themselves in the 'political wing' of the society have already been given directions on how to go. If you look at the ASK 2015 Calendar in the month of May/June there is a big picture of Mr. Mrima receiving a trophy whereas other senior members of the society have not been given that kind of prominence. This is rigging in advance.
- p) For Justice to be seen to have been done the Returning officer from your ministry as the one in charge of the elections MUST ensure that the voter register has ONE HUNDRED AND ONE (101) COUNCIL MEMBERS as per ARTICLE 33 of the ASK Constitution shown below:-

1) 10 Council Members from the Head office as tabulated 1 National Chairman, 3 Deputies, 1 Legal Adviser, 1 Financial Adviser, 1 Chairman Kenya Ploughing Organization, 1 National Chairman of Young Farmers Clubs of Kenya, 1 Chairman Kenya Farmers Journal, 1 Chairman Life Governors

2) Nairobi 9 council members.

3) Mombasa 8 Council Members.

4) Kisumu 8 Council Members.

5) Nakuru 7 Council members

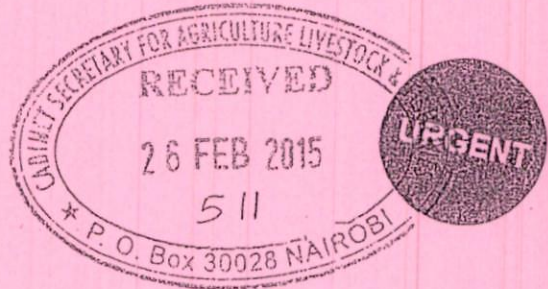
- 6) Eldoret 7 Council members.
- 7) Nyeri 7 Council Members.
- 8) Kitale 7 Council Members.
- 9) Meru 7 Council Members.
- 10) Kabarnet 4 Council Members.
- 11) Nanyuki 4 Council Members.
- 12) Kisii 4 Council Members.
- 13) Kakamega 4 Council Members.
- 14) Embu 4 Council Members.
- 15) Machakos 4 Council Members.
- 16) Garissa 4 Council Members.
- 17) Migori 4 Council members



**MINISTRY OF AGRICULTURE, LIVESTOCK & FISHERIES**  
**State Department of Agriculture**

# Memo

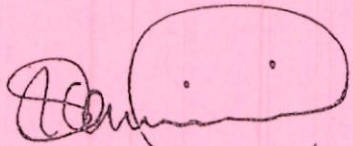
**To:** Cabinet Secretary  
**From:** Principal Secretary  
**Ref:** MOA/MIN/15/3/Vol. VIII (19)  
**Date:** 26<sup>th</sup> February, 2015



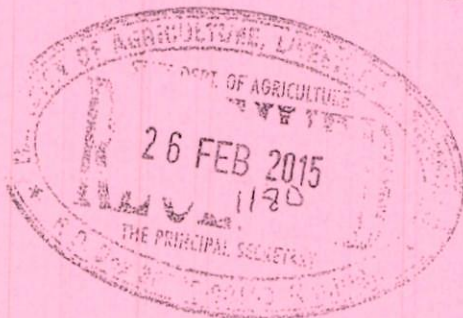
## POSTPONEMENT OF ASK NATIONAL ELECTIONS

Following further consultation on the above issue, the Legal Services Unit has advised that, you have powers to instruct the Returning Officer to postpone the National Elections vide Article 33(b) of the ASK Constitution 2006.

Enclosed herein, please find a drafted letter for your signature.

  
Sicily K. Kariuki (Mrs), MBS  
**PRINCIPAL SECRETARY**

*M. Karani*  
*Advise as*  
*directly PS(SDA):*  
*PS L&B the people*  
*20/2 solve this issue*  
*conclusively*  
*CS*







AGRICULTURAL  
SOCIETY OF  
KENYA

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## National Office Election Rules

### ASK NATIONAL OFFICE – ELECTION RULES

#### PREAMBLE

The 2006 Constitution of the Society requires that rules be put in place for: “The proper carrying out of the purposes and provisions of this Constitution”

In pursuance thereof, the Rules set out herein have been developed to govern the election process, of the elective offices of the National Officials, namely National Chairman and Deputy National Chairmen.

This exercise is intended to uphold the interest of the Society Harmony in the society shall be upheld at all times.

#### A. Elections Rules

These Rules shall be called the elections rules 2009 to be applied during the elections of National Chairman and Deputy National Chairmen of the Agricultural Society of Kenya

These Rules are made pursuant to Article 53 of the 2006 Constitution.

#### B. Applicability

The Rules shall apply to the elections of the National and Deputy National Chairmen of the Society, by the members of the Council.

### C. Constitution

The 2006 Constitution of the Society requires that the holders of the position of chairman and deputy chairmen will not hold their respective offices for more than one term.

### D. Vacancy of Positions

1. All positions of National Chairman/Deputy National Chairmen shall fall vacant at the fifth (5) Annual General meeting of the Society.
2. At the same meeting (above) the National and Deputy Chairmen shall be elected to the said positions.
3. The position of Deputy Chairmen shall rank pari pasu of each other. The Constitution however dictates that Gender must be considered in elections to this position.
4. All positions shall be competed for independent of the other.
5. The poll for the positions shall be by secret ballot.

### E. Declaration of Candidature

The Constitution lays down certain conditionality for candidates to complete for the positions. They include;

1. Has not previously been convicted of a criminal offence
2. Has attained an education of a University Degree
3. Alternatively be of at least Form Four level qualification, with necessary skills and experience to run a large organisation.
4. Is below the age of seventy years.
5. All candidates must be in good standing in the Society.
6. A candidate must have served in the Council for at least Five (5) years prior to the elections.

### F. Procedure for Applications

*Addition*

1. The office of the Chief Executive shall issue a formal notification to Council members, (not later than thirty [30] days before the deadline of submission of candidatures (28th January) of the fifth [5th] AGM), informing those interested to submit their candidature for the positions of National Chairman and Deputy National Chairmen, (falling vacant at the fifth (5th) Annual General Meeting of the Society). The Chief Executive shall list the conditions precedent for those positions in the notification, including the timelines for the submission of their respective applications.
2. All applications shall be submitted to the office of the Chief Executive of the Society.
3. A candidate must submit his/her name stating the position that they are interested in, at least thirty (30) days prior to the Council Meeting that elects the office bearers and in any event not later than twenty eighth (28th ) January of the year of the Fifth [5th] Annual General Meeting.
4. A candidate will not be permitted to compete for both the position of National Chairman and Deputy National Chairmen.
5. Any candidate(s) holding the position of Branch Chairman, or Vice Patron and interested in the position of National Chairman or Deputy National Chairman, would be required to resign from those positions at the time of submission of their candidature.
6. Any candidate that resigns will not be allowed to resume the office resigned from upon conclusion of the elections.

### G. Electoral Committee

1. There shall be an Electoral Committee to scrutinize the applications of respective candidates and shall be made up of the office bearers of the National Staff & Finance Committee not

seeking elective office and the Returning Officer (All the above offices shall not openly display bipartisanship in respect to any or all of the elective positions, before or during the elections. *Add*)

2. The Committee shall be convened in the month of January of the Fifth (5th) Annual General Meeting and function only for the purpose of the electoral process for election of National Chairman, Deputy National Chairmen and Branch Chairmen positions, after which it shall remain sine die until the next January of the Fifth (5th) Annual General Meeting and so on ad infinitum.
3. The Committee will scrutinise the candidature(s) of all applicants and communicate the decision of the Committee to Council members through their respective branches within three (3) days of the decision. *} add*
4. Ballot papers (see Ballots below) shall be prepared by the electoral committee, indicating the name(s) of the candidates that have declared their interest for respective seats and have complied with the conditions precedent.

#### H. Ballots

1. Ballots for the election of National Chairman and Deputy National Chairmen and **Gender Deputy National Chairman** are as seen in the appendices to these rules.
2. There shall be a transparent/translucent Ballot Box (bucket) in which the Ballots shall be placed by the voters.
3. There shall be one ballot box clearly marked "NATIONAL CHAIRMAN", another "DEPUTY NATIONAL CHAIRMEN" and in which the respective ballot papers shall be placed individually by the voters.
4. The ballot boxes shall be placed distinctly to avoid confusion.

#### I. Election Notice

The Election Committee shall set the election date and time, which shall be communicated to the Council members at least twenty one (21) days (inclusive) to the election. *} added*

#### J. Voting Procedure

1. In the case of the position for Chairman, voters (Council Members/Vice Patrons) will be required to place a mark X or √ next to the name of the person they intend to vote for. a) In the event of a tie of votes of the two highest candidates, there shall be a second round of voting for the two (2) highest candidates that have tied. The other candidates would automatically drop out of the race. b) In the event of a second tie of votes amongst the two, then the decision will be decided by Lot. c) In the unlikely event that a ballot is placed in the wrong ballot box, that ballot shall be marked as spoilt.
  2. In the case of the three (3) positions for Deputy Chairmen including Gender Deputy Chairman, the voters (council members) will be required to place a mark X or √ adjacent to three names of candidates for the positions of Deputy Chairmen, of their choice.
  3. In the case of the Deputy Chairmen, the Gender position shall be reserved for the candidate of the gender that does not get the two highest votes in the election. The candidate with the highest votes amongst that gender will be the third Deputy Chairman.
  4. If two male candidates receive the two highest votes then the female candidate with the highest votes amongst other female candidates in the list, will be declared the winner of the gender category and become the Gender Deputy Chairman.
  5. If two female candidates receive the two highest votes then the male candidate with the highest votes amongst other male candidates in the list, will be declared the winner of the gender category and become the Gender Deputy Chairman.
  6. If however that one female candidate and one male candidate would have been selected as the
- ← Not allowed for*

candidates with the highest votes, then the position for the third Deputy Chairman would go to the candidate with the third highest votes, irrespective of gender.

7. Tying of Votes : a) In the event of a tie of votes of two (2) top contestants, then they shall be deemed to have been elected. b) In the event that there is a Candidate with the highest votes and the second two have tied, the candidate with the highest vote would be deemed elected and there would be a re-poll of the two next highest that have tied. This will however not be the case if amongst the top three candidates, two male and one female candidate or vice versa would have been amongst the three with the highest votes. c) In the event that there is a tie between three (3) candidates, being top three, then there shall be a re-poll to identify the two top candidates. This will however not be the case if amongst the top three candidates, Two male and one female candidate or vice versa would have been amongst the three. d) In the event of a tie of the Four (4) or more candidates being the top four, then a second round of balloting shall carried out, where the top two shall be elected as Deputy Chairmen and subject to 3 above, the Gender Deputy Chairman will have also been identified. e) In the event of a second tie of the four (4), then the decision shall be decided by Lot. f) In the event of ballot paper for Deputy Chairmen having four (4) marks, the ballot shall be spoilt. In the event it has three (3) marks or less, the marks shall apply. g) In the unlikely event that a ballot is placed in the wrong ballot box, that ballot shall be marked as spoilt.

#### K. Voting Process

1. Voting for National Chairman and Deputy National Chairmen shall be carried out simultaneously. The two (2) ballot papers shall be given to the voters together and placed in the Ballot boxes for counting.
2. Voting shall be restricted to Council Member and. A life Governor who is also a Council Member is entitled to vote in his/her capacity as a Council member.
3. Voting by proxy is not permitted.
4. The Returning officer cannot start counting the ballots until the voting for all the seats has been concluded.
5. Candidates will be at liberty to witness the counting. Each Candidate will be allowed to appoint an agent in writing within 24 hours before elections, to the Electoral Committee, deposited at the office of the Chief Executive.
6. The results of the elections shall be announced by the Returning Officer immediately upon conclusion of the tallying of votes.

#### L. Returning Officer

The Returning officer and Deputy Returning Officer shall be appointed by the 1st Vice Patron of the Society and (Cabinet Secretary for Agriculture), in writing.

#### M. Dispute Resolution

1. Any dispute arising from the electoral process shall be referred to the Returning Officer not later than fourteen (14) days from the occurrence of the event complained of. The Returning Officer shall be The Chairman the Dispute Resolution Committee which shall include members of the Electoral Committee. The decision of the committee shall be final. } *Add*
2. The Returning Officer will communicate the decision of the Dispute Resolution Committee *change* within fourteen (14) days of receipt of the Appeal /complaint/petition.
3. Such Appeals /complaints/petitions shall be deposited with the Chief Executive Officer at the Society Head Office, for onward transmission to the Dispute Resolution Committee. *change*
4. The Society programme shall not be interrupted, notwithstanding the fact that there lies a complaint / appeal or a petition.

5. Rules will be gazetted in the public domain.

#### N. Acceptance Form

Each Applicant would be required to execute an acceptance (Specimen attached), submitting themselves to these rules. The same must accompany the application.

#### O. Council Decision

The Council shall place before the subsequent AGM, the names of the National Chairman and Deputy National Chairmen elect respectively, for noting.

#### P. Rules

These Rules were approved by the Council at its meeting held on 3<sup>rd</sup> September 2010. The years have been amended reflecting the amendment of the Constitution in 2013.

*NOT true*

#### VALID BALLOT (ONE (1) MARK)

NATIONAL CHAIRMAN		
1	Miss Chaguo Lako	X
2	Mr. Mtu Wetu	
3	Mrs. Aliyeserna Nini	
4	Mzee Mzuri Sana	
Voters to place X or v on one (1) name only.		

#### VALID BALLOT (THREE [3] MARKS)

DEPUTY NATIONAL CHAIRMEN		
1	Mr. Juzi	X
2	Mrs. Kesho Kurwa	X
3	Mr. Good Day	X
4	Ms. Yesterday	
5	Mr. Moony	
6	Mrs. Rain	
7	Mr Friday	
Voters to place X or v mark onnot more than three (3) names only.		

#### SPOILT BALLOT (TWO (2) MARKS)

NATIONAL CHAIRMAN		
1	Miss Chaguo Lako	X
2	Mr. Mtu Wetu	
3	Mrs. Aliyeserna Nini	X
4	Mzee Mzuri Sana	
Voters to place X or v mark onone (1) name only.		

#### SPOILT BALLOT (FOUR [4] MARKS)

DEPUTY NATIONAL CHAIRMAN		
1	Mr. Juzi	X

JOSEPH GACHAGUA  
DEPUTY NATIONAL CHAIRMAN  
AGRICULTURAL SOCIETY OF KENYA  
P.O. BOX 818 NANYUKI  
TEL 0722886587  
01/03/2015

THE CABINET SECRETARY  
STATE DEPARTMENT OF AGRICULTURE LIVESTOCK AND FISHERIES  
NAIROBI

Dear Sir

**PETITION ON RUNNING OF AGRICULTURAL SOCIETY OF KENYA AND ELECTION OF NATIONAL OFFICIALS**

I am writing this petition well aware of your pivotal role in Agricultural Society of Kenya (A.S.K). I take this early chance to distance myself from comments made on 27<sup>th</sup> Feb 2015 at Jamhuri showground to the effect that A.S.K is privately owned by members and your ministry and government have no role in preventing activities from going on.

Sir, as much as the Patron ,Deputy Patron and you as First vice Patron are not involved in running the day to day activities of A.S.K. your role cannot be undermined.

- All our land is given by government to further agricultural development in this country.
- You have given us financial support to improve various show grounds.
- The government supports show activities with the Bands from disciplined forces at very highly subsidized rates.
- You play major ceremonial roles in all shows and use the forum to articulate issues relating to agriculture during the events.
- In any organization, a patron plays advisory, reconciliatory roles, conflict resolution among others. He also acts as a symbol of National unity in the society.

By virtue of being the cabinet secretary in whose docket, A.S.K fall, His powers are exercised through you and your delegated officers. The returning officer Madam Mary Nduru advised that elections should not be held on 27<sup>th</sup> February 2015.

In her advice Madam Nduru requested the officers of the society to address issues raised by council members and set another date for elections

Some of the issues raised are:-

1. Holding of A.G.M in Mombasa and Garissa
2. Ensuring the voter register is complete with 101 members up from 80 who currently in the list.
3. Fair treatment of council members as per rules. For example Samuel Budotich and Dr. Tonui were removed from their respective branches claiming they don't work there..  
The same should have been done to Mr. Anthony Mrima who is in Mombasa branch and is a resident judge in Kakamega.
4. Other issues related to elections.

Your officer advised that the issues be addressed amicably.

Unfortunately, what followed was the legal adviser usurping powers and declaring the C.E.O the returning officer and disregarded advice by the returning officer from your office.

This was against your constitutional right as regards conduct of elections.

The team flouted the A.S.K. Constitution by allowing a meeting to reconvene as council meeting to pretend to discuss the pertinent issue raised by your officer. I had earlier requested C.E.O for meeting and the attached reply confirm to you that the meeting should not have discussed any other matter apart from elections. Procedure of conducting meetings were not followed.

Since they have already removed close to 20 members from branches as explained in an earlier document they were sure to marshal numbers to ensure they go ahead and vote even without a returning officer from your ministry as per the A.S.K constitution.

The C.E.O and legal advisor prevailed upon council members to go ahead and vote. At that point my team protested and walked out leaving the team to hand themselves victory to an extent of electing Hon. Justice Antony Mrima as chairman in his absence.

Sir, it is very clear that the National Chairman, C.E.O and legal adviser want to impose leadership to A.S.K by all means.

Our request

- i. That C.E.O and legal adviser be declared unfit to hold public office of the Agricultural Society of Kenya, for either giving wrong advise or not giving proper advise to the chairman and council.
- ii. That those elections that were held be declared null and void.
- iii. That a caretaker committee be identified from among your officers and two officers of the society to run affairs of A.S.K with immediate effect.
- iv. This caretaker committee address the dispute in all branches to be able to come up with a flesh voter's register.
- v. The Application of those seeking position be relooked again.
- vi. Elections are held before 10<sup>th</sup> April 2015 to enable the new team come to office during the A.G.M scheduled for that date.
- vii. A team be identified to investigate financial management of the society nepotism tribalism, discrimination and other allegations as per attached documents.
- viii. That funds of farmers trust be probed to confirm if they have remitted, to which account and whether the money is still in the account.

Sir, you are the only hope for this society.

Thank you

Yours faithfully,

Joseph Gachagua

Deputy National Chairman.



REPUBLIC OF KENYA



MINISTRY OF AGRICULTURE, LIVESTOCK & FISHERIES

State Department of Agriculture  
Office of the Principal Secretary

Telephone: 2718870/9  
Fax: 2711149  
www.kilimo.go.ke  
[psagriculture@kilimo.go.ke](mailto:psagriculture@kilimo.go.ke)

KILIMO HOUSE  
CATHEDRAL ROAD  
P.O. Box 30028  
NAIROBI

REF: MOA/ADM/1/20/1

8<sup>th</sup> April, 2015

**Batram Muthoka**  
Chief Executive Officer  
Agricultural Society of Kenya  
Jamhuri Park  
P. O. Box 30176-00100,  
**NAIROBI.**

Dear

**CONSULTATIVE MEETING ON AGRICULTURAL SOCIETY OF KENYA  
(ASK) AFFAIRS – ASK NATIONAL ELECTIONS**

Reference is made to your letter dated 16<sup>th</sup> March, 2015 on the above matter, the contents of which have been noted.

It is noted that the elections held on 27<sup>th</sup> February, 2015 were carried out without a duly appointed Returning Officer. Rule M of the Rules of the Agricultural Society of Kenya stipulates that a Returning Officer is appointed by the 1<sup>st</sup> Vice Patron of the Society who, in this case, is the Cabinet Secretary for Agriculture.

We wish to refer you to Rules L and N of the aforementioned Rules of the Agricultural Society of Kenya on the role of the Returning Officer during elections. Please note that in the absence of a duly appointed Returning Officer, the elections did not comply with the Rules of the Agricultural Society of Kenya.

In view of the foregoing, you are advised not to hold the meeting planned for 10<sup>th</sup> April, 2015 until elections are held in accordance with the said Rules of the Agricultural Society of Kenya.

Yours

*PP*  


Sicily K. Kariuki (Mrs.) MBS  
**PRINCIPAL SECRETARY**

CC: Cabinet Secretary



AGRICULTURAL  
SOCIETY OF  
KENYA

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2015

AGRICULTURAL SOCIETY OF KENYA GETS NEW LEADERSHIP

# THE AGRICULTURAL SOCIETY OF KENYA




Jamhuri Park P.O. Box 30176-00100 G.P.O., Nairobi Telephone: 0704-583855, 0738-345333 Wireless: 0704-583855  
 Email: info@ask.co.ke Website: www.ask.co.ke

## CALENDAR OF EVENTS FOR THE YEAR 2015

Theme: "Enhancing Technology in Agriculture and Industry for Food security and National Growth".  
 "Kulimarisha Teknolojia ya Kilimo na Viwanda ili Kujitosheleza kwa Chakula na Ustawi wa Taifa".

EVENT	DATE	DURATION	VENUE
1. Eldoret National Show - Eldoret	Mar 4 <sup>th</sup> - 7 <sup>th</sup>	4 days	Eldoret
2. A.S.K. Annual General Meeting	April 3 <sup>rd</sup>	1 day	JIPark
3. Mt. Kenya Branch Show - Nanyuki	May 28 <sup>th</sup> - 30 <sup>th</sup>	3 days	Nanyuki
4. Y.F.C.K. Tree Planting Day	May 23 <sup>rd</sup>	1 day	Nakuru
5. Meru National Show - Meru	June 3 <sup>rd</sup> - 6 <sup>th</sup>	4 days	Meru
6. Eastern Kenya Branch Show - Embu	June 11 <sup>th</sup> - 13 <sup>th</sup>	3 days	Embu
7. Western Kenya Branch show - Kakamega	June 18 <sup>th</sup> - 20 <sup>th</sup>	3 days	Kakamega
8. Y.F.C.K. National Rally	June 20 <sup>th</sup>	1 day	JIPark
9. Royal Highland Show	June 18 <sup>th</sup> - 21 <sup>st</sup>	4 days	Edinburgh
10. S.E. Kenya Branch Show - Machakos	June 24 <sup>th</sup> - 27 <sup>th</sup>	4 days	Machakos
11. Nakuru National Agricultural Show	June 30 <sup>th</sup> - July 4 <sup>th</sup>	5 days	Nakuru
12. Southern Kenya Branch - Kisii	July 9 <sup>th</sup> - 12 <sup>th</sup>	4 days	Kisii
13. National Agriculture Teachers Conference	July, 16 <sup>th</sup> - 18 <sup>th</sup>	3 days	Egerton
14. Livestock Breeders Show	July 16 <sup>th</sup> - 18 <sup>th</sup>	3 days	JIPark
15. Kisumu Regional Show - Kisumu	Jul 29 <sup>th</sup> - 2 <sup>nd</sup> Aug	5 days	Kisumu
16. Y.F.C.K. National Camp	Aug 3 <sup>rd</sup> - 7 <sup>th</sup>	6 days	Mombasa
17. Mombasa International Show	Aug 26 <sup>th</sup> - 30 <sup>th</sup>	5 days	Mombasa
18. Central Kenya National Show - Nyeri	Sept 9 <sup>th</sup> - 12 <sup>th</sup>	4 days	Nyeri
19. N.E. Kenya Branch Show - Garissa	Sept 17 <sup>th</sup> - 19 <sup>th</sup>	3 days	Garissa
20. World Ploughing Contest	Sep 25 <sup>th</sup> - 4 <sup>th</sup> Oct	10 days	Denmark
21. Nairobi International Trade Fair	Sep 28 <sup>th</sup> - 4 <sup>th</sup> Oct	7 days	JIPark
22. Migori Satellite Show	Oct 8 <sup>th</sup> - 10 <sup>th</sup>	3 days	Migori
23. Kabarnet Branch Show - Kabarnet	Oct 15 <sup>th</sup> - 17 <sup>th</sup>	3 days	Kabarnet
24. Kitale National Show - Kitale	Oct 28 <sup>th</sup> - 31 <sup>st</sup>	4 days	Kitale
25. National Ploughing Contest	Nov 27 <sup>th</sup> - 28 <sup>th</sup>	2 days	Nakuru

  
 Frank M. Muthoka  
 CHIEF EXECUTIVE

LOGO.

AGRICULTURAL SOCIETY OF KENYA.

SCHEDULE OF 2014 BRANCH ANNUAL GENERAL MEETINGS

<u>BRANCH</u>	<u>DATE</u>	<u>TIME</u>		<u>VENUE</u>
CENTRAL KENYA NYERI	20/01/15	10.00A.M 12.00Noon	BCM AGM	KABIRUINI SHOWGROUND
MT. KENYA NANYUKI	21/01/15	10.00A.M 12.00Noon	BCM AGM	NANYUKI SHOWGROUND
NORTHERN KENYA MERU	22/01/15	10.00A.M 12.00Noon	BCM AGM	GITORO SHOWGROUND
EASTERN KENYA EMBU	23/01/15	10.00A.M 12.00Noon	BCM AGM	NJUKIRI SHOWGROUND
NYANZA BRANCH KISUMU	28/01/15	10.00A.M 12.00Noon	BCM AGM	MAMBOLEO SHOWGROUND
SOUTHERN KENYA KISII	29/01/15	10.00A.M 12.00Noon	BCM AGM	KISII SHOWGROUND
WESTERN KENYA BRANCH	30/01/15	10.00A.M 12Noon	BCM AGM	MOI SHOWGROUND
KABARNET BRANCH	5/02/15	10.00A.M 12Noon	BCM AGM	KABARNET SHOWGROUND
NORTH RIFT KITALE	6/02/15	10.00A.M 12Noon	BCM AGM	KITALE SHOWGROUND
SOUTH EASTERN MACHAKOS	9/02/15	10.00A.M 12.00Noon	BCM AGM	MACHAKOS SHOWGROUND
NAIROBI BRANCH NAIROBI	10/02/15	10.00A.M 12.00Noon	BCM AGM	JAMHURI PARK SHOWGROUND
CENTRAL RIFT NAKURU	12/02/15	10.00A.M 12.00Noon	BCM AGM	NAKURU SHOWGROUND
COAST BRANCH MOMBASA	19/02/15	10:00A.M 12:00Noon	BCM AGM	JOMO KENYATTA SHOWGROUND
ELDOROT	10/03/15	10.00A.M 12.00Noon	BCM AGM	ELDOROT SHOWGROUND
NORTH EASTERN GARISSA	12/03/15	10.00A.M 12.00Noon	BCM AGM	GARISSA SHOWGROUND

Batram M. Muthoka,  
CHIEF EXECUTIVE.

**PROPOSED SCHEDULE OF MEETINGS - 2014**

STAFF AND FINANCE - 1<sup>ST</sup> APRIL, 2014

EXECUTIVE MEETING - 2<sup>ND</sup> APRIL, 2014

COUNCIL MEETING - 3<sup>RD</sup> APRIL, 2014

SOCIETY AGM - 4<sup>TH</sup> APRIL, 2014

STAFF AND FINANCE - 16<sup>TH</sup> JULY, 2014

EXECUTIVE MEETING - 17<sup>TH</sup> JULY, 2014

COUNCIL MEETING - 18<sup>TH</sup> JULY, 2014

STAFF AND FINANCE - 19<sup>TH</sup> NOVEMBER, 2014

EXECUTIVE MEETING - 20<sup>TH</sup> NOVEMBER, 2014

COUNCIL MEETING - 21<sup>ST</sup> NOVEMBER, 2014

# List With Less members

## AGRICULTURAL SOCIETY OF KENYA

### COUNCIL MEMBERS LIST AS AT JANUARY, 2015

PATRON	H.E. HON. UHURU KENYATTA, CGH THE PRESIDENT OF THE REPUBLIC OF KENYA AND COMMANDER IN CHIEF OF THE KENYA DEFENSE FORCES	
DEPUTY PATRON	H.E HON. WILLIAM RUTO, EGH THE DEPUTY PRESIDENT OF THE REPUBLIC OF KENYA	
FIRST VICE PATRON	HON. FELIX KOSKEI, EGH CABINET SECRETARY, AGRICULTURE/LIVESTOCK/FISHERIES	
COUNTY PATRONS	COUNTY GOVERNORS (Nairobi, Mombasa, Nakuru, Kisumu, Eldoret, Nyeri, Kitale, Meru, Nanyuki, Kisii, Machakos, Embu, Kakamega, Kabarnet, Garissa)	
VICE PATRONS	Mr. Maina Wanjigi, P.O. Box 44565, <u>NAIROBI.</u>	
	Mr. J.J. Mugeria P.O. Box 52380, <u>NAIROBI.</u>	
	Hon. P.G. Muriithi, P.O. Box 72973, <u>NAIROBI.</u>	0723-394694 020- 221043
	Dr. N.K. Tum, EBS, P.O. Box 553, <u>KITALE.</u>	721717/ Fax: 0321-20941 20458
	Mr. E.N. Kihara, P.O Box 44465, <u>NAIROBI.</u>	337478
	Mr. R. W. Walukano, MBS OGW, P.O. Box 1259, <u>BUNGOMA.</u>	0733-870 431/ 0337-30268
	Hon. Maj. (RTD) M.H. Madoka, EGH, P.O Box 41832, <u>NAIROBI.</u>	227411
	Mrs. Anne Wambaa, MBS P.O Box 42229, <u>NAIROBI.</u>	0722-708559
	Mr. Duncan Mwangi P.O Box 69969, <u>NAIROBI.</u>	240514/312272 Fax: 312264 0722 899291

Ms. Shuweka Rashid  
P.O. Box 95187,  
MOMBASA.

Mr. Eric Balliat, HSC  
P.O. Box 100,  
ELDORET.

Mr. Omurembe Iyadi,  
P.O. Box 30367 - 00200,  
NAIROBI.

Mr. Mohammed Jaffer,  
P.O. Box 80469 - 80100,  
MOMBASA.

Mr. Ali Islam Ali,  
P.O. Box 87074,  
MOMBASA.

Mr. J. Kiangoi, OGW.  
P.O. Box 11784,  
NAIROBI.

Mr. Sam Gitonga  
P.O. Box 21325.  
NAIROBI

Mr. Henry Nyagah,  
P.O. Box 90062,  
MOMBASA.

Eng. David Stower.  
P.O. Box 49720 - 00100,  
NAIROBI.

Mr. Timothy Omato,  
P.O. Box 1981,  
KISII.

Ms. Zipporah Kittony,  
P.O. Box 44412,  
NAIROBI.

Mr. Ben Okwiri,  
P.O. Box 350,  
KISUMU.

Mr. G.K. Nzuva, SS  
P.O. Box 73621-00200,  
NAIROBI

Mr. Benson Kaaria,  
P.O. Box 30,  
IGOLI

0321 - 62077/61354  
0722 - 750258

0721 - 767225

0722 - 205452/  
0733 - 631333

2494611/  
2491150

210696/560140

0721 - 605839

0733950919

020-2716103

0722-765259

0722-639711

0722-706176

0722-806982



## TRUSTEES

	Mr. David Keli Kiliu P.O Box 389-00502, <u>KAREN, NAIROBI.</u>	0724 - 255544
	Mr. Brown Ondego P.O Box 99660, <u>MOMBASA.</u>	0722 - 411605 041-2230220
	Mr. Isaac Njogu P.O Box 7395, <u>NAKIURI</u>	0721 - 107970
	Mr. Nelson N. Ogombe, P.O Box 216, <u>NGIYA</u>	0722 - 881460
	Mr. G.K. Mwai P.O Box 188 - 10102, <u>KIGANJO - NYERI.</u>	Nyeri 86032 0722 513074
	Mr. I. Mbogori P.O Box 676, <u>MERU</u>	0164 - 30281
	Mr. James R. Njenga P.O Box 14947, <u>NAIROBI.</u>	0722 - 526295
	Hon. Senator Justice Stewart Madzayo, P.O Box 88709, <u>MOMBASA.</u>	0722-993128
	Mrs. Hellen Kombo. P.O Box 1202, <u>KISII.</u>	0728-722255
SOCIETY CHAIRMAN	Mrs. Alice C. Kalya, OGW P.O. Box 235, <u>ELDORET</u>	0733 - 776477 053 - 833048
DEPUTY CHAIRMAN	Mr. Joseph Gachagua P.O. Box 818, <u>NANYUKI</u>	0722-886587
DEPUTY CHAIRMAN	Mr. Reuben Robi, P.O. Box 2003, <u>NAKURU</u>	0722-805560
DEPUTY CHAIRMAN	Mrs. Rhoda Ahonobadha, P.O Box 858, <u>KISUMU</u>	0721592181
FINANCIAL ADVISER	Mr. Duncan Mwangi P.O Box 69969, <u>NAIROBI.</u>	240514/3122720 Fax: 312264 0733 473134

LEGAL ADVISER	Mr. Ken Omanga P.O. Box 62487, <u>NAIROBI.</u>	0722 - 418298
CHIEF EXECUTIVE	Mr. Batram M. Muthoka P.O. Box 30176, <u>NAIROBI.</u>	020-2176673
NAIROBI BRANCH AG. CHAIRMAN	Ms. Minno Njage, P.O. Box 50490 - 00200, <u>NAIROBI.</u>	0722 - 242190
COUNCIL MEMBERS	Mr. Joseph Mugo P.O Box 20030 <u>NAIROBI.</u>	0722-530623
	Mr. George Ndirango P.O Box 40400-00100 <u>NAIROBI</u>	0722-339108
	Mr. Francis M. Muriithi, P.O Box 76007-00508, <u>NAIROBI.</u>	0718767354
	Mr. Teurie Van Helden, P.O Box 424 - 00208, <u>NGONG - HILLS</u>	0723-736797
COAST BRANCH COUNCIL MEMBERS	Hon. Justice Antony C. Mrimu P.O Box 88709, <u>MOMBASA</u>	0724 - 327269 0733 - 486128 2222803
	Mr. Salim Suleiman Mohammed P.O Box 82730-80100, <u>MOMBASA.</u>	0718-443328
	Mr. Mohammad Sheyha P.O Box 17000, <u>MOMBASA.</u>	0721 - 243864
	Mrs. Anisa Abdalla P.O Box 83356, <u>MOMBASA</u>	0722 828600 020-205881
	Mr. Khamis Juma P.O Box 42158, <u>MOMBASA.</u>	0722-783752
	Mr. Jeffar Kulu Kiti P.O Box 97206, <u>MOMBASA.</u>	0726-069417

	Ms. Agnes Mwangi P.O Box 87395, <u>MOMBASA</u>	0722557728
CENTRAL RIFT CHAIRMAN	Mr. John Karanja P.O Box 3147, <u>NAKURU.</u>	0710-453106
COUNCIL MEMBERS	Alice Kibugu P.O Box 2378, <u>NAKURU.</u>	0721 463193
NYANZA BRANCH AG. CHAIRMAN	Mr. Clint Caleb Oguya P.O Box 810, <u>KISUMU</u>	0722-657672
COUNCIL MEMBERS	Mr. Charles Owelle P.O Box 177, <u>MUHORONI</u>	0733 – 793490
	Ms. Bertha Akoth Okoyo, P.O. Box 6345 <u>KISUMU</u> Email: berthaokoyo@yahoo.com	0720 - 902330
	Mr. George On'gundi P.O. Box 19433 <u>KISUMU</u> Email Sustain-development02@yahoo.com	0722-218470
	Mr. Peter Odima, P.O Box 19628, <u>KISUMU.</u>	0721 - 847699
	Mr. Morris Roche, P.O Box 810, <u>KISUMU.</u>	0725-782995
	Mr. Elijah Omollo P.O Box 7240-40100 <u>KISUMU</u>	0724362718
	Mr. James Ogari P.O Box 275 <u>MUHORONI</u>	0721841417
ELDORET BRANCH AG. CHAIRMAN	Mr. Ratcliffe Nangalama P.O Box 61, <u>ELDORET.</u>	0733 – 920115
COUNCIL MEMBERS	Mr. Jackson Tuwei P.O Box 61, <u>ELDORET.</u>	0722- 492282

	Mrs. Susan Seron P.O Box 446, <u>ELDORET</u>	0733-844439
	Ms. Beatrice Kiptalam P.O. Box 2779 <u>ELDORET.</u>	0722-456461
	Mr. Ben K. Too P.O. Box 3108 <u>ELDORET</u>	0722 - 660164
	Mr. Enoch Kimutai Too, P.O Box 5310 - 30100, <u>ELDORET.</u>	0722-274011
CENTRAL KENYA CHAIRMAN	Mr. Francis N. Waithaka P.O. Box 175, <u>KIGANJO.</u>	0722-805313
COUNCIL MEMBERS:	Mr. James Kahiro, P.O Box 1939, <u>NYERI</u>	0725-408988
	Mr. Job Mwangi Kanyi P.O Box 2750, <u>NYERI.</u>	0721-335804
	Mr. Stephen Githinji Ngunjiri P.O. Box 1939, <u>NYERI.</u>	0724-859018
	Mr. Patrick Karinga Munuhe P.O. Box 260, <u>NYERI.</u>	0722 - 667206
	Mr. John M. Kibira P.O Box 2639, <u>NYERI.</u>	0722-399387
	Mrs. Margaret W. Macharia P.O Box 1088, <u>NYERI.</u>	0722-661598
NORTH RIFT CHAIRMAN	Mrs. Tabitha Toroitich P.O Box 1596-30200 <u>KITALE.</u>	0721- 886128
COUNCIL MEMBERS:	Ms. Edith Onzere P.O. Box 406, Moi Bridge, <u>KITALE.</u>	0722-647359
	Mr. Sammy K. Chepsiror P.O. Box 553, <u>KITALE.</u>	0722-832132

	Mr. David Sitienei P.O. Box 88 <u>MOI'S BRIDGE.</u>	0710-359770
	Fredrick Kipkemboi Tarus P.O Box 3213, <u>KITALE.</u>	0722149191
	Mr. Shem .K.S.Amai P.O. Box 11 <u>KITALE.</u>	0721-975314
MT. KENYA CHAIRMAN	Mr. Charles W. Matau P.O Box 951, <u>NANYUKI.</u>	0721-399311
COUNCIL MEMBERS	Mr. Francis Gitonga P.O. Box 676, <u>NANYUKI.</u>	0722-319772
	Mr. Newton Kabuthia P.O. Box 1324, <u>NANYUKI.</u>	0721251599
SOUTHERN KENYA CHAIRMAN	Mr. Julius Bosire, P.O. Box 1020, <u>KISII.</u>	0733-452714
COUNCIL MEMBERS	Mr. Peter Mogendi, P.O Box 1327-40200, <u>KISII</u>	0722-460827
	Mr. Kefa Onduso P.O. Box 3657-40200 <u>KISII</u>	0720-204582
	Mrs. Rose N. Mbaya P.O Box 3100, <u>KISII.</u>	0713- 477751
WESTERN KENYA CHAIRMAN	Mr. Elly Mukolwe P.O. Box 418, <u>KAKAMEGA</u>	0733-909854
COUNCIL MEMBERS	Mr. Owiye Makomele P.O. Box 131, <u>KHWISERO.</u>	0722 - 222241
	Mr. Ludovicus Okitoi P.O. Box 369 <u>KAKAMEGA</u>	0724348347
	Ms. Celestine Aura, P.O) Box Private Bag, <u>MUMIAS.</u>	0726-229545 caura@mumias-sugar.com

EASTERN KENYA CHAIRMAN	Mr. Joseph Njeru. P.O Box 1407, <u>EMBU.</u>	0722-782400
COUNCIL MEMBERS	Mr. Daniel K. Wairhaka P.O Box 1476, <u>EMBU.</u>	0722-888990
NORTHERN KENYA CHAIRMAN	Mr. John Kirimi Kairanya P.O. Box 78, <u>MERU</u>	0722-852400
COUNCIL MEMBERS	Mrs. Annabel Kirinyia P.O Box 1112 <u>MERU.</u>	0722-468072
	Mr. Harrison Marete P.O. Box 2652, <u>MERU.</u>	0721-876876
	Mr. Francis Nkanata P.O. Box 2451, <u>MERU.</u>	0734-959027 064-30591
	Mr. Mwitil Mutiri P.O. Box 465, <u>MERU.</u>	0722-897434
	Mr. Zachary Kimathi P.O. Box 219-60200, <u>MERU.</u>	0726-464939
	Mr. Stanley M. Maingi. P.O Box 419, <u>MERU.</u>	0712-246942
KABARNET COUNCIL MEMBERS	Mrs. Jane Chepkwony P.O. Box 61, KABARNET.	0722-465516
	Mrs. Esther Mutua. P.O Box 91, <u>KABARNET</u>	0722-874853
	Mr. Isaac Chemngorem P.O Box 563, KABARNET.	0722 686169
	Mr. Silvermo Cheptarus P.O Box 249, <u>KABARNET</u>	0729-855836
SOUTHERN EASTERN KENYA. AG. CHAIRMAN	Mr. Fred Nzioki, P.O. Box 1063, <u>MACHAKOS.</u>	0722-229635

COUNCIL MEMBERS

Mrs. Lucy Muteti  
P.O. Box 50590100  
MACHAKOS

0711985007

Mr. Mathew Kioko,  
P.O. Box 262,  
MACHAKOS

0722-883830

Mr. John Nzala  
P.O. Box 742  
MACHAKOS.

0721-554553

NORTH EASTERN  
CHAIRMAN

Mr. Ernest Munyi  
Private Bag,  
GARISSA.

COUNCIL MEMBERS

Mr. Omar Bedhe  
P.O. Box 486,  
GARISSA.

0722-140036

Mr. Abdulahi Jellow  
P.O. Box 41,  
GARISSA.

0726-083115

78

- Life Governor  
- Y.F.C.

80

### EX-OFFICIAL MEMBERS

The Principal Secretary	-	State department of Agriculture
The Principal Secretary	-	State Department of Livestock
The Principal Secretary	-	State Department of Fisheries
The Agriculture Secretary	-	P.O Box 30028, Nairobi.
The Director of Veterinary Services	-	Private Bag, Kabete
The Director of Livestock Production	-	P.O Box 34188, Nairobi
The Chairman, KENFAP	-	P.O Box 48148, Nairobi Tel. 721603
The Managing Director, Kenya Railways	-	P.O Box 30121, Nairobi
The Lands Secretary	-	P.O Box 30089, Nairobi
The Chairman, Kenya Livestock Breeders Org.	-	P.O Box 4627, Eldoret
The Chairman, Kenya Ploughing Organisation	-	P.O. Box 47101 - 00100, Nairobi
The Chairman, Young Farmers Clubs of Kenya	-	P.O Box 1327, Kisii
The Chairman, Cups and Classes	-	P.O Box 73621, Nairobi
The Chairman, Life Governors	-	P.O Box 30-60402, Igoji
The Chairman, Kenya Farmer Editorial Board	-	P.O Box 262, Machakos

### DEPUTY NATIONAL CHAIRMEN

Marketing/Advertising/Publicity/Protocol/Membership	Mr. Reuben Robi
Capital Development/Kenfap/Exhibitions/Trade	Mr. Joseph Gachagua
Operations, Gates, Livestock & Dairy, Small & Medium Industries, Strategic Planning	Mrs. Rhoda Ahonobadiha

### CHAIRMEN AND DEPUTY CHAIRMEN OF SUB-COMMITTEES

Life Governors	Mr. Benson Kauria
D/Chairman Life Governors	Mr. G.K. Nzuva
Kenya Ploughing Organization	Mr. Richard Aiyebai
Young Farmers Clubs of Kenya	Mr. Charles O. Odede
Kenya Livestock Breeders Org.	Mr. Christopher Chirchir
Cups and Classes	Mr. G.K. Nzuva
Long and Loyal Service Awards	Mr. James Kahiho