

REPUBLIC OF KENYA

Sent via email 3/05/17

Telegraphic Address
'Bunge', Nairobi
Telephone 2848000
Fax: 2243694
E-mail: cSenate@parliament.go.ke



Clerk's Chambers
The Senate
Parliament Buildings
P. O. Box 41842 -00100
Nairobi, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./PETITIONS/CORR./2017

29th May, 2017

New Kengele Association Busia County,
C/o Mr. Francis Mukamani,
P.O. Box 25-50400,
BUSIA.
Email: newkengelebusia@gmail.com
Tel: 0722284110



Dear *Sri/Madam,*

RE: PETITION TO THE SENATE CONCERNING ALLEGED UNPROCEDURAL
CONSTRUCTION OF MJINI PRIMARY SCHOOL ON THE SECURITY
BUFFER ZONE LAND, BUSIA COUNTY.

I acknowledge with thanks receipt of your Petition on the above subject matter.

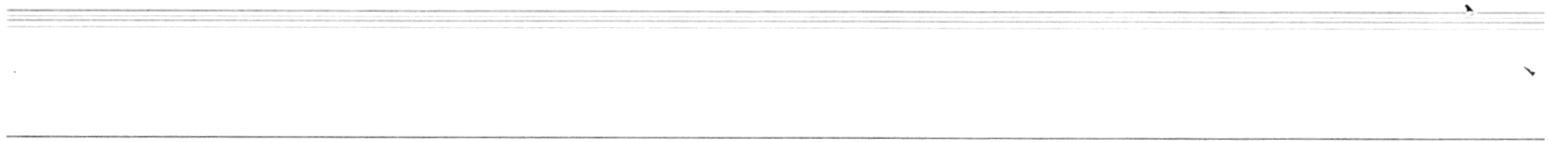
Upon reviewing the Petition in terms of Senate Standing Order 220 (3), it is noted that, although it raises important issues for consideration, it does not indicate the identities or particulars of the relevant bodies to which the matter was previously addressed, whether there have been any responses from those bodies or whether the responses have been unsatisfactory, as required under the Senate Standing Order 223.

In the circumstances, I regret to advise that the Petition is not admissible for consideration by the Senate in its present form. Attached, are the relevant provisions relating to the requirement for a public petition as well as a template on the form of a public petition, which you may adopt should wish to pursue this matter further.

Mr. Lawrence Amolo, Principal Clerk Assistant (Tel No. 0722529898 and Email, lawrenceoamolo@gmail.com) is the officer responsible for facilitating this matter.

Yours *sincerely,*

M. A. MOHAMED,
SENIOR DEPUTY CLERK,
FOR: CLERK OF THE SENATE



PETITION BY THE NEW KENGELE ASSOCIATION BUSIA COUNTY CONCERNING
THE PROCEDURE FOLLOWED IN THE CONSTRUCTION OF MJINI PRIMARY
SCHOOL ON THE SECURITY BUFFER ZONE LAND.

Honourable Senators,

1. Pursuant to Standing Orders 220 (1) (a), and 225(2) (b), I hereby report to the Senate that a petition has been submitted, through the Clerk, by the New Kengele Association from Busia County, concerning the procedure followed in the construction of Mjini primary school on the security buffer zone land.
2. In the Petition, the petitioner states-
 - a) That, the Kenya government evicted residents of Marachi and Sofia to create a security buffer zone vide gazette notice no of 1989;
 - b) that the County government of Busia through Burumba ward development Fund put a primary school on the security buffer zone land of Marachi area;
 - c) that the National land commission was not consulted before the project was put on the said land;
 - d) that neither the consent County education Board, public health, NEMA, nor the County security was sought for approval;
 - e) that after the construction which costed over ksh 7 million, statutory bodies that were to approve the project and who were not consulted have declared the project unfit for a public primary school as it is located on security buffer zone and too close to Kenya/ Uganda boundary; and
 - f) That residents of Busia county and more specifically Burumba ward whose ward development fund was used to finance the project would suffer irreparably if those who sanctioned the project are not surcharged to recover the money so that it can be put to proper use.
3. The Petitioner therefore prays that the Senate investigates this matter, and makes appropriate recommendations and interventions thereon. Among the proposals made by the Petitioner is for the Senate to establish whether it was in order for the county government of Busia to construct a school on a security buffer zone, to surcharge officers who sanctioned the project and recover all the monies spent on the project and establish the role played by Burumba ward M.C.A in the matter.

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4. *Honourable Senators*, pursuant to standing order 226, I shall now allow comments, observations or clarifications in relation to the petition for not more than **thirty** minutes.

[after comments by Senators]

5. *Honourable Senators*, pursuant to standing order 227(1), the Petition stands committed to the relevant standing committee, in this case the Standing Committee on Land and Natural Resources.
6. In terms of standing order 227(2), the Committee will be required, in not more than sixty days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner and laid on the Table of the Senate.

NEW KENGELE ASSOCIATION BUSIA COUTY



PO BOX 25-50400 BUSIA KENYA

. Email: newkengelebusia@gmail com

THE CLERK OF THE SENATE
PARLIAMENT BUILDINGS
P.O BOX 418400100
NAIROBI

email: csenate@parliament.go.ke



RE: PETITION TO THE SENATE CONCERNING PROCEDURE FOLLOWED IN THE CONSTRUCTION OF MJINI PRIMARY SCHOOL ON THE SECURITY BUFFER ZONE LAND ,BUSIA COUNTY.

We the undersigned

Citizens of the Republic of Kenya and residents of Busia county

DRAW the attention of the senate to the following

- (1) That the Kenya government evicted residents of Marachi and Sofia to create a security buffer zone vide gazette notice no of 3817 of 1989.
- (2) That the county government of Busia through Burumba ward development Fund put up a primary school on the security Buffer zone land Marachi area
- (3) That public participation was not done prior to the construction of the school .
- (4) That the National land commission was not consulted before the project was put on the said land.
- (5) That consent of the county education Board was not sought before the commencement of the project.
- (6) That consent of public health was not sought by those who executed the project
- (7) That NEMA did not approve the project
- (8) That the county security committee did not approve the project on the said land.
- (9) That after the construction which costed over ksh 7 million, the project stands out as a white elephant ,the statutory bodies that were to approve the project and who were not consulted have declared the project unfit for a public primary school as it is located on security buffer zone. and too close to Kenya /Uganda international boundary.

That residents of Busia county and more specifically Burumba ward whose ward development fund was used to finance the project would suffer irreparably if those who sanctioned the project are not Surcharged to recover the money so that it can be put to proper use.

THAT ,we have made the best efforts to have the matter addressed by the relevant authorities all of which have failed to give a satisfactory response

② Mr. Amos
Please initial review.
19/5

Mr. Amos
Please deal.
18/05/17

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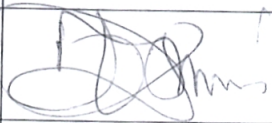
RE: PETITION TO THE SENATE CONCERNING PROCEDURE FOLLOWED IN THE CONSTRUCTION OF MJINI PRIMARY SCHOOL ON THE SECURITY BUFFER ZONE LAND, BUSIA COUNTY.

THAT none of these issues raised in this petitions is pending in any court of law, constitutional on any other legal body.

WHEREFORE, your humble petitioners pray that the senate

- (1) Establishes whether it was in order for the county government of Busia to construct a school on a security buffer zone
- (2) Whether it was proper for the county government to construct a public primary school without consent of the county education board, public health department NEMA and on land with no official Lease
- (3) To surcharged officers who sanctioned the project and recover all monies spent on the project To establish the role played by Burumba ward M.C. A in the matter, as he is in charge of oversight.

Dated this 13th day of march 2017

No	NAME	ADDRESS	ID NO	SIGNATURE
	FRANCIS MUKAMANI	0722284110	0680063	
	NICHOLAS WANDERA	0717040760	11279789	
	STEPHEN OBALA	0722680748	11537259	
	SHEM WASIKE	0712620751	0105742	



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22nd May, 2017

Mr. Francis Mukamani,
P.O. Box 25-50400,
BUSIA.
Email: newkengelebusia@gmail.com
Phone no. 0722284110
Dear

**RE: PETITION TO THE SENATE CONCERNING PROCEDURE FOLLOWED IN
THE CONSTRUCTION OF MJINI PRIMARY SCHOOL ON THE SECURITY
BUFFER ZONE LAND, BUSIA COUNTY.**

I acknowledge, with thanks, receipt of your revised Petition on the above subject matter.

Having reviewed the Petition in terms of Senate Standing Order 220, I wish to advise that the same complies with the law and Senate Standing Orders on the form of public petition, and is therefore admissible.

The Petition has been forwarded to the Speaker for approval to enable presentation before the Senate.

Mr. Lawrence Amolo, Principle Clerk II (Tel No. 0722529898 and Email, lawrenceoamolo@gmail.com) is the officer responsible for facilitating this matter.

Yours

**M. A. MOHAMED,
SENIOR DEPUTY CLERK,
FOR: CLERK OF THE SENATE**
