



RECORDS SECTION  
COUNTY ASSEMBLY OF BUNGOMA  
13 FEB 2024  
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**COUNTY ASSEMBLY OF BUNGOMA  
OFFICE OF THE CLERK**

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**THIRD ASSEMBLY**

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**REPORT OF THE COMMITTEE ON JUSTICE, COHESION AND LEGAL  
AFFAIRS ON THE PETITION CONCERNING THE POOR MANAGEMENT  
OF THE NEW CHESIKAKI FARMERS COOPERATIVE SOCIETY AND  
ILLEGALITY OF THE CURRENT OFFICE BEARERS**

**Clerks Chambers  
County Assembly Buildings  
P.O BOX 1886 - 50200**

**FEBRUARY, 2024**

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## **CHAPTER ONE**

### **1.0. INTRODUCTION**

#### **1.1. BACKGROUND**

**Mr. Speaker Sir,**

On behalf of the members of the Committee on Justice, Cohesion & Legal Affairs, I hereby present to this House; the Committee's report on the Petition Concerning the Poor Management of the New Chesikaki Farmers' Cooperative Society and Illegality of the Current Office Bearers which was tabled on 7<sup>th</sup> December 2023 and committed to Committee on Justice, Cohesion & Legal Affairs for processing and reporting back to the house.

#### **1.2. COMMITTEE MEMBERSHIP**

**Mr. Speaker Sir,** the Committee on Justice, Cohesion & Legal Affairs as currently constituted comprises the following Members;

|                           |                   |
|---------------------------|-------------------|
| 1. Hon. Jacob Psero       | Chairperson       |
| 2. Hon. Everlyne Anyango  | Vice chair person |
| 3. Hon. George Makari     | Member            |
| 4. Hon. Francis Chemion   | Member            |
| 5. Hon. Everlyne Mutiambu | Member            |
| 6. Hon. Jeremiah Kuloba   | Member            |
| 7. Hon. Timothy Chikati   | Member            |
| 8. Hon. Edwin Opwora      | Member            |
| 9. Hon. Sheila Sifuma     | Member            |
| 10. Hon. Idd Owongo       | Member            |
| 11. Hon. Linda Kharakha   | Member            |

#### **1.3. THE MANDATE OF THE COMMITTEE**

**Mr. Speaker Sir,** the mandate of the Committee is outlined in Standing Order 213& 225(1)(2) as follows:

- a) Carry out matters of Constitutional affairs, administration of Law and Justice, including ethics, integrity, elections and human rights; and all petitions save for Petitions under Standing Order 78(5);

- b) Monitor and promote measures relating to policy and program initiatives in pursuit of Peace and County cohesion.
- c) Investigate, inquire into and report on all matters relating to inter-community cohesion in the County.
- d) Monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground.
- e) Investigate, inquire into and report on all matters relating to discrimination or marginalization of persons referred to under sub-paragraph(d);
- f) Make proposals to County Assembly including Legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub paragraph (d) and
- g) Examine the activities and administration of all County Departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under subparagraph (d)

### **Standing Order 225**

(1) Every Petition presented or reported pursuant to this part, shall stand committed to Justice, Cohesion and Legal Affairs Committee

(2) Whenever a Petition is committed to Justice, Cohesion and Legal Affairs Committee, it shall in not more than sixty Calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the House and no debate on or in relation to the report shall be allowed, but the speaker may, in exceptional circumstances, allow comments or observations in relation to the petitions for not more than twenty minutes.

**Mr. Speaker Sir**, Pursuant to the provisions of Standing Order No. 225, the Committee on and Justice, Cohesion & Legal Affairs Committee discussed and examined the petition and hereby present the report with recommendations to this House for deliberation and approval.


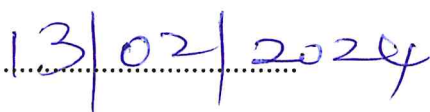
**1.4 ACKNOWLEDGEMENT**

**Mr. Speaker Sir**, may I take this opportunity to thank the offices of the Speaker and Clerk of the County Assembly for their logistical support that made this exercise a success.

I also appreciate the Honourable Members and secretariat of the Committee for their commitment and dedication to process the Petition Concerning the Poor Management of the New Chesikaki Farmers Cooperative Society and Illegality of the Current Office Bearers.

Further, I thank the petitioners and the respondents invited by the Committee for providing crucial information that enriched this report.

**Mr. Speaker Sir**, it is therefore my privilege, on behalf of the Committee on Justice, Cohesion & Legal Affairs to present the report to the County Assembly for debate and adoption.

Signed..........Date.....

**HON.JACOB PSERO MARUGAA**

**MCA CHESIKAKI**

CHAIRPERSON JUSTICE , COHESION AND LEGAL AFFAIRS

## **CHAPTER TWO**

### **2.0 LEGAL BASIS FOR PETITIONS TO COUNTY ASSEMBLY**

**Mr Speaker Sir,**

The following are legal basis of Petitions to County Assembly

#### **i. The Constitution of Kenya 2010**

Article 37 outlines that every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.

#### **ii. The County Government Act No. 17 of 2012**

Right to Petition to County Assembly

Section 15(1) states that a person has a right to petition a County Assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.

Section 15(2) further states that each County Assembly shall prescribe a procedure for exercising the right under subsection (1).

#### **iii. Petition to County Assemblies (Procedure) Act No. 15 of 2020**

**Consideration of a petition**

Section 5(1) states that the Clerk shall, if satisfied that the petition meets the requirements specified under this Act, forward the petition to the Speaker for reporting in the County Assembly.

Section 5(2) further states that a petition that is reported in a County Assembly under this Act shall be considered in accordance with the Standing Orders of the County Assembly.

#### **iv. The Bungoma County Assembly Standing Orders**

Section 223(1) states that a Petition to the County Assembly shall be

- (a) Submitted to the Clerk by the Petitioner and reported to the House by the Speaker or
- (b) Presented by a member on behalf of the Petitioner, with consent of the Speaker.

Section 225 (1) continues by stating that every Petition presented or reported pursuant to this part, shall stand committed to Justice, Cohesion and Legal Affairs Committee.

## **CHAPTER THREE**

### **3.0 SUBMITTED PETITION**

We the undersigned,

Being citizens of the Republic of Kenya, residents of mount Elgon sub-county, Bungoma County and members of the above captioned NEW CHESIKAKI FARMERS CO-OPERATIVE SOCIETY (hereinafter referred to as NEW CHESIKAKI FCS), do hereby make this humble petition and draw the attention of the County Assembly of Bungoma to the following:

1. THAT we are members of the NEW CHESIKAKI FCS aggrieved by the current state of affairs and management of the society.
2. THAT management committee of the NEW CHESIKAKI FCS has been put to disrepute and abuse by the current office bearers namely:
  - a. JACKSON KURWA (Chairperson)
  - b. SIMON MASINDE KULOBA (Vice Chairperson)
  - c. JESTIMORE KIBABA (Secretary)
  - d. BENARD WEPUKHULU (Treasurer)
  - e. LAZARUS WANAMBISI (Member)
  - f. BENERD KITUKO(C.E.O)
3. THAT the management committee has been running the affairs of the society in total disregard of the law particularly in contravention of section 28 of the Cooperative Societies Act No . 12 of 1997
4. THAT the management committee has been accused of mismanagement and embezzling the NEW CHESIKAKI FCS funds.
5. THAT the management committee is in office illegally since the year 2013 to date in contravention of the Co-operative Societies Act No. 12 of 1997 for failure to hold elections annually as is by law required.
6. THAT the management committee has persistently violated member's rights as envisioned under section 21 of the Co-operative Societies Act No. 12 of 1997.



7. THAT the members fundamental rights as envisioned in the constitution of Kenya 2010 under the Bill of Rights have been grossly violated by the management committee.
8. THAT the petitioners pray that the current office bearers be compelled to vacate office for being in contravention of the Constitution and the law and for violating members rights and further
9. THAT the NEW CHESIKAKI FCS and its members are at risk of suffering massive losses due to embezzlement and mismanagement of the societies funds and bad administration of the NEW CHESIKAKI FCS affairs
10. THAT the current office bearers illegally, unlawfully and without following due procedure engaged DIGIFAM to loan monies and farm inputs to members without the participation and or authority of members for their own selfish interest to the detriment of members as it is members funds being employed to fund the loans.
11. THAT farmers have lost approximately Kshs. 13,000,000/= in terms of repayment of the monies loaned to farmers by the said DIGIFAM affecting members payment for the financial year 2022/2023 for coffee.
12. THAT members concerns have been addressed to the CEC member in charge of Cooperatives but the said concerns have never been considered and solved hence this petition.
13. THAT some members of the management committee and other members are suspected to have supplied null kilos of coffee yet they have been receiving payments to the detriment of innocent members occasioning loss to innocent members.
14. THAT failure by the Sub County Cooperative officer to investigate concerns raised by members through the supervisory committee has enhanced the perpetration of embezzlement and mismanagement of funds by the management committee.
15. THAT the petitioners herein are ready to appear before the Assembly Committee on Co-operatives to tender evidence with regards to the allegations raised herein.
16. THAT the petitioners have made best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.

17. THAT none of the concerns raised herein is pending in any court of law.

### **3.1 PRAYERS BY THE PETITIONERS**

- a. Summons the management committee of the NEW CHESIKAKI FCS for further interrogation of the issues raised herein,
- b. Calls for immediate resignation of the current office bearers of the NEW CHESIKAKI FCS management committee to pave way for investigations and auditing of the society's books of account and the mismanagement of the societies funds.
- c. Summons the relevant authorities to interrogate their failure to address farmers issues despite being notified and what their interests are with regard to the management of the NEW CHESIKAKI FCS

### **3.3 FACT FINDING TO CHESIKAKI FACTORY**

The Committee went for fact finding on Monday 22<sup>nd</sup> January 2022 at the New Chesikaki Farmers Cooperative Society and found out the following.

They met the chairperson, vice chairperson and other leaders of the management committee and the supervisory committee at the factory 's board room.

The chairman to the board gave a brief history of the establishment of the factory and the areas of operation which are Namutokholo, Luucho, Mulatiwa, Chesikaki and Malakisi.

They took the committee on a tour around the factory to view the coffee factory, dairy processing plant, nursery bed and a market where locals were selling produce.

### **3.4 SUBMISSIONS BY CHESIKAKI PETITIONERS**

On 18<sup>th</sup> January 2024 at the County Assembly chambers the Committee received 10 petitioners from New Chesikaki Farmers. However, the committee interrogated only 5 of them as the rest had not signed the petition. They submitted as follows:

### **3.5 Oral Submissions by Petitioners**

#### **3.5.1 On Why the management illegally in office?**

The management committee has been in office since 2013 and that there is no proof of notice and minutes to show they held any election in 2013, 2016, and 2019. There

was only that of year 2022 which was chaired by the director cooperatives. That the special general meeting ended prematurely due to violence and the petitioners did not receive a copy of the inspection report.

That the officials were known to have been involved in cases of fraud and embezzlement yet they were still holding public offices.

### **3.5.2 On Introduction of Loaning Scheme Digifarm**

That the management engaged a firm called Digifarm which was involved in loaning farmers and providing farm inputs without carrying out public participation contrary to the bylaws number 65 a) and b) which states that Notice shall be given to all members when a society intends to start a loan scheme and the same is only subject to approval by the general meeting which was not the case.

### **3.5.3 On Violation of Rights of members**

Members of the society namely: Martin Musungu , Martin Matwali, Ben Koyi, and Emmanuel Kisibo were given suspension letters without fair hearing hence violation of the rights of members as envisioned in Article 47 of the Constitution of Kenya, 2010 which entitles every citizen to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.

### **3.5.4 On Cases affecting leaders**

It was alleged that the Secretary a former teacher had been involved in fraudulent activities and even had a case pending in a court of law and so was not fit to hold any public position. It was also alleged that the CEO was involved in money laundering activities using the societies' money. That this is against the Society's bylaw number 35.1 (i) which provides that No person shall be eligible in the management of the society if he/she: Has been convicted of any offence involving dishonesty or is sentenced to imprisonment for a term exceeding three months.

### **3.5.5 Payment of Funds to Non members**

That family members of the CEO received money from Digifarm platform yet they had air kilos. That Stephen Waukhila who is a brother to the CEO received 150,000, Emily Siundu the sister-in-law received 100,020, Doris Netondo also a sister-in-law received 150,000 and Dickson Nambalu another brother to the CEO received 150,000.

### **3.5.6 On Efforts to have the matter addressed**

That the petitioners wrote a letter to the CEC on 10<sup>th</sup> April 2023 complaining about the mismanagement of funds, the Governor on 29<sup>th</sup> May 2023 and the chief officer cooperatives on 14<sup>th</sup> July 2023. That the Director Cooperative development chaired special general meeting held on 24<sup>th</sup> May 2023 whereby the inspection report was to be read. That goons were hired to attack the petitioners and hence copies of the report were not made available.

### **3.6 SUBMISSIONS BY RESPONDENTS**

On 25<sup>th</sup> January 2024 The Committee heard the respondents who are the management committee of the New Chesikaki Farmers cooperative society. The committee heard 7 of the respondents who submitted as follows:

#### **3.6.1 On if the management illegally in office**

That the board was elected in 2013 and there are notices and minutes that show the same was done, the notices and minutes were provided before the committee as a proof of election being carried out. They tabled only the notice and minutes of 16<sup>th</sup> March 2023 before the Committee. By law number 34.2 states that members of the Committee shall hold office for a period of three years provided that, one third of the committee members shall retire every year but will be eligible for re-election. They asserted that they are legally in office because they were elected.

#### **3.6.2 On the Introduction of Loaning Scheme Digifarm**

That Digifarm provides services to farmers Country wide, they provide loans, fertilizer and farm inputs .They got into an agreement with New Chesikaki FCS on 10<sup>th</sup> December 2021 to remain in force for a period of two years. That the agreement stated that only members of the society were eligible to be given loans. That the money has been fully recovered and the society is not indebted to Digifarm.

#### **3.6.3 On Payment of Funds to Non members**

Each member was given 150,000 as that is the limit transferrable on safaricom per day. The balance was sent to their spouses who are not necessarily registered members as the farmers wanted to use money on the same day. The farmers used to sign vouchers before receiving money to ensure that they take responsibility.

a) Publishing supervisory report without authority of the society

b) Making defamatory remarks that plaintiffs supplied or were beneficiaries of air kilos,

c) Acting without authority of SACCOs supervisory Committee and

d) Sharing the defamatory report with members of the public.

Judgement was entered in favour of the plaintiffs. The defendant Martin Musungu was found liable for defaming the plaintiffs and ordered to pay general damages for each plaintiff at Kshs 650,000/=, aggravated damages for each plaintiff at Kshs 100,000/=, a permanent injunction restraining the defendant against publishing/circulating any articles or letters of defamatory nature against the plaintiffs pertaining supervisory committee reports, costs of this suit awarded to plaintiffs issued on 16<sup>th</sup> day of January 2024.

## **CHAPTER THREE**

### **PRAYERS BY THE PETITIONERS**

- a. Summons the management committee of the NEW CHESIKAKI FCS for further interrogation of the issues raised herein, **Prayer sustained**
- b. Calls for immediate resignation of the current office bearers of the NEW CHESIKAKI FCS management committee to pave way for investigations and auditing of the society's books of account and the mismanagement of the societies funds. **Prayer not sustained**
- c. Summons the relevant authorities to interrogate their failure to address farmers issues despite being notified and what their interests are with regard to the management of the NEW CHESIKAKI FCS. **Prayer sustained**

## **CHAPTER FOUR**

### **4.0 OBSERVATIONS AND RECOMMENDATIONS**

#### **4.1 COMMITTEE OBSERVATIONS**

- 1) That there are pending cases going on in the court of law involving Martin Musungu who is one of the petitioners against the management of the society.
- 2) That there is a valid court decree issued against Martin Musungu for the damages payable to the plaintiffs which decree has neither been set aside nor appealed against.
- 3) That the petitioners never exhausted the available procedures and remedies before the Cooperatives Tribunal pursuant to section 76 of the Cooperative Societies quote section Act prior to institution of their petition.
- 4) That even if the petitioners had exhausted the available mechanisms prior to approaching the County Assembly of Bungoma, their allegations were not backed by credible evidence to substantiate the claims.
- 5) That the society currently does not owe Digifarm any money as the loan was paid in full, the agreement between the society and Digifarm was to run for two years 2021-2022.
- 6) That there is no formal complaint by Digifarm on any outstanding amounts due and/or owing to them.

#### **4.2 COMMITTEE RECOMMENDATIONS**

1. **THAT** the petitioners should not approach the county Assembly of Bungoma on matters that are pending or were concluded before any court of law.
2. **THAT** the petitioners must exhaust all the available legal mechanisms including the cooperatives tribunal prior to approaching the County assembly.

**ADOPTION OF AGENDA**




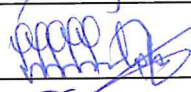
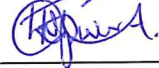
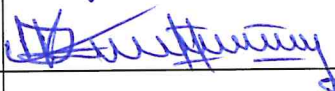

**MINUTES**

**APPENDICES**



## ADOPTION SCHEDULE

We the undersigned members Justice, Cohesion and Legal Affairs do append our signatures adopting this report with the contents therein.

| NO. | NAME                   | DESIGNATION      | SIGNATURE   |
|-----|------------------------|------------------|---|
|     | Hon. Jacob Psero       | Chairperson      |    |
|     | Hon. Everlyne Anyango  | Vice Chairperson |    |
|     | Hon. George Makari     | Member           |    |
|     | Hon. Francis Chemion   | Member           |    |
|     | Hon. Everlyne Mutiembu | Member           |    |
|     | Hon. Jeremiah Kuloba   | Member           |    |
|     | Hon. Edwin Opwora      | Member           |    |
|     | Hon. Idd Chamawi       | Member           |   |
|     | Hon. Timothy Chikati   | Member           |   |
|     | Hon. Sheila Sifuma     | Member           |  |
|     | Hon. Linda Kharakha    | Member           |  |

**MINUTES OF JUSTICE, COHESION AND LEGAL AFFAIRS COMMITTEE  
HELD ON WEDNESDAY 7<sup>TH</sup> FEBRUARY, 2024 AT VICTORIA COMFORT  
HOTEL KISUMU AT 9:00A.M**

**MEMBERS PRESENT**

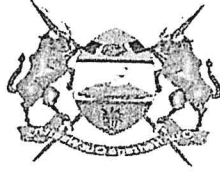
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|---------------------------|-------------------|
| 1) HON. JACOB PSERO       | CHAIRPERSON       |
| 2) HON. EVERLYNE ANYANGO  | VICE CHAIR PERSON |
| 3) HON. JEREMIAH KULOBA   | MEMBER            |
| 4) HON. EVERLYNE MUTIEMBU | MEMBER            |
| 5) HON. GEORGE MAKARI     | MEMBER            |
| 6) HON. FRANCIS CHEMION   | CHAIRING          |
| 7) HON. EDWIN OPWORA      | MEMBER            |
| 8) HON. SHEILA SIFUMA     | MEMBER            |
| 9) HON. IDD OWONGO        | MEMBER            |
| 10) HON. TIMOTHY CHIKATI  | MEMBER            |
| 11) HON. LINDA KHARAKHA   | MEMBER            |

**SECRETARIAT**

|                    |                 |
|--------------------|-----------------|
| 1) SALLY SOITA     | COMMITTEE CLERK |
| 2) CYRUS MARAKALU  | SAA             |
| 3) BEATRICE AKOTH  | HANSARD OFFICER |
| 4) EDWARD MUSUMBA  | LEGAL COUNSEL   |
| 5) SOSPETER MALABA | RESEARCHER      |
| 6) JAMES SUNDUKWA  | CLERK ASSISTANT |

**AGENDA**

1. Preliminaries
  - i. Prayers
  - ii. Adoption of Agenda
2. Communication from the Chair
3. Reading and Confirmation of Previous minutes
4. Matters Arising



07 DEC 2023

20

# COUNTY ASSEMBLY OF BUNGOMA

Telephone: 055-2030854/020-2030309

Email: [info@bungomaassembly.go.ke](mailto:info@bungomaassembly.go.ke)

P.O. BOX 1886-50200,  
BUNGOMA, Kenya.

BCA/LEG/9 VOL.IV (19)

6<sup>th</sup> December, 2023

## OPINION

FROM : LEGAL DEPARTMENT

TO: CLERK

RE: THE PETITION TO THE COUNTY ASSEMBLY OF BUNGOMA CONCERNING THE POOR MANAGEMENT OF THE NEW CHESIKAKI FARMERS COOPERATIVE SOCIETY AND ILLEGALITY OF THE CURRENT OFFICE BEARERS.

*Del*  
*7-12-23*  
*1/12/23*

Reference is made to the foregoing receipt whereof is hereby acknowledged.

The County Assembly of Bungoma is established pursuant to the provisions of **Article 176** of the Constitution, hence deriving its legislative power from **Article 185** of the Constitution.


**Article 189 (1)** provides inter alia that the government at either level shall-  
*(b) assist, support and consult and as appropriate, implement the legislation of the other level of government, and*

*(c) liaise with government at the other level for purpose of exchanging information, coordinating policies and administration and enhancing capacity.*

*(2) the government at the other level, and different governments at the county level, shall co-operate in the performance of functions and exercise of powers and for such purpose, may set up joint committees and joint authorities.*

Reading the foregoing together with **Article 185 (3) and (4)**, the petition falls within the provisions of Standing Order 220 of the Bungoma County Assembly Standing Orders.

We therefore opine that the same be submitted to the House Business Committee for perusal, record and subsequent action.

  
MUSUMBA WAKHUMBA  
Senior Legal Counsel  
COUNTY ASSEMBLY OF BUNGOMA.

COUNTY ASSEMBLY OF BUNGOMA  
(LPCS)

11 DEC 23  
**TABLED**  
By: *Hon. Speaker*

*Committed to Committee on TLAC for processing*  
*UP table clerk*

COUNTY ASSEMBLY OF BUNGOMA  
(LP CS)  
07 DEC 2023  
TABLED  
By:.....

(18)

*pic*  
*7-11-23*

THE CLERK OF COUNTY ASSEMBLY,  
COUNTY ASSEMBLY OF BUNGOMA,  
BUNGOMA.

*4/11/23*

*Moved and  
actioned  
17/12/2023*

RE: PETITION TO THE COUNTY ASSEMBLY OF BUNGOMA CONCERNING THE  
POOR MANAGEMENT OF THE NEW CHESIKAKI FARMERS CO-OPERATIVE  
SOCIETY AND ILLIGALITY OF THE CURRENT OFFICE BEARERS.

We the undersigned,

Being citizens of the Republic of Kenya, residents of Mount Elgon sub-county,  
Bungoma County and members of the above captioned NEW CHESIKAKI FARMERS  
CO-OPERATIVE SOCIETY (hereinafter referred to as NEW CHESIKAKI FCS), do  
hereby make this humble petition and draw the attention of The County Assembly of  
Bungoma to the following:

1. THAT we are members of the NEW CHESIKAKI FCS aggrieved by the current state of affairs and management of the society.
2. THAT management committee of the NEW CHESIKAKI FCS has been put to disrepute and abuse by the current office bearers namely:
  - a. JACKSON KURWA (Chairperson)
  - b. SIMON MASINDE KULOBA (Vice Chairperson)
  - c. JESTIMORE KIBABA (Secretary)
  - d. BENARD WEPUKHULU (Treasurer)
  - e. LAZARUS WANAMBISI (Member)
  - f. BENARD KITUKO (C.E.O)
3. THAT the management committee has been running the affairs of the society in total disregard of the law particularly in contravention of Section 28 of the Co-operative Societies Act No.12 of 1997.
4. THAT the management committee has been accused of mismanagement and embezzling the NEW CHESIKAKI FCS funds.
5. THAT the management committee is in office illegally since the year 2013 to date in contravention of the Co-operative Societies Act No.12 of 1997 for failure to hold elections annually as is by law required.
6. THAT the management committee has persistently violated members rights as envisioned under Section 21 of the Co-operative Societies Act No.12 of 1997.





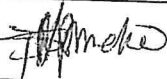
7. THAT the members fundamental rights as envisioned in the constitution of Kenya 2010 under the Bill of Rights have been grossly violated by the management committee.
8. THAT the petitioners pray that the current office bearers be compelled to vacate office for being in contravention of the constitution and the law and for violating members' rights and further that the office bearers be barred from holding any office of the management committee as the law stipulates that they are no longer eligible to vie for the same, given their conduct.
9. THAT the NEW CHESIKAKI FCS and its members are at risk of suffering massive losses due to embezzlement and mismanagement of the societies funds and bad administration of the NEW CHESIKAKI FCS affairs.
10. THAT the current office bearers illegally, unlawfully and without following due procedure engaged DIGIFAM to loan monies and farm inputs to members without the participation and or authority of members for their own selfish interest to the detriment of members as it is members funds being employed to fund the loans.
11. THAT farmers have lost approximately Kshs.13, 000, 000/= in terms of repayment of the monies loaned to farmers by the said DIGIFAM affecting members payment for the financial year 2022/2023 for coffee.
12. THAT members concerns have been addressed to the CEC member in charge of Co-operatives but the said concerns have never been considered and solved hence this petition.
13. THAT some members of the management committee and other members are suspected to have supplied null kilos of coffee yet they have been receiving payments to the detriment of innocent members occasioning loss to innocent members.
14. THAT failure by the Sub-County Co-operative Officer to investigate concerns raised by members through the supervisory committee has enhanced the perpetration of embezzlement and mismanagement of funds by the management committee.
15. THAT the petitioners herein are ready to appear before the Assembly Committee on Co-operatives to tender evidence with regards to the allegations raised herein.
16. THAT the petitioners have made best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.
17. THAT none of the concerns raised herein is pending in any court of law.

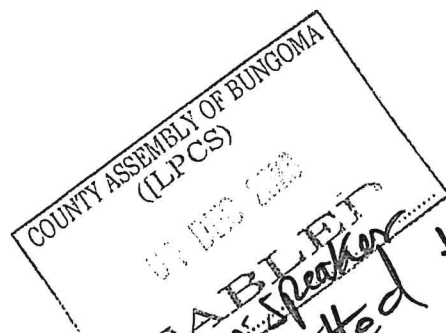
WHEREFORE your humble petitioners pray that the County Assembly of Bungoma:

- Summons the management committee of the NEW CHESIKAKI FCS for further interrogation of the issues raised herein,
- Calls for immediate resignation of the current office bearers of the NEW CHESIKAKI FCS management committee to pave way for investigations and auditing of the society's books of account and the mismanagement of the societies funds.
- Summons the relevant authorities to interrogate their failure to address farmers issues despite being notified and what their interests are with regard to the management of the NEW CHESIKAKI FCS.

DATED this ..... Day of ..... 2023

PETITIONERS:

| <u>NAME</u>                   | <u>ADDRESS</u>                          | <u>ID. NO.</u> | <u>SIGNATURE</u>  |
|-------------------------------|---|----------------|---|
| MARTIN<br>MUSUNGU<br>KICHAMBA | TEL 0707752361<br>Box 193<br>BUNGOMA    | 6504338        |   |
| MARTIN<br>MULUMETI<br>MATWALI | BOX 193<br>BUNGOMA<br>TEL 0718 953 325- | 4372 798       |  |
| BEN MATABILI<br>KOYI          | Box 193<br>B.G.A                        | 13649848       |  |
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| TITUS KIPNUCHE                | Box 193<br>BUNGOMA                      | 20207437       |  |



*Mr. Speaker*  
Committed to  
JLDC

*Committee on  
Processing  
of Table Clerks*