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**VERBATIM REPORT OF**

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**CONSTITUENCY PUBLIC HEARINGS, MWEA  
CONSTITUENCY, HELD AT KAROTI GIRLS' HIGH SCHOOL**

[REDACTED]

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[REDACTED]

[REDACTED] **ON** [REDACTED]

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**23<sup>RD</sup> APRIL 2002**





**CONSTITUENCY PUBLIC HEARINGS – MWEA CONSTITUENCY HELD AT KAROTI GIRLS’ HIGH SCHOOL ON FRIDAY, APRIL 23, 2002**

**Present:**

1. Com. Pastor Zablon Ayonga
2. Com. Prof. H.W.O. Okoth Ogendo
3. Com. Mrs. Alice Yano

**Secretariat in Attendance**

- |                    |   |                              |
|--------------------|---|------------------------------|
| 1. Charles Oyaya   | - | Programme Officer            |
| 2. D. O. Konyango  | - | Assistance Programme Officer |
| 3. Susan Mutile    | - | Verbatim Recorder            |
| 4. Christine Moraa | - | Sign Language Interpreter    |

**The meeting started at 10.00 o’clock with Com. Pastor Zablon Ayonga in the chair.**

**Com. Pastor Ayonga:** Hatuwezi kuendelea kungojea kama tayari kuna watu ambao wamesha fika mbele yetu. Kwanza kabla sijasema programme yetu itakuwa namna gani, ningependa kumuuliza Rev. Gerald Mwai atuongoze kwa maombi.

**Gerald Mwai:** Let us pray, our dear heavenly Father, we thank you for the gift of this new day, thank you for the gift of life. We praise and honour your Holy name, for whom you are and for what you have done to each one of us and we the people of Kenya in general. Thank you for the gift of rain, thank you for the journey mercies that you provided for each one us. Now we commit ourselves before you oh God, spiritually and physically, that Lord our God you may guide us through this day as we sit here and pass presenting our views to the Constitution of Kenya Review Commission, who will thereafter interpret the same and make a Constitution for your people of Kenya. We pray that God you be with each one of us. Bless every person who is here with us and all others who are on their way coming to this place that Lord our God, glory and honour to thee remain, when every one of us will have a good time to say how we want our land to be and how we want your people to be governed. We pray that Lord our God You encourage each one of us and guide us through, take our minds, take our tongues and make good use of them. We pray this trusting in the name of our Lord Jesus Christ. Amen.

**Com. Pastor Ayonga:** Asante Rev. Mwai kwa maombi. Na kabla hatujaanza ningependa kuwajulisha sisi ambao tumefika hapa, mkono wangu wa kushoto kuna Prof. Okoth Ogendo - Prof. Okoth Ogendo ni Commissioner na ni mwalimu wa sheria; yeye ndiye mwalimu kabisa wa sheria, mambo haya ya Constitution. Nami Pastor Zablon Ayonga ni Commissioner, na hapa kando yangu, mkono wangu wa kulia ni District Co-ordinator wenu ambaye ni macho ya Commission hapa katika district hii.

**Mercy Njoka:** Mercy Njoka.

**Com. Pastor Ayonga:** Na wale ambao wako upande ule ni programme director wetu, na huyo ni mtu wa sign language, hao wote watashiriki kwa kuchukua maneno yenu. Jinsi ambavyo tutafanya kwanza kabla sijasahau, ningalipenda wale mlio na mobiles mzifunge kwa maana maneno ambayo tunachukua yataingia katika kanda (tape recorder) and kwa hivyo hatutaki vitu vingine kuingia na tena njia ambayo tutachukua habari zenu tutawagawia dakika, tafadhali zile dakika ambazo nitakupa au utapewa na mwenzangu utastick to that, utasema hayo hayo na ikiwa utamaliza mapema kabla ya hizo dakika itakuwa vizuri. Tungalipenda kila mmoja wenu hapa apate nafasi ya kuongea, mwingine asije akachukua dakika za watu wengine kana kwamba ni yeye tu hapa Kirinyaga Mwea. Tungalipenda kila mmoja apate nafasi aseme na tena wakati mtu anapotoa maoni yake pengine wewe unafikiri hayo maoni hayatoshi, hatutaki uanze kusema -- aa la sivyo hau nini nini.

Kila mmoja apewe haki ya kusema jinsi anavyotaka kusema, awe na uhuru wa kutaka kusema maneno yake, na ukija hapa kusema, tunataka pia uwe umejitayarisha unasema vitu vyako in point form, si habari ambayo unaanza kufikiri tena ngonja kidogo au nini nini, la. Tunajua umejitayarisha, uko tayari na tutapokea mambo yako na mambo yako yatakuwa recorded. Unapokuja hapa mbele kwa kutoa maoni utasema jina lako ni nani, kama umetumwa na kikundi unasema mimi ni wa kikundi fulani na ninasema kwa niaba ya kikundi hiki na hiki. Kama ni maoni yako mwenyewe unasema mimi ni fulani na maoni ninayotoa ni yangu mimi mwenyewe. Na kila wakati utasema jina lako, nikikwambia time imekwisha ninaomba kila mmoja wenu anisaidie kwa kutii ili tuweze kufanya haki kwa kila mmoja wenu. Na wale ambao mmekuja na maoni yaliyoandikwa – memorandum - tungalipenda kila mmoja ukija ikiwa utapenda tunataka utupe nuru kidogo juu ya hayo maoni yako. Utuambie juu ya hiyo memorandum ambayo umeiandika umeangazia nini na nini katika memorandum yako. Na kama tuna swali ambalo tungependa kukuuliza as a matter of clarity tutakuuliza. Na kama hakuna kitu tunaweza kukuuliza pia tutakuacha lakini utajiandikisha jina na u-submit hiyo memorandum yako kule ili tuweze kuichukua. Tumeelewana? Kuna mtu aliye na swali ambalo hakusikia vizuri kwa maana nikianza tunaenda straight. Kuna aliye na swali? Tafadhali mnaokuja na memorandum msitosome neno kwa neno kwa maana dakika ambazo nitakupa hazitatoshia. Sisi tutaenda kusoma hiyo memorandum yako huko Nairobi, lakini hapa tunakupa nafasi useme maneno machache yale ya kuweza kuangaza nuru juu ya memorandum ambayo umeandika. Kila mmoja ameelewa? Na hapa tuna yule ambaye anaongea kwa ile lugha ya mikono kwa wale ambao hawawezi kusikia. Mmoja wetu ameingia naye ni Commissioner Alice Yano.

**Com. Alice:** Hamjamboni?

**Com. Pastor Ayonga:** Basi tuko tayari kuanza na nitaenda kufuatana na orodha niliyo nayo hapa na mtu wa kwanza ambaye nitamwita ni Rev. Mwai. Rev. Mwai nitakupa dakika tano, uje hapa mbele na chukua hiyo microphone - keti, unaweza kuketi. Na nataka uendelee, na utoe maoni juu ya memorandum yako.

**Rev. Mwai:** I am Rev. Gerald Mwai, preacher of Kadogo Parish in this Mwea constituency and here we have our views which we have presented in this memorandum we are going to present to the Commission. The main issues we have highlighted here highlight on the suffering of the common man due to bad governance and the suffering of the common man due to poor or bad usage of our natural resources. We also especially highlight on the type of government that we would want which is participatory where every man or woman in Kenya, young or old and also the disadvantaged - those who suffer various disabilities - should have a say on how they want things to be right. For example the common man suffers abuse of power by those who are in authority. We want our Constitution to ensure that Kenyans shall never suffer due to those who are elected or those who are in positions of authority, exploitation of the majority poor by the few rich, autographic rulers, nepotism and other evils. Those things should be addressed in our Constitution.

We also highlight on corruption, which has been key to embezzlement of public property and funds. Corruption in public institutions and facilities like hospitals and schools. People are not able to take their children to school because of high school fees.

Agricultural institutions are corrupt and ours is an agricultural country. All these issues should be streamlined by the Constitution to make sure that development is people centred. People centered development means that anything we do must make sure the common man benefits and evolves.

In our memorandum we also looked into areas of governance especially the presidency and we want certain powers in the Executive to be cut especially, the power to create and abolish public offices at will or dismiss officers at will. That one should be the work of Commissioners and especially the Parliamentary Commission and other relevant bodies. Power to appoint and dismiss permanent secretaries, high Commission and diplomatic officers, all these powers should be taken to Parliament. Power to compulsory expatriate and public services should be removed from the Executive, power to call in session and dissolve Parliament clause should be abolished and Parliament should be independent. Therefore, we are talking of Parliament as the key body, which should be governing this country, guiding the Executive and other arms of the government, because Parliament is where our voice is heard through those who represent us.

Judiciary should be independent of the Executive and any other arm of government and therefore we would want free and fair trials in our courts. Corruption in our courts is right today and therefore we recommend that there be a supreme court where judges and magistrate can also be tried. We also would want Kenyans to have easy access to courts and we also would want to be provided with clauses that ensure that the common man can take government officials to court if they deliver services to the common man. In other words we want supremacy of the people of Kenya not supremacy of those who are ruling us.

We would want also that the rights of the poor and the vulnerable groups be looked into by the Constitution, for example women suffer a lot especially during maternity leave which is only or two months. Nursing mothers suffer because they

working, yet they are supposed to be nursing the children who become the people of Kenya, so we would want clauses in the Constitution that says women who are nursing should be paid. That one should be taken as work as well as interest of the disabled. People with disabilities are not being taken care of and therefore we recommend that they be specially enabled and equipped to compete in the wider society. In other words we are saying that every Kenyan must be taken care of by the government of the day and general welfare of the state should make sure that every individual has his or her rights addressed to.

Therefore I would like to say that the suffering of Kenyans is what we have really looked into in this memorandum and we recommend so many points that we hope the Constitution will look into to make sure that those dehumanizing factors which make us suffer and make our effort become in-futile are looked into. Ours is agriculture, why should we let rice in Mwea to collapse, why should we let coffee in Ndia to collapse, why should we let the horticultural sector to collapse? Simply because no one looks upto the welfare of those who work in those lands. May God help us and the Constitution should state that God should be acknowledged as the creator and sustainer of the people of Kenya and the country at large. Therefore our Constitution should state clearly that we believe in God. If we believe in God, we shall be able to fear him and we shall be able to make sure that we live as people who acknowledge the creator in other words, may I say am very grateful for this opportunity and may God bless you all.

**Com. Pastor Ayonga:** Thank you Rev. Mwai, before you leave your memorandum has been well focused and is very clear if you can give it to our recorder there and sign. Leave the microphone there and take your memo to him. Thank you very much.

Next will be Rev. Daniel Mwai. Will you please come forward?

**Interjection:** Inaudible

**Com. Pastor Ayonga:** It is written Daniel sorry for that I read what is written so you are Allan Mwai. Allan go ahead.

**Allan Mwai:** Thank you very much, I am Allan Mwai, and I am serving Kibimbi ACK Parish. I as the Chairman of the Parish and the other committee members, we sat down and came up with the following resolutions: We should have a national mission statement so that our nation may identify and recognize the supremacy of the people of Kenya; men, women, children and the disadvantaged groups of our society. Also as a submission statement we would like our nation to recognize and honour the founding fathers and heroes of our nation. Our review process had a national vision and that is: unity in our diversity, equal treatment for all before the law, supremacy of the Constitution, to guarantee individual freedom and basic rights for all. We went over the needed areas and the needed chapters, for example Constitutional supremacy, citizenship, defence and national security, roles of political parties, the structures of the system of government and the parliamentary system of government, and gave resolutions, which are here in this memorandum. I will not like to repeat them because you will view them over and see our mission for this Constitution, but I would like to say on industry, that is agricultural industry, so that our life may be looked into and may I just give brief statement:

Agriculture: a new approach to agricultural industry such as coffee, tea, rice, dairy, horticulture etc. should be addressed in the Constitution with special emphasis on production and marketing. In summary form may I say that we are grateful to be given this opportunity to air our views through the memorandum that we have written. Thank you.

**Com. Pastor Ayonga:** Thank you, Rev. Allan Mwai thank you for your memorandum could you please take it to the recorder there and sign your name. Thank you so much, next will be Bonface Ngatuke Mwangi. Bonface atatoa maoni yake kama yeye mwenyewe na ana memorandum yake ambayo tungende atumulikie makubwa yaliyomo.

**Boniface Mwangi:** Thank you very much, asante sana, these are my personal views and what I found was that our Constitution;

1. The new Constitution should spell out the 11 years of our struggle against the British colonial rule to attain independence. That is not covered under the present Constitution which is very much wanting, seeing a few people just participated at the Lancaster House.
2. The new Constitution should also emphasize the Kenyan people as the supreme authority in the land. All Kenyans must always be committed and to the principles of democracy, liberty, equality, economic prosperity and all the human rights.
3. The new Constitution should have a President as the head of state and a Prime Minister as the head of government. The President should be punished for any wrongdoings.
4. Provincial administration should be abolished.
5. Future amendments to the new Constitution should always be by public referendum.
6. To be elected as the President I feel the person must a Kenyan citizen by birth and also have at least O-level standard of education, be 50 years old and not more than 70 years. He must be married with a stable family, have no criminal record and be a person of integrity and impeccable character. A Presidential candidate shall be elected by the people and must obtain over 50% of the total votes cast in order to win an election. A President should serve for only two terms of five years each.
7. The three Arms of the Government, i.e. Executive, Judiciary and the Parliament should be independent of each other.
8. Being a Member of Parliament should be a full time occupation. Moral and ethical qualifications for Parliamentary and civic candidates should be introduced. Where people get dissatisfied with their member of Parliament they should petition the speaker by submitting at least a thousand signatures and the speaker would in turn declare the seat vacant in which case he will have to ask the Electoral Commission to hold a by-election.
9. Parliamentary members should act on the instructions of the constituents not like today where they make their own decisions without consulting their constituents.
10. An independent salary review Commission for all public offices should be established, which will also include these Members of Parliament.
11. We should retain the present system in which the dominant political party forms the government and appoints a Prime

Minister. The current multi-party system on the legislature and one party in the Executive should also be retained.

12. The Constitution should accord power to the farmers to be able to sell their produce with fair returns. Currently they are really exploited by both middlemen and the authorities that be.
13. The Constitution should regulate the formation, management and conduct of political parties. The first three political parties with large representatives in Parliament should be financed from public funds during their electioneering campaigns only.
14. There should be Constitutional rights in legal aid when citizens or foreigners are being prosecuted by the state.
15. All judicial powers of the state should be vested exclusively in the court. At the moment we have the court up to divisional level, the Constitution should create location courts to cater for all judicial matters, which are presently being handled by chiefs in the we now call Kangaroo Courts. The new Constitution should provide for a judicial review of laws made by the Legislature.
16. Mayors and Council Chairmen should be elected directly by the people for a term of 5 years. The council should be de-linked from the central government, the council should be empowered to hire and fire their employees. All councilors should have a minimum of O-level standard of education, the people should have a right to recall a councilor by petitioning the clerk to the council with at least 100 signatures and the clerk would in turn ask the Electoral Commission to hold a by-election.
17. MP's and Councilors sponsored by a political party should resign their seat on defection to other parties.
18. The Constitution should spell out election dates and all elections must be directly by the people.
19. Electoral Commissioner should enjoy security of tenure and should serve for not more than ten years.
20. The Constitution should provide for compulsory and free education for all up to O-level standard of education.
21. The death penalty should be abolished.
22. So we also feel that all grabbed land or illegally allocated land should be returned.
23. All appointments to Constitutional offices should be made by the President but with the approval of the Parliament. And with those a few words I say thank you very much.

**Com. Pastor Ayonga:** Thank you for your contributions, please if you can wait? There is a query.

**Com. Okoth Ogendo:** Rev. sorry I beg your pardon, the suggestion that the President should serve only two terms of five years each, we know where it comes from, we also know how the Americans arrived at it, but what is its special merit, why should the popular person be elected for as long as the people want him to lead?

**Boniface:** This is because the longer you stay in a seat one always grows some kind of horns and my way is that we have also seen some people who stay in one place for a long time and they sort of feel that they are themselves, they are everything and that is why I feel that we should only give him at least two terms.

**Com. Okoth Ogendo:** So you are using the two-term limit as the control, suppose we build into the Constitution mechanisms that will ensure that there is no abuse of power and then we say from there democracy takes over. Would that be satisfactory?

**Boniface:** It still would be satisfactory, I feel we should at least give chances also to the other people.

**Com. Pastor Ayonga:** Submit your memorandum there. Next is Mr. Anthony Muia, Anthony Muia is deaf so we want to get his memorandum through sign language. Anthony Muia, sema na sauti.

*(Sign language interpreted in English)*

**Interpreter:** My name is Anthony Muia Nderitu, am representing a group of deaf people from Kirinyaga District. Other members are here with me.

Point No.

1. About the preamble, the hearing impaired persons want the Constitution of Kenya to begin with words like, “we the people of Kenya” to give us an identity.
  2. Deaf people need the assistance of the government in their daily life; this includes the rehabilitation centers for hearing impaired persons. In case of land settlement where the deceased parents did not leave a will a member of the family should be given his share by the court and other stakeholders to be left to fight for the remaining land. This is because the disabled person cannot fight effectively through the court. Deaf persons should be allowed to work in all departments of the government this including police, military and provincial administration.
  3. The deaf persons want the position of PC’s to be scrapped, they are too far removed from the normal people and also their duties are not recognized. All local councils should have at least one disabled person.
  4. Finally the deaf persons wish that this Constitution and all other reviews should be conducted through a referendum, which they are fully represented. The Electoral Commission and religious community should conduct the referendum.
- Thank you.

**Com Ayonga:** Thank you Anthony, does anyone have a question for Anthony? Now present your, memo over there next is Mr. Muchiri Muriuki.

**Mr. Muchiri Benson Muriuki:** Thank you very much our Commissioners, my name is Muchiri Benson Muriuki, am a church elder, Gatika. Well I would like to contribute personal views,

1. My first personal view is that most Kenyans have suffered and one of the way in which Kenyans suffer is through what we call collusion, people collude at various levels and when they collude they normally undermine justice. So in this case I have said the Constitution should provide for a situation where by an individual can be allowed to offer a defense



against many people. So that in case of collusion it can be proved in a court of law and then the individual can be proved guilty or innocent. So let us avoid seasons where by people would be allowed to make mob justice and in this case we have many a Jesus being crucified because of a situation where by the majority rule, that should not be the case; the Constitution should provide a situation whereby the individual can defend himself against many people.

2. I believe in the rule of law and where democracy is being exercised; democracy should have checks and balances, but as today because of neocolonial mentality where by the use of chiefs and provincial administration has been used to oppress other people; actually am calling for a ruling whereby people are ruled by elected leaders and these elected leaders should only go for two terms in elected positions. In this case if am a teacher and am elected in a certain position after two years I should relinquish my position because there many able people and I can be allowed to go back to my position later after I have served the public and I believe within the two terms - they will be of 5 years, 5 years - I will be able to serve the people to the best that they can be served. So therefore am calling for two terms for the President, 5 years each, that is ten years maximum, even for other parties it does not matter, any party Presidential candidate akipigania two terms, he should resign and leave others to come and vie for presidency. Even if it is a councilor or even in the co-operative movement or any movement where people are being elected, 10 years maximum and then you can now put in new blood of new leaders because, I believe able people are many and they should be given an opportunity, that is my own opinion.
3. The other view is that to make sure that the Constitution has proper checks and balances. I would propose that our Constitution should have an opportunity whereby certain institution like, churches, Civil societies and NGO's can also be interviewed, because they represent interest groups and these interest groups sometimes are the groups which are oppressed and therefore if they are given opportunity to build the Constitution I believe in Kenya oppression will go.
4. Parliament should be given more power so that it can be able to assist the public or to make sure that the Constitution is being followed. At the same time Parliament should not be allowed to be changing the Constitution because, now the Constitution is spending a lot of money, and it will be very bad to have the Parliamentarians only being given the opportunity to go and change the Constitution there in Parliament because they will change the Constitution to suit the ruling party or their party of interest. So we are saying the Constitution should not be changed unless either a Commission or a referendum should be done so that changes can occur, otherwise no changes should occur. Let us not have a situation whereby we shall have this Commission wasting a lot of money, and a few people in Parliament change the Constitution.
5. Education; it should not be determined by the background of a child to be educated. So immediately a child is born, a child should have a right to education, so the Constitution should put in place mechanisms which should encourage free education for all primary school children, that one has to be a child's right.
6. The other one is land distribution, I feel that land distribution is being done poorly - it is not fair because there so many landless people yet the land belongs to a few people so am saying nobody should have more than 50 acres, even if they have a lot of money. Unless may be the land is for development purposes. No title deed should be issued for more than 50 acres to one person, so that we can have fairness.

7. Salary; here I think the Constitution does not provide that. The salary between the highly paid person should not go beyond 50,000 to 30,000, because we feel we are members of this land, which we are given by God and everybody has a right to his/her country. So I do not see why the salary paid should be more than 200,000. It is better we cater for the lowest and the highest so that the rates do not differ so much.
8. Kenyan individuals should be allowed to own property anywhere. It is a democratic country and a person should be allowed to have property anywhere not just where you were born.
9. The other one is, there is freedom of worship but not devil worship, it is worship for the living God not devil worship. That one should be there, that we should not allow worshipping of idols, we only allow worshipping of the true God.

*Interjection:* **Com. Pastor Ayonga:** Okay, summarize.

**Muchiri:**

10. The other one is Agricultural sector, our country can be very rich economically stable if you allow the agricultural sector to prosper and put rules in place which are going to safeguard particularly our main crops which bring in export or revenue in the country.
11. Finally am calling for the Constitution to make sure that brokering in this republic is out, because this is what has impoverished everybody. Because everybody is trying to use brokers for corruption and what have you. So when you go through the law someone feels he is clean, but you know there are brokers being used so am saying brokering should be stopped. Thank you very much.

**Com. Pastor Ayonga:** Thank you bwana Muchiri. Could you submit your notes and register your name there? Thank you so much. Next is Mr. Anthony Gitari, you have a memorandum? I would like you to highlight your memorandum and then submit it to the Commission.

**Anthony Gitari:** My names are Anthony Gitari, I am here on behalf of two members of Mwea constituency who are not able to arrive here i.e. John Mburu Mwangi and John Mureithi Mathuku, residents of Mwea. Their views were:

1. On the preamble, the Constitution of Kenya should open with a statement that Kenya is a sovereign state - it fails to identify where that sovereignty comes from – and an equivalent statement affirming the sovereignty of the people. A sovereignty of the people is required to remind government that power is a trust. There is need therefore to recognize that all the powers of the government spring from the sovereign will of the people.
2. The other is the directive principle of the state policy; the following few general principles should inspire the new Constitution. The power belongs to the people; democracy is the rule of law not the will of individuals. All citizens without exception are equal before the law. All citizens have an equal right to participate in governance. Leaders must be accountable to the people.

3. The citizenship; Dual citizenship, the world has become a global village, Kenyans should not be denied the right to live wherever they are able to self-actualize themselves even as dual-citizens. There are Kenyans of Asian origin and their fellow cousins who hold dual-citizenship; the same should be extended to all Kenyans.
4. Defense and national security; the various branches of the disciplined forces ought to be made constitutional, Parliament should also have Constitutional powers to set out intelligent priorities and policies. It is regrettable that a country, which is situated in one of the world's volatile conflict zones, is without a house intelligent committee or a house Foreign Affairs Committee.
5. Structure or system of government; since 1964 when Kenya became a republic it has been our experience that the trans-atlantic marriage of the Westminster Parliamentary system and the American Presidential Model has been unsuccessful. The result has been a Parliament without teeth and imperial presidentialism without checks; the lesson has been absolute power corruption.
6. The final is the Legislature; Parliament needs adequate time to scrutinize and call the government to account. In this respect the Constitution should mandate a Parliamentary calendar like the current provision where MPs go on recess whenever they have numbers required to carry out the vote for a recess. Recess on the other hand should be scrapped.

**Com. Pastor Ayonga:** Thank you very much, next is Kang'ara, Mr. John Kang'ara you have a written Memo? Please give us main points of your memo.

**John Kang'ara:** Thank you Commissioners, I will give my views.

1. Criminal and civil cases. According to the present Constitution criminal cases are handled separately from civil cases. Criminal cases should be merged with civil cases so that if a criminal case concerning let's say theft or destruction of property the person concerned is proved guilty, his properties are accessed and whatever he has stolen is restored to the person who had been wronged. By that I mean, straight away when the criminal case ends, the civil case is also considered and the person who has lost, redeems what has been lost, it may be concerning theft or it may be concerning destruction of property.
2. Legal representation; law and consequences of breaking it should be taught in schools so that our society grows knowing what is right and what is wrong. This aspect of education has been left to superficial religious teaching, which is absolutely inadequate. The Constitution should elaborate the method to be followed to decide what is to be taught in schools in general. Citizens should be taught to represent themselves, this is because according to the present situation lawyers or people who know law are left to decide on matters concerning the poor and some lawyers have become irresponsible and at times you find that in fact what is brought out in courts is not what should come out, because of corruption.
3. Political Parties; these should be minimized - there is no need of having 48 Political Parties. They should be brought to say a number like 3,4, or 5 - many are not good, some people are using political parties so that they can get into

Parliament. Consider how many people are in Parliament just because they have started political parties.

4. Major national undertakings; there should be a referendum government so that people are consulted so that we do not have say construction of a pipe to deliver petrol while may be a pipe to distribute water would have been favoured by the public. Well that is just an example.
5. Poverty; the Constitution should come out clear about causes of poverty and the ways to fight it, it is not enough to talk about eradication of poverty yet destruction of forests, encouragement of drunkenness, (for example bars and people who sell illicit drinks are leaders) growing of drugs or related drugs is for leaders. Spreading of fuel pipes and water is happening. The Constitution should set out priorities and remedies not to forget how many people are using pensions to stray - that is promoting poverty rather than eradicating it. People for instance who have worked for many years losing pension is very harmful - it is like killing those who are getting old.
6. Leaders insensitivity about the poor; the Constitution should set out the method of bringing down the leaders to think about the poor. At the moment leaders are thinking more of their welfare and not of what is logical for the poor to live better. People and politics, the Constitution should bring out clearly what aspects of politics are not for all people. Human beings are not political animals and it is terribly wrong to punish people for being political, am encouraging that freedom of vote and speech to be enhanced by the Constitution.
7. Constitution review; I suggest that there should be a free Constitutional review every 10 years through a referendum and selecting the matters to seek the feeling of the people about their Constitution within minimum costs.
8. Employment institutions; the institutions should elaborate how to set up institutions to create employment and how to deal with people who bring them down. It is true that people bring down institutions of employment and they do not face the full force of the law. In fact they are thieves, but they are left to go free somehow.
9. Commissions; the Constitution should be simply set out how to set up Commissions, no findings or recommendations of a Commission should be shelved or kept as a secret. People of Kenya are interested in setting up proceeding, findings, recommendations and final results of any Commission. We want transparency. Thank you very much.

**Com. Pastor Ayonga:** Thank you so much, if you can please submit your memo and register your name.

**John:** Thank you very much.

**Com. Pastor Ayonga:** Thank you, next is John Mwangi, now John Mwangi is not there but do we have Julius Njogu. Chukua microphone na uanze kutoa maoni yako.

**Julius Njogu:** Asante sana bwana Commissioners, yangu sio mengi sana lakini yangu yanahusika na sector ya kilimo kwa vile mimi ni mkulima na ni mkaaji wa hapa.

Sisi ni wakulima wa hapa Mwea na kama tulivyo wakulima tunapata taabu nyingi sana kwa upande wa ile mimea

tunapanda hapa. Zamani tulikuwa tunapata magari mengi yanakuja kuchukua mizigo hapa lakini hatuoni hayo magari. Tukiwauliza wale wenye kutubebea hiyo mizigo wanatuambia ati taabu inatoka huko kiwanjani chetu cha ndege kwa vile wanasema mafuta ya ndege ni ghali kushinda nchi nyingine kama Uganda. Sasa ningepuliza hii katiba ikitengezwa wale exporters walindwe sana maanake wakija hapa kuchukua mizigo yetu wanahepa wanaenda nchi zingine kama Uganda na wakienda kule sisi tunawachiwa mizigo yetu. Hapa tunacho kiwanda chetu tulijengewa juzi tuwe tukipeleka mishiri na hiyo mishiri tukilima hatupati pesa, unaweza kulima kwa shamba na ukienda kuuza unanunuliwa kwa peni moja shillingi ishirini. Sasa tukielelea huko unaona kama ulikuwa unauza hata ng'ombe huko kwa shamba huwezi kupata kitu, hiyo ni point moja.

Ya pili ni vile nilikua naona zamani hapa kulikuwa na ma-interview ya kama upande wa army, siku hizi huwezi kusikia kama tuko na hiyo interview. Ukiangalia vijana wetu wale ambao wame-elimika unasikia interview imefanywa army ya polisi lakini hauwezi ukasikia matangazo. Sasa ningepuliza hii katiba ikitengenezwa wale watu wa kufanya recruitment wawe wakifanya kama zamani. District levels, wawe wakichukuliwa.

Ya tatu ni mambo ya mashamba, mambo ya mashamba tumesha ifanya sana kotini na vile tumeifanya tumeshindwa sana na mawakili hawatusaidii hata kidogo. Unaweza kufanya kesi ya shamba, mpaka ukienda kwa wakili anakuitisha ile pesa hauwezi wewe ukajipatia. Sasa ningepuliza kwa maana naona our President alituunganisha na team ingine inaitwa tribunal, hiyo tribunal ipewe nguvu zaidi iwe wakati ule ambao tunakuja hii katiba ya wazee au elders, wawe ndio wenye kusikiza hizo kesi za mashamba kwa sababu maskini wanaendelea kunyanyaswa na matajiri ndio wanaenda kufaidika upande wa mashamba. Kwa hivyo mimi sina mengi sana ya kusema ningesema Commissioners mkienda mpeleke hayo maneno sheria hiyo iunganishwe pamoja. Asante.

**Com. Pastor Ayonga:** Asante mzee, njoo uandike jina lako kule. Next is Peter Karani, chukua microphone na utoe mawazo yako, maoni yako.

**Peter Karani:** Maoni yangu yale ningesema ni ya urais. Urais, yaani hii sheria ya serikali kuajiri Machifu, hiyo sheria irudishiwe raia. Wawe wakiajiri hao watu, ndio ukora wa kuvunja manyumba, kuiba mang'ombe umalizike. Chifu anaenda kufanya mihani ili afanywe DC, yeye kama alikula kitu nani anajua, sasa kitu kile ningesema hapo kifanyike sana yaani hata Chifu hataweza kumaliza kwa vile Chifu akitaka kujua mambo ya raia huenda kwa wale in-charge wamechaguliwa na mshahara wake hawagawii. Sasa kama kwa ukoo wako kuna mzee aliyechaguliwa Chairman, ule mwingine ni nani ataweza kupiga mkora? Hakuna mtu ataweza kupiga mkora, lakini chifu akiwa na kirauni imeadikwa GK ni mtu mkubwa zaidi sana hata hataki kusikia mambo yako hata ukimletea taabu. Sasa wale in-charge kila mahali wawekwe wengi hiyo sheria ikipitishwa hivi ukweli unamaliza ukora.

Idara ya serikali; Idara ya serikali iko kitu kingine kibaya. Sasa kama mambo ya viwete au watu wale hawana macho au

hawasikii idara hiyo ikikua kila mahali panahitajika kuajiriwa hawa watu ichague kila kiwete akue akijua akiandika watu wake kama tuseme serikali kama inaajiri watu elfu arobaini, itaweza kusema watu elfu tano ni viwete wanatumikia serikalia kwa vile sasa mtu mwenye miguu yote na macho yote akikutwa na kiwete anamdharau.

Quota system hii ya kwenda university hiyo ukweli tumaliziwe, tukimaliziwa hiyo unaona mtu saa zingine alipita vizuri, mwingine wa North Eastern au Umasaini unaona, yule mzuri aliwacwa. Na maana ya masomo ni mtu yule alikuwa na marks nyingi hata wewe unashindwa unaelekea wapi. Mimi sina mengi.

**Com. Pastor Ayonga:** Asante sana lakini hawa unaita ma-incharge ni watu gani?

**Peter:** Hii nituseme Ma-incharge ni wale watu chifu akitaka kujua maneno anakwenda kwa huyo mzee.

**Com. Pastor Ayonga:** Mzee wa kijiji ndio Ma-incharge, thank you enda huko uweke kidole halafu utoke. Kuna Eliud Mugo, ni wewe okay, chukua microphone.

**Eliud Mugo:** Am glad to get this chance. The little highlights:

1. The Constitution itself; this Constitution should be flexible such that it can change a certain part if the need be. So it should not be like the one, which was there before, which took a lot of time to change it. So it should be flexible one that can change if need be.
2. Education; this should be based by the Constitution itself and should be fair to enable any class - poor or rich because today you are seeing like we have this Parallel Programme - , the Kenya we are going to get will be exclusively for the rich without favouring the poor.. So the Constitution should encourage a system of education which will favour every kind of a person.
3. The other one is the environment. Our government is not protecting the people who are around, let say poor people like we have this Kerugoya Municipality Council, it has been draining the sewage into the river whereas this river affects the poor people down here. So the Constitution should be in a position to protect its people on the environment's dangerous hazards.
4. Power violation. I do not know whether the Constitution allows, but power violations should be prevented - for example from the lowest person in the government say a chief can pick a person who is not able, ambaye hana pesa and take him or her to his or her home and lock that person for two days, that is a very great power violation. The coming Constitution should prevent this violation at least at lower levels.
5. Aids epidemic; the new Constitution should contain a part which will prevent this segregation of employed people who are suffering from Aids and it should be allowed to be maintained by the Constitution working along its direction.
6. The other one is on employment, this is industry; our Constitution today should base industries in local areas to prevent this rural urban migration, which is bringing a lot evil in our country. So I wish the Constitution itself should favour the

industries that are based in local areas so that the youth who are educated can benefit in all areas. This may curb rural – urban migration. Thank you.

**Com. Pastor Ayonga:** Thank you, you can sign your name there and leave that sheet there too. Timothy Muchira, Timothy Muchira, take the microphone.

**Timothy Muchira:** Nataka kuongea juu ya machifu. Machifu wawe wakienda kazini kila siku kwa sababu machifu wanaotutawala siku hizi wanafanya kwa wiki siku mbili, hawaendi siku hizo zingine kazini sijui wako wapi.

Lingine ni juu ya mashamba, kama Katiba itabadilishwa kuna mashamba yameenda, yamechukuliwa yakagawiwa watu binafsi, matajiri, na hiyo yote ni mali ya umma. Hayo ni kama hospitali, viwanja vya kuchezea watu, schools, katiba ikibadilishwa hiyo yote irudishwe kwa sababu ni mali ya umma. Na ni hayo tu, sina mengine.

**Com. Pastor Ayonga:** Asante kwenda kule ujiandikishe. Kuna jina moja hapa ambalo, Pelasisia Weru, pole kwa kutamka jina lako vibaya lakini kama umejijua ni wewe endelea.

**Tarajisias Weru:** Jina langu ni Tarajisias Weru na maoni yangu ni kwamba:

1. Upane wa President, Bunge ikivunjwa President ningetaka hata yeye kama mpiga kura na kama mtu yeyote hata yeye aondoke na aende.
2. Upane wa justice kuwe na yule ambaye tunaita Attorney General na High Commissioner, wale ambao wanaweza kuweko wawe ndio watuchuguzwa kuonekane ni mtu gani ambaye ni mtu ambaye hana hatia yoyote aendelee kukalia kile kiti cha President mpaka election ziwe zimeendelea.
3. Upane wa pesa, kunasemekana wakati mwingine kama ni Attorney General anaweza kuwa na uzito mkubwa, yeye akasema kesi ikiwa mtu ambaye amekula pesa, Attorney asiingilie yale mambo kwa sababu akiingilia ile pesa na ni ya umma pia pesa itaendelea kuwa inakuliwa na kwa hivyo yule mwenye kula pesa wacha ashitakiwe na alipe ile pesa ambayo amekula na alikuwa ametumia na mali yake yote ichukuliwe na irudishiwe serikali.
4. Juu ya elections, wakati elections zimefanyiwa kituo fulani kura zihesabiwe pale pale mtu akitoka pale awe anajua kile kituo ambacho alikua akichanguliwa amepata kura kama ngapi. Kwa hivyo ukiendelea kituo kingine basi ijulikane, hakuna wakati wa kupoteza, watu wawe wakijua siku ni tatu, ni mbili, usiku mzima kura zinaendelea kuhesabiwa. Asante.

**Com. Pastor Ayonga:** Asante sana mzee, hebu nenda kule ujiandikishe, next ni Benson Muchiri, am sorry Benson Muchiri hakutaka kuongea, mwingine ni Karuguru, jina la kwanza limenishinda kusoma utalisema wewe mwenyewe. Bwana Karuguru.

**Daglas Karuguru Onesmus:** My names are Douglas Karuguru Onesmus,

**Com. Pastor Ayonga:** Na kama unatoa memorandum tunataka utupe highlights ya memorandum yako.

**Daglas:** Yes just points. I come from Njonga in Mwea;

1. There should be overall monitoring ministries, a ministry that you can report to when things are wrong. In order to check and act on things reported.
2. Parliament select committee should be responsible for appointments or there should be a select committee of Parliament to appoint Attorney General, Chief Justice and Judges. To appoint all Ministers responsible to ministries. To appoint speaker responsible for Parliament. To appoint Major General, Police Commissioner and Commissioner of Prisons and GSU as well. To appoint all senior posts like Directors, Provincial Administration, like Permanent Secretary, PC and such.
3. All district hospitals should have direct access to national medical stores. There should be wage Commission for all ministries, parastatals and pensioners to monitor national wage policy to balance the wages.
4. Rural industrialization to create jobs in rural areas.
5. To have Chiefs and Assistance Chiefs transferred, to do away with District Officers. To have Chiefs and Assistance Chiefs elected to avert corruption and beer brewing.
6. Ministry of transport and communication to inspect road users and prosecute them instead of the police. There should be a traffic courts to immediately deal with careless drivers.
7. Farmers to benefit directly from their produce without interference of middlemen. Government to introduce more new crops to alleviate famine like highlands rice and fruits. There should be a food policy to help farmers from cultivation to harvest and storage facilities. Good prices and costs for better future farming. Financing institutions should help farmers in their farming activities.
8. Education should be free from standard one to form IV, access to education for everybody, good policy for teaching profession to attract teachers. To have special training institution for Doctors, to increase doctors in the country to satisfy the country's needs. Have good remuneration or salary for Doctors and Nurses to induce motivation in their work.
9. Have a Commission to look into working conditions and conduct of Members of Parliament instead of them giving fat salaries to themselves.
10. Municipalities and councils to be independent in financial affairs and councilors to control the clerks to the council.
11. To have independent courts to deal with corruption in the country which is now worse.
12. To have security from village to national level which we will review security of individuals and part of the country to alleviate thuggery with guns, cattle rustling along country boundaries like part of Nanyuki, Rift Valley and maybe breaking of banks and shops.
13. Reduce Presidential powers, example he should not be the Commander in Chief of the Armed Forces; he should not be



appointing senior posts like DC, PC, reduce Presidential movement outside the country and where necessary the president should move with only two experts to reduce financial costs, reduce on mortgage when moving within the country (possibly concerns Ministers only and security).

14. Discourage abroad banks for individuals and encourage banking money in the country; all those with bank accounts abroad should be made to return the money in the country.
15. Ministry of Co-operative, Co-operative officers should not be paid extra money when advising farmers. Societies to be responsible for themselves, but do not do away with unions.
16. There should be regular auditing and inspection by ministry to reduce death of committee members and staff. To pay farmers directly after their coffee and other items are sold within two or three days. Elected committee members should be in office for a duration of only two years.
17. Medical treatment should be free even when any operation is needed in government institutions, for example Kenyatta Hospital, raise money by taxes to cater for treatment. Discourage government officers (doctors) being paid huge amounts of money in government hospitals. Medicine should be free and accessible to all even to Aids patients.
18. Have transparent ballot boxes during elections. The chairman of Electoral Commission to be appointed by Parliament.
19. Lastly parliamentary candidates and councilors should have form four certificates. Thank you.

**Com. Pastor Ayonga:** Before you leave, did you say the powers of the President should be reduced and one of those things or areas that you want be reduced is that he ceases to be Commander in Chief of the Armed Forces?

**Douglas:** Yes.

**Com. Pastor Ayonga:** But you did not tell us who should be Commander in Chief when he ceases to be one?

**Douglas:** I think there should be a select committee for Parliament, that select committee should appoint the Commander in Chief of the armed forces.

**Com. Pastor Ayonga:** Thank you, submit your memo and sign your name there. Thulea Adhumani. Thulea Adhumani, Njiru Njoka.

**Njiru Njoka:** Thank you very much bwana Chairman, I just came late and I thought maybe as a teacher I should talk against politicization of education. Like now late last year, there was this Presidential directive concerning levies, yet there was no alternative while we know this education thing had been politicized because there are some districts where the President conducts harambes that cater for educational matters in those districts.

When we come to the 8.4.4. these days they have reduced the subjects in secondary schools and they have also reduced

the subjects in primary schools, but at the same time there has been a lot of mess that has already taken place, so next time there should be a team of experts who should be consulted when we are changing policies in education.

The other request I would make to the Commission is for instance professionals like the Director of Education dealing with inspection of schools - these posts should be given to people on merit. For instance the current Director of Education was picked from a school, yet there have been senior Deputy Directors who have been working in those offices for more than 10 years. These are the people who should have been promoted and then this lady who was removed from the school to be under them to learn from them, because definitely she is confused, as her giving rules to those people who already know what has to be done, yet they also should have been recognized.

The other aspect is this part of education whereby for instance in our District Education Officers, the education officer is supposed to be the overall administrator of education yet in some cases they are very junior officers in comparison with principals of our secondary schools. District Education Officers should be at a Professional grade that is going to make them at least have the respect from the principals.

The other party is for instance now when people join the public service everybody wants to be promoted and nationally we have accepted promotion to mean more money. So for the last few years promotion in the ministry of education has been static when you go into the office on promotion you start earning less than those people you left in the field especially the public service officers who are teachers are earning less than those teachers who are in the field. So you start feeling that kind of regret yet, you cannot go back. When we come for instance this place or ours Mwea is next to Mbeere, Mbeere is one of the handicapped areas, a part of Mwea is next to Makuyu, Makuyu is also one of the hardship areas, so we are requesting the Commission to recommend that even if hardship areas are identified politically then places like Murinduko here which is neighbouring Mbeere should be considered under the same same criteria and a part of Mwea. Because if you move from our Makutano, which is neighbouring Mbeere down there we are sharing the same Geographical features, the same everything, so this is where we say some of these things should be not be politicized may be to favour some political groups.

Then when I come here for instance we are getting a problem we are not supposed to get levies, yet we cannot teach without materials. So where do we get the materials? We want to avoid politics because when we start asking for teaching materials the politicians interfere.

We should consider all the districts in Kenya apart from those few ones to have access to free education; and after access to free education there is also the other aspect, we have been talking of education for all by the year 2015. We have also been talking of universal primary education which is supposed to be there by 2005, yet the nursery school teachers who are supposed to be the main backbone of education have not been admitted by the government, so there is no way we are

going to promote Early Childhood Education if the nursery school teachers are not going to be better paid and especially by being accepted into the government. Currently they are being paid by the churches and the public, and in fact they are just used like the - what do we call the common hire at home? So there should better salaries for these teachers, they should also be considered on some education so that they can be national.

The other part is we can not achieve education for all if we are not giving priorities to the handicapped, for instance now we feel safe although am happy to say that the education, the child bill was passed the other day, but sincerely we have had those things even before, how are parents going to be forced to realize the need for their children's education and how the are the parents going to be forced to take their children to school. We still have very many other people who are wrong role models. Education has almost become useless. Somebody goes after form four, the other goes after form VI the other one goes after university and there is no work. So you are still insisting on people being given education. Are we going to give people education when we are not role modelling those that have done their courses to get employment?

So there so many things that need to be dealt with and mainly we would like things not to be politicized but to be done by professionals who should be free to research and give their findings. At the same time I would like the Constitution or the Commission go back into the cases of Bombolulu, the cases of Ukambani, the cases, the cases of St.Kizito, accidents happened in schools, Commissions were elected, nothing has come out. We are still having the same problem in our schools, the other day someone said children should not be punished but we were not given an alternative. We discovered that most of these children who are causing chaos are the children from the well to do homes.

*Interjection:* **Com: Ayonga:** Mwalimu your five minutes are over and I know at school you are very strict when the bell goes the next teacher comes in, but before you leave I just want you to define, you have been using the word handicapped, that this place is handicapped, Mbeere is handicapped and yet it is next to Makuyu, what do you mean?

**Njeru:** What I meant sir is for instance this location is neighbouring with Mbeere district on the eastern side, it continues to Mbeere, and towards Ngurumbani we still have Mbeere, as you go towards Makutano it is Mbeere. Those teachers who are working in Mbeere are given special allowances yet there are sharing the same geographical, economic, social factors.

**Com. Pastor Ayonga:** Thank you mwalimu for your preparation, but again you came late, you admitted, you shouldn't come late. Next time we will not allow you when you come late, but thank you for your contribution. Next is Mary Kariuki, Kiritu Ndungi? Bwana Kiritu chukua microphone na useme majina yako yote halafu uendelee.

**Kiritu Ndung'u:** Mimi naitwa Kiritu Ndung'u. Kwa vile mimi ni mkaaji wa hapa tuna katiba iliyoko, na sisi Waafrika tulikuwa tunapigania uhuru na mashamba, lakini siku ya kupata uhuru mashamba hatukupata, mashamba yalinyakuliwa na watu wakubwa wakubwa. Sisi tukapata shamba ndogo ndogo na sisi ndio tulikuwa tunaongoza hiyo mambo ya uhuru ndio upatikane, sisi ndio

tulifinywa kabisa tukaozea huko kama detainees na baada ya kutoka huko hatukuona kile tulikuwa tunataka. Kama mimi nasikia uhuru lakini sijaona uhuru vile nilikuwa natamani. Yale mashamba tulikuwa tunapigania yalinyakuliwa, hata sasa wakubwa ndio wako na mashamba mahali ziko, sisi raia hatuna hata mahali pa kujenga. Kwa hivyo raia warudishiwe mashamba yao.

Ile ingine ninayo nitaunga mzungu mbeberu mkono, wafanyi kazi siku za mzungu walikuwa wanakaa mahali fulani miezi sita, miezi sita ikiisha anaondolewa hapo anapelekwa mahali pengine. Na sasa katiba iliyoko hata miaka kumi inaweza kumalizika mahala mtu anafanyia kazi bado hajaondolewa huko. Hayo mambo nataka yaangaliwe hapo mimi naunga mzungu mkono.

Nikitoka hapo nitaenda kwa machifu, machifu ni watu wa serikali wa kuangalia huko mashambani karibu na watu. Kama ningelizwa ningesema machifu nao wawe wakipigwa transfer wanatolewa hapa, wanaenda mahali pengine. Mzungu alikuwa anasema yeye ni mzuri kwako kwa sababu yeye anakaa karibu na wewe - sasa chifu anaweza kuwa mile kumi ama kumi na kitu kutoka huko kuja mahali office yake iko. Kwa hivyo hata wao wapigwe transfer wanatoka mahali fulani wanaenda kwingine. Sina mengine isipokuwa hayo.

**Com. Pastor Ayonga:** Asante sana mzee, tumesikia maneno yako na hayo maneno yatawekwa maanani. Hebu uje hapa uweke kidole hapa. Miano? No. Johnson Kabutu?

**Johnson Kabutu:** Majina yangu ni Johnson Kabutu kutoka Kutus, maneno yangu yale ambayo yananisumbua sana na inasumbua hata wananchi ni mambo kuhusu mashamba. Kenya ni nchi ya kila mwanakenya na sio nchi ya mtu mmoja. Kwa hiyo kama katiba ikipinduliwa ile itakuweco iangalie kila mtu, mwananchi wa Kenya anapata shamba kulingana na ile kuwa mwananchi, na kuwe na acres yule ambaye atakuwa na shamba kubwa iwe ni shamba la hectare ishirini na tano tu.

Lile lingine ni watu kuwa kama refugees, watu wakipata shamba hapa - wakigawiwa shamba hapa - na wamefanya development kwa hiyo area, halafu kuwe na development ingine inatakiwa kufanyika mahali ambapo kuna ukame, watu wanaondolewa pale wamefanya development wanapelekwa huko kwenye ukame badala ya development kwenda kufanywa kule hakuna watu – kwenye ukame; Mahali hakuna development ndiko watu wanasukumwa na kupelekwa halafu mashamba yao yanachukuliwa. Hiyo nayo iangaliwe sana.

Watu wengi sana wamejitajirisha kwa mali ya umma, wamenyakua mashamba, hospitali, ya chifu na kadhalika na wamejenga manyumba, hiyo katiba ikiingia mpya washtakiwe na warudishe hiyo mali kwa umma.

President aondolewe madaraka yote, awe kama mbwa hana meno. Kama ndiye mkubwa wa majeshi, mkubwa wa kila kitu na yeye pia hajui maana yake na wako watu wengine wale tunachagua kwa Bunge wanaweza kusimamia hayo maneno, asisimamie tena awe kama mtu ambaye ako chini ya mambo yote.

Waremba wa Kenya (Miss Kenya)- kiongozi kama hana bibi huyu ndiye anachukua anamfanya bibi yake na hiyo ni mbaya, ni kama mtu ambaye hana mahali pake. Na pia President asiwe mtu ambaye hana mji - mtu ambaye hana bibi - awe mtu ambaye ana bibi na watoto wake, family yake ni nzuri ameilea sawa sawa.

Education; education sasa imekuwa kama politics na ndio kweli ni politics, kama Minister anakuwa Minister of Education tunasikia upande wa kwao ndio watu wanasoma sana wanakua No. 1. Na akiondoka huko akiwa sio Minister wa upande huo, huko hakuna watoto wanasoma, hii inakua namna gani? Hiyo ni mbaya. Yangu ni hayo, sina mengi.

**Com. Pastor Ayonga:** Ngoja kidogo, bwana Kabutu?

**Kabutu:** Yes sir,

**Com. Pastor Ayonga:** Wewe unasema mtu awe na land kiasi cha 25ha. tu.

**Kabutu:** Yule mtu ana nyingi awe na 25ha. no more.

**Com. Pastor Ayonga:** Sasa ikiwa mtu ana land ambayo niya acre mia moja na zaidi na imekuwa developed anyang'anywe?

**Kabutu:** Ndio mimi nasema anyang'anywe awachiwe 25ha. peke yake na hiyo ingine 75ha. ipewe watu ambao hawana mashamba ambao wanaweza kudevelop kama yeye.

**Com. Pastor Ayonga:** Na kahawa yake hiyo yote ichukuliwe?

**Kabutu:** Ipatiwale.

**Com. Pastor Ayonga:** Okay, thank you.

**Com. Yano:** Bwana Kabutu kuna pia sehemu ingine umesema heti Rais wa nchi, mamlaka yake yote yatolewe

**Kabutu:** Ndio

**Com. Yano:** Hayo mamlaka yakiondolewa ni nani angetakikana ayachukue?

**Kabutu:** Tuseme madaraka ya Rais, kuwa yeye is over all, yaani amekua juu ya sheria, ndio ni mbaya. Madaraka ya kuwa

yeye ndiye mkuu wa majeshi yote ya Kenya hiyo ni mbaya kwa sababu hata yeye pengine hajaiingia kwa jeshi ajue inapiganwa na namna gani. Kama yeye anakua mkubwa wa education, hati yeye ni mkubwa kupeana degree na hana degree pengine, yeye anajua mambo ya hospitali na hata hajui sindano hajui inadungwa mtu namna gani.

**Com. Yano:** ungetaka yapewe nani hayo mamlaka?

**Kabutu:** Yapewe wale ambao tumewachagua kwenda Bunge, tumewachagua watu werevu sana, Bunge iko na watu wenye na ujuzi mwingi.

**Com. Pastor Ayonga:** Sasa mzee unaweza kwenda huko uweke kidole, halafu makaratasi yako umwachie mtu?

**Kabutu:** Yangu nilikuwa ninaandika si ya kuacha.

**Com. Pastor Ayonga:** Ukipenda kwenda nayo sawa, lakini weka kidole, record imechukuliwa na tape.

**Kabutu:** Sawa sawa, thank you.

**Com. Pastor Ayonga:** Mwingine ni Eliud Muchee, kama nimesema jina lako vibaya unisamehe. Na urudie jina lako uliseme wewe mwenyewe.

**Eliud:** Asante sana kwa kuniruhusu, my names are Eliud Musee Pascal, kutoka Kibebe, area ni Rudiga Village, mine is very short.

1. Ningetaka President awe mtu ambaye ameo, sio mtu ambaye hana bibi wala familia.
2. Teachers should be paid their salaries because they are the founders of education.
3. Chiefs and assistant chiefs to be elected by the members of the society and one should be a resident of the area.
4. Farmers should be considered by the government with full force and be helped, be given their profit as well, and when selling their products they should be helped by the government. Asante.

**Com. Okoth Ogendo:** Now tell me, can I ask you one question, this question about the President must be a married man or a married woman, I assume are you telling us that the catholic priest should never be allowed to rule this country?

**Eliud:** They are allowed but that should be a department.

**Com. Okoth Ogendo:** You are saying if a catholic, Ndingi Mwana a Nzeki wanted to run for presidency he must leave the priest hood and get married?

**Eliud:** That one is above my knowledge, because I do not know the details of the catholic so much.

**Com. Okoth Ogendo:** In other words, I thought am asking you what is so special about being married, that if you are not married you should not rule the country.

**Eliud:** As I know a catholic should not be married but in Kenya I have never seen a President who is a priest or a bishop, that is why I said a President should be married.

**Com. Pastor Ayonga:** Let me put this in a little simpler way perhaps, are you saying if the priest wanted to be a President of this country he should not be allowed.

**Eliud:** He should be allowed with conditions.

**Com. Pastor Ayonga:** with conditions that?

**Eliud:** If he is a priest, and he is trained as a priest his people want him to be a President that one is another case.

**Com. Pastor Ayonga:** Oh, that is another case, thank you so much, could you please go there, weka kidole halafu unaweza kwenda. Next Peter Mureithi Njiru.

**Peter Mureithi:** Asante sana kwa kunipatia fulsa hii, majina yangu kamili ni Peter Mureithi Njiru na kwa majina ya kawaida najulikana kama Chege wa Njiru wa Kachege. Maoni yangu siku ya leo yanapambazua mambo mawili matatu ambayo ni ya muhimu.

1. Ya kwanza ni mambo ambayo yanahusu siasa. Nikiaza na mambo ya kisiasa nataka kusema katika katiba mpya ningetaka kutoa maoni yangu niseme tuwe na serikali ya umoja wa kitaifa ambayo inaungwa mkono na kila mtu.
2. Kama ni Mbunge amechaguliwa na ameenda Bunge na anachukua wadhifa wa kunyanyasa wananchi waliomchagua anaweza kuondolewa kwa Bunge kabla ya wakati wake kumalizika.
3. Idara za serikali, na 'process' ambayo serikali inatumia pesa, ningetaka kutoa maoni yangu niseme, ofisi zingine za serikali sio muhimu, kama ofisi ya chief, ya DC, ya PC, zote zinahudumia mwananchi mmoja, kwa hivyo ningetaka kusema tunaweza kuondoa ofisi ya DO tubakie na Chief, Head Men waondolewe tubakie na DC, na PC aondolewe, na Sub –chief andolewe kwa sababu wanatumia pesa nyingi za serikali na kodi inaendelea kutulemea.
4. Jambo lingine, hali ya mashamba inaleta wasiwasi sana, inakuwa ukitaka kununua shamba ama kuuza unafuata njia ndefu sana, ningesema badala ya title deed, kuletwe kitu kama 'log book'. Mkisikizana na mtu kama unataka kununua shamba mnaandikiana shamba langu lilikuwa heka kumi, nimetoa heka mbili, unapatia huyu heka zake mbili na log book yake kando

na yako unabaki nayo, kwa sababu tumepoteza pesa nyingi sana kwa sababu ya mambo ya mashamba.

5. Zile Ministry ambazo tayari zimepatia huduma zao kwa wananchi zivunjiliwe, kama sasa kuna ministry ya maji na inataka kugawa hizo share zirudishwe kwa maji hiyo ministry na wafanyi kazi wake wote waondoke ili uchumi nao uendelee kujisatiti vilivyo kwa sababu pesa nyingi zinatumiwa mahali kama hapo.
6. Jambo sasa mambo ambayo inahusu uchumi ni kwamba mpaka kwanzia wakati wa leo Kenya hatuna security ya kutosha. Tungetaka wale watu wanataka ku-invest kwa nchi wapatiwe 'total security' na wasije wakaitishwa kodi nyingi ama waondolewe kodi kwa sababu hao watu wanapatia watu employment. Kwa sababu sasa pesa zetu nyingi zimerudikwa Ulaya, kwa sababu hata wale wanaoziweka huko hawana 'security' ya kujua vyema kwamba wanaweza kuja wa-invest hapa Kenya ili waweze kunufaika. Kwa hivyo 'security' wapatiwe na wasije wakafuatiwa sana na kodi.
7. Jambo lingine ni kwamba kampuni zote za 'insurance' zifutuliwe mbali, kwa sababu hao watu wanachukua pesa nyingi na zikimaliza mwaka hizo pesa zinapotea. Na ikiwa pengine gari yako imeanguka na ulikuwa ume-insure kwa moto, hautalipwa, badala yake kufunguliwe Insurance Account ambazo kama ni mwenye gari akipata na shida anaweza kwenda kwa hii account ana withdraw pesa zake bila kutumia wakili ama kupitia kwa koti, anakuja anatengeneza gari yake. Kwa hivyo hizo insurance companies zifutuliwe kabisa.
8. Vitu vinavyotoka kwa wa kulima viwe na at least fixed price. Produce zote za shamba hata kama sio bei kubwa lakini ziwe na at least fixed price, kwa sababu mkulima anatumia pesa nyingi tuseme kutengeneza nyanya ukifika kuuza unakuta hiyo nyanya inatoka bei raisi sana hata haiwezi kukulipa ile gharama uliyotumia. Kwa hivyo kutafutwe average fixed price on every farm produce ili mkulima hawe na kiwango na maono ya kazi yake ambayo anataka kufanya.
9. Jambo la mwisho, hali ya maradhi haya ya hatari ukimwi. Mimi naona jambo moja, mambo ya ngono yamekuwa hitaji ya kawaida kwa binadamu wa kawaida, na tuseme wa sasa kuna wanawake wengi sana ambao wanaitwa 'single mothers' ambao hawana mabwana, na they still need men like anybody else kwa sababu wana mwili na nyama na wao sio malaika. Ningeonelea kuundwe vilabu kuwe na sheria kila mtu apimwe hata kama hana ukimwi, wale hawana kwa sababu wanaume ni wachache, mwanamme moja apatiwe wanawake saba, (laughter) ambao hawana ukimwi ili kwamba awe akiwahudumia, kila siku mwanamke fulani, ili wale ambao wana ukimwi wafe hilo jambo liondoke kwa taifa. Hayo ndio maoni yangu.

**Com. Pastor Ayonga:** Thank you, na kabla hujatoka wewe unasema kwamba kuna problem juu ya title deeds na mashamba na unafikiri log book ikitolewa badala ya title deeds mambo yatakua sawa sawa?

**Peter:** Ndio.

**Com. Pastor Ayonga:** Mimi nijuavyo ni kwamba log book ikitolewa kwa gari, log book ni moja; sasa wewe leo umekata, ikabidi unata kuuza gari, ni kama unachukua tiari ya motokaa mbili ukauza, sasa hiyo inakwenda na log book, wewe utakuwa na log book ngapi? Na hizo transfer ambazo utalipa kwa ku-transfer log book hiyo, si hiyo ndio utaona tabu zaidi?

**Peter:** Hapana hiyo haingekuwa namna hiyo ile nataka kusema ni kwamba ni a sort of form, mtu anatolewa form, kama ni hiyo



form anakwenda ananunua sasa tuseme kwamba umenunua shamba kwangu, title deed yangu inasema Kachege Njiru wa Kachege, ana hekari kumi na ameuzia fulani fulani heka mbili naye kule yako nayo pia inaandikwa heka mbili kutoka kwa heka kumi za Kachege Njiru wa Kachege wewe unabakia na mbili. Inakua ni transaction ya aina hiyo.

**Com. Pastor Ayonga:** Thank you, kuna swali.

**Com. Yano:** Kuna hili jambo la ukimwi, umesema pengine wa mama wafanyiwe screening na ikipatikana ya kuwa kuna wenye hawana huo ugonjwa pengine wapate mwanaume mmoja ulisema pengine wamama saba, kuna uwezekanavyo pengine opposite yakua wamama wengi wasiwe na ukimwi na ipatikane ya kuwa ni waume wengi wako na ukimwi?

**Peter:** Hiyo ni hapa, wale watakaopimwa wakipatikana walio na ukimwi na wasio na ukimwi. Wale wasio na ukimwi wapatane na wale wasio na ukimwi. Wale walio na ukimwi wapatane na wale walio na ukimwi ili wenye ukimwi wamalizike, wasio nao wabaki.

**Com. Pastor Ayonga:** Thank you, basi nitamwita Isaiah Karuga: Isaiah una dakika tano tu kwa hivyo sema majina yako yote.

**Isaiah Karuga:** Majina yangu kamili ni Isaiah Karuga kutoka Kibebe, mimi yangu ni machache tu;

1. Nitaanza na ushuru; ushuru uko juu sana na ninaona kama kwa wakulima uwe chini, yaani maxing for the minimization, ili watu wanaweze kufaidika sana, kama ni watu wa biashara. Kwa mfano watu wa ku-export tuseme French Beans baada ya kuambiwa walipe ushuru mkubwa nao pia wanakuja wananyanyasa wakulima hapa. Unaona wananyanyasa kwa kuwanunuliwa maharagwe yao kwa bei ya chini ndio waende huko wapate, ndio wa-line na ule ushuru wanaambiwa walipe. Halafu ushuru unatakiwa kusaidia mwananchi lakini hakuna njia yoyote unasaidia mwananchi.
2. Vile tunachagua MP na President na madiwani ningeliza watu pia wapatiwe 'mandate' ya kuchagua watu kama Chief na Assistant Chief pia. Inatakikana wawe wametoka kwa hiyo sehemu wanachaguliwa na pia wawe wakimaliza vipindi kama ya miaka tano hivi.
3. Jambo lingine ni equality ya wanaume na wanawake. I would also want it to be reviewed kwa sababu hii equality kama inaweza tiliwa maanani it can lead to fatherless children kwa sababu wanawake watakuwa wakitaka kujitenga wanajisikia sana.
4. Lingine ni landlessness. Kenya kuna sehemu nyingi sana ambazo hazina watu na watu wengi unaona kama mtu moja anamiliki kama more than 100ha. This should be reviewed kwa sababu unakuta watu wengi hawana mashamba lakini mtu mmoja ana kubwa.
5. Judiciary; judiciary wawe wakipatiwa mamlaka ya kufanya kazi yao. Kwa sababu kama ni judge anachaguliwa na President na hawezi akafanya kazi yake akiwa huru, ningetaka wawe wanafanya kazi yao wakiwa huru bila kuingiliwa na President ama mtu yeyote. Yangu ni hayo tu.

**Com. Pastor Ayonga:** Thank you very much, Isaiah Karuga, now, unaweza kwenda kule ukaandikishe jina halafu kama una maandishi unaweza kuacha hapo. Next is Cosmas Njoroge.

**Cosmas Njoroge:** Jina langu ni Cosmas Njoroge, nataka kuangalia mambo ya nominating members of Parliament. About nominating members of Parliament tunatakiwa kuangalia wale walemavu, wawe ndio wanapatiwa those nominations, wawe nominated to Parliament wasiwe hati watu wa kawaida. MP's wakichaguliwa halafu tuwe na nominated members of Parliament wale watakua walemavu badala ya hawa wengine.

About the President, madaraka ya President inatakiwa viwango vingine vipunguzwe, kuwa above the law hiyo inatakiwa itolewe.

Education; Watoto wetu wapatiwe free education. Yangu ni hayo tu.

**Com. Pastor Ayonga:** Asante sana, unaweza kuenda kule ukajiandisha, next ambaye ningemwita ni Monicah Wangui.

**Monicah Wangui:** Jina langu ni Monicah Wangui kutoka Muriduko, ile mimi ningeweza kusema ni habari ya uchumi wetu, tunaona sisi akina mama wale tuko upande huu hasa Mwea na kwingineko, uchumi wetu hatupati yaani tunafanya kazi nyingi na kazi ile tunafanya ikiwa ni huko mashambani huko grassroots kabisa tunanunua vitu kama nyanya, mchele na vingine na tukipeleka kwa soko hatupati ile pesa, saa zingine unanunua mchele na ukipeleka sokoni unakuta hakuna watu wanakunulia kwa sababu wananunua mchele wa ng'ambo.

Sasa tunaona importation ya mchele na vyakula vingine kutoka nchi zingine iondolewe ndio tukienda kuuza vyakula kutoka mashambani mwetu tupate bei nafuu ndio tupate pesa ya kujisaidia.

Tukiingilia upande wetu huko tunakokaa, tunaona kama office ya DO ndiyo inayoajiri askari wanaokaa kwa ma-camps, na kuna hii pombe inayotayarishiwa huko inaitwa cargo, watoto wetu wa shule wale wamesoma na hawana kazi wanaenda kulewa ile pombe. Wakati mwingine tunasikia hiyo pombe imetengenezwa na madawa ya mortuary wanakunywa wanakufa. Ukienda kwa askari umwambie camp ile kuna pombe inapikwa na kunywewa huko wanakwambia wewe unaenda kusema utoe hongo. Hao watu wanasema tutoe hongo tunaona kama wanasikilizana na hii office ya DO maanake magari yao ya kuzunguka kwa vile vituo vinapikiwa hiyo pombe yanatoka huko kwa DO kama Sundays na Saturdays. Kwa hivyo tunauliza - hao ni serikali na ndio wanatuongoza, wanatwambia tutoe kitu - na haya magari yakitoka kwa camp yanajulikana na DO au na wale wanasimamia hayo magari, kwa nini yanakuja kwa mashamba kuchukua pesa kwa wale wanapika pombe ndio waendele kupika na watoto wetu wakufe na mabwana wetu wakufe huko kwa sababu ya pombe? Katiba itusaidie hapo. Tukienda kwa serikali hatupati usaidizi ndio nilisema kama ni office hiyo ya DO na kama anasikilizana na Chief na Sub-chief tupate usaidizi sisi akina mama tulio huku. Yangu ni hayo. Asante.

**Com. Pastor Ayonga:** Asante mama, unaweza kwenda kule na uweke kidole. Kabla sijaendelea, I want to take this time to

recognize the presence of the Hon. Member of Parliament Mr. Alfred Nderitu ambaye ndiye MP wa area hii, bwana Nderitu kama ungepungia watu wako mkono.

**Hon. Nderitu:** Hamjambo?

**Com. Pastor Ayonga:** Nderitu ndiye huyo na sisi tunamkaribisha hapa kwake ninaona baadaye atakuja kutoa maoni yake ya maandishi na wakati ukifika nitamuita wacha kwanza asikize maneno na aone watu wake wamekuja namna gani, karibu sana. Bugi BM, Daniel Mugo Magondu.

**Daniel Mugo Magondu:** Majina yangu yote ni Daniel Mugo Magondu kutoka Mwea Muriduko location, yangu yale yamenileta ni machache:

1. Ya kwanza nikuhusiana na mambo ya polling stations, maoni yangu ni kule kwa polling station baada ya watu kupiga kura zao kumekuwa na malalamiko ya kupotea kwa kura. Maoni yangu ni pale pale kura zikipigwa katika polling station, hizo kura sisije sikasafirishwa zipelekwe kwa counting hall zihesabiwe pale.
2. Ingingine ni kuhusiana na yule anafaa kuongoza nchi ya Kenya. Kama ni President na amechaguliwa na mwananchi wa kawaida anafaa kuwa na elimu ya kutosha, umri awe ni zaidi ya miaka thelathini na tano na asiwe mzee kupita kiasi kwa sababu akiwa mzee kupita kiasi akienda kule utakuta anazidiwa wakati mwingine na usinginzi kwa hivyo tunataka watu chipukizi.
3. Maoni yangu ya tatu ni kuhusiana na mambo ya directive principles of state policy. Katika hiki kitabu page 3 naona pa meandikwa, Kenyans to have important values that should be reflected in the Constitution, if so what are they? Maoni yangu ni kwamba kila Mkenya anafaa kuwajibika na ile kazi anafanya. Awe ile kazi anatakikana afanye aifanye kwa wakati ufaao na aifanye, apende asipopenda kwa hivyo hakuna haja ya mtu kuwa supervised kwa ile kazi anatakikana afanye. Yangu ni hayo tu.

**Com. Pastor Ayonga:** Asante sana mzee, unaweza kwenda kule ukajiandikisha, next ni Grace Njabongo.

**Grace Njabongo:** majina yangu kamili ni Grace Muthoni Njabongo kutoka Kirimara sub-location, Nyagati location, mimi ningetaka kuongea habari ya land and property rights. Mimi ningependa serikali ifikirie habari ya family. Ikiwa shamba ni ya family ambayo ina mwanamke na mwanaume na watoto, title deed yake iwe joint. Kwa sababu wanaume wanaenda wanauza shamba na wanaonunua shamba hawaambiwi kuna bibi au watoto. Kwa hivyo ningetaka mfikirie habari ya watoto wa huyu mtu na habari ya mwanamke huyu kwa sababu watu wengine wanaenda wanauzia shamba kule town na wale wananunua wanakuja wanaambia watoto na mwanamke yule yuko hapa ondokeni sisi tumenunua. Ukiuliza hakuna mtu ambaye atakusaidia kwa sababu saa ingine yeye anakuja na DO anakuja na police na anakuja mpaka na vitu vyake vya kujenga kwa hilo shamba. Kwa hivyo unaona all of a sudden hiyo shamba imewekwa seng'enge, hakuna mtoto, hakuna bibi, hakuna nini. Sisi wanawake tuna taabu sana, tukiondoka hakuna mashamba, hakuna nini sasa mtu anaenda anazurura hata watoto wanaenda

town tu unaona wanavuta bangi wanavuata sigara kwa sababu hakuna kazi ya kufanya kwa hivyo ningetaka hao watu watufikirie wanawake na watoto wa yule mwenye shamba. Ikiwa hiyo haiwezekani mtu apewe shamba lake lingawanywe mwanamme awe na heka zake na title zake na mwanamke pia kwa sababu mwanamke hawezi kuuza shamba akiwa na watoto. Yangu si mengi ni hayo tu. Na niko na agenda ingine hiyo ya shamba mimi nimemaliza.

Hii ingine nayo ningesema if a man goes outside the country and gets married there, when he comes back to Kenya and he comes with a wife and a child these become Kenyan citizens of. When a woman goes outside the country and gets married, when this woman comes back to Kenya the same case should apply.

**Com. Pastor Ayonga:** Asante sana mama, na hayo maandishi na kidole pia uweke pande ile. Sasa tumefikia katika orodha hii next nita muuliza Hon. Alfred Nderitu kama anaweza kutupa highlight ya maandishi yake ambayo ameandika, Mheshimiwa nimekupa dakika tano uweze kutu-highlight-ia kwa maandishi ambayo unataka kusubmit.

**Interjection:** Inaudible

**Hon. Alfred Nderitu:** Commissioners, plus your secretariats I feel privileged to be in front of you today, to present this little document which is the net work of various groups and people who met since the time when you started. Well I will only give highlights of this and later on present it as a document to the secretariat and may be tomorrow I will succeed it with a well detailed one which is right now being done in my office, because I know you will be down in Mwea. Otherwise the highlights here which I would like to bring today, ya kwanza ni maneno yale ambayo ningetaka kutaja hapa msikilize wananchi pamoja na Commissioners, kwa nini tunafanya hivi leo nafikiria mumeelezwa, lakini tunafanya hivi sababu ile Constitution ambayo tuko nayo ina mashimo mashimo ambayo sasa ndio tunaijaza. Na sisi wahusika kwa sababu sisi ndio wenyewe, nafikiria you feel that this is your Constitution, it is the governing rule which we would like to be governed with, sababu sisi wote hatuwezi toshea kwa uongozi. To mention just a few, upsets and oversights in the current Constitution, it is a fact that the Constitution does not give a date when the President should leave office. Although the Constitution states that the President must be an MP, then when MP's cease becoming MP's definitely then of course the President cease becoming the President. Kwani ng'ombe ikikufa ile kitu yake ngoa, si sasa ngoa inatoroka tu? So it is just like that you are sucking from one animal so if you are sucking from being an MP that is when you become a President then when a MP goes away the Presidency should also be vacant. To whom would that President or government be left with? That is why we are advocating for a Prime Minister who will not necessarily have to become an MP.

The current Constitution does not have a preamble, so haina maandishi ya kuonyesha tumetoka wapi na tunaelekea wapi, na ni nani walifanya kazi Kenya ikawa Kenya, haina maandishi.

Now then powers of the President, his office carries so many departments, so many offices. The President is the Commander

in Chief of the Armed Forces; he is Chancellor of the public universities even if he is a standard two fellow, so here really here we tend to feel the office of the President is being abused by just accommodating anything and anybody to call the President. Then the President's office besides that appoints PCs, DCs, PS and whatever so the powers with the President must be reduced and the word here is must, the powers of the office of the President, the guys who hold the office of the President must also be reduced because they are the ones who appoint Chiefs and Sub-chiefs where the local community should be mandated to appoint people who are going to govern them locally within the village. So that at least those officers may serve them and they know, ili hao ma-chief na Sub-chief wajue jukumu lao la kwanza ni kuhudumia wananchi wale wanawachagua and their term of office will be five years.

Then there are quiet a number of issues which are involved here in this document especially the Judiciary, the President has no Mandate at all, should not have any mandate at all to appoint a judge, to appoint a Chief Justice, to appoint a Magistrate. He should only be signing that they have been appointed to serve Kenya because he is the President of Kenya. So we are looking for a ceremonial President, who writes down and enacts what Parliament has passed, because Parliament, which has to act under the Constitution because the Constitution is going to be supreme, passes everything to be done and the President just signs as authenticating that role as passed through Parliament. Then how many years should these magistrates and judges be in court in a place? Like here ni Mwea we had one who stayed over 27 years, actually 30 years, so this magistrates should be able to be moved out after every two years so that they are transferred from to other areas and that may even minimize even corruption as well.

Then we come to local government. Chairmen of the county council and Mayors of the municipality should also hold an elective post to be elected by the district where they come from and run that office for two and half years because it is renewable because they are the key thing, the king state of the localities, of the societies. Sababu wao ndio wanajua kule plots ziko, ndio wanapeana mashamba ya shule, ndio wanataja madarasa and etc. All developments of this country should be vetted back now through the county council. Now what sort of councilors should we have? We should have councilors with brains and I mean brains because I know they do have but at least they should be educated. Minimum qualification forth form, not less. Then MP's who do not perform, councilors who do not perform how can we remove them from office? Ikiwa councilor kazi yake ni kuchukua plot na ikiwa MP kazi yake ni ya kuranda randa Nairobi, hafanyi kazi kusaidia wananchi. Basi s/he should be called back by three quarters of the people who voted him. After having signed a document and these signatures should be presented to the Electoral Commissioner. What sort of Electoral Commission should it be? Not an Electoral Commission appointed by the President. Appointed by Parliament so that it can act. And answerable to Parliament and no other office. Then we should also have a Constitutional court where if all matters concerning the President because like now, I hope not, if a President becomes insane while still in office who will know and nobody can go near the President? Who will report? That is why we need a Constitutional office and an ombudsman who will definitely have the right to go into state house and talk to the President and weigh or take the President to the doctor for check – up. That is why we need an Ombudsman.

Land issues and basic rights, because of the problems we have been having and because of the nature our localities and I would say nature of our tribes here, I would advocate land to be owned jointly by husband and wife because so many women now are left to go down the streets because the man sells his land while in a bar. These rules should be made possible.

Shelter, as we say shelter for all. The single mothers are the most unfortunate people plus their children, there should be a law awarding the Constitution to make sure that every single mother is catered for, may it be an estate where they are all put and given land.

Then health care, medical services should be free for any Kenyan citizen who pays tax, and we pay tax in all ways, because when you buy panadol, when you buy sugar, when you buy everything you are paying tax, so anybody alive and with an age of one day should get medical care free plus education for the ones who are going to school because this country can afford.

Then how many political parties should we have? I had left that one out. We do not need too many political parties, like now we have more than 40. Three political parties would gear this country to a more democratic thing. And how would these political parties be funded? Through the consolidated funds with a ratio of how many members of Parliament are representing this party.

Then nomination, women should be given assistance so that they can compete with men, because this is a rough world where men dominate so that men stop domineering. Secondly a proportion of a certain percentage of women should be nominated in Parliament vis a-vis the men so that women can take care of interests of women related issues.

And to end, because I do not want to take much of your time, I know I would wish if these people are the ones who are saying this more than me, let me come to the management of national resources. For one, the budget should be able to be drawn all the way from the constituency level, because that is where development is required. Then it is taken to Parliament to put it together from each constituency because right now what we have is a shambles of a budget. Which takes care of the offices of President, office of Agriculture etc. But it does not go down to the roots of the community. Natural resources - forests, rivers etc, a law should be enacted that nobody on this land should cut a tree in an area designated as a forest. Nobody because of water catchment, otherwise if we clean our forest then this country will end up being a draught-stricken country. Then the forest officers should make sure that every year we have more than two days of replenishing our forests, that is by planting trees but not cutting them.

And with that the Commissioners, there are quiet a number of things here, international relationship, taxation, transfer of powers, transfer of land, there are all here because like now the laws governing the transfer of land you must pay about 20,000 bob, if an elderly person, poor person how can they raise 20,000 shillings to sub-divide their land to their children. It is very difficult at the moment. All these things should be looked into, they are all mentioned here; and with those few remarks I say you are

welcome, gentlemen, and please carry on with it and I wish you luck. Thank you very much.

**Com. Pastor Ayonga:** We are gentlemen and a lady. Yes

**Hon Nderitu:** I apologise.

**Com. Pastor Ayonga:** Now thank you Mheshimiwa for your contribution, tutachukua hayo and you said you will bring us a more details tomorrow?

**Hon. Nderitu:** Yes

**Com. Pastor Ayonga:** Thank you unaweza kuweka kidole na huko hapana kule. Hiyo imekuwa ya Mheshimiwa Nderitu, sasa namuita Lenny Mugo.

**Lenny Mugo:** My names are Lenny Mugo, and I am going to start with the Provincial Administration; I do not see why the Provincial Administration should exist and I feel it should be scrapped because it is working punitively. And if it has to be retained it should be through the powers of the people. The Sub-chief or the Assistance Chief, the Chief, the DOs post - are not important, District Commissioners, the PCs post is not important and then we have the last point within the system and that is now the office of the President. And all these people should be elected by the people.

Secondly we have the Civil Servants who are part of the country. In case of elections Civil Servants are banned either from vying for Civic or Parliamentary posts. I feel when it is time for these elections civil servants should be left to vie and not be given the condition or resigning, may be they can be very good leaders both in Parliament and in councils or municipalities.

Landlessness, kuna watu wana mashamba kubwa - thousands and thousands of hectares- kuna watu wengine hata hawana pahali pa kujenga. I feel these big lands should be sub-divided to those who do not have land.

We should have free and compulsory education for all people in Kenya. Lastly when we come to the budget, it should not be made by individuals, and I think it should start right from the grass root and recommended by Parliament. And with these few remarks I stop there.

**Com. Pastor Ayonga:** Thank you bwana Mugo, unaweza kuja huko ukaweka kidole halafu uwache maandishi huko pia, ninamuita John Kinyua, ana written memorandum na kwahivyo tunataka utupe highlights ya maandishi ndipo u-submit.

**John Kinyua:** I just included the Parliament, the powers of the Parliament, the President and his functions, the powers, the provincial administration including the chief, the district officers, local authorities plus their functions, Agriculture-, basic needs

and rights of Kenyan citizens and the elections. That is all.

**Com. Pastor Ayonga:** Thank you so much, if you can go there and sign. John Kamau.

**John Kamau:** I wish to recommend this to the Constitution of Kenya Review Commission, to have a Constitution where by everyone has the right to the following: -

-Freedom of expression, association and movement.

-Free health care.

-Free education.

-Protection from the government.

-Fair share of national affairs.

-Equality in law and all matters of our country.

In case of citizenship Kenyan born children should qualify automatically, persons born by one Kenyan parent should be given citizenship unless he or she chooses otherwise. A person who has stayed and established himself or herself in Kenya for more than 5 years should be considered. Issuing of IDs should be continuous and this document should be issued upon presentation of father's or mother's ID or birth certificate or any other supporting information.

In matters of security, Parliament should have a responsibility in national security. The Constitution should permit use of extra-ordinary powers in case of emergency and Parliament should have a role in effecting these emergencies. Law community should be involved in security committee at their community areas. All barazas should be given enough security. Administration like Chiefs, Assistance chiefs should be elected by the area residents.

Political parties. The Constitution should regulate formation, management and conduct of the parties. Political parties should have a national outlook with at least 50% of their membership across ethnic groups to avoid tribal groups. Political parties to hold their elections after 5 years starting from grass roots. Political parties should give their source of funds to avoid being funded by unauthorized ways or groups. The Constitution should permit Parliament to recommend all those to be appointed before being appointed. Parliament should have its calendar to avoid being used as a weapon by the government. All Parliamentarians should lose their allowance for failing to attend the seating so as to make its calendar. Parliamentarians should have good conduct and a clean record, O level standard with a pass in languages. A Commission or tribunal to be formed to look at their salary allowances.

Councilors, should be of O-Level standard, Mayors should be of management know-how and should be elected. Chief Officer in council is answerable to the Councilors. In matters of election all candidates should be provided with security during



nomination, campaign and election period. We should use secret ballot in our elections. Establishment of election courts to deal with petitions, Electoral Commissioners should be recommended by Parliament before being appointed.

**Com Ayonga:** Please summarize.

**John:** My last point, those who evade tax should pay heavy fines to stop the corruption. Practice importation of grains or other things being grown in Kenya should be gazetted and be debated in Parliament. Thank you.

**Com. Pastor Ayonga:** Thank you so much, if you can submit your memorandum and then weka kidole. Next is Ebrahim Kamau wa Ng'ang'a. Please give us the highlights of your memorandum.

**Ibrahim Ng'ang'a:** The current Constitution does not have a preamble and therefore we need one. The national vision in the preamble should give a unity in our diversity and also to guarantee basic rights. Constitution amendments should be done by referendum but not Parliament. Referendum should be done by electoral Commission.

Automatic citizenship: all citizens born outside and inside Kenya are Kenyan citizens automatically, spouses of Kenyan citizens to be Kenyan citizens. Adopted foreign children by Kenyan citizen be given citizenship as long there are adopted by Kenyans. Kenyans should be identified by passport or identity card. Dual citizenship should be allowed by the Constitution. Obligations of the citizen, the obligations enlisted in the current Constitution are alright. Rights of citizens – the rights enlisted in the current Constitution are alright but conditions that accompany these rights should be scrapped. The state should control the registration of religious movements for the sake of uniformity and get rid of the satanic cults.

Defence and National Security, President shouldn't be commander-in chief of the armed forces but the Parliament. To declare war is the duty of the Parliament, but not the President. Military and other disciplined forces should be established by the Constitution. Political parties should be about 3 and they must be funded from public funds.

Structures and System of the Government, all heads of local authorities be elected directly to effect better performance. Ministries to be reduced and the Commissioners be vetted by the Parliament. The head of Disciplined Forces and Armed Forces be vetted by the house.

Executive - the President should be a degree holder and be a family man, stable family unless for a priest. Be of sound health and morally upright and be a Godly person. Judiciary – it should be independent of Executive and discipline of judges and other officers should automatically qualify for demotion. Chief Kadhi should have qualification similar with those of other judges and must be restricted to judicial work.

Local government- Mayors and County Chairman be elected directly and those people must have a term of two and half years and be elected after two and half year. Electoral system and process- 50% of representation in at least 6 provinces should be a requirement for Presidential election. The Commissioners should be law graduates with five years experience in law practicing and be morally up right and non- partisan. Basic rights. the Constitution should guarantee basic rights which include free medical care, water, food, shelter, security and employment and free and compulsory education. Rights of people with disability which should be addressed are free education in all levels, rehabilitation, free health care, special facilities to be provided. Affirmative action in the Constitution in regard to rights of children and women should be provided.

Land and property rights- The ultimate ownership of land should lie with the citizen and the state and local community to have the power of controlling the use of land by the owner. Succession procedures to be eased by the state and be cost-free. Ownership of land by non-citizens be controlled. Kenyans should own land anywhere in the country and title deed issuance should be decentralized. Cultural and ethnic regional diversity and communal rights – there should be no discrimination as an aspect of culture that should be entrenched in the Constitution. We should have two national languages namely: Kiswahili and English. Indigenous languages should be recognized by the Constitution.

Management and use natural resources- Parliament should have the power of mobilization of revenue and distribution of finance and management of human resources but not the Executive. Public Officers should declare their wealth.

Environment: The state should enforce laws on the protection of the environment. Participation of NGO's and other organised groups and partners in development should be given a hand in governance.

International relations, conduct of foreign affairs shouldn't be the exclusive responsibility of the Executives. Constitutional Commission institution. The other Constitutional Commission should be created to cater for the wealthy. Last on succession and transfer of power- the speaker of the National Assembly should be in charge during Presidential elections, an independent Electoral Commission should declare Presidential elections. Constitution should put a provision for a former President in terms of security and welfare. A universal portrait should be provided on our monetary medium instead of each President's portrait appearing in our currencies to effect continuity. A provision in our IDs of tribe to be scrapped to reflect national outlook.

Thank you

**Com. Pastor Ayonga:** Thank you so much, if you can submit your paper. Now the last person I am calling this morning is Mr. Losmas Njoroge, okay if Mr. Losmas, is not here, we are going to break for 45 minutes then we resume and continue with our work until everyone has been listened to. Thank you so much for good listening in the morning, you have behaved well, you have contributed well and I hope you will be feeling better in the afternoon. God bless for this break.

**Interjection:** A question (Inaudible).

**Com. Pastor Ayonga:** It is allowed

**Joshua King'ori:** My full names are Joshua Ndung'u King'ori, and my contributions are:

1. In education – Kenya is an agricultural country and it is said that it will be industrialised by 2020, but upto now we are still an agricultural country and when I looked at the syllabus of Ministry of Education, agriculture is not being highlighted as a subject and we feel that one should be highlighted very much so that agriculture becomes a ministry and the farmers should be given subsidies so that we do not get a scenario like the one we saw in Rift Valley, where people were getting maize in big numbers, many bags, but not their money. Government should subsidize farming because Kenya is an agricultural country.
2. When it comes to rice, in irrigation board the law I think upto now says the monopoly should be on the irrigation board. We have what we call Jua Kali rice which we grow around and I think it should be liberalized in a way that everybody should grow.
3. The other issue is on retirees, the older people beyond 60, 65, I feel that they have been forgotten and I do not know, I think we should have somewhere in the Constitution where they should be taken care of, we know there are wazees who retired a salary of 1,000 shillings now they get around half of that which is 500 shillings, they go to collect it at the DC's and it is consumed by transport, now if there were in a certain grade when they retired, I think they should get a salary equivalent to the people of that grade at present - their pension should be based on that grade.
4. The other issue is about land utilization, we get chunks of land particularly in Rift Valley, Eastern Province, North Eastern and the owners are not utilizing the land- there should be a way of - I do not advocate the issue of minimum or maximum - but there should be a minimum that you utilize - if you do not utilize the land then you are taxed. So that we have food production improved, I think that is my contribution. Thank you very much Mr. Chairman.

**Com. Pastor Ayonga:** Thank you so much, if you would go there and sign your name. Next person I have is Losmas Njoroge, Mary Kikonyo, Losmas Njoroge alionekana? Basi Mary Gikonyo.

**Mary Kikonyo:** Thank you,

**Com. Pastor Ayonga:** Repeat your name so that they get it on the recorder.

**Mary:** My name is Mary Waithira Gikonyo, these are my points:

1. Widows and widowers be protected by Constitution from harassment by financial institutions, in-laws and other family members.
2. Representation of all women in sectors of development and jobs.
3. Disabled are part of the community therefore they should get all their basic needs and jobs.

4. The Constitution should be replaced by the new Constitution.
5. Overall education for all in Kenya. Education to all regardless of poverty level or disability.
6. Free medical care for all members, women should not be charged maternity fee because the children born are the community leaders of tomorrow.
7. Women groups should be strengthened.
8. Child labour be abolished, child care from mother, father, relative and community responsibility should be observed strictly by special social department for the children only.
9. Land and other property should be owned by father, mother and children.
10. President should be a family person. President should go for two terms of five years each, and an average age of 40-60 years. President should not be a Member of Parliament.
11. Civil Servant be given good and enough salary to cater for their expenses. Civil Servants should not be charged for housing.
12. 80% of what is generated in this country is by women, because they are the people who do the agriculture work and therefore distribution of the national cake be equal.
13. The government should create jobs for at least those who have finished the university level. Thank you.

**Com. Pastor Ayonga:** Thank you mama for that brief presentation if you can sign your name there. Next is Mureithi Anthony. Anthony Mureithi, halafu Wilson Kinyua.

**Wilson Kinyua:** My names are Wilson Kinyua, I would like to contribute orally on the education system in this country. I would like the Constitution of to recognize the rights of education as a fundamental right just like the right of association, the right of worship and other fundamental rights. This is because from the Ministry of Education statistics, from standard one to standard eight those pupils who complete standard eight are only 45% in the whole country. The reason why they cannot complete education in standard eight partly lies on the cost. While the building funds in our primary schools is pegged at around 1,000 shillings per year which may not be very big, other learning materials including text books are very expensive. A standard one child requires books worth 2,000 shillings and where the parent has four children, and then it becomes a burden. Our enrollment rate in nursery class room is 98% standard one is 95%, standard two falls down to 80% and by the time we go to standard eight we have only 45%. I would also like to commend something on secondary school education. The cost of textbooks, laboratory chemicals, remuneration of non-teaching staff is so high that to achieve 90% of the enrolment, retention and completion we need to pay half of what is currently being paid in secondary schools.

I would also want to comment on child labour - it is illegal in this country- but we still have children on the payroll of some entrepreneurs. The government should increase heavy penalties on those who employ children because I feel that the boy we have in standard one or standard two will be the father of a man.

On village polytechnics- I will start with remuneration of instructors, currently the manager of a village polytechnic gets 2,000 shillings per month, an instructor is given, 1,700 per month, there is no inspection by any professional bodies in these institutions, sometimes we do not identify the job market or the market beneath because dress-making and wood work may not take us very far.

All these buildings including this building we are seated in, the skills to build this house is from Shiurata Village Polytechnic. Can we really ignore village polytechnics and think that the person who built this building is a fool? If he was a fool then we would not be in this room, because we would fear it would collapse. I would recommend that the village polytechnics be brought under the Ministry of Education where there are professionals to inspect them.

I would also like to talk something on discipline in our schools because of what has happened of late, children even burning one another and so forth. I would like to comment from a Biblical point of view, that God himself allowed children to be given corporal punishment, to be because according to the bible God felt that children are childish and that childishness can be removed by a cane. The present scenario that we have in school is that a pupil who comes to school late is told to go and call his parent to come and cane him in the school. The other one who makes noise in the class who go for his parent to come and cane him from the school, does the parent have that time? I am a parent and am a teacher I cane at home as a parent but in school I do not cane. I would recommend that at least the head teacher and his deputy be allowed to employ corrective punishment which will include both manual and corporal punishment.

Drug and especially the commonest ones, heavy penalties on this should be administered by the government. We are surprised that while we are seated here bang is still growing in mount Kenya forest and it has become impossible to get rid of it.

I would like also to comment on the interference of various government organizations as far as discipline in schools is concerned. I feel that the management of schools including the Board of Governors, School Committees and the School community should be left alone to manage those schools, and employ disciplinary measures that are necessary for the well running of that school. Interference sometimes by the Ministry of Education, some times by other stakeholders will be unnecessary if we are going to achieve the 'education for all' goal of year 2005, unless we want to shift the goal post.

**Com. Pastor Ayonga:** Thank you, please submit your memorandum, Miriam Wanjohi; now Councilor Jane Wanjira.

**Jane Wanjira:** Asante sana, nitaongea kwa kiswahili.

**Com. Pastor Ayonga:** Sawa kabisa.

**Jane Wanjira:** Ya kwanza ningependa kuguzia wizira ambayo niko - wizara za wilaya. Ningependa Ma-councillors ambao watakuja wawe na elimu ya O-level. La pili, ningependa wale ambao walikuwa hapo mbeleni, na raia wanawapenda, wakiwa

na experience warudishwe. La tatu ningependa wenye viti vya Mayor wachaguliwe na watu.

Kwa upande wa akina mama ningependa - sheria tuliyo nayo ni ngumu sana kwa akina mama hasa wale wamefiwa na waume zao kwa sababu inawachukua mda mrefu sana kupata mali za waume wao au kuziwakilisha kikamilifu kwa sababu katiba ya sasa inaonekana kama imekadamiza akina mama waliofiwa, lazima aende mahakamani, sijui atoe administration letter ambayo yenyewe itahitaji pesa nyingi sana. Saa zingine mwanamke hawezi kukubaliwa kutumia kitu chochote cha bwanake alifekufa mpaka hati ashitaki kifo. Kifo ambacho kinamgharimu pesa nyingi sana, mambo mengi sana; hapo ndipo family ya akina bwana inaingilia marafiki wabaya wanaanza kuhangaisha huyu mama. Tungependa katiba ya sasa tunayoigeuza itambue ndoa ya kanisa mama aliyofanya, kwa sababu hiyo ni ndoa kamilifu. Ikiwa si ndoa ya kanisa, ndoa ya kienyeji mama aliyofanya, hao wawe ndio watu wa kusimamia mama ndio apate vitu vya bwana yake na watoto kwa sababu inamchukua mwanamke karibu hata miaka sita kabla hajapata title deed ya bwanake. Hajapata hata kitabu cha benki. Na sasa wakati kama huu tuko na shida za pesa mama atakaa hivyo hivyo na shida zake na watoto hawasomi. Ningependa katiba ya sasa itambue ndoa ya kanisa iwe ndio ya mwisho na ya kienyeji.

Tukirudi upande wa serikali. Ningependa katiba tuliyo nayo sasa iondolewe bali kabisa kwa sababu vile mambo nimeona imefanyika nchi yetu imerudi nyuma sana kwa kukubali Rais achaguliwe ki holela bila kujua kwanza afya yake. Tungetaka Rais akienda kuchaguliwa, kabla hajachaguliwa kwanza apekelekwe hospitalini aangaliwe kama yeye ni mzima ki mwili na ki afya. Tungependa Rais ambaye tutakuwa naye asiwe mbunge. Ningependa Rais tutakaye kuwa naye atawale tu kipindi cha miaka kumi, mitano, mitano. Kipindi cha kwanza kikiisha after two years awe anakaguliwa na daktari kutoka nje wa kujitegemea ili tujue hali yake ya afya. Akiwa na magonjwa makubwa hapo turudi tena kwa kiwanja kwa sababu hatutaki mtu mgonjwa kutuongoza kwa sababu hajiwezi.

**Com. Pastor Ayonga:** Summarize.

**Jane:** Rais awe akienda kwa hospitali baada ya miaka miwili na kabla hajaingia ofisini akaguliwe na dakitari wa kujitegemea. Pia ningependa Rais atawale miaka mitano mitano na kutoka hapo asisimame tena kama Rais akimaliza kipindi chake labda asimame kama mbunge lakini asirudi tena kuwa Rais wa jamhuri. Ningependa speaker wa Bunge asiwe mbunge. Ningependa judge mkuu achaguliwe na Bunge. Ningependa pia ma-judge wachaguliwe na Bunge na Bunge iwe na uwezo mkuu ambao itaamua hata watumishi wa serikali wawe wakiajiriwa na Bunge. Hayo ndio niliyokuwa nayo.

**Com. Pastor Ayonga:** Asante sana mama, sasa unaweza toa- oh, ngoja kidogo.

**Com. Yano:** Councillor umeguzia kuwa lazima Rais awe na afya na pengine aende hospitali kukaguliwa kama afya yake ni njema.

**Jane:** Ndio

**Com. Yano:** Hayo magonjwa ungefikiria angeangaliwa ni kama gani?

**Jane:** Oh, yale magonjwa Rais anafaa kuangaliwa ni wazimu la kwanza, sukari kwa sababu unajua mtu akiwa na ugojwa wa sukari uwa si stable, cancer pia na ukimwi. Kwa sababu tunaweza, hata mbunge –sorry, hapo nilikuwa nimesahau, hata wabunge watakaenda kuchaguliwa sasa wakati wa Bunge au councilors ili tusiwe tunarudia rudia uchaguzi, wawe wamekaguliwa kwanza ukimwi kama wanao ndio tusiwe tunarudia by-elections all time.

**Com. Ayonga:** Wapimwe ukimwi, sukari,

**Jane:** Cancer

**Com. Pastor Ayonga:** Cancer

**Jane:** Wenda wazimu

**Com. Pastor Ayonga:** Wenda wazimu - na sasa wale waliomchagua mama ,si nao pia wanaweza kujua fulani ni mwenda wazimu, mbona wanachagua mwenda wazimu?

**Jane:** Unajua inawezekana hiyo wazimu, imekuja katikati ya uchaguzi wake, ndio nimesema after two years awe akikaguliwa.

**Com Ayonga:** Okay, thank you, Joseph Njoka, Joseph ningalipenda utupe summary ya maadishi yako kwa maana tutaenda kusoma wewe unajua maneno makuu makuu ambayo uliyo nayo tuambie hayo makuu bila ya kutusomea word by word.

**Joseph Njoka:** Asante bwana Commissioner na wenzako. Ya kwanza nimeongea juu ya preamble ya katiba ile tungetaka na rights zetu na freedom. Ya pili, nimeongea mambo ya principles na policies zile tutafuata. Ya tatu, nimeongea mambo ya mashamba, na rights za resources zetu - iko hiyo literature mtasoma. Ya nne, nimeongea juu ya armed forces vile tunataka wawe separated na their limitations of operations, their re-training if they are incompetent, the other one I have talked about is governance of a country, I think we have stated a number of things.

Then we have talked about the working force, the working groups, how there are suppressed, how they are not meeting their social justice as workers and especially here in Mwea where we would like to be considered as a hardship area considering our colleagues on the other end. We are in a team where we are in very hard area, water borne diseases, bilharzia and many things around. Ya mwisho nimeongea juu ya elimu, kwa jumla mambo ya elimu nimeongea juu ya vile wafanyi kazi wamenyonywa

mambo ya mishahara yao kuwa duni mambo ya retirement benefits kwao na dependence it is taking too long before being processed that one is within my report and discipline in schools all that is what I have covered. Thank you.

**Com. Pastor Ayonga:** Asante sana sasa unaweza kuweka kidole. Kuna Magdalene Macharia, jitayarisha lakini James Mureithi, yuko wapi? Endelea.

**James Mureithi:** Thank you. Kwa majina yangu yote ni James Mureithi wa hapa hapa katika hii district. Na ningetaka President yeyote anayesimama akitata kuwaania uchaguzi wa Bunge kama President, awe ame attain miaka hamsini. Yaani at the age 50 years. Na awe ana good health. Awe ana nyumba yake na watoto vile vile na awe ni mtu amesoma mpaka kiwango cha degree. Health yake lazima iwe ikichunguzwa baada ya miezi sita awe anachunguzwa kama amepatwa na ugonjwa fulani maanake tunaweza kusimamiwa na President awe ni kama mwenda wazimu, ana magonjwa mengi ambayo hayawezi yakamwezesha kufikia wananchi kwa njia iliyo nzuri. Tena election ya President iwe ni ya kipekee isiwekwe pamoja na ya wabunge. Yake ifanywe separate, hiyo iwe ni ya President peke yake.

Another point is that kuna watu wanakuwa suspects- they are not guilty until that time when they are taken to court and proved by the court that they are guilty. Kusema kweli huwezi kusema huyu mtu ana makosa, na hao watu wanateswa sana ndani ya ma-cell na saa zingine hata kupigwa na kuuawa ndani ya cell. So hapo ningetaka hao watu waangaliwe vizuri, hata ikiwezekana kuwe na vitanda, hao suspects ni watu ambao hawajapatikana na makosa na asipatiwe punishment huko kwa maana bado haja-fikishwa kotini ndio apewe punishment hapo ndani ya cell na kupigwa, tumesikia wengi wamekufa kwa cells na mambo yao ikaishia hapo.

Lile lingine ni roads corruption, traffic askari wana harass drivers sana na saa zingine hata wanaweza kushika gari na kuna abiria ndani, wanawachelewesha kama hongo imekosakena mpaka yule mtu atakapotoa kitu ndio gari iondoke na hii gari kuna abiria ndani. So haya mambo ya traffic policemen yaangaliwe kwa makini. Langu la mwisho ni Land, sasa kuna clans, ningetaka clan iwe ndiyo ya mwisho na iwe na powers over land especially kama hii town Ngarima hii iko hapa. Maneno ya land yasipatiwe county council, county council wao ni ku-assist na zile land zote hazija-fanyiwa survey ni za public - na hiyo public ni clan. Yaani clan iwe ndiyo inasimamia hayo mashamba kwa upande wa kugawa na kujua ni watu gani wanahitaji kupewa hayo mashamba.

**Com. Pastor Ayonga:** Thank you, thank you so much mzee sasa unaweza kwenda huko ujiandikishe na uweke kidole. Mwingine ambaye nataka ni Cyprian Njoka.

**Cyprian Njoka:** Asante mwenye kiti, nitaongea kwa Kikuyu.

**Com. Pastor Ayonga:** Lakini mzee naona ukaaza kwa Kiswahili vizuri sana, mzee Njoka Kweli wewe unasema hujui



kiswahili?

**Njoka:** Kiswahili sijui sana

**Com. Pastor Ayonga:** Basi unajua unapo tafsiria ile dakika ambayo ningempa wewe tano itakua mbili na nusu kwa maana interpreter wako naye atachukua mbili na nusu. Mpatie yeye. Ndiye huyu basi dakika bili na nusu

**(Kikuyu dialect by Njoka)**

**Njoka:** Ati bururi uyu witu uthukite ni undu Ma-Chief tutiandekaga, mandikagwo ni thirikari, na hindi ya ukoloni tulikwa na chagua. No umuthi uyu twanyita thirikari tokehorwo.

**Translator:** Anasema hivi, nchi hii yetu imeharibiwa kwa sababu ya machifu wanaochaguliwa na serikali na wakati wa ukoloni tulikua tunawachagua.

**Njoka:** Wa keru, tukuga atiri umuthi nake Mwalimu ndagatige wira wake oke andikwo Chief kana Headman. Ni undu twi na ciana.

**Translator:** Ya pili, anasema hivi, wakati huu mwalimu asiwache kazi yake aje kuajiriwa kama chifu kwa sababu tuko na watoto,

**Njoka:** Maundu maria marathukio bururi ni mundu gutiga wira wake akoya wira wa muru wa nyina. Maendeleo ni tukuona?

**Translator:** yale makosa yanatokana na serikali ni huyu anawacha kazi yake anaingilia kazi ya mwenzake, hatutapata maendeleo.

**Njoka:** Kwe handu hangi, namo makanitha mamenyerwo wao. Ni undu umuthi uyu Thirikari itu iheanite permit nyingi na hindi ya ukoloni kwari Kanitha ithano no riuri, tutiramenya ni atia andu aitu nimaingihire na tutiremenya muico wao tugakinya ha. Gatiba muthondeke mukikemenyagirira.

**Translator:** Jambo lingine, makanisa pia yachunguzwe kwa sababu wakati huu serikali imepeana permit nyingi na wakati wa ukoloni makanisa yalikua matano, lakini leo makanisa ni mengi, na hatujui mwisho tutafika wapi. Katiba ichunge haya.

**Njoka:** Nake Raisi ndakaheo watho munene muno, ati ni Amri Jeshi, ucio ni umwe. Akorwo ni Waziri wa Githomo etikirio kuruta wira wakem wa Agriculture o taguo na wa thibitari nake. Tuonete mahitia mothe mokiti na njira io..

**Translator:** Naye Raisi asipewe mamlaka makubwa zaidi, kuwa amri jeshi, ama ni waziri wa elimu akubaliwe kufanya kazi yake sio Rais. Kama ni wa Agriculture akubaliwe, kama ni dakitari waziri wa afya akubaliwe sababu tumeona makosa yote.

**Njoka:** Nakio githomo nituhinyiriirio muno umuthi mabuku turagarurirwo o mwaka. Ibuku riri ni ria ng'ania, atiriri nitukwiro gitumu? Hau nindoria kiuria. Akorwo ni thirikari ithondeke ibuku taria "Carey Francis" twathomaga nario kuma A kinya Z. Na

niguo twathomaga hindi ya Ukoloni.

**Translator:** Ni hayo, nayo elimu tumenyongwa kabisa, tunabadilishiwa mwaka kwa mwaka, kila mwaka kitabu kingine kinatokea nataka kujua ni sababu gani kuna mabadiliko hayo. Ama ni elimu imebadilika? Kama ni serikali itengeneze kitabu kama cha Carey Francis vile tulisoma wakati wa ukoloni.

**Com. Pastor Ayonga:** Asante sana mzee najua unajua kiswahili unajua kingereza lakini asante kwa lugha hii imekufanya utoe yote. Eh mzee enda upande ule utoe kidole. Kuna Magdalene Macharia.

**Com. Pastor Ayonga:** Mama Magdalene nataka nikuonye kutoka mwanzo tafadhali unisikize, unasikiza mwingine au ni mimi, sasa kabla ujafanya chochote. Mama?

**Interjection:** Inaudible

**Com. Pastor Ayonga:** Okay mama, mwambie mama aniangalie kwanza; sikiza nikwambie machache kabla hujaanza. Ninaona una makaratasi hapo sawa sawa hakuna ubaya, lakini kitu nataka nikuambie usije ukatusomea neno moja kwa moja, msitari kwa msitari tusingoja hayo makaratasi usiku utaingia hapa na kondoo watakufa huko kwa kamba hata punda pahali alifungwa hatatoka. Kwa hiyo kitu nataka leo wewe usitusomea tuambie maneno makubwa makubwa yale ambayo umeandika na uwe unaniangalia, usiangalie kule na kule.

**Magdalene:** Ndio, in this memorandum we should raise to have a Constitution that everyone has a right to equal protection, free from discrimination, freedom of expression and association and the directive principles of equal representation of both gender. Citizenship: – persons born in Kenya after the year 1963, persons staying in Kenya for period of more than 5 years are automatic Kenyan citizens. Rights and obligations of Kenyan Citizens the following documents should prove Kenyan citizenship, birth certificate, Kenyan Passport, National Identity card. NB – a Kenyan born of Kenyan parents should be issued with a birth certificate, ID upon presentation of either the mother's or father ID.

Basic rights and basic needs; Health:- free health care water, food, education upto secondary school and cost sharing in higher education and public universities. Gender equality in decision-making should be a basic right for equitable representation in decision making at all levels. The right to own and hold property for all Kenyans irrespective of gender or money. (inaudible) The Kenyan women should suffer no more of discrimination and oppression that reduce dignity as a Kenyan.

Land and property rights; There should be equal access to land, land owners are to control their resources whether man or woman. The title deed of family land should bear the names of both husband and wife. Kenyans living in vast lands should be guaranteed protection and security and should be made accessible they should be resettled elsewhere and given ownership.

*Interjection: Inaudible*

**Magdalene:** The title of 1999, the type of 99-year lease of land in Kenya should be scrapped and Kenyans should be given free hold ownership of land for prosperity.

**Com. Pastor Ayonga:** And finally?

**Magdalene:** Hayo tu.

**Com. Pastor Ayonga:** Asante sana mama, chukua hiyo pale, asante sana; Douglas Mureithi, Douglas tungenda utupe highlights.

**Douglas:** The following are the few highlights of my Constitutional rights. The first one is powers of the President - they should be trimmed. No. two, his term - the President and also the MP's terms should be strictly two - 5 year terms. No. 3, the Provincial Administration should be removed and be replaced by an elected board. The elected councilors should be members of the board and the board should be channeling their matters to Parliament. A Kenyan citizen should have at least 5ha. of land.

Education in primary school should be compulsory, the 8,4,4 system of education should be scrapped and replaced with the old system whereby we had form 6, and public universities should be reduced to two. We should have independent Judiciary whereby Executive should not interfere with Judiciary whatsoever. All the appointments example of Commissioners, judges, boards chairmen and women should be done by Parliament. A Kenyan citizen can buy land or property anywhere in Kenya. Medical services should be free. A Kenyan citizen should be guaranteed free movement for 24hrs. There should not be odd hours. The police force should be surveillants, President should be a graduate, he should be married with an age between 40-65 years. Thank you.

**Com. Pastor Ayonga:** We need some clarification, ngoja kidogo.

**Com. Yano:** Yes you said that public universities be reduced to, you said two?

**Douglas:** Yes

**Com. Yano:** Yes, which ones would you recommend that we have, and that is after reduction. And secondly you know the population of this country is growing to a really alarming rate, what would you do to the other students who make it to universities?

**Douglas:** We have Nairobi University that one should be there and maybe Moi University. The reason am saying that they should be two is because it is merely a waste of resources.

**Com. Pastor Ayonga:** Miriam Wagithi. Endelea sema majina na uendeleo.

**Miriam Wagithi Wajohi:** My names are Miriam Wagithi Wanjohi, I come from from Ndia. First of all am going to give my own opinions and then present a memorandum for the DP Party from Ndia Division.

**Interjection:** Com. Pastor Ayonga: But remember you have 5 minutes.

**Miriam:** Yes, I will see to it that I have done it. My first opinion is on the section of defense. I feel that most Kenyans feel that they are not protected by the present government, so we should have an external and internal defense in the government. The external defense should be catered for by the government and the internal defense should have the President as the ruler of the internal defense. The other part I will go is the political parties, we should only have three political parties, those with at least 60 seats in Parliament. I feel we can do well with fewer parties than with so many parties. The other thing I will go to the section of birth. I would not say am cheating when I say that giving birth should be a national issue, all women should be considered in the Constitution for giving birth. It should be a national duty and it should be written in the Constitution like that. Fourth, we have areas where people go and get children, they migrate and find children and bring them to their country so I feel that the women of Kenya should be respected by the government and the Constitution should stand for that. No man or woman should be sacked because of giving birth to a certain child.

On the section of Legislature, the Parliament we have in Kenya today should be a national assembly, but not the type of Parliament we have today, which is not considered as a national assembly, so the national assembly should have the right of the legislature so that the MP's and ministers can be able to work in that environment and benefit the people of the area. Now I am just going to present this one from the party. Am not going to read it but it came from the views and ideas of people from Ndia in the DP party.

**Com. Pastor Ayonga:** Thank you, but let me ask you something, do you think that women should be compensated for having brought forth children.

**Miriam:** Even if the women are not compensated, there should be ways and means to compensate them indirectly, not even directly for when one goes to have a maternity leave and is paid for that, that is a part of compensation.

**Com. Pastor Ayonga:** Okay I see.

**Miriam:** The other alternative if you go on maternity and you are not charged for having a child it is like you get compensation so it is not necessarily that it will be direct compensation.

**Com. Pastor Ayonga:** But they should be compensated.

**Miriam:** Yes.

**Com. Pastor Ayonga:** Whichever way, for the child is national industry.

**Miriam:** Yes (*Laughter from the bench*)

**Com. Pastor Ayonga:** Thank you so much, ladies and gentlemen we have gone over the list of the names of those who registered since morning and I do not think we have left anybody out if we have done we have done it by mistake and if that is the case it there someone whose name is here that was not called.

*Interjection:* *Inaudible*

**Com. Pastor Ayonga:** Pardon?

**Interjection:** I have a comment.

**Com. Pastor Ayonga:** Okay

**Speaker who did not give his name:** (*the first part a bit inaudible*) The people you see here, and maybe those who have gone, have volunteered themselves, they have come in the rain for the betterment of Kenya and so am proposing when such people come here they should be given lunch, even if not lunch, a soda and may be a loaf of bread.

**Com. Pastor Ayonga:** Thank you.

**Interjection:** I have a simple comment about this issue - it is a very important issue, but there is one problem we suffer as citizens of this Constitution- we hear about it but in our lives we have never seen the booklet of the old constitution. So I see it essential that as it is changing we see how the older one looked like.

**Com. Pastor Ayonga:** Thank you, let me say this, I want to thank you all for having come here, and I want to say thank you

for what you mentioned mzee, but that is not within our mandate we three, and we are doing this exercise throughout Kenya and we are doing it out of our own willingness. We have come here because we have a burden in our heart that we want to make a contribution to our Constitution, a Constitution we would say ‘‘I took part in it’’. So thank you for your observation.

Young man, you talked about the old Constitution, I think there are going to be booklets of the old Constitution that will be spread throughout Kenya, if they have not arrived here they should be on the way coming. We had considered that we want you to see the old Constitution so that when we make a new one, you would compare and it is going to be made in very small booklet, something that you can carry in your pocket and something that is written in simple English and Kiswahili so that you and I can read it without any assistance from a lawyer. Thank you so much and on behalf of my three colleagues, Prof. Okoth Ogendo- mwanasheria mkuu na mwalimu mkuu, mama Alice Yano naye pia ni wakili mkuu, na mimi pastor Ayonga na wenzangu tunawashukuru nyinyi nyote kwa kuja kwenu hapa. Tulipoanza mkutano huu wakati wa asubuhi tulijiweka mikononi mwa Mungu na ningependa tunapomaliza mkutano huu pia kujiweka mikononi mwa Mungu. Kwa hivyo ninawaomba nyinyi nyote mlioko hapa msimame tuombe.

**Com. Ayongo:** Mungu wetu uliye juu mbinguni, tunakushukuru kwa maana wewe ni Baba yetu, wewe ni mlizi wetu, na Mungu unatupenda kila mmoja wetu, tumekuja hapa watu wa sehemu hii ya Mwea ili tuje kuongea juu ya Katiba ambayo tunataka, sisi hapa ni wakulima tuna masumbuko mengi, mara tuna shida na mchele wetu, mara tuna shida na mimea mingine tuliyo nayo hapa, mara hatuna soko, mara hatuna ulinzi, mara hatuna hili au lile. Mungu tunaomba kwamba utusaidie sisi sote, tunapashugulikia katiba tunaomba kwamba mwishowe tuwe na katiba nzuri, ambayo itatulinda na ambayo itaokoa uchumi wetu.

Sasa tunapoondoka hapa tukirudi katika mashamba yetu, katika kazi zetu ambazo tuliwacha asubuhi na kuja hapa, ututunze, ubariki mashamba yetu na mimea iliyomo. Asante kwa mvua ambayo umetuletea, asante kwa udongo wa rotuba uliomo hapa, Mungu hayo yote ni mapenzi yako, kwa hivyo tukitoka tutoke pamoja na wewe kwa maana tunaomba na kuamini kwa jina la Yesu ambaye ni Bwana wetu. Amen.

**Com. Pastor Ayonga:** Mungu awabariki na mkienda nyumbani muende salama salamini mpaka siku ingine tukutane tukiwa na katiba mkononi. Asanteni

Meeting ended at 4.00 p.m.

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