

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS ,

GITHUNGURI CONSTITUENCY, HELD AT

P.C.E.A KIGUMO CHURCH

ON

24TH , APRIL 2002

CONSTITUENCY PUBLIC HEARINGS, GITHUNGURI CONSTITUENCY HELD AT P.C.E.A. KIGUMO CHURCH, 24TH APRIL, 2002.

Present

Com. Prof. A. I. Salim
Com. Kavesta Adagala
Com. Dr. Mosonik Arap Korir

Secretariat In Attendance:

George Naholi – Programme Officer
Charity – Assistant Programme Officer
Hellen Kanyora – Verbatim Reporter

The meeting started at 10.00 a.m with Com. Salim in chair.

Com. Salim:(inaudible) mumeamka salama, twashukuru. Muriega?

Response: Turiega muno.

Com. Salim: Tunaanza kujifunza kidogo kidogo neno hapa na pale na ndiyo njia nzuri ya kuwasiliana. Tunafurahi sana kuwa tuko na nyinyi hivi leo, na wenzangu wawili Commissioners, upande wangu wa kushoto yuko Commissioner Kavesta Adagala -- haswa kulia. Na upande wangu wa kushoto ni Dr. Mosonik Arap Korir ambaye pia ni Commissioner. Kwa hivyo leo mna team kubwa ya kusikia maoni yenu, na pia tunao staff members wetu kwa upande wa kushoto pia yuko Programme Officer wetu George Naholi, na pamoja na yeye, ni wasichana wawili kutoka kwa ofisi yetu kuu; yuko Charity wa kati kati pale ambaye anacheka na sasa anawasalimia, na yuko pia mwenzake hapo Hellen ambaye wamekuwa wote watatu hao wamekuwa wakitembea na sisi katika kila eneo, hili (hii kazi kubwa hiyo) kuhakikisha kwamba kila neno linalosemwa hapa, linarekodiwa maana si sisi tu kuandika lakini na lakini ili kuhakikisha kwamba hakuna makosa hakuna jambo ambalo litawachwa, wao pia wanarekodi. Wanaandika na pia machine yao inanasa kila neno. Tatu, yuko hapa District Coordinator wetu, Bwana Kariuki na wako pia committee members, Bwana Chairman Kiama Gitau, Chairman of committee na Reverend, bila shaka nyote mwamjua, na nitamshukuru mbele yenu nyote kwa kutupa nafasi ya kutumia kanisa hili takatifu kwa kazi hii muhimu ya kiinchi. Na nafikiri wanachama wengine wa kamati watafika baadaye kuungana nasi

Kabla kuendelea na kazi yetu ya kukusanya maoni yenu, ningependa Reverend atusomee dua, maombi kabla kuendelea mbele.

Reverend: Ningependa hasa kwanza kuwasalimu nyote, na pia kuwakaribisha katika kanisa hili, kuwashukuru, hasa Commissioners na wale -----(inaudible) na sehemu hii ya Kiambu kwa kuchagua kuja sehemu hii yetu, na hasa kuchagua kukutana katika kikao hiki. Tunashukuru sana kwa sababu ya kufanya hivyo. Nimesema nimewakaribisha, mjisikie muko nyumbani, mjisikie muko mahali ambapo ni patakatifu na yatakayotoka sehemu hii nadhani yatakuwa ya muhimu sana katika nchi yetu ya Kenya. Na kwa sababu mambo yote mazuri yatokana naye Mungu ni heri kabla ya kuanzisha jambo lolote, kwanza tuombe ili tujiweke mbele zake Mungu, atuongoze hasa hata kwa kutoa maoni yetu. Na tuombeni.

Mtakatifu Mungu wetu wa mbinguni, tumekuja mbele zako asubuhi hii ya leo, ili tukutolee shukrani zetu nyingi kwa vile umekuwa pamoja nasi tangu asubuhi tulipoamka na ukaanza pamoja nasi katika shughuli zetu za mchana wa leo. Tunasema asante kwa sababu ya kutufikisha saa hii na kutuleta katika kikao hiki. Hasa tunashukuru kwa ajili ya Commissioners wetu ambao Mungu umewaongoza na kuwafikisha katika mahali hapa. Ni safari ndefu ambayo wamefunga, na ni upendo mwingi ambao tumeona. Tunaona kujitolea kwao ndiposa tunashukuru jina lako takatifu. Tunataka kutoa shukrani nyingi kwako kwa wananchi wa sehemu hii yetu ya Karatina ambao umewafungua hili waweze kufika katika kikao hiki kutoa maoni yao: vile wangependa nchi hii yetu iendelee na iongozwe na idumishwe, Mungu wetu wa mbinguni. Ndiposa tunataka wakati huu kujiweka mikononi mwako ili Baba wetu uchukue roho zetu, fikira zetu na utuongoze. Ndiposa yale yote ambayo tutakayotoa, yawe ni maoni yenye manufaa si ya kwetu sisi tu, bali kwa nchi yetu ya Kenya. Tuongoze, kaa pamoja nasi na utubariki kwa kuwa tumeomba na kuamini katika jina la Yesu Kristo mwokozi wetu. Amen.

Mungu awabariki sana, mkiendelea kutoa na kukusanya maoni. Bwana awabariki sana. Thank you, feel at home.

Prof. Salim: Asante sana Rev. kwa kutukaribisha zaidi kwa ombi lako, ambalo lilikuwa ni ombi linalojaza moyo na akili pia. Sina haja ya kueleza umuhimu wa kazi hii kwa maana Rev. ameeleza vizuri sana kwamba hii ni kazi ambayo inahusu si sisi tu tunaoishi hivi leo katika nchi yetu lakini inahusu pia vizazi vijavyo. Ikiwa Katiba mpya itakuwa nzuri, itasaidia nchi yetu, itasaidia watoto wetu na wajukuu wetu. Kwa hivyo sisi tukiwa Commissioners tunahisi uzito wa kazi yetu lakini kama ambavyo wamesema wenzangu katika mikutano mingine, uzito na kazi kubwa ya wananchi ni kubwa kuliko yetu. Maana ni maoni yenu nyinyi ambayo mwishowe yatategemewa katika kuandika Katiba. Sisi tunasikiza, baadaye tutakwenda kusikiza maoni yenu katika kanda, kisha yataandikwa. Tutaandika Katiba kufuatia maoni ya wananchi, si maoni yetu sisi. Kwa hivyo shughuli yenu na wajibu wenu nyinyi ni kubwa kuliko yetu. Sisi yetu ni kubwa, lakini yenu ni kubwa zaidi. Kwa hivyo bila shaka mambo hayo mumelezwa na District Coordinators na wale jamaa ambao wanahusika na civic education, ambao wawili au watatu kati yao wako na sisi hivi leo. Huu si wakati wa kueleza mambo hayo yameshaelezwa, kwa hivyo ningependa kuenda moja kwa moja katika kazi ya kuwasikiza nyinyi mkitoa maoni yenu na kuyatia katika record zetu na pia vitabu vyetu. Lakini kabla kusema hivyo au kuanza kazi hiyo, ningependa kuwaeleza kwa ufupi kabisa jinsi ambavyo tutakusanya maoni yenu.

Kuna njia mbili ambazo yeyote kati yenu anaweza kutumia kutoa maoni yake. Mtu anaweza kutoa maoni yake kimdomo tu, kikauli. Atakuja hapa atatoa maoni yake na tutachukua maoni yake.

Njia ya pili, ni kwa njia ya mswada au memorandum yaani maoni ambayo mumekwisha kutayarisha na mumekuja hapa hili kutupa. Njia hizo mbili. Sasa ikiwa ni maoni ya mdomo, tutampa kila mwananchi dakika kumi kutueleza maoni yake. Ikiwa ameandika mswada au memorandum tutampa dakika tano tu. Sababu ni nini? Sababu ni kwamba yote yako katika karatasi, tutachukua, tutasoma na kupeleleza. Kwa hivyo hana haja kuisoma. Atakalofanya katika dakika tano hizo ni kutueleza kwa ufupi kabisa yaliyomo, mimi katika mswada huu, memorandum hii, nimeshtakia jambo hili na hili na lile. Naamini ni muhimu zaidi hii. Pamoja na mashtaka yangu ningependa haya yafanywe ili kustawisha mambo. Jambo hili listawishwe kwa njia hii. Jambo hili badala ya jambo hili, tufanye hili. Yaani haitoshi kushtaki lazima uwe na constructive ideas; maoni ambayo yatatufaa sisi, yatatusaidia katika kujua pendekezo na pendeleo lenu.

Tatu, ni kukumbuka jambo moja kwamba wakati tulionao hivi leo ni mfupi. Lazima tumalize saa kumi na mbili na kutakuwa na break ya lunch ndogo, kwa hivyo kila mwananchi amfikirie mwenzake. Atoe maoni yake wazi wazi, focused opinions, katika dakika zile kumi. Asitupe historia ya mashtaka hayo. “Barabara hii imekuwa imevunjika zaidi ya miaka kumi, hakuna linalofanywa na sisi tunalipa kodi”. Haya ni malalamiko hakika nzuri. Lakini asichukue wakati kueleza, sisi ni wananchi pia, ni wakenya. Tunajua hali ya Kenya, ya kijamii, ya kiuchumi na ya kisiasa. So assume that we know the problems. Muhimu zaidi ni nyinyi kutueleza ni jinsi gani tunaweza kubadilisha mambo. Kama vile maoni ya jinsi ya kubadilisha hali yetu ya kisiasa, kiuchumi, ya kitamadumi pia. Hivyo tafadhalini mkija hapa mbele mfikirie sana wakati Mtu akipewa dakika kumi, asichukue kumi na tano. Akipewa tano asichukue nane ili mwenzake aweze kupata nafasi kueleza maoni yake. Tungependa kama tulivyofanya jana, kuondoka hapa baada ya kila mmoja wenu ambaye amejandikisha hapa, kuweza kutoa maoni yake na anarudi nyumbani bila kuwa na uchungu kwamba: “Mimi nilikwenda nikakaa mpaka saa kumi na mbili mpaka hawa jamaa

wakaondoka. Hawakunipa nafasi ya kutoa maoni”. This is a peoples’ giving Constitution, we want the people to speak and give their views. Nafikiri tumefahamiana hapo. Na baada ya hayo nafikiri tunaweza kuendelea sasa, tuna jamaa waliokwisha kujiandikisha,--

Interjection: -----(inaudible)

Prof. Salim: Na muwe huru kutoa maoni yenu bila hofu yeyote by the way. Hatunasi maoni ya watu ili kwenda kuwashtaki. This is an independent Constitution; ni independent Commission. Kwa hivyo sisi tuna haki ya kusikiza maoni yenu na hakuna ambaye ana haki ya kuwasimamisha nyinyi au kuwanyamanzisha au kuwaadhabisha au kuwashtaki. Kwa hivyo be free to speak your views fearlessly and in full confidence that you are safe to do so, very important. Languages will be English and Kiswahili, largely. Lakini ikiwa yuko mwananchi ambaye anapata taabu kusema kiingereza na vile vile Kiswahili, aweze kusema lugha yake ya kikabila tuseme in this area, Kikuyu. Lakini tukumbuke kwamba akisema Kikuyu itabidi kutafsiri na hiyo inachukua wakati. Kwa hivyo tunaomba ikiwa unaweza kusema Kiswahili, tafadhali utasema Kiswahili. Ikiwa huwezi Kiswahili na kiingereza, una ruhusa ya kusema Kikuyu na tutajaribu kutafsiri. Sasa moja kwa moja kwa yule wa kwanza kabisa aliyejiandikisha hapa, yeye ni Bwana Kuria Kagori na anatoa maoni ya kimdomo. Bwana Kuria. Karibu. Tafadhali utaangalia wakati. Tunakupa dakika kumi lakini ukimaliza dakika tano pia, itakuwa vizuri.

Bw. Kuria Kungu Kagori: Haya asante sana, yangu ni kuangalia kidogo tu. Nataka kuongea mambo ya Education Act. Kwanza nataka kuguzia kitu kinaitwa PTA. Jina yangu ni Kuria Kungu Kagori na mimi ni mwenyeji wa hapa Komothai Location. Katika hiyo nimetaja yaani Education Act, juzi tulikuwa na mambo ya cost-sharing. Mzazi siku hizi ndiyo anahusika na kugharamia mambo ya masomo. Makosa makubwa sana katika Katiba ya leo ni kwamba PTA haishughuliki na Act ya masomo, Education Act. Tukiaangalia, tunaambiwa kwenye ministry kuwa Education Act inatambua Board of Governors, na pengine kuna Board of Governors na Board of Trustees. Maoni yangu ni kwamba masomo siku hizi yako kati ya mzazi na Serikali: agharamie mijengo na karo na mambo mengine, nayo Serikali ilipe mwalimu. Kwa hivyo naona ya kwamba Board of Governors iondolewe pamoja na Board of Trustees. Tuunde PTA ambayo ni muungano wa wazazi na waalimu na ihakikishwe kikatiba. Pia PTA iangalie mambo ya masomo yote, kuanzia nursery school mpaka university.

Haya, tukija upande wa kilimo, mkulima wa Kenya hana haki ya kuuza mazao yake. Kunazo Boards kama ya kahawa, ya majani ya chai, na maziwa. Hizi boards zinaongozwa na watu wanaochaguliwa na Serikali na wakati mwingi si wakulima. Sisi tumekuwa na mswada wa kahawa na ikasemekana mkulima atakuwa anahusika na kuuza mazao yake. Maoni yangu hapa ni kwamba hakuna mtu ambaye si mkulima wa kahawa atakayeruhusiwa kuhusika kwa njia yeyote na uuzaji wa kahawa. Ikiwa kuna mtu tayari amepewa leseni kama muuzaji wa kahawa na si mkulima wa kahawa, iondolewe. Corporate societies zipewe uwezo wa kuuza kahawa yao na iwe ni mali yao bila kuingiliwa na Serikali.

Kwa upande wa provincial administration, maoni yangu ni kwamba watu wote kuanzia P.C mpaka Sub-chief wasihusike

popote katika mambo ya kuendesha cooperative movement. Hiyo iwe kazi ya wale wamechaguliwa na wakulima.

Upande wa Health, yaani hospitali. Health services kwa wananchi wa Kenya ziwe basic human rights na Serikali igharamie. Kwa upande wa masomo ya secondary na post secondary education, fees ni kubwa sana mpaka katika chuo kikuu watoto wengi wanashindwa kuendelea. Tukiaangalia science and technology wanashindwa kuendelea kwa sababu watu ni maskini. Juzi kumbuniwa pararell programme, yaani private paying students, na fees ni ya juu sana. Upande wa masomo kuanzia nursery mpaka chuo kikuu, Serikali yetu ile itaundwa chini ya Katiba mpya ihakikishe kila mtoto awe wa maskini au wa tajiri, apewe nafasi ya kuendelea na masomo mpaka university, akiwa na uwezo wa kiakili. Kusiwe na upingamizi kama kwamba hawezi kulipa. Kwa mfano sasa wengine wao hawawezi kulipa shilling mia tatu elfu kwa mwaka wakasomee udaktari au elfu miatano kwa mwaka wakasomee udaktari. Hiyo iondolewe na iangaliwe kulingana na akili ya mtoto.

Kwa upande wa Katiba. Katiba yetu wakati huu inampa rais uwezo mwingi sana. Hiyo iondolewe. Uwezo wa Rais uweze kupunguzwa na Parliament. Yaani kile nasema hapa nikiongeza kwa kizungu Parliament iwe ina powers ya kuimpeach President akiwa amefanya makosa wakati anafanya kazi yake. Yaani precisely, ni kwamba Rais wa Kenya katika miaka ya kesho asiweze kukwepa sheria. Awe chini ya Katiba, kwa hivyo chini ya bunge. Hayo ni upande wa Katiba.

Katika upande wa kuandikisha wapiga kura, haya yanaletwa wakati wakati tunakaribia uchaguzi na hatuna wakati wa kutosha. Haya yaendeleo all the time. Wakati wowote waandikishwe wa wapiga kura. Voter registration. Electoral commission ipewe nafasi na uwezo zaidi. Ikiwa mtu amefanya makosa katika uchaguzi au pengine amelea fujo wakati wa uchaguzi, kundi hilo lipewe uwezo wa kumshika na kumshtaki kwa makosa hayo. Electoral Commission isiwe chini ya ofisi ya rais. Hili litupiliwe mbali na iwe na uwezo wake kikatiba. Pia ipatiwe pesa yake ya kuendesha shughuli zake kutoka kwa consolidated funds.

Jambo lingine nyingine nataka kuongezea linahusu barabara. Barabara zetu zinaharibika. Kile ningetaka kusema ni kwamba transportation, yaani usafirishaji wa mazao yetu hauwezei kaendelea katika hali hii. Ile kodi tunakusanya tunataka tuone inatufanyia kazi, inatufurahisha. Kwa sababu tunalipa kodi, barabara hatuoni, tunalipa kodi hospitali hazina madawa. Mambo hayo yarekebishwe kwa sababu ile pesa tunalipa tunataka tuone inatufanyia kazi gani. Hayo ndiyo maoni yangu bwana mwenye kiti. Asante sana.

Prof. Salim: Asante sana bwana Kuria, ungojea hapo kidogo, ah Commissioner Adagala ataka umwekee wazi mambo fulani.

Com. Adagala: Ah kwa education umesema PTA iwe recognized na sponsor?

Kuria: Sponsor; sielewi role ya sponsor maanake kule tumekuwa na mvurugano wa shule, sponsor hata haonekani. Kwa hivyo siwezi nikaongea mambo ya sponsor maanake yeye sponsor kwa hakika anaelekezwa na board. Ikisema watoto waende

walete pesa, yeye anakubali. Sijui kama ungetaka nikupe mfano? Niko na mfano mmoja ningekupa kama unataka.

Com. Adagala: Kwako---eh unajua shule zilikuwa za sponsors, hasa makanisa. Catholic church imesema inataka irudishiwe shule zake, na wengine pia. So may be, pengine mtu mwingine anayeelewa mambo ya sponsor angezungumza.

Interjection: ha

Com. Adagala: yeah, ni sawa tu.

Kuria: Hapo ningetaka kuongezea kitu kidogo. Mambo ya kurudishiwa shule hapo inakuwa ngumu kwa sababu community siku hizi ndizo zinajenga. Hata kama shule ilikuwa zamani ya kanisa fulani, na community ni watu ambao wako pale, si kanisa moja, kuna PCEA, kuna Anglican na wengine wamehusika katika kujenga shule, chuo. Wamejenga na watoto wao wanaenda huko. Tukirudia mambo ya kusema kanisa fulani ndilo lilikuwa lenye hiyo shule, tutaanza mvurugano sasa. Maanake zamani mimi nikumbukavyo nilipoenda shule, kulikuwa hivi. Ikiwa nyinyi mnashiriki na wazazi wako PCEA hamwezi kwenda Catholic. Tukirudi huko tutaleta mambo yale yale ambayo yalikuwako zamani na yakaondolewa. Kwa hivyo naona shule ziwe ni property ya community--- ok siyo za makanisa.

Com. Adagala: yes endelea

Kuria: Ah na---

Com. Adagala: No no sawa, hiyo imetosha. Lakini pia unajua haya tunayosema tumekisikia mahali pengi eh basic human rights, health education. Sometimes helping lakini ni wananchi ndiyo wanatoa kodi ili hivyo vitu viwe straight. Ijulikane kwa sababu watu wengi wanafikiri itatoka tu, lazima kodi itaenda juu. Hivyo ndivyo hutendeka. That is where the people are the government. So it is very important. Halafu unajua tumetembea hapa Kiambu na tumeona kila barabara ina lami na kuna mahali kwingine kama North Eastern Province, they have three kilometers of tarmac. Therefore they cannot, hawawezi develop kwao kwa sababu hakuna njia. Na pia provinces zingine zina pengine barabara moja inapita kwa province. Sasa eh pengine tujue tukizungumza pia tufanye balance kidogo. Sitageuza maoni yako lakini tujue pia Kenya is the whole of Kenya.

Kuria: Sijui kama ningengeza ya kwamba kile kitu nimeguzia sana ni kwamba hatutosheki. Hata kama kwingine hakuna, mimi maoni yangu ni kwamba ile Serikali tuko nayo hapa haikufanya ya kutosha. Kama ingekuwa imefanya ya kutosha huko kuna barabara moja katika province, pengine zingekuwa tano.

Prof. Salim: Asante sana Bwana Kuria Kagori kwa maoni yako, tafadhali ikiwa unataka maoni hayo yawe ya hiyo kuandikwa na ungependa yasomwe zaidi, tunaweza kuchukuwa hiyo lakini ulivyoandika hapa ni kwamba ni oral.

Kuria: Ah ni oral hii ilikuwa ni rough one.

Prof. Salim: Asante, asante. Thank you very much. Tukiendelea, basi kabla ya kuendelea mbele, kuna jambo moja inabidi nieleze. Ikiwa yuko kati yetu hapa ambaye ana taabu ya kusikia; semi-deaf or deaf, tunaye pia Lucy pale mwisho amekaa kwenye mlango, yeye ana kazi hii maalum, ana uhodari wa kuweza kumweleza ndugu yetu au dada yetu ambaye ana taabu ya kusikiza akamuonesha mambo yote, akamjulisha mambo yote ambayo yanasemwa hapa. Yuko mtu ambayo anahitajia msaada huo? Maana ni wajibu wetu iko kwenye sheria yetu kwamba lazima kila mwananchi aweze kufuata na kutoa maoni yake. Kwa hivyo yuko tayari na mukiwa mwamjua yeyote hapa ana taabu hiyo ya kutoweza kusikia au hasikii vizuri pia, tunaweza kumsaidia. Sawa. Tukiendelea mbele basi yuko bwana Samuel Kiburi wa PCEA Kiragina. Yeye ana memorandum na kabla kutupa, utapaa dakika tano tafadhali main points in five minutes. Kisha tutachukuwa memorandum yako. Point by point please. Kama alivyofanya mwenzako Kuria.

Samuel Kiburi: Thank you very much for being given this opportunity. My name is Samuel Kiburi Njoroge, and I am going to give a summary of few people in this parish who sat down and wish that these views be made known to you.

The first one is on distribution of land. In Kenya we have so many landless people who live as squatters while others have hundred of acres of land. The government has a lot of unutilized land. Therefore we find that every Kenyan should own between three to a hundred acres of land, including the landless or the squatters, people like chokora strolling in the town etc etc. We also looked at the land policy and said that the selling of land should be restricted by the government, to avoid making more squatters. This can be done by making sure that any landless person who has been allocated land by the government can only surrender it back to the government but cannot sell it.

Number two of the same is that: Kenya has a lot of semi-arid land that can be converted into valuable through irrigation. Therefore, this land should be irrigated to facilitate agricultural productivity. This should be done by the government to enable those allocated those pieces of land in those semi arid areas to go about their businesses of agriculture.

Number three is every land should be made accessible through road network, railway etc. We also said that land and other property ownership should belong to a man and his wife. That is, if one of them dies, the other one can take over the ownership, not just anyone. The wife above should be a legally married wife. B, Any Kenyan should have right to own any property including land anywhere in the republic of Kenya. C, grabbed government land should be re-claimed by to the government.

Then we have marketing of farm produce. Cooperative societies under the ministry of cooperatives development, should be empowered by the government to remain the only marketing channel of their farm produce. The ministry of trade should restrict imports to safeguard local industries.

Number four concerns executive powers. The Judiciary should be independent and should never be controlled by the President. The, vice President should be appointed by the President, sorry the vice President should not be appointed by the President but he should be elected by the Parliament. The Attorney General should be appointed by the Law Society of Kenya and then approved by the Parliament. The Commissioners of enquiry should be appointed by the Parliament and report their findings back to the Parliament, then to the public.

Five, the President should be:

1. Between 45-65 years of age,
2. Should be married or a family man,
3. Should have a recognized university degree
4. The President in power should not exceed two terms of five years each

There should be a Parliamentary calendar for government events, which should include election date, Parliamentary session, recess date etc.

Number six, constituents or members from a constituency should be given power to terminate the office of their MP. If found incompetent or if they are not delivering according to the constituents' expectations.

Number seven, our Kenya currency should bear the portrait of only one Kenyan leader instead of changing the portrait with a newly elected President.

Schemes of service that is number five, schemes of service for government organizations should be controlled to avoid favourism in some organizations.

The next number concerns natural resources. Conservation of land and of all natural resources should be enforced. Number seven, education system: there should be free primary education, to avoid primary school dropout due to poverty.

The last one, the type of government we advocated for or we recommend is a coalition government. That is all I had, on behalf of those few people in this parish, presided over by our parish minister. We had those views to present to you. Thank you very much for listening.

Prof. Salim: Thank you very much bwana Samuel Kiburi for your views, you can now hand over your memorandum to Mr. George Naholi but before you do that please Com. Adagala needs a point or two to be clarified.

Com. Adagala: Just as--- what did you say on portrait?

Samuel Kiburi: Ah I said that the portrait of our Kenya currency that is money, we said that it should bear only one President's portrait instead of changing every now and then. Because, formerly we had President Kenyatta our former President, now we have President Moi, we don't know who is going to take over next time. So may be someone else takes over and we will think about another portrait. We are going to incur a lot of expenses and it will also loose meaning thus history is going to loose meaning, as the history is going to be interfered with, as formulated by the founding father of the nation.

Com. Adagala: You know you--- money is always printed as they get old. From that what I remember there was a gradual change over; okay? So money will always be printed because it wears out.

Samuel: Okay

Com. Adagala: Yea. Ah then two, ah mh---

Interjection: Sorry, but even if money will be printed we would have wished that the picture of the President who is on the currency, we said that it should bear one President throughout, in history.

Com. Adagala: so why

Samuel: instead of changing the portrait, that is the picture---

Com. Adagala : But why would that be?

Samuel: eh

Com. Adagala: Why?

Samuel: ah we find that there is no need changing the---

Com. Adagala: it would have to be like the picture of the queen but even the queen, it changed from King George the sixth to the queen. You know eh I am not changing your idea but just you have to have a reason. It cannot just be ---

Samuel: doesn't change incur---

Com. Adagala: It would have to be a monarch or something.

Samuel: We think that we incur unnecessary expenses for changing the portrait and also for the history's sake.

Com. Adagala: From history we would have to show other Presidents. We are trying to talk about a hundred years. Like in the US the portrait of the President appears after 50 years of death. Like Kennedy has not appeared because it is not yet 50 years since he died. Yea, Clinton doesn't appear he is still alive, that kind of thing. So you would have to put a time like for instance if we say like 50 for the US, then even the founding father will not appear. Yea. So you need to have a little bit more reason than the practical reason of incurring expense because image is a very important thing and it doesn't matter how much it costs.

Dr. Mosonik: Thank you Commissioner, yea, I wanted to ask you about the vice President being did you say elected by

Parliament?

Samuel: Yea. I would think that he should be elected by the Parliament.

Dr. Mosonik: So that the President has no say over the election of somebody that he has to work with?

Samuel: So that he can be able to, also to serve those who have, ---ah – elected.

Dr. Mosonik: Okay. So I wanted to ask, you know Parliament will have many political parties and there will be one dominant political party may be which has got the most the members of Parliament. Is it is another way of saying the winning, the party with the most MPs will elect the vice President or what proportional of the votes do you have in your mind?

Samuel: You know, it is more or less like that, because the party that is going to have many representatives in the Parliament may be will automatically, with the number of votes come up with the vice President.

Com. Adagala: Okay, usually, bunge all over the world when they vote, they vote for a prime minister who is then in charge of government business. Yea. So this VP what could he be in charge, what could be his role? Because we are using the system for of electing a prime minister, for vice President. I am not changing it but I want to know what would his role be? Because he is a VP he is not a prime minister, what would his role be?

Samuel: Well I think since he serves under the President, and the President would have been appointed by the majority, I also think that there will also have been appointed by the majority. This will remove the evasion of some truth which we see in our country or may terminating his tenure him anyhowly. The President may terminate his services any time but if he is appointed--

Com. Adagala: I want to know his role. I understand the situation we have. I want to know what his duties would be. Because this is someone who has been elected by bunge and it is fine and of course it would be an election and it would be democratic and it is okay. What would his role be?

Samuel: I thought that his role would be exactly as that one of any other vice President.

Com. Adagala: Okay, it is okay it is your views.

Prof. Salim: Thank you very much. We move on now to first lady to give us her views this morning. She is Margaret Wanjiru. We would like as many ladies as possible to give views. We are enjoying, of course --- we are bound by our duties to make sure that a cross section of Kenyans give their views not only men but also women. Not only healthy men and women but also children and old people and disabled and minorities of all kinds. So twamkaribisha Margaret Wanjiru, is she here? Welcome Margaret. You are giving us oral views? In English or Kiswahili? In English. Karibu.

Margaret Wanjiru: My name is Margaret Wanjiru Mathu, and I would like to comment on the issue that has been going on in our country, concerning the women who have been married and after the death of their husbands they have been chased away, and their children. Because of that, the children suffer, even the women suffer. Because when they go back to their homes probably their brothers will not have space for them for inheritance. So I think it would be better for those women to be considered even though they have not conducted their marriages probably in the church or in the customary way. This is to avoid the suffering of the children.

Com. Adagala: Okay Margaret, in this country we have customary marriage it is called African marriage, we have Mohammedan or Muslim, we have Christian and we have statutory hiyo ya kuregister kwa AG au D.O au kwa D.C. Lakini eh how do you want them to be considered? Because they are married; they have children. Ah it is a section of society, they are married, they have children, you are saying they are married they have children (yes). Okay, how do you want them to be considered?

Margaret: To be the inheritors of their husband's property.

Com. Adagala: yea. They would have to either do customary marriage or the one where you register with the AG or the Kadhi. I don't know, inheritance is something very legal. So if the Constitution sets it, then it would have ---it would have to be a legal marriage. One, why haven't they registered when the husband is alive? May be the husband didn't want them to inherit. So it is these men you have to talk to. We shall consider your view. Perhaps the children can inherit because that is in the Successin Act if am not mistaken. In the succession Act, all recognized children are inheritants. Children can inherit because it is by right of birth, but if a woman and a man don't register their marriage, it is very difficult. I am not trying to do anything but I am just saying what you are saying is already in the succession Act, that the children can inherit. Okay?

Margaret: Okay

Com. Adagala: yea. Probably follow it up with a lawyer even male or female and see what it is like and make another submission, a written one because it is an important point. But if I don't have rights by birth as a child, then I have to have a right by law and that law will have to be registered. You have followed the law. Okay?

Margaret: Okay

Com. Adagala: You want the children to inherit or you want the woman to inherit? The widow. Including children?

Margaret: Both,

Com. Adagala: Both of them? But what I am saying is if you are unmarried, if you have not gone through customary or the registered one or any of those, then you end up not within the law. If you have to be married, she said, by custom, they haven't gone through the customary because that would give them the inheritance, and they have not gone through the Christian one. That is what she said. And then they have not registered, isn't it? with the registrar of persons?

Margaret: Yea.

Com. Adagala: You don't have a marriage certificate?

Margaret: yes

Com. Mosonik: I think what we are asking you, who is a widow according to your definition? Somebody who has just produced children or who is married in some way or you are proposing that any woman who produces children is automatically considered to be married and should inherit or what is the point? Relax kidogo, tell us, you are saying they are not married either traditionally or according to Islamic law or in any way and should still inherit. Is that what you are saying?

Margaret: But probably they get married, even though it was not in those ways.

Dr. Mosonik: Which other way would you suggest? May be she has a good idea. How else can you marry unless you go those ways? May be you have an idea.

Prof. Salim: Margaret you have heard the two Commissioners commenting on what you said. Do you have any further explanation to give us so that we understand it better? Have we understood you enough?

Margaret: yes..... (inaudible)

Prof. Salim: Did Com. Adagala represent your views faithfully? Are you talking about someone who is living with somebody and having children, he dies and she is left with the children and with no right to inheritance. That particular lady was not married to the deceased? She was not?

Margaret: Yes

Prof. Salim: She was not?

Margaret: She was married but not either in the customary or --- yes.

Prof. Salim: So what type of marriage was that?

Background: Inaudible

Prof. Salim: Just living together? But was it recognized customarily? Or was it customarily living together or just--- yea okay. Anyway I think everything was explained----(tape stopped)

Prof. Salim:telling us that she was married to a man, he then left her, got married to another lady, and but she was abandoned. That still a different type of problem but it is still a problem. So this area I think is very important for all of us and we welcome any views. Margaret if you go back, now think about it, you want to write to us? We can still receive written views from you in addition to the views you gave us today, and anybody else on that issue. Hopefully kina mama mmesikia jambo hili la widows who were left behind, and they feel aggrieved that their inheritance rights, and that of the children are not being taken care of. It is a very important matter. Asante, thank you Margaret. So we have to move on. and listen now to bwana Paul kamau Njuguna, who is also going to give us oral views. Karibu Bwana Njuguna, please these are oral views maximum 10 minutes.

Paul Njuguna: Yangu ni machache sana,

Prof. Salim: Very good

Paul Njuguna: Lakini mimi nataka kusema habari ya hiki kitabu, manifesto ya Kanu ya mwaka wa 1992. Mimi ni mmoja wa wale waliopigania uhuru, yaani Mau Mau. Hayo mambo yameandikwa hapa kwa page 61, kuwa wale walipigania uhuru, baada ya miaka thelathini na moja watapatiwa haki yao, kufuatana na maagano ya uingeraza na Serikali ya Kenya. Na sasa miaka thelathini na moja imekwisha na hatuoni mabadiliko. Kwa hivyo wale watu walikuwa misituni, jela, na detention, ndiyo wanaandikiwa hiki kitabu. Mimi sina mengi yangu ni hayo tu, kwa maana mengi yatasemwa na watu. Tuna hoja kuhusu kahawa na mambo mengine.

Com. Adagala: Ilikuwa mwaka gani hiyo manifesto?

Paul Njuguna: 1992

Com. Adagala: 92? Okay. Hata lete leta---(inaudible)

Dr. Mosonik: Unasema kwa sababu hiyo Serikali ya Kanu itaanzisha baraza la wapigania uhuru. Wanachama wa baraza hilo watatoka kwa majeshi na pia wawakilishi wa wilaya wa wapigania uhuru. Baraza hilo litatayarisha orodha ya kitaifa ya majina ya wapigania uhuru, na litakuwa na wajibu wa kuchunga maslahi yao. Serikali ya kanu itaanzisha mishoni maalum ambayo itapewa wapigania uhuru wote, wataandikishwa na ambao walipigana vita vya ukombozi, na pia itapewa kizazi cha wale ambao walifariki.

Com. Adagala: Sasa hii ni manifesto ya party. Eh jambo hili liko kwa Katiba?

Paul Njuguna: Sasa sitaweza kujibu hiyo swali kwa maana nilikuwa nakuja tu kutafuta njia ya hayo maneno.

Paul Njuguna: Unajua sisi tunatafuta kwako wewe.

Paul Njuguna: Ndiyo

Com. Adagala: Wacha niseme kwa kila mtu. Hatuna maoni sisi. Wala pengine ile kamati ya Njonjo ilikuwa na maswali, lakini hapa si maswali ni maoni. Sasa utwaambie maoni yako ili tujue hili linafaa liwe kwa Katiba.

Paul Njuguna: Maoni yangu ni hayo.

Com. Adagala: Hii ni manifesto ya party, that one you can ask Kanu but kama Kanu chairman yuko hapa unaweza kumuuliza. Lakini hapa, tunataka maoni yako ili tuendele. Tunasikia freedom fighters wana association. Kwa nini hamjataka hilo? Okay, twaambie pendekezo lako.

Paul Njuguna: Pendekezo langu ni tuonyeshwe njia ambayo kwaya tutaweza kupata haya maneno yameandikwa kwenye hiki kitabu.

Com. Adagala: wewe?

Paul: Sisi

Com. Adagala: Mimi si kuwa freedom fighter, nilikuwa miaka na tano siku hizo, I was five to ten years old. Wewe una maoni ambayo unaweza kutupa ambayo tunaweza kupeleka na kusema huyu Mr Kamau alisema hili na hili lifanyike? Litekelezwe.

Paul: Maoni yangu kwa hicho kitabu ni kuwa, tunataka tusaidiwe, tuone mambo yaliyoandikwa hapo kuhusu wapiganiaji yametimizwa.

Dr. Com. Mosonik: Hivyo ni kusema, hayo mambo kama yalivyoandikwa kwa hii manifesto yaandikwe kwa Katiba. Ndiyo hivyo unasema?

Paul: Ndiyo

Com. Mosonik: Unataka Katiba I--- okay.

Prof. Salim: Asante sana bwana Njuguna na tumeandika maelezo yako. Tukiendelea mbele tunamwita bwana Peter Mburu. Peter Mburu.

Peter Mburu: Wambere, ndathomire, nimambe matige kwaria njarie. Uria ukundafutira athii haria, giikare haha nguhe uhoro. Njitagwo Peter Mburu Njuguna.

Translator: Naitwa Peter Mburu wa Njuguna.

Mburu: Na gwitu ni guku Kiambu.

Translator: Na kwetu ni hapa Kiambu, Division ya Githunguri, sub-Location ya Kiratina.

Mburu: Na kwenda uthikiririe uhoro uri ngukuhe,

Translator: Nataka usikize habari nitakayokupa, yaani, mapendekezo

Mburu: Mawoni makwa wa mbere, ni uhoro wa kahua. Kahua nindatunyirwo ni andu matarimaga, na ngwenda jokerio ucio ni muti umwe.

Translator: Maoni yangu ya kwanza ni kuhusu wakulima walinyang'anywa kahawa, na mtu ambaye halimi, nataka nijibiwe.

Mburu: Muti wa keri, ni kahua ngagirio ndiyenderie.

Interjection: ----- inaudible

Translator: Ni kahawa. Eh anasema kahawa akishavuna akipeleka huko hapati, wakishapeleka huko kwa viwanda KPCU, hawapati matunda yake. Okay.

Mburu: Undu uria ungi, ni uhoro wa githomo kia University,

Translator: Ukwenda kahua gekwo atia riu.

Mburu: Ngwenda kahua njokeri, nii ndi murimi, njokerio kahua ndiyenderie.

Translator: Ningetaka wakulima turudishiwe kahawa ili tujiiuzie sisi wenyewe.

Mburu: Uhoro wa keri, uhoro wa University, thirikari yaigire uhoro ucio thiini wa town, kana barabara-ini, ni kii kiagiririe makirwo kundu matekuonana na raia, niundu nimathukagia indo cia raia? Mathukumite?

Translator: Jambo la pili, habari ya university, chuo kikuu. Serikali iliweka vyoo vikuu mijini kama Nairobi na kwingineko. Kwa nini hawakuleta huku reserve ambapo hatuwezi kuona wale wanafunzi wakikusanyika na watu wengine na kuharibu mali ya wananchi.

Mburu: makirwo mutitu-ini kuria mutitu kuria matekuonana na andu.

Translator: Wajengewe ndani ya misitu. Huko ndani hakuna watu wengi. (laughter)

Mburu: Undu uria ungi ni uhoro wa andu aria tuthuraga kajura kana MP, mathii thiini wa parliament, matiri bata naithui, ni undu ucio ngoiga, matwihia, twitikirio kumarutaga unangorwo no rucio. Ona councilor.

Translator: Jambo la tatu, ni kuhusu wale tunawachagua kama MP ama councillors. Wakiingia bungeni hawana haja na wale waliowachagua. Mapendekezo yangu ni kuwa tupatiwe uwezo wa kuwatoa, hata kama ni kesho hata councillors wenyewe.

Mburu: Muti uria ungi wa kana, aa

Translator: Jambo la nne,

Mburu: Andu othe thi-ini wa Kenya, tuigananio, tondu ciana ciitagwo chokora ciikaraga Nairobi, thirikari ndiciragia uhoro wa

andu acio ni andu, na maciarirwo ni andu, niki kigiragia andu acio maciarite andu acio, tuonio nia? Thirikari ithi inyite andu aciari a ciana icokie kuria cioimire.

Translator: Watu wote katika nchi ya Kenya, wasiwazishwe. Maana chokora, wale wanakaa Nairobi, wale hatufikiri kama ni binadamu. Kwa nini hatuonyweshi wazazi wa wale watoto wanao randa randa? Serikali ishike wale watoto na wawarudishwe kwa wazazi wao.

Mburu: Muti wa gatano, ni uhuro wa mbeba, itige gucoka gwitwo mundu atige gucoka kuhurwo thiini wa thirikari itigage kuhurwo kiongo kia munene uria urathana. Thirikari ithii icirie uria iriandikaga.

Translator: Tano, ni habari ya pesa, kuwa isiwe inawekwa picha ya yule anayetawala. Serikali itafute njia nyingine iandike kitu kingine hapo.

Mburu: Muti wa gatandatu, ni ciana tugwo ri kuhana okorwo ndi muthure ndi parliament nake uria ungi ni muthure no kiana kimwe giakorwo kina andu aingi, aria kiana kiria kiagia na rais wakio gikahe andu aya angi iti a Minister gitige gutuika noo marehuririra magayagire kwao tondu nigwo guthiaga.

Translator: Sita, ni vyama vya siasa. Wakati wa uchaguzi Serikali ipatie hao watu wengine nafasi, iwateue washirikishwe kwa Serikali.

Mburu: nayo mishara, wa mugwanja, mishara, igie kiana gia gwiciragia uhoro wa muchara ti andu mathiage kwihe mbeba kuria parliament nao alimu guku no thina marona.

Translator: La saba ni mishahara: chama cha kutengeneza mishahara kiundwe, si watu wengine kujiongeza mishahara na waalimu hapa wanateta. Mburu anasema kuwe na chama kinachoangalia mishahara yao ili watu wasiwe wakijiongeza mishahara na huku kwingine waalimu wanateta. Kwa hivyo hata waalimu wawe na kundi lao.

Mburu: ona inyui mwihau.

Translator: Hata nyinyi Makamisheni, mulisomeshwa na mwalimu.

Mburu: mwathomithirio ni mwalimu ona raisi uria wikuo, na aria angi a Minister mathomithitio ni arimu. Na nimamaimite mishara. Mamanengere mishara ya alimu.

Translator: Hata rais na wengine hata mawaziri wamefunzwa na waalimu. Mumewanyima mishahara wao. Waongeze mishahara ya waalimu.

Mburu: undu uria ungi nigetha ndikie, riu ningurikia, thiini wa Kenya, mundu wothe etikirio aikare oroharia angienda ndige kuhorwo uria ndirahurwo na guku ruguru kana Mombasa, ndathii

Mombasa nduike muraiya wa Kenya. Andu aria matari athomu maheo gitio ona .

Translator: Jambo lingine, sasa anamalizia. Hapa Kenya mwananchi akubaliwe kukaa mahali popote ambapo atapenda, asisumbuliwe. Na wale wasiosoma wapatiwe heshima yao pia. Nimemaliza yangu.

Prof. Salim: Asante sana mzee Peter Mburu Wanjuguna, kwa maoni yako, tumesikia, sijui kama wenzangu wana la ku--kwa ufupi kabisa kukuuliza ili tuendelee.

Com. Adagala: Mzee sisi watatu ni waalimu na tumefundisha hata ministers na mishahara yetu ya ualimu wajua iko chini sana

Peter Mburu: Kwa nini?

Com. adagala: Tutachukua maoni yako vile umesema.

Mburu: Eh?

Prof. Salim: Huyu hapa alikuwa ni mwanafunzi wangu, mimi ni mwalimu wake. Yeye sasa atakuuliza, nafikiri, jambo.

Dr. Mosonik: Hapana, sina maswala ila kusema kwamba tufikirie na tufahamu kwamba waalimu wanaanza nursery mpaka chuo kikuu. Vile umesema ni kweli. Asante.

Peter Mburu: Kikuyu dialect

Translator: Anasema kama kuna swali aulize. Iko swala?

Prof. Salim: Asante sana mzee. Tumefurahi. Thank you mno. Sasa bwana Mburu mwingine, huyu ni Maxwell Mburu. Karibu.

Maxwell Mburu: My name is Maxwell Mburu and I think I am not wrong when I am giving these views regarding the prison department.

Interjection: inaudible

Maxwell: Pardon? Yea, I have written here in a piece of paper, I think I am going to read them just for five minutes. We have the prisons which were designed during the colonial rule and as Africans we should have our own design giving us a more healthy and clean place.

Interjection: ----- inaudible

Maxwell: yea, we have criminals they are the rulers. When we get into the prisons, we find that they are the ones in authority instead of the wardens who are supposed to look after other people. Instead of these criminals now oppressing the other petty offenders or these other people who have done nothing, or lets say they are suspects taken into prison. You find that they are being oppressed by the criminals and murders who are there.

Interjection: ----- inaudible

Maxwell: It is a kind of racket/malpractice. When they get in there, they are the rulers and they are not asked any question. In this case I mean hard core criminals should be kept separate from these other criminals. They should occupy separate cells.

Interjection: ----- inaudible

Maxwell: Pardon? A murderer should be kept with another murderer similarly, a rapist should be kept with a rapist. That is to say a person who has committed such a crime should live in a cell where all the people who have committed the same crime are living. We have private bodies which I would like them participate in the rehabilitation of prisoners. For example here, there are churches which should participate in reforming the prisoners. Also other private body or any other organized group in position to rehabilitate the prisoners. We find many people coming out of prison retaining criminal behaviour, being more dangerous people to live with in the community. We have food which served in prisons, which is very unhealthy. It should be made better. I suggest a better way of life whereby prisoners are fed because they have a right to live.

Interjection: You are talking about all basic rights?

Maxwell: pardon?

Speaker: All basic rights for prisoner?

Maxwell: yea, basic rights yea.

Speaker: quality basic right

Maxwell: yea quality and healthy conditions and the use of disinfectants. Sometimes you find they just pour water, they don't use soap, they don't eradicate germs.(inaudible). Remand should be done away with. It was designed for the purpose of breaking the people so that when they go back in court they are in a position to argue concerning what they have done. In any case you find somebody, confessing a crime he never did, just because of the conditions found in the cells and the remand. Court procedure should be conducted in a way that a suspect is to be convicted and after the follow-up of the case they are punished according to their offense. So remands should be removed. These prisons should be made oral any way it should be

free. Bill should be introduced. Eradicate behaviour like sodomy, the prisons should declare any person who is a criminal as not fit to live with other members of the public. I mean that anyone who has been found to be a criminal should not live or the prison department should be given a law that will enable this person to be kept away from of the other members of the public because he is dangerous. Otherwise we find people going there and coming out here, doing the same things. So such precautions should be taken.

My other point concerns people who are dying in prisons, currently. Life is taken as in significant. I mean life in prisons and in any other place where somebody is to undergo court procedure, should be taken seriously and significantly. Aged people should not be kept together with these other young ones. People of different ag-groups should stay separately in prison. People who are aged in their own cell, middle aged people in another cell, and young boys and girls in their own cell, too.

The other thing is starving the prisoners, we have the prisoners who are starved.

Prof. Salim: Mr Mburu, sorry to interrupt you. You tend to repeat yourself in different ways. You are only talking in terms of prisoners welfare, their basic rights to food and that is what you are saying. So that is already covered.

Maxwell: Okay if at all it has been covered, it is okay.

Prof. Salim: And your time is up. Five minutes for those with written memorandum. We need the details, you can be sure of that. So if you want to wind up, ----

Maxwell: Let me wind up with the department of immigration. Anyone who is crime free for ten years should be issued with all documents to travel outside the country. A certificate of good conduct should be issued to anyone who is crime free for ten years. Fingerprints taken during domestic violence should not be considered if they were no killings or any other kind of hurting. That is all. Thank you.

Com. Adagala: What did you say about domestic violence?

Maxwell: Domestic violence, there are people whose finger prints are taken in the domestic violence cases. These fingerprints are taken to CID offices such that should this person like to travel outside or would like to have a certificate of good conduct, you find this person is not being issued the required documents because he was involved in a crime. This is not really a crime, it is just you know these violences that are always there and it is normal.

Com. Adagala: Do you think domestic violence is not a crime?

Maxwell: Domestic violence in some cases is not a crime because a woman, for example, may prostitute herself. Only to come home and may be in the ensuing misunderstanding, you may find that she is taking you to court of law and when your fingerprints are taken there, it means you cannot be issued with travel documents. Is that what you mean?

Com. Adagala: Eh I am shocked.

Maxwell: So am I

Laughter

Prof. Salim: Okay, we move on, bwana Joseph Waweru, asante kwa maoni yako na tukiendelea mbele John Mukui Njoroge. Yours is also an oral presentation eh?

John Mukui: I am John Mukui Njoroge from Gathogo sub-Location, Wamothai Location, Kiambu district. I want to start with the Presidential powers. The President is above the law and I want the powers of the President to be trimmed. He must not be above the law. There must be distribution of powers, such that even the vice President must be elected by the people. On education, there must be a provision such as free education for all people from nursery school to the university level. On health services, there must be free medical services. We should scrape this cost sharing. On land, nobody should own land more than 100 acres while others have nothing. There must be a limit.

Interjection: ----- inaudible

John Mukui: Nobody should own land more than 100 acres while others are landless. Yes. There must not be squatters in Kenya while land is lying unutilized. On local authority, let there be one county council---

Interjection: Prof. Salim: You have a recommendation on squatterdom? what do you want done about it?

Mukui: oh I want, I want to address squatters. There are people who are landless.

Prof. Salim: We know the problem, what is your recommendation, how do we resolve or solve the problem of squatters?

Mukui: Mimi ningependekeza ile mashamba imekaa huku bila kulimwa, hawa watu wagawiwe. On local authorities, there must be one county council and one municipality in one particular district, scrape all other urban councils. On agriculture, let farmers manage their cash crop especially coffee, tea and milk. On freedom of worship, in Kenya there is freedom of worship and I want to abolish this devil worshipping in Kenya. On political parties, there should be three political parties, that should be funded by the government. That is all.

Prof. Salim: Please wait there for a point of clarification.

Dr. Mosonik: Ningependa kukuuliza, maswali mawili. Kwanza umesema hekari mia moja iwe the ceiling. Sasa kama mtu ana zaidi ya hiyo na ilikuwa ya babu yake tangu zamani yaani ya family, wanyang'anywe ama ifanywe nini ama hii hekari mia moja igawanywe?

Mukui: Iuziwe Serikali igawie watu.

Dr. Mosonik: Walazimishwe kuuza shamba ya family, ile ya grandfather ile ile ya zamani.

Mukui: Pengine walipata hiyo shamba kwa njia isiyo halali.

Speaker: Ile shamba ya babu, kama hapa Komothai na kama inapita hekari mia moja hamsini yaani itolewe?
----- (inaudible)

Mukui: Naonelea mtu asiwe na hekari zaidi ya mia moja na mwingine hana. Pengine hiyo shamba, aliipata kwa njia isiyo halali. Kwa hivyo naonelea Serikali iingilie na ipatie wale watu hawana.

Speaker: Okay, la ya pili, umesema nini kuhusu haki ya kuabudu? Kwa gazeti la nation jana waliandika kwamba hatuwezi kuamua jinsi watu wenyewe wangependa kuabudu. Sasa Serikali ifanye nini kulingana na hilo kikatiba?

Mukui: Hiyo, naonelea, Katiba iseme kuna uhuru wa kuabudu na wakati unaabudu, unaabudu Mungu. Lakini Katiba ya sasa inasema kuna uhuru wa kuabudu na haisemi ni nani unaabudu.

Com. Adagala: Ujue kuna vitu viwili uhuru wa kuabudu, freedom of worship and freedom of association. Na kile umesema ni democratic. Sasa umesema tupunguze uhuru wa kuabudu na pia tupunguze, freedom of association. (hapana) Kwa political parties, ukisema tuwe na three political parties umetoa huo uhuru wa watu kuchagua vipi wanataka kuhusiana.

Mukui: Ninasema hivyo kwa sababu naona hapa kuna chama ambacho kina watu. Hata sijui vile nitasema sababu kuna vyama ambavyo, hata mimi naweza kujitengenezea.

Interjection: (Dr. Mosonik) Ama kuuliza kwa njia nyingine

Mukui: But some they are confusing.

Korir: Tukikuuliza kama sasa Kenya kuna vyama kama karibu hamsini, wakati huu. Sasa vile vitatu vitakuwa vipi? Vipi?
Kama sasa ukiulizwa ---

Mukui: Itawezekana sababu hata tukitazama nchi kama America Kuna vyama viwili.

Korir: Lakini unajua hujanijibu. Kama ukiulizwa sasa tuseme unaandika Katiba, ama uwe registrar wa society na uulizwe, sasa kuna vyama karibu hamsini, unavyotaka tu ni vitatu, ni vipi kati ya hivi vyama vitatu, na kwa njia gani?

Mukui: Tutafanya mkutano, watu wajiandikishe ile chama wanaonelea kina policy mzuri.

Com. Adagala: Yaonekana mtu ametembea sehemu hii na amewambia watu kuna vyama viwili America. Kuna vyama viwili vikubwa America. Lakini America yenyewe iko na vyama karibu kumi. Sasa mlivyo fundishwa ni advocacy. Mtu amepindua. Watu hawakuwaelezwa UK ina vyama fulani, na hii Germany ina vyama fulani, na amesema tu America kuna vyama viwili. Hiyo ni advocacy. Civic education providers, we shall report that you have miseducated the people on that point kwa sababu Americans have got Communist party, Liberal party. Pia walikuwa na Black cancer party. Waamerika wanaweza kuunda chama chochote wakitaka?

Prof. Salim: Asante bwana John Mukui Njoroge na sasa tunamwita bwana Joseph Waweru. Bwana Joseph wewe una memorandum nafikiri, you have a memorandum to submit?

Joseph Waweru: Ndiyo niko na memorandum,

Prof. Salim: In which case we give you five minutes please to highlight the main points in your memorandum before you submit it.

Joseph Waweru: Okay, I think I have three issues in the memorandum but still I will request to give two more issues orally. First I would like to address the issue of freedom of worship. The present Constitution guarantees freedom of worship. But at times we find that some groups or individuals do not enjoy that freedom fully. Why?

Com. Adagala: You have a written memorandum, give us your pendekezo. You will give us your proposal.

Joseph Waweru: Okay I would propose especially for those who worship on Saturdays, we find some of them being victimized because they do not turn up for duty.

Com. Adagala: Give us your proposal

Joseph Waweru: They should also be protected by the Constitution to do their worship without any intimidation. The other issue, goes to the land issue. There are people who have large chunks of land.

Com. Adagala: You will give us your proposal, you are not teaching anyone here.

Joseph Waweru: Okay I would propose that the land which is unutilized be reclaimed, and be given to those who are landless. The other issue is on elections. Counting of votes should be done at the polling station and again the ballot boxes should be transparent to show the contents. The other issue is on presidency. The President should not be above the law and he should be sued in case of an offence. The other issue is on vice presidency. The vice President should be the running mate of the President regardless of the party. I think that is all I have.

Prof. Salim: Thank you very much bwana Joseph Waweru kuna haja ya kuwaeleza kabla clarification Com. Dr Korir;

Dr Korir: eh about the freedom of worship and the protection of the SDA, what do you mean exactly should be Constitutionally protected, in which way? What are you saying?

Joseph Waweru: Okay, I wanted to say that especially those who are in private sector, and students, sometimes they required to report to certain duties but due to their faith they are not able to attend such duties.

Com. Adagala:we know this things. We want you to tell us(inaudible) I would like you to tell us, you are the one to tell us. tell us how they should be protected.....(inaudible). Just tell us how.

Joseph Waweru: ah the Constitution should guarantee that Seventh Day Adventist have that right and should attend their services as their faith demands.

Prof. Salim: Thank you very bwana Joseph Waweru for your views, you can now submit your memorandum to bwana George Naholi there.

Joseph: Thank you

Prof. Salim: Thank you. Bwana Miringu Muriu Ng'ang'a. yuko? Karibu.

Miringu Muriu: Mimi naitwa Miringu Muriu Ng'ang'a. Mapendekezo yangu yale nimeleta nalete hapa, ni kuwa, ninaonelea kama wakubwa wetu, yule rais atakaye kuja mpya awe akishikilia madaraka yake ya urais peke yake.

Com. Adagala: Madaraka, yeye peke yake au madaraka ya urais peke yake?

Miringu: Madaraka ya urais peke yake. Asiwe na nyadhifa mbili. Asiwe na madaraka ya kuandika kazi mtu yeyote ampendaye.

Com. Adagala: Endelea

Miringu Muriu: Hayo, naonelea yanadhoofisha nchi yetu. Tuwe na mtu mwenye kuandika watu.

Com. Adagala: Endelea mzee. Uzungumze, unamaliza wakati wako ukisimamasimama.

Miringu Muriu: Rais wetu asiwe na cheo nyingine vile rais tuliye naye alivyo.

Com. Adagala: Kiti kingine kama?

Miringu Muriu: Kama amri jeshi. Mwingine apewe kazi hiyo. Kwa sasa rais ni amri jeshi wa majeshi ya nchi hii.

Interjection: ----- inaudible

Miringu Muriu: Hapana, Mwingine awe amri jeshi, achukuwe hayo madaraka yawe yake. Mimi natoka hapo.

Com. Adagala: Kama hujatoka hapo, sasa kazi ya rais itakuwa nini?

Miringu Muriu: Kazi ya rais iwe kazi ya kuongoza tu.

Com. Adagala: Umetoa kazi ambazo huzifanya, appointment hiyo ya Commander in Chief, sasa kazi yake itakuwa nini? Atakuwa akifanya nini?

Miringu Muriu: Atawale watu wa nchi hii. Ukulima wetu wa wananchi wa Kenya upewe wakulima. Serikali isiingilie ukulima wa wananchi ya Kenya.

Prof. Salim: Asante sana mzee, kuna swala moja la kutaka kufafanua uliyosema ili tufahamu bora zaidi. Dakika moja, ngojea hapo.

Dr Korir: Mzee Ng'ang'a umesema kwamba rais asiwe amri jeshi mkuu na huyo awe mtu mwingine. Sasa huyo mtu mwingine atakuwa ni nani? Na ni nani atamteua huyo amri jeshi mkuu.

Miringu Muriu: Yule mkubwa wa majeshi apatiwe hiyo madaraka.

Dr Korir: Na nani?

Miringu Muriu: Na utawala.

Dr Korir: Unajua sasa ukisema kwamba amri jeshi atakuwa mkuu wa majeshi, kama sasa Gen. Kibwana. Sasa nani atakuwa mkuu wa majeshi. Unajua amri jeshi si mkuu wa majeshi, na nani atamteua, utawala gani? Tafadhali, wewe una mapendekezo mazuri lakini tungependa kujua kama huyu ndiye atakua mkuu wa majeshi, sasa ni nani atakuwa mkuu wa majeshi? Kama amri jeshi mkuu atakuwepo, nani atamchagua ama kuteua? Fikiria tu kidogo.

Miringu Muriu: Atateuliwa na wana committee wale watakuwako wa rais.

Dr Korir: Sikuulizi tena.

Prof. Salim: Asante sana mzee kwa maoni yako. Tukiendelea mbele nitamwita Jane Muthoni. Jane Muthoni yuko? Jane, Jane uko wapi? Hayuko, basi huyu ni muhimu kumsikiza maana tunafahamu kwenye hii karatasi yetu, registration form, kwamba huyu ni anahusika na walemavu. Atazungumzia chama ambacho ni muhimu sana. Ah tumezungumza habari ya the disabled, na wale walemavu; yeye ataka semea chama cha mentally handicapped, kwa hivyo twataraji kuwa atarudi na tutasikiza maoni yake. Na baada ya hapo tunaye Joseph Kimani. Joseph Kimani. Karibu. Excuse me ni yule mzee alikuwa hapa

Interjection: I am representing the organization.

Joseph Kimani: Nii maria ndinamo timaingi tondu maria moima ho nimarikitie kwario, ndingituika ati no njokere mothe, no hari undu umwe,

Translator: Yale nitasema ni machache maana mengi yatazunguziwa na itazungumziwa, mimi yangu ni kuwa kuna shida moja sijasikia ikitajwa.

Kimani: Ni tondu hari thina umwe ucio niguu itari ndiraigua ukigwetwo, mbere, mbere, mundu anginyitwo guku ni borithi, igagwo haha, na mbara nyingi muno, na undu uria wi kihoto, ni mundu anyitwo, atwarwo na ihenya toria kwahoteka athii agatuirwo ni judge,

Translator: Kwanza mtu akishikwa na polisi, anaweka kwa police post. Haki ni kwamba akishikwa apelekwe mara moja akashitakiwe, yaani awe charged.

Kimani: undu uria ungi, ni uhoro wa andu aya tuthuraga either ni MP, mbele tumathuraga no magacoka makarigwo ni wira wao. Tugakienda kuhitukia tondu ni katiba turahitukia riu,

Translator: Jambo lingine linahusu MPs, tunawachagua halafu wakifika huko kwa bunge wanasahau kazi yao.

Kimani: Angikorwo ni ahatia ndaroneka emwega, akabutwo ona angorwo ni wa mwaka umwe kana ni mieri itandatu.

Translator: Kama hatekelezi yale wajibu uliofanya achaguliwe na wale waliomchagua, aondolewe, hata kama ni kwa mwaka moja ama miaka miwili.

Kimani: Undu uria ungi, ni uhoro wa magetha maitu ucio ni ngucokera.

Translator: Habari nyingine ni kuhusu mavuno: yawe maziwa, kahawa ama majani.

Kimani: Ni kana ni iria kana ni kahua, kana ni machani, wa mbere, mbere, irutwo gwi thirikari, na mbere ta board ndiui wira wao, coffee board. Magirirwo ni gukorwo mathiite biu.

Translator: Kama ni maziwa, kawaha ama majani. Hayo yaondolewe kwa Serikali. Coffee Board mimi sijui habari zake. Hao waondolewe kabisa.

Kimani: Na kahua gacokerio murimi tondo ni gake.

Translator: Na usimamizi wa kahawa irudishiwe wakulima maana ni yao.

Kimani: Gutiri mundu unghota kurima indo no aremwo ni gucitongoria.

Translator: Hakuna awezaye kulima shamba halafu ashindwe kusimamia mazao yake.

Kimani: Undu uria ungi ningi ingithi kugweta, ni uhoro ucio wa migunda.

Translator: Jambo lingine ni la mashamba.

Kimani: No wone mundu ena ika ta ngiri imwe, magana manana, na irariyo ni thiya, na aria angai marakua ni ng'aragu

Translator: Unaweza kuona mtu yuko na hekari mia moja au mia nane na huyo ni park tu, ama wanyama wa msituni ndiyo wanakaa hapo, ilhali watu wengine wako na shida hawana mashamba. Wengine wanakufa kwa njaa.

Kimani: Undu uria ungi ni uhoro wa ciana ni itigete thukuru niundu wa utongorerie muru.

Translator: Jambo lingine lahusu watoto kuacha shule kwa sababu ya uongozi mbaya.

Translator: Ukwenda migunda ikwo atia?

Kimani: Gwikwo u-society, raia yone gwa kurima, no ti atunywo agurirwo.

Translator: Napendekeza yule aliye na shamba kubwa siyo anyangaywe, bali akubali kuuzia wale hawana.

Kimani: Undu uria ungi, ni mathibari, turaigua ndawa ni iroka, ni iroka, na turakua ni undu wa kwaga dawa, tariu wathii haha thibitari ino ihaha, ukwandikirwo ukerwo ukagure, ndiuma na maingi no macio.

Translator: ungetaka ifanywe nini?

Kimani: thirikari irehe dawa, o iyo turaigua ni iroka tunengerwo tunyue.

Translator: Anasema Serikali iwapatie masomo ya bure. Jambo lingine ni la hospitali. Tunasikia madawa yako na huku tunakufa kwa sababu ya kukosa dawa. Ukienda kwenye hospitali iliyo hapa karibu, unaambiwa uende ukanunue dawa.

Interjection: (Translator) Ungetaka ifanywe nini?

Ile dawa tunasikia ipo, basi Serikali ituletee kwa hospitali zetu.

Com. Adagala: Anaelewa hii elimu ya bure na dawa ya bure inatoka kwa ushuru wa wananchi. Sasa wananchi watakuwa wakilipa ushuru wa kutoa hayo.

Joseph Kimani: Ii yumaga magetha-ini maitu. Magoti mari turutaga. Uguo niguu kuri.

Com. Adagala: Okay sawa.

Prof. Salim: Thank you, asante mzee Joseph Kimani kwa maoni yako. Tukiendelea mbele tutamwita Stanly Gitau.

Stanely Gitau: Okay thanks, Constitution Review committee. My view is on public education only. I am concerned with the many young Kenyans who are not making it to universities and are from poor backgrounds. Does it mean every person who doesn't secure vacancies the university is a failure?

Com. Adagala: Young man you are going to give your proposal, not a long explanation. There is nobody who doesn't know what the university situation is in this whole room.

Stanly Gitau: I to propose that those people who usually get low grades, should be given credit to enable them be admitted in the country's middle level colleges like Kenya Science, KTTC, Kagumo, a medical college, even Kenya Polytechnic. They should consider the students' interests. That is if your interest was in medicine then you go for medicine degree, if it is engineering, then go to Kenya Polytechnic, as for education you should go to Kenya Science Teachers' College or Kagumo. Egerton University should cater for diplomas down to primary teachers college. This trend should trickle teachers colleges I do believe there is money especially from people from well-off families. They can always get opportunities in private colleges, for parallel degrees and pursue education. They can afford the fees. We should care about average people in education and those from poor families. Instead of current competition, people should merit to get to colleges.

Prof. Salim: Thank you very much Bwana Gitau. You are basically worried about those who don't get admission to university,

and you feel that ways and means should be found to get them places into Polytechnics, colleges and so on.

Prof. Salim: I am sorry. I thought you had finished.

Gitau: Okay is a proposal

Com. Adagala: I don't understand your proposal.

Gitau: I was saying those people who get B- should be admitted into diploma colleges and below instead of the current competition due to financial disparities, in our colleges. Should be admitted directly because in Kenya today if you get a B- is as getting an E because you are taken to the market competition or financial government thing. So we consider those with B- and below to diploma and down to the certificates in order of merit. Those who get B- are treated the same as those who get E. they should get direct admission into middle-level colleges.

Prof. Salim: Thank you, have you finished or you are still continuing?

Gitau: I am through

Prof. Salim: (inaudible) Asante sana Bwana Gitau I don't know whether my colleagues have anything that needs to be clarified? Thank you. Ragai Njoroge.

Ragai Njoroge: Kikuyu dialect.

Prof. Salim: Mzee huwezi kusema Kiswahili?

Ragai: Siwezi, mimi najua Kikuyu.

Prof. Salim: Na Kiswahili ni lugha ya kitaifa

Ragai: siwezi, mimi sijakwenda huko, mimi nakaa hapa.

Prof. Salim: Na unajibu kwa lugha ya Kiswahili safi kabisa.

Laughter

Prof. Salim: Unajibu maswali yangu kwa Kiswahili safi kuliko changu.

Ragai: Mimi nataka kuongea Kikuyu kwa sababu---

Interjection: Prof. Salim: Hata hivyo ikiwa utaongea Kikuyu nitakupa dakika tano badala ya dakika kumi. Zile dakika tano nyingine zitachukuliwa na mtafsiri.

Translator: Naitwa Ragai njoroge, na kwetu ni hapa. Nasema Katiba tunayotengeneza izingatie habari ya utu. Maana Mungu akiumba dunia hii, aliumba vitu vyote. Halafu akaumba mtu. Na hakuna shida mtu anayepata inayotoka kwa Mungu. Nasema Serikali yetu ndiyo ya pili kutoka kwa Mungu, kwa hivyo inafaa kufikiria habari ya binadamu.

Interjection: background inaudible

Translator: Nataka Serikali ichunge mali ya wakulima maana kirauni imekosa nguvu. Kirauni iwe na nguvu ya kulinda mali ya binadamu, jasho langu mimi. Nikilima halafu nitoe ushuru nataka nifanyiwe mambo yote nitakayo.

Interjection: ----- inaudible

Translator: Nikilima mali yangu iwe ikinifaidi.

Translator: (Kikuyu dialect) Nasema, sisi wakulima tumelima na Mungu amesema tukule jasho letu. Amesema wakulima wakubaliwe wakule jasho lao ama mali yao iwafikie vizuri.

Speaker: Asante. Mimi, mimi ndiye secretary wa CCC na ninawaomba tafadhali tukija hapa tuzungumze lugha ya taifa, sawa. Badala ya kuja hapa tunapotezana muda na tumesajili watu wengi sana ambao wanataka kuongea, hapa, nao maoni yao yasikilizwe. Tuko pamoja? At least ujaribu. Okay? Halafu pale tumeweka announcement tumesema uzime mobile yako. Tafadhali, kwa sababu inaharibu hii mitambo. Sawa sawa, switch off please. Tusipotezane muda. Halafu, tutoe mapendekezo tu, si shida, pendekeza. Thank you.

Prof. Salim: Asanteni. Twasikitika sana maana ikiwa mwananchi anaweza kujua kuongea kwa lugha ya Kiswahili hakuna haja mtu kutafsiri. Hivyo hatutapoteza wakati. Sisi tunafikiria wakati tu. Ikiwa tutamweka mtu hapa kutafsiri, it means double allocation of time. Na ikiwa lazima mtu atafsiri, itabidi kupunguza wakati wake. Nafikiri tumefahamu. Yule mzee alikuwa hapa akuje tafadhali. Tukiendelea mbele, I will call now upon Bwana Mr. Thungu Mwaura. Bwana Thungu Mwaura, yuko? Alright karibu.

Thungu Mwaura: Jina langu ni Thungu Mwaura. Maoni nilikuwa nayo moja kwa moja yalitajwa na wazee wawili, kuhusu kahawa na polisi. Naongeza kuhusu chiefs and headmen. Jambo la kushikwa na polisi: ikawa hapo kwenye kituo cha polisi ni kotini, sijafahamu uhusiano uliopo kati ya polisi na mahakama. Yaani hiyo court ya hapa polisi inashikana namna gani na polisi? Hoja nyingine kuhusu polisi, hivi sasa, mtoto wa shule akishikwa na kuwekwa kwa kituo cha polisi, analala hapo kwa siku kama tatu au nne. Huyo kweli ni mtoto wa shule? Makosa ya huyo mtoto si yapelekwe kwa chief ndiyo chief ayatatue haraka ndiyo mtoto aende kwa kazi yake? Jambo lingine ni juu ya chief pamoja na headmen. Ukipata taabu unaenda kwa headmen ndiyo wakusaidie. Sasa, headmen, ukienda kwao kumjulisha taabu zako, kwanza watakwambia toa pesa za rambi ndiyo

wakusaidie. Ukiwa huna pesa ya kutoa, taabu yako inaweza kumaliza kama mwaka hata pale pale kwa chief. Haya, sasa ukiniangalia mimi, niko na nguvu ya kufanya kazi na kazi hapa kwetu ziko nyingi sana. Nikienda kufanya kazi hiyo ikiwa ni mtu kama wewe ataniajiri, kwa vile mimi nakuona u mtu mzima, hata habari ya pesa hatuwezi kuzungumzia kwa sababu kwani mimi ni mhitaji. Naenda nikafanya hiyo kazi, nikimaliza hiyo kazi unaanza kuniambia ni watu wengine wanailipa. Mtu kama huyo ambaye anaonekana ni mtu anaweza kusaidia watu, yafaa Katiba mpya ibadilishe hayo. Kunayo kazi moja nilifanya hapa kwa darasa niliyopewa na chief huyu wetu. Nilifanya kazi hiyo kwa siku tatu, kisha nikaenda kwake anilipe. Alinipatia maamkuli ndipo akanieleza nitalipwa na watu wengine. Mtu wa heshima ambaye ni kiongozi haifai awe na tabia hii.

Prof. Salim: Asante sana bwana Thungu Mwaura kwa maelezo yako tumefahamu mengi uliyoyasema lakini kuna moja au mawili tungependa ufafanue. Hebu ngojeni bwana. Twataka ufafanue tufahamu zaidi. Hii habari ya police iliobadilishwa ikawa ni court tunafahamu. Hata ile ya watoto ambao wanashikwa wakawekwa siku nyingi tumefahamu. Lakini headman unasema kwamba hakupi msaada mpaka ambapo utampa kitu kidogo. Sasa ungependelea tufanye nini habari ya headmen. Tuondoe kabisa mambo ya headmen? Au

Interjection: (Thungu) tafadhali aondoke kabisa

Prof. Salim: Waondolewe kabisa?

Thungu: ndiyo.

Prof. Salim: Haya. Na unataka ifanywe na nani badala ya headmen? Kazi ya kutatua matatizo ya wananchi.

Thungu: Court

Prof. Salim: Court yenyewe?

Thungu: Ndiyo

Prof. Salim: Haya.

Background: noise

Prof. Salim: Na ya pili habari ya kazi, hatukufahamu vizuri. Unasema kwamba unafanya kazi hapa na pale lakini wakati wa kulipwa mwenyewe anafanya hivi na hivi na hulipwi baada ya kumaliza kazi.

Thungu: Ndiyo

Prof. Salim: Au unasema kitu kingine? Sitaki kutia maneno katika mdomo wake, wako. Hatuna ruhusa sisi, tunataka kufahamu tu, unasema nini hasa habari ya kazi kwa ufupi.

Thungu: Nasema watu kama hao wanaotupatia kazi, tutafutiwe njia, na Katiba mpya. Mtu kama huyo akitunyanganya pesa tujue mahali pa kwenda kushtakia. Kwa sababu hiyo kazi nilifanya hapo kwa darasa, sikulipwa.

Laughter

Speaker: Sasa unamaanisha ya kwamba kazi ulipewa na chief kukawa na broker katikati yako na chief. Sasa inakuwa pesa inapitia kwa broker na chief anakwaambia ulipwe na mwingine?

Thungu: Hapana. Hiyo kazi ilikuwa ya watu wawili. Mimi na chief. Naye chief ndiye alitakiwa anilipe yeye mwenyewe. Baada ya kumwenea anilipe, akakataa akaniambia, nasikia unalipwa na watu wengine.

Speaker: Oh what is trying to say ni kwamba the chief is too senior hana mahali ya kumpeleka akimnyanganya pesa. So a way should be formulated ya kushtaki chief.

Com. Adagala: We have asked him, headman aondolewe?

Thungu: nani

Com. Adagala: Headman

Thungu: Headman?

Com. Adagala: Mh

Thungu: Yaani head--

Com. Adagala: No nataka tu useme ndiyo au la. Headman aondolewe?

Thungu: Headman siyo aondolewe.

Com. Adagala: Lakini awe na mahali pa kushtakiwa

Thungu: Ndiyo.

Com. Adagala: Na watu wote?

Thungu: Ndiyo

Com. Adagala: Okay.

Speaker: Sawa wale wote ambao ni chiefs, sub-chiefs, D.O. wakubwa wetu tuwe na mahali pa kuwashtaki?

Thungu: Yea.

Speaker: Okay

Prof. Salim: Asante sana bwana Mwaura. Nikiendelea mbele, yuko mwananchi ameandika jina lake hapa lakini hakusema anatoka wapi na atataka kutoa kitu gan. Nafikiri amekuja kusikiza tu. James Roria, umekuja kusikiza? Lakini hukusema unatoka wapi? Sawa so unataka kutoa maoni kwa mdomo? Haya karibu. Na utupe box number yako.

James Roira: 78 Ruiru.

Prof. Salim: 78 Ruiru? Uko pamoja na bwana Humphrey Karanja, box moja? Haya.

James Roria: My name is James Roria Kuria, na nimekuja kutoa maoni yangu. The first thing is the Constitution to be reviewed within a given time and I propose 20 years time. We should have a gathering like this one here. The second one concerns the powers of the heads. The President, the vice President, the ministers or all the heads of all the institutions should be checked regularly, within a given time and I propose in five years' time. We are messing because of the leadership in Kenya.(?) This should be investigated. The public should be directed as to where they should report the leaders so that they are prosecuted. This is because the powers of the leaders in this country are so much feared so much to the extent that you cannot report them. We need also to have fair and free elections so that we can have the leaders who are capable of leading.

Speaker: Okay, carry on okay okay.

James Roria: The other thing is about crimes. We should give priority to certain crimes like corruption in terms of carrying the highest penalty because that is of the mess in the running of this country. Corruption, smuggling, drugs abuse should be taken seriously because they are the roots of all the evils in our country.

Prof. Salim: Is it drug smuggling or drug, you said drug what?

Roria: Drug, drug smuggling or Drug abuse.

Prof. Salim: Which is its there are two different things. Drug smuggling is one thing, drug abuse is another.

Roria: I am just giving an example like drugs. I am talking about crimes like corruption

Prof. Salim: Drug abuse is like when I can smoke a lot. If I drink a lot that is also drug abuse, if I use bhang a lot that is drug abuse. So is that the sought of crime you are talking about or you are talking about people bringing in drugs here and spoiling our young people?

Roria: Yes. Smuggling drugs in our country, which are spoiling the young people in our country. that is illegal in Kenya.

The other thing is about the taxes deducted from our income. Taxes should be paid fairly by everybody. If crimes are checked properly we will not have any defaulters in tax payment Taxes should be paid by everybody.

Prof. Salim: Otherwise you want us to take action against taxes.....(?)

Roria: Tax Should be taken seriously.

We should have free education from standard one to standard eight so as to eradicate illiteracy in our country. Also we need

free education in government schools for all those who have performed well and also free education in the university. All these levels should have free education; primary, secondary, government institutions of learning and all the government universities. Free education so that we can have a good base for our country. The next point is about free medical services. We should get free medical services in all the government institutions or health or the government hospitals' medical services should be given freely, without charges. If taxes are going to be paid in the right way. The last point, is the distribution of land. I suggest that the land in Kenya should be distributed properly and my proposal is this: We should have nobody without land or owning below one acre. If he is a Kenyan he should have a minimum of one acre. This can either be provided by the government or there is another channel for allocation. I suggest no limit to the number of acres that you can own because it will depend on you and your interest. May be you are a farmer, and you would like to have thousands, and thousands and as long as you pay taxes and you utilize the land properly there should be no limit that should be given. But everybody should have at least an acre.

Interjection: Prof. Salim: You said the last one.

Roria: There is one I have remembered, it is about employment. The government should look for employment for all the people. By distributing land properly everybody will have an activity to do. So with the employment they would ensure that everybody has got something to do. Even those in private business, should be headed by the government so that they can be able to start their own work.

Prof. Salim: Asante sana Bwana James Kuria, hebu bakia hapo kuna swala moja mbili ya kufafanua?

Com. Adagala: You are saying that there should be no upper limit for land. No limit, anybody can have land?

Roir: In my opinion that is, yes.

Com. Adagala: Now what is that if that land is being got in a manner, which is criminal.

Roria: If crime is checked this will not arise

Com. Adagala: You see, nothing should be done about people who grabbed land?

Roir: I think---

Com. Adagala: Only the future should be different

Roria: I am talking of the future because when we try to look backwards we might reveal so many problems that might not make us proceed. So I feel that today the government should look for ways and allocate everybody land, and those with land will not get any allocated to them.

Prof. Salim: Thank you very much bwana James Roira Kuria for your views, we now call bwana Humphrey Karanja. Is he here? Bwana Karanja you are also giving us oral views, maximum ten minutes.

Humphrey karanja: I am Humphrey karanja, from Komothai Location, Gathogo sub-Location. Nitakayo ongea ni kuhusu bank. Mtu akitaka kutengeneza bank anafikiria akiwa mbali, kisha analeta mfano wa bank, kama hapa kwetu. Tulikuwa na bank hapa ambayo ilikuwa kama mfano kwani mtu alikuja nayo hapa mpaka akakaa nayo miaka miwili. Baadaye alichukua mali ya wakulima yote, wakapata hasara. Sasa jambo kama hilo tunataka lichunguzwe vizuri na Serikali. Ikiwa mtu anakuja kuweka bank, huyu mtu achunguzwe vizuri. Ibadilishwe kama ana pesa ya kutosha ama ni njia tu anatafuta ya kuja kunyanganya watu pesa zao.

Pili, ni kuhusu hali ya importation ya vity kama maziwa kutoka ng'ambo. Hali kama hiyo ya maziwa inatatiza wakenya sana sana. Ningependekeza ikiwa itawezekana, wakenya idhihirike vizuri maziwa yao ni kiasi gani, imetoshwa wananchi ama hapana. Ikiwa haijatosha, kile kiasi kilichobaki ndiyo yatoshe iwe imported. Lakini sio kuleta bidhaa vya kuruga biashara ama kazi ya wakulima hapa.

Tatu, ni kuhusu hospitali. Kwa kweli Serikali inaleta madawa. Lakini ikishafika katika hospitali, inakuwa ni shida sana mwananchi wa kawaida kupata. Baada ya kuletwa hatujui inakuwa namna gani. Tungependekeza kuwe na security. The one who can follow that medicine mpaka hapa. Kuangalia kama dawa inafikia watazamiwao au vipi. Kuhusu license za biashara. License wakati huu ukienda ng'ambo ile ya Gatundu ama mahali pengine utakuta license ya maduka haya ni tofauti. Sasa tunashindwa kama hapa ni sawa na ng'ambo ile. Unaweza pata mtu analipishwa 3,000 shillings, ukienda mahali pengine katika Kenya hii tu, utakuta huyo mtu anaitishwa 2,500 shillings. Sasa tunashindwa kama ni local government inafanya hiyo kazi ama ni watu ambao wamechaguliwa hapa? Kama hapa Kigumo ukienda utakuta license ni shilling elfu tatu. Ukienda mahali ingine kama ng'ambo ile, unakuta kuna mwingine ambaye with the same business analipa 2,500. Ningependa hili liangaliwe vizuri. Tujue waziwazi kama hapa mahali iko remote namna hii, ni kiasi gani cha pesa tutakacho toa. Haya yapangwe vizuri.

Lingine lahusu education na kazi. Kuna mzee mmoja ameongea hapa kuhusu hali ya kazi. Mtu anafanya kazi hadi afike miaka hamsini bali hataki kuenda retire. Anahonga ndio aendelea ilhali tuko na vijana wasiofanya kazi, wamesoma, wamemaliza, bado tunakaa nao hapa. Jambo kama hilohiyo ndilo ningependekeza Serikali iangalie vizuri. Mtu akimaliza miaka yake, basi awaachie watoto wale ambao wako na ujuzi huo. Nafikiri yangu.....*tape stopped*

Humphrey : wakati ya kuanza mwaka wa 1960, tulichagua chief Wananchi walichagua chief hata headmen. Sasa, tungependekeza chiefs waletwe hapa tuchague wenyewe hata headmen, ndiyo tujue kama yule mtu anatosha ama hatoshi kuwa kiongozi. Lakini sasa inakuwa mtu analetwa na anaingizwa pale. Anakuja anafanya ile kazi ambayo.

Prof. Salim: Asante sana Bwana Humphrey Karanja kwa maoni yako ni wazi kabisa. Tumefahamu kabisa lakini sijui kama

wenzangu wanataka kukuhoji kwa jambo lolote. Dr. Mosonik.

Dr. Mosonik: Nilitaka kuuliza tu kuhusu kuwapatia vijana kazi, na wazee kuenda retire. Sasa ni kwa umri gani wa retirement?

Humphrey: Kawaida tunasikia mtu akifika 55 years, anapewa retirement na anakwenda nyumbani. Hapo badala ya kwenda nyumbani anarudi mlango wa nyuma, anapeana 50,000 anaendelea na kazi. Hayo ndiyo mimi nataka Serikali iangalie.

Dr. Mosonik: Unajua kwamba una fursa ya hata kubadilisha hiyo miaka hamsini na tano ama kuongeza ama kufupisha. Hamsini na tano ni kwa ajili gani? Pengine wewe umefika hamsini na tano na ungeweza kuendelea---

Humphrey: Sababu ni hii. Ukiangalia katika Lokesheni hii tuna vijana ambao wamemaliza shule na wako hapa bado wanazunguka. Wewe uliyefanya kazi for 20 years bado unazidi tu. Kwa hivyo ungewacha hiyo kazi upatie huyu kijana naye pia awe na foundation mzuri.

Prof. Salim: Asante. Tumemaliza. Thank you very much. Bwana James M. Mwangi.

James Mwangi: Yes, my name is James M. Mwangi, and I come from here Kigumo in Githunguri sub-Location, Kiambu District. Mine is in written form so I will take few minutes because I have nine points. One of the problems we are having concerns this agricultural produce. I suggest that farmers should given a free hand to market their own produce. For example, I am having crops-I have some coffee. If I want to take my coffee to this open air market, the government should not interfere because they never assist me in the agricultural activities. So the government should not be interfering with the farmers' marketing of their produce at all.

The other point is about the presidential post. Now we have the Constitution that states very clearly that a President should serve two terms of five years each. I would suggest that ministers also should also serve two terms of five years each, and when the President is going those ministers who have served for ten years should also go with that President. Then we can bring another generation of ministers who will head the next government. But we should not be retaining ministers who are serving for 20 years or thirty years since they are doing nothing. The age of those people: we should not have anybody vying for the presidency who is above 70 years. What will he do for us? That person is aged. We have the young people who should be given that priority of vying for that post. I suggest that the age bracket should be between 30-60 years for the President. Also concerning ministers, we should not have a government which is appointing ministers who are over 70 years, because they won't benefit us. Here, we have young and educated people who should be appointed to those posts of ministers. We should also consider the education level of the Parliamentary aspirants. I am suggesting that any minister to be appointed in the government should have a university degree from a recognized university. We should not have illiterate

ministers who are being appointed just because of political reasons.

We still have this problem of the provincial posts. Like now we have a Provincial Commissioner in Nyeri. We also have a D.C. I am suggesting that those provincial posts, all levels should be scrapped because now they are consuming government money. Why should we have a provincial representative in Nyeri and have a D.C too. We should concentrate on the district, on councils for rural development whereby everything should be completed at the district level. The highest level in administration should be at the district level. I am suggesting that we should not scrape the provincial administrators, but we should have a body of interviewing these people. The current system whereby they are interviewed by the District Commissioners and D.Os is a corrupt one. You will end up in a Location where a chief will be appointed on political grounds. It is a system where Kanu people are interfering with the appointment process, the D.C. is also interfering. In a location, you have an under qualified chief, whereas the required people came for interview. I recommend that a neutral body should be conducting those interviews for provincial administrators, be instituted in the office of the President and they should not be interfered with by D.Os, D.Cs and Kanu people. Otherwise you will have a chief, who will be serving the interest of the Kanu people only. Some powers of the President should be trimmed. For example this powers of dissolving Parliament at will. We should have a Parliamentary calendar on how the Parliament is running and its effectiveness, it shall dissolve at this time. But we should not have a President who is dissolving Parliament at will. That one should be abolished. We still have these Parliamentarians, who go to Parliament for three or four hours. These people should serve like civil servants. They should serve for five days per week, from Monday to Friday and eight hours per day. Their other activities, shall be conducted on Saturdays and Sundays like other civil servants.

The other point is about corruption in the civil service. The practice of corruption will remain as long as the Government is paying civil servants low salaries. I suggest that civil servants should be given high salaries including teachers. We should not have Parliamentarians who are sitting there and allocating themselves salaries. We should have a body for the civil servants, which should consider the salary of civil servants, and be reviewing the same. That is only when we can end this corruption in the civil service.

Government colleges like Kenya MTC, Teachers Training Colleges should have a board like the university admission board. We know that to join the university you have to have a 'B' or a B+ but they admit only those who are going to university up to B+. Where do they put the others with B-, with C+, where do they go? They say that you are subjected to interviews. These interviews in these government institutions are full of corruption. So we will end up having those who will be admitted.

Prof. Salim: Tafadhali we know the problem, tell us what you suggest.

James Mwangi: We should have a board like the university board, which will be admitting the students depending on their qualifications.

Prof. Salim: Thank you very much for your views. Please stay there in case there is anything to be made clearer

Com. Adagala: The university admissions board is essentially dealing with: the number of students and the money which has been allocated by the government, and how it should be distributed. It is a kind of meritorious scholarship body. When they cut off, it is the money that they have received, this is how many people, not even B+ or B. It is a good idea, a board for admissions. Again that one will be according to the -- I don't know if you want it to be there.

Interjection: (James) qualification of an individual

Com. Adagala: No government funding.

James Mwangi: (A Government funding board). But, the students whether they will pay, it doesn't matter. But they will be admitted into those colleges depending on their qualifications.

Com. Adagala: Okay.

Prof. Salim: Asante sana. Thank you for your views. You hand in your memorandum. We now call bwana Peter Kangethe Njau.

Peter Njau: Yes I am Peter Kangethe Njau, CCC Secretary for Githunguri and these are my personal views, they need not necessary reflect the wishes of the citizens, they are personal. Am of the view that we should have a locational arbitration council. It should be the most junior court in the country. It should have:

- a. A legal officer who is a qualified lawyer, the Locational chief who will be an X-official member and five elders who know the area well. This is for arbitration of the problems that might arise and dissolving of the local district. They will be having power to summon law breakers.
- b. On government, I am of the view that all the ministries should be constitutional. Clearly written in the constitution.
- c. On ECK, it is my opinion that it should establish a civic education wing, which should be working in the election year, i.e. the 5th year of election. I am also suggesting that ECK establishes the exit poll like the one we hear of in America. Exit poll will help in minimizing or completely erasing any corruption that may come during elections or what we call rigging.
- d. Counting should be done at the polling station and we should always use transparent ballot boxes. On political parties, I recommend that the government provide an office in every constituency for the official opposition with two officers: a secretary and an information officer.

- e. The government: Their work will be mobilization and promoting democracy
- f. Government should provide vehicles, security, higher pay and other privileges given to the ruling party cabinet ministers for government shadow ministers. That is official opposition shadow ministers.
- g. On basic rights, I would like to add that our Constitution should have a clause for euthanasia, mercy killings.

Interjection: inaudible

Peter Njau: A qualified doctor would recommend to the high court for such an action and if the victim is in a comma or unconscious then the next of kin can find such a recommendation for mercy killing.

Prof. Salim: Thank you very much Bwana Peter Kangethe Njau please wait there just in case any query for clarification. Com. Adagala, question?

Peter Njau: On government, about shadow ministers, and office in every constituency?

Prof. Salim: May be point no. 2. Can you check no. 2 there.

Peter Njau: Yea it is about shadow ministers.

Prof. Salim: No. It is duties. You said something like ministries should have their duties specified in the Constitution.

Peter Njau: Oh in the Constitution, yes. They should be clearly written in the Constitution.

Prof. Salim: Okay

Peter Njau: Yes.

Prof. Salim: Thank you very much bwana Peter Kangethe Njau for your views,

Peter Njau: Welcome

Prof. Salim: we next move to bwana Charles Githinji. Charles Githinji. You have a presentation right, a memorandum

Charles Githinji: Eh mimi naitwa Charles Githinji.

Prof. Salim: Ah una memorandum bwana Charles?

Charles: Ni ndogo.

Prof. Salim: Unayo. Siyo? Utatupa memorandum? Utatupa

Charles: Usiniharakishe.

Prof. Salim: Aha nasema hapa---

Charles: eh mimi nataka---

Prof. Salim: Okay let him go.

Charles: anasema? Nataka kusema habari ya ile “miteti”, ile inawekwa na Serikali. Miteti inaharibia watu mashamba yao. Hauna mtu anakwenda kungumza hali ya miteti. Nataka hiyo “miteti” iwekwe kwa daraja na hiyo mashamba ya watu. Hiyo “miteti” iwekwe kwa vile ni mteremko, wanaharibia watu mashamba yao.

Speaker: “Mteti” ni ile Serikali inaweka kama njia ya watu?

Prof. Salim: Bwana Charles Githinji “mteti” ni kama mashimo marefu hivi?

Charles: Ni kama njia ile iliwekwa na Serikali ya watu ya kupitia kwa miguu

Prof. Salim: (laughter) Na ni kama shimo, si? Eh ni njia ndogo

Charles: Njia ndogo

Prof. Salim: Njia ndogo, paths footpaths. Sawa.

Charles: Na inasumbua watu wale wanapakana na hiyo “mteti”. Kama ni kwenye mlima, watu wanapitia mashamba ya watu.

Prof. Salim: ah okay

Charles: Nasema hizo ziwekwe ngazi, watu wakapande wasiingie kwenye mashamba ya “Mwaki”. Na huko kwa mto waweke daraja nzuri, kwani mvua ikinyesha maji kama inaa---

Com. Adagala: Unajua hii si soko, hii si soko tafadhali hayo mambo yote mazungumzo ya chini yatahitalafiana na mitambo na mambo yake haitasikika. Kwa tape hii sauti yenu itakuweko. Tafadhali tuheshimiane na tuvumiliane.

Charles: Hayo ndiyo maoni yangu ya “mubeteti”. Ya pili, inahusu mzee wa kijiji. Anafanya kazi sana usiku na mchana: anatumikia headmen, chief, polisi, wanatumikia pamoja na watu anaokaa nao, naye hana mshahara. Anafanya kazi kwa kujitolea. Mimi naonelea huyo mtu apewe mshahara, hata kama ni ndogo na apewe uniform na kitambulisho cha ya kufanya kazi ya Serikali.

Ya tatu hapa duiniani naona watu wanachimba mashimo mingi sana ya maji na iangaliwe kama maji ni mzuri. Napendekeza hayo maji yakapimwe, kwa sababu tunashikwa na ugonjwa wa Malaria na typhoid. La tatu, siku hizi watu wanakufa sana, kesi za family za mashamba zimejitokeza. Ukienda huko kwa court, zinawekwa kama miaka ishirini. Watu wanakwenda hata kama siku nne tano kwenda huko kila mara zinacheleweshwa ilhali ni za family. Maoni yangu ni kuwa Serikali ifanye hiyo kesi kwa muda kama wa miaka miwili.

Interjection: Prof. Salim: Can we kindly have silence at the back so that we can concentrate on what he is saying.

Charles: Watu wanakufa bila kuwagia watoto wao.

Prof. Salim: Asante sana. Tumefahamu.

Com. Adagala: Toa maoni tu kidogo. Kuna mambo mengi kati ya familia na mashamba. Inaonekana ya inatokea upande wa wanaume. Gawa mashamba, hata muwe mukishirikiana kwa sababu haya yanaleta vita kwa upande wa akina mama au upande wa watoto. Inaonekana hapo hata ikisemwa kwa Constitution, lazima mtu mwenyewe ajisajilie na watoto wake ili akifa au mkewe, itatatuliwa.

Prof. Salim: Asante na Peter Kangethe Njau kwa maoni yako, ah sorry bwana Charles Githinji, pole sana. Na nikiendelea mbele nitamwita bwana Wangocho Joseph Wangocho.

Joseph Wangocho: Thank you. My name is Wangocho and I am a Kenyan. These are my views. Let the new Constitution have a preamble.

Dr. Mosonik: Excuse me, you said you are Wangocho and ?

Joseph Wangocho? Joseph

Dr. Mosonik: and then you said you are what?

Joseph: A Kenyan by birth

Dr. Mosonik: A Kenyan?

Joseph: yes sir

Dr. Mosonik: We do not expect anybody else here. Are you from here or you were just passing by? Because we came to Githunguri Constituency to hear the people of Githunguri you see what I mean?

Joseph: Alright

Dr Mosonik: If you are just passing by you can say I was greeting you and then sit down.

Joseph: That is not the case I was just trying to introduce myself

Prof. Salim: But may be I think along the same line, if you have given us a Nairobi address. Is this your home area?

Joseph: Yes sir

Prof. Salim: Tumekubali? Mnamjua bwana Wangocho?

Background: ----- inaudible

Prof. Salim: Nani anasema ndiyo? Inuka tafadhali

Background: naam

Prof. Salim: Lakini naona jamaa wote hao wengine hawana hakika kuwa wewe watoka hapa. That is one witness. Any other witness? Alright. Mnamjua? Haya asanteni. Samahani bwana Wangocho, wajua ukianza kusema I am Kenyan unatutia shaka. (laugh) because we are assuming everyone here is a Kenyan, so don't put any doubts in our minds. And I am sorry we had to check these things because we are here we want to speak to or get other views from this area.

Joseph: Sorry for those-----

Prof. Salim: If you belong to another area you should give us views in that area, where our colleagues are all over the place now, all over the province. Asante endelea

Joseph Wangocho: Sorry. Well these are my views. We need a preamble in our Constitution. We Kenyans wish to have a state where rights and the freedom of all citizens will be respected. We Kenyans envision a state where justice will prevail. We Kenyans envision a state which will maintain a peaceful relationship internally and externally. May peace, freedom and justice reign forever in this land.

The second point, is about the qualifications for a President. He or she should be above the age of 30 and a limit of 60 years. He or she should not be necessarily an elected member of parliament.

Interjection: ----- inaudible

Joseph Wangocho: a ceiling of 65, 65 years yea. 65. At the same point he should elected by majority---

Interjection: (Com. Adagala) You cannot say necessarily because we are going to set up a system. So you have to say whether he will be a member of Parliament or not a member of Parliament.

Joseph: Either way. He or she should have at least a university degree. On the land issue: Land must be made affordable and available to every citizen of this nation. I propose an individual should have at least of 30 acres in areas with agricultural potential and 100 acres in marginal areas. Let all general boundaries be converted to specific boundaries i.e. the land patterns. I don't want us to have a situation where some boundaries are general and others specific. Let there be a creation of database for all land in Kenya.

Background: ----- inaudible

Joseph: A database, containing among other things ownership, acreage, and locality etc. This information should be available to every Kenyan. One the issue of worship: I do not see a problem if anyone or any citizen worships anything that he or she

thinks is his god be it a frog or a snake or Whatever it is. Let your form of worship not tamper with the freedom and rights of other citizens e.g. let us not have people coming around with 1000 watts public address systems next door and sing thier kind of things. More desire on vision, lets no one asking anyone's blood in the name of making may be a sacrifice or something.

Com. Adagala: Ah you know freedom of worship also involves as you said respect for others' worship. if you are say Hindus, to whom a cow is sacred, what will call that? They have a right?

Joseph: We have a right to worship anything or whatever.

Com. Adagala: Okay, now you had first of all said land should be affordable. You know there are some countries where land is not sold or bought. There is this idea that land is equivalent to money and this is what you have put here its your view, but I just wanted to let you know that there are places where land is not sold or bought but it is just used. You take, you use and you don't own it. Okay?

Dr. Mosonik: Let me just ask, you said there should be total freedom of worship without interference with others. Then you said you don't care if it was a frog or a snake which you are worshipping. Could you make a specific comment on something that a lot of people talk about called devil worship?

Joseph: Yes. If one wants to worship Satan or Lucifer the devil whatever name you may call him. Let them do it provided it does not interfere with anybody else negatively or positively, whichever the case applicable.

Prof. Salim: Thank you very bwana Wangocho. I had the query to ask about boundaries, it didn't come out clearly to me. What exactly did you say about boundaries?

Joseph: This is how -----(inaudible) are demarcated. We have general boundaries, which don't have a specific line of marking the two boundaries. We also have specific boundaries where we have a line determining accuracy. Let us do away the general boundaries. Lets have specific boundaries. This I think, will prevent so many cases that is, land disputes.

Com. Adagala: Let me just ask on freedom of worship. Out of the whole enterprise of worship is to convert other people one's religion or to persuade them to join, is that interference? Because if you are of a different regularity. If this is a Muslim and I am trying to convert him to become a Christian, or is trying to convince me to become Muslim, is that interference?

Joseph: Yes, I think that should be infringing on my freedom of worship.

Com. Adagala: So then it means everybody is actually guilty? Because everybody is trying to pursue it.

Joseph: Yes. We are all guilty.

Prof. Salim: That is a very interesting line can I just pursue it a little? So are you against a Christian from any denomination standing up at the corner in Nairobi's Jivanjee Gardens or something and preaching, not necessary to a particular person, but generally to anyone who cares to listen. Is that an infringement of anybody's right? I mean you have the right to listen or not listen. Is that wrong?

Joseph: If preacher X did not come to me and start telling me about his religion, ---

Interjection: (Prof. Salim) But I can do it and you can walk past and you are free to move. He is not saying stop bwana Wangocho and listen to me. I see you passing there in a hurry stop and listen to me, you are wayward; you are wasting your time, come and join my religion. Is that wrong? Which is wrong? Those are two different things. If he calls specifically and says join my religion, that it one thing. But if its preaching in general not necessary to anybody, even to an empty Jivanjee Gardens?

Joseph: There is no problem in that. But you know the kind of noises they make.

Prof. Salim: Well that is different that is pollution of sorts. It is not interference with religion. Alright, anyway, thank you very much. It is just by a way of clarifying issues. Asante

Joseph: Thank you.

Prof. Salim: Ah tukiendelea mbele bwana Boniface Kimemia. Boniface Kimemia. Interestingly you came in together and registered together hence you know him.

Boniface Kimemia: Thank you very much. I am Mr. Boniface Kimemia and I have the following proposal. One concerning education. The present system of education 8-4-4 system should be abolished and replaced with the former system, that is where we have the advanced level. Still under education, Kiswahili should not be compulsory and it should not be a national language. The National language should be English because it is recognized internationally.

My second point concerns constituencies. These should be based on population and other factors like geographical area should be subordinate to population. A constituency should not have more that 30 persons, that is those who have majority age, 18 and above.

On provincial administration: all provincial administration from the P.C to the assistant chief should be abolished, and replaced by village elders. The village elders shall be elected by the citizens of that particular village. They will perform the duties of the provincial administrators and they will be one person from the given district, elected by members of that particular district who will be supervising the work of the elders.

Concerning the President. He or she should not be above 75 years, should perform the duties, which he is assigned, except being the commander in chief of armed forces. He should not appoint ministers and assistant ministers. AG Attorney General should be elected by majority vote but not be appointed by anybody, may it be the President. He shall perform his duties and there shall be a committee formed on which he shall be an ex-official. These the committee shall be formed by members of different districts. Will submit one member recommended by the members of that particular district. That is to supervise the whole judiciary process.

The other point concerns sponsorship of schools for instance by the churches. If a church or any other organization wishes to sponsor, an institution or a school, they should contribute to the development of that school or institution 30% of the required amount annually. But if they can't they shall withdraw the sponsorship. Thank you.

Prof. Salim: Thank you very much bwana Boniface Kimemia for your views, I wonder whether my colleagues have any point they want to be clarified?

Dr Mosonik: On the first point about education and abolition of the 8-4-4 and its replacement with 7-4-2-3, you did not provide reasons as to why except you mentioned 'A' level. But if you are to add the years $8+4+4=16$, $7+4=11+2=13+3=16$ years. Is it that you think 'A' level is special or what is the problem?

Kimemia: Not focusing on the number of years, the present system has many subjects, thus a lot of work which is tedious. Also, there is no positive contribution towards the students or the people in general, while the former was not very tedious, its subjects were few. That is the reason why I said Kiswahili should not be compulsory and not be a national language. I think having the knowledge of English is enough. So my reason is the work, the efficiency and the output.

Com. Adagala: Okay, first on Kiswahili and English. You have said English is an international language. Isn't it?

Kimemia: Well it might not be an international language, well I said it, but it is nearly an international language.

Com. Adagala: It is an international language and should remain an international language. It is not indigenous to Kenya and it is a language of imposition.

Kimemia: You talk about Kiswahili being a national language. Check in the books, it seems that they shall have to be translated to Kiswahili. In the offices any kind of information is put down in English. So I don't see the point why we should then ---

Interjection: (Com. Adagala) what should happen to other Kenyan languages, because they are not international?

Kimemia: The other Kenyan language Kikuyu, the others should remain back at home but should not be recognized anywhere.

Com. Adagala: why should we be Kenyans

Kimemia: we should be Kenyans because we live in Kenya, we enjoy the freedom of Kenya but a language should not be a factor to consider one as a Kenyan.

Com. Adagala: Do you know language is a Constitutional issue?

Kimemia: Presently, in the present Constitution?

Com. Adagala: In all Constitutions in the world.

Kimemia: That is why---

Com. Adagala: The language is a Constitutional issue. Okay you have given your views. The other one is that the 8-4-4 system lacks the technical back up. The other system if it comes back, it will also still lack the technical back up, which means all children should have had computers. People keep going back to that system without realizing that we need to advance in modernity.

Kimemia: I am not speculating.

Com. Adagala: It is not speculation, we don't have a computer in every home. That is what education needs in the modern sector, in the modern world. The other one was that sponsors should contribute 30%, isn't it?

Kimemia: Yea.

Com. Adagala: what about parents, PTA?

Kimemia: Ah the PTA. Well it will depend on the institution. Lets take for instance the primary school or primary level, it will not be the same as the secondary and tertiary level, so it will depend. This will be agreed upon. But my issue is that the sponsors must contribute something, which is 30%.

Dr. Mosonik: Let me ask you just one last time, on this issue of language. You have been told it is a Constitutional issue and there are issues and questions. There is a specific question under cultural, ethnic, and regional diversity and communal rights. Should the Constitution recognize and promote indigenous languages and you are saying no---

Kimemia: No

Dr. Mosonik: So let me ask you, so do you think the Kikuyu as a people or a community should continue to exist or not? If so how can they do it unless their language is somehow protected.

Kimemia: Ah well I think they should exist because the generations to come will learn the mother tongue as for it but being official or being put as an official language, I was particularly talking about an official language in the country. That is why I think we should not take Kiswahili to be the official language, but on that I think there is no problem.

Prof. Salim: May you could tell us. you want English to be a national language or an official language? I Get the impression you are mixing up the issue of an official language and a national language, and you suggested that English should be a national language.

Kimemia: A national but not official.

Prof. Salim: Should there be any official language.

Kimemia: Yes

Prof. Salim: Should we have any official language?

Kimemia: Yea.

Prof. Salim: What language?

Kimemia: Any kind of language one thinks is fit but---

Prof. Salim: Kisomali, Kiunguja, anything

Kimemia: Kikuyu, Kijaluo ---

Com. Adagala: Kiganda to be an official language

Prof. Salim: But shouldn't there be any rationale for choosing a national language or on an official language. Shouldn't there be any logic and reason for it? We can't just pick a language and say this we are going to make it into a national language. There should be some reason for it. Really seriously I mean this is not a joke?

Kimemia: Yea. I think when I am talking about national language I gave reasons.

Prof. Salim: No you only gave one reason, all you only said lets take English because English is an international language. So you mix two things, national language with an international language. So you still leave us without any ideas to what a national language should be. Within Kenya what is or what should be the national language?

Kimemia: English.

Prof. Salim: On what basis?

Kimemia: On the basis that already the material we have are kept in that language.

Prof. Salim: and any official language in addition to a national language English, any official language?

Kimemia: Any official language will be the choice of an individual. I think that should be---

Prof. Salim: Thank you very much.

Kimemia: I have an N/B

Dr. Mosonik: We are not arguing with you eh-- this

Kimemia: not on that issue

Dr. Mosonik: This process, just wait, just hold it, hold it. One of the object and purpose of the review is to establish Constitutionalism, to put things in the Constitution that need to be protected. We are saying that part of our problem is that there are many things that we have not put right in the Constitution. So we have an opportunity now to do that, including respecting ethnic and regional diversity, and communal rights including the right of communities to organize and participate in cultural activities and expression of their identity. I think we ought to know that. We have a chance to put the Kikuyu language and other languages in a Constitution to be protected if we want those identities of ours to remain. Now we are asking you, we are not necessarily talking about the official language or the national language, but about this Kikuyu as a language, to protect it through the Constitution, if you want to protect the community. We have an opportunity, you are saying we don't use it?

Kimemia: Personally I don't have a view concerning that.

Prof. Salim: Thank you very much, asante sana, can we now find out whether Jane Muthoni from the organization for the mentally handicapped is back. Is she here? Jane Muthoni? Have you come back? Does anyone know, is she back? No? Alright. Hopefully she will turn up later. So to go on, we call upon Paul Kungu, Paul Kungu?

Paul Kungu: Yangu ni machache kwa vile hoja zangu zimeshatajwa. I want to talk about Presidential qualification. The President must have a university degree, even the ministers, even the cabinet ministers. Administration must be scrubbed also can be scrubbed with law elected -----(inaudible). We can elect councilors.

Background: ----- inaudible

Paul Kungu: We can elect the, administration, ourselves. We want them elected.

Background: ----- inaudible

Paul Kungu: The President or a minister or a ministry should not dissolve any organization like the coffee organization and council organizations. -----(inaudible). A President should not serve more than a term. We should give leadership to others.

If you know your father has already ruled this country we know you will rule like your father. So we can give chance to other people. So tunataka tuondoe hiyo miaka tano, wewe babako akiwa ameongoza nchi hii ama ndugu yako, we can give that chance to another person.

Prof. Salim: Lakini huna maoni juu ya ile time?

Paul Kungu: ile time?

Prof. Salim: Time ya kuongoza ya kutawala

Paul Kungu: Time ya kuongoza?

Prof. Salim: Eh

Paul Kungu: If the father has already ruled for a term, you with your family, you should not elect him.

Prof. Salim: Mh okay sawa sawa. Umemaliza?

Paul Kungu: eh nimemaliza.

Prof. Salim: Ah asante sana.

Dr. Mosonik: We are asking eh? You know, sasa tunataka tuwe tukisoma sheria. Sheria hii ya kurekebisha Katiba inasema: one of the objects and purposes is to establish the rule of law and democratic governance, democracy. Hata unasema tunataka demokrasia. Now if the son of a former President is competent and is popular and is elected by the people, why are you saying tumpige marufuku ati asiwe rais kwa nini? Is that democracy really?

Paul Kungu: Utaweza kuwa si mzuri lakini, wewe tunakuchagua kwani tunajua baba yako.

Prof. Salim: Hivi ni kusema kwamba tuseme tu, tuseme tu eh? Kwamba kesho Uhuru Kenyatta akitaka kuwa President, hawezi kuwa maana baba yake President.

Paul Kungu: Hapana, hawezi kuwa, hawezi kuwa

Prof. Salim: Kwa hiyo tuwe tofauti na America? George Bush alikuwa President, mtoto wake yeye amekuwa President pia.

Paul Kungu: Yea.

Prof. Salim: Hiyo—

Paul Kungu: Hiyo ni wazungu.

Laughter

Paul Kungu: Hatuwezi kulingana na wazungu

Com. Adagala: Hawa wazungu hawana demokrasia, sivyo? Anataka kujua does that apply also to the member of Parliament and a councilor. That if a member of Parliament has been a member of Parliament the daughter cannot be the member of Parliament or a councilor?

Paul Kungu: No I am talking about the President.

Com. Adagala: You know there is a system, you are just responding to what people are talking of presently. We are talking about a hundred years for the Constitution, okay? This is not like the Saitoti committee, which went around and found out some views about politics. This is for a hundred years and I saw you had an idea, you have an idea. So I want to know does this an idea a principle that applies to the presidency, the MP and councilors? If it is a principle does it apply?

Paul Kungu: It can apply for all. I can apply it for all.

Com. Adagala: The son of an MP can be an MP?

Paul Kungu: A son of an MP cannot be an MP.

Com. Adagala: Okay that becomes a principle the daughter of a councilor cannot be a councilor?

Paul Kungu: yes.

Com. Adagala: Yes okay.

Prof. Salim: Asante sana bwana Kungu.

Interjection: Asante.

Prof. Salim: To go on, we call upon Joseph Njenga. Joseph Njenga. Okay sawa come Joseph Njenga

Joseph Njenga: Mimi naitwa Joseph Njenga, kutoka hapa Githunguri Constituency, niko na maneno machache tu ningetaka kuzungumza, lakini naona kama mengine yamekwisha zungumziwa. Mimi nitagusia mawili tu. Nataka kusema habari ya chief na assistant chief. Naonelea chief na assistant chief wasije wakachaguliwa wakiwa chini ya umri wa 40 years. Wale wanachaguliwa na wanaandikwa wawe na 40 years, over 40 years.

Interjection: (Com. Adagala) kuchaguliwa---

Joseph Njenga: No no wakiwa wamekwisha kuingia kwa kazi. Wasiingie kwa kazi kama hawajafikisha 40 years. Kwa sababu the reason, hawa watu wanatatua maneno ya wananchi. Kama anapelekewa maneno ya mtoto aliyepigana na mwingine na hana mtoto, hajajua uzazi hawezi kutatua vizuri. Mwingine anakwenda kutatua maneno ya bibi na bwana. Kama yeye hajitimiza miaka ya mtu mzima anashindwa na hayo maneno. Kwa hivyo mimi nikaonelea awe na zaidi ya miaka 40 na asiwe zaidi ya 65. Hicho ndicho kiwango ningempatia, kwani itamfanya awe mtu aliye na maarifa ya kuongoza wananchi wale anatatua mambo yao. Lile lingine, nitazungumza habari ya industries, yaani viwanda. Viwandani kuna watu huletwa kuwa viongozi huko. Kwa mfano akiwa kama mtu mwanasiasa halafu awache, hana hata ujuzi hata kidogo, wa viwanda. Anashindiliwa tu madaraka. Utaona kiwanda kinaanguka kwa maana hana ujuzi. Watu wale huongoza viwandani wawe wameerevuka, wana ujuzi wa kiviwanda na wanaweza kuviendeleza vifikie kupata faida.

Nagusia pia employment. Employment sasa imeingililiwa na tribalism. Naona si vizuri watu kuajiriwa kimakabila kisha hata wengine hawana ujuzi, hana elimu, bali wako madarakani. Ikiwa mimi nitakuwa mkubwa wako na sina ujuzi kisha, wewe uko hapo, umesomeshwa, uko na ujuzi unajua vile unafanya, mara moja naanguka. Kwa hivyo naonelea employment iwe kwa wasomi kwa ajili ya experience ile wako nayo, hili waweze kundesha maneno ya nchi vile inatakikana.

Prof. Salim: ushamaliza?

Joseph Njenga: Yea nimemaliza

Prof. Salim: Asante sana bwana Njenga kwa maoni yako ni ya kauli ya mdomo kwa hivyo huna memorandum ya kutupa. Asante. Sijui kama wenzangu wana kitu cha kusema?

Com. Adagala: Asante, umesema education isiwe na tribalism---

Joseph Njenga: Employment, employment

Com. Adagala: Sorry employment iwe na education na experience.

Joseph Njenga: Education na experience.

Com. Adagala: Yes, lakini si jambo la sasa, ni jambo lilikuwako ---

Joseph Njenga: Ni lile jambo tutatengeza kwenye hii Constitution na litafuatwa.

Com. Adagala: Yea, lakini kwa employment tribalism imekuwako since 1963.

Joseph Njenga: Ni sawa sasa iondolewe.

Com. Adagala: Yea, sasa iondolewe lakini si iwekwe kama ni kitu cha sasa?

Joseph Njenga: Si kitu ya sasa

Com. Adagala: Ni kitu kimedumu ndiyo kinaoneka sasa

Joseph Njenga: Na ndiyo sasa tunatengeneza hii Constitution ili mambo yaliyo kombo yandolewe tuwe na mengine mapya.

Prof. Salim: Na tukiendelea mbele tutamwita bwana Lawrence K. Gachuhi. Yuko? Haya. Pia ni oral nafikiri, oh no written sorry ni written kwa hivyo highlight only please, five minutes.

Lawrence Gachuhi: Thank you very much Commissioner. Mine is written so I have to read what I have written and this is my view. In my view, the powers of the President should remain as they are at present, and these powers should not be shared with any other person. It should be noted that Kenya is a tribal country with over 40 tribes.

Interjection: (Prof. Salim) No history on anthropology please

Lawrence: Sorry?

Prof. Salim: Give us no history or anthropology. Just give us recommendations.

Lawrence: Fine, thank you. Note that we have heard a peaceful country because the President has the authority. I believe reducing the powers of the President is inviting chaos.

Prof. Salim: I have yet to hear one proposal from you. You have only five minutes.

Lawrence: Yea, the term of the President should be 4 years. 4 years not five years, per two terms. The President should never preside over harambees also applies to the civil servants because this is where we find corruption.

Provincial administration: The position of a chief should be scrapped and the D.O. We leave the assistant chief and the D.C. We should also scrape the P.C's office. However, I recommend that the assistant chief should be educated and should be well paid plus the D.C. They should be educated up to 'O' level. We should also retain the APs. They should be of 'O' level education. Assistant chief should of 'O' level education and well paid. We should retain the post of APs because they are closer to the people and they know the people of the area better than the regular police. The regular police are actually harassment to wananchi.

Prof. Salim: Any views or opinions on the police themselves, you have any views on that?

Lawrence: The police should remain as they are but we should enhance the office of the AP

Prof. Salim: But you complained about the police, you said they harass people but you have no solutions or proposals--

Lawrence: They should be taken back for training. Local government: Mayors and council chairmen should be elected directly by the people, and their term should be increased to five years. All councilors should be educated to 'O' level. With a pass in either English or Kiswahili so that they can understand the functions of council, i.e. the meetings and so. All councilors should earn a quarter of an allowance of a sitting MP. This I believe will reduce the grabbing of plots by the councilors. A thorough review should be set up to look into the salaries, allowance of the MPs and councilors and this Commission should be permanent.

Primary education: primary education should be free and compulsory. This will help those people who cannot afford to pay for their children. Everybody should be educated up to standard eight.

Land ownership: There should a limit of the number of acres a Kenyan can own. The rest of the land should be government land; the government should be able to manage that land in whatever way. The land that has been acquired wrongly for instance those people who have grabbed the land, should be returned to the government.

Dr. Mosonik: May be you can tell us that limit that ceiling on land, how many acres could it be?

Lawrence: Ah I don't have a limitation of the acres but it should be limited to whatever level. Lastly we have cash crops. For instance this area is a coffee growing area and the farmers here cannot earn a living. So I suggest we should have a consolidated fund sorry a revolving fund that is derived from the consolidated fund. This revolving fund will assist the farmers during the calamity, drought or when we have low cash crop world prices. This will sustain the farming activities in this area or in any other area. I am talking of the cash crops that is coffee, tea, maize and so on and so forth because I believe farming is the backbone of the economy of this country.

Prof. Salim: Thank you very much bwana Lawrence K. Gichuhi for very clear views and opinions and suggestions, I wonder whether anyone of my colleagues wants to ask you anything for clarification?

Dr. Mosonik: Just one more, you said scrape the chief the D.O and the P.C, retain the assistant chief and the D.C. Do you have any special reasons?

Lawrence: Yes, this is because of the proper administration. For instance if you have a case you go to the assistant chief, from the assistant chief you go to the chief, from the chief, you go to the D.O, from the D.O you go to the D.C, from D.C you go to the P.C. We should have only two officers. That is the assistant chief who knows you locally and then from the assistant chief you go straight to the D.C for easy, faster and proper administration of justice.

Com. Adagala: You know you can't have an assistant chief unless you have a chief.

Lawrence: The chief's office should be scrapped and then we have either an assistant chief

Com. Adagala: You will have to name it something else, not assistant chief. It is either assistant D.C or the assistant chief should take the place of the chief. So you end up with the chief.

Lawrence: You know we have an assistant chief governing a sub-Location. We should call him a chief for the sub-Location.

Com. Adagala: Okay that is what I wanted. Otherwise you have to call him assistant D.C.?

Lawrence: No we call him a chief. We scrape the assistant chief term for the sub-Location.

Com. Adagala: Sub-Location is there because the Location is there, so you will have to call the sub-Location a Location. It would have to move down in scale.

Lawrence: What I am saying we scrape the office of the chief. Then we have a chief of a sub-Location.

Prof. Salim: In that way are you really abolishing the position of the chief?

Lawrence: Yes, yes --

Prof. Salim: But then you say--

Lawrence: We either name it anything else because we will not have an assistant chief by then, so he will be a chief of that sub-Location, because he is an assistant chief since there is a chief.

Prof. Salim: Thank you. Asante sana you can hand in your memorandum, now can I just once more call out. Is Jane Muthoni back? I saw two ladies coming in and I just suspected perhaps one of them is Jane Muthoni. She comes from a very important organization that relates to disabled and until now we haven't heard, by the way any views from anyone who is disabled. Is there anyone who is disabled present now coming? Any other? She is not herself disabled, she is speaking on behalf of the mentally handicapped, but I am also asking is there anyone who is say specifically disabled? Yesterday we had quite a number

so far this morning no one has come forward. Unless one has registered but has yet to be given his chance. As I said in the morning, for the sake of diversity which we are supposed to honor and make sure that there is diversity in views. Yuko? Is there any disabled member in the audience we haven't listened to around? Yuko mtu yeyote ambaye ni mlemavu hapa leo? Ikiwa yuko tafadhali ainue mkono. Yuko? Tungependa walemavu wajisemee wenyewe ingawa Ms Muthoni tunafurahi kuwa atawasemea wale ambao ulemavu wao ni wakiubongo au kiakili. Okay hayuko, twataraji kwamba after lunch hopefully some disabled people will find their way here to give us their views, but for now we call upon Jane Muthoni, she wants to give us an oral presentation on behalf of organization of the mentally handicapped. Am I correct?

Jane Muthoni: Yes

Prof. Salim: Ah asante. You have a written memorandum or is oral? Okay.

Jane Muthoni: I work with the mentally handicapped. My name is Jane Muthoni Githara. Mentally handicapped it is the-- actually is the mentally. That is the organization for intellectually handicapped.

Background: ----- inaudible

Jane Muthoni: Okay, Kenya society for the Intellectually handicapped.

Background: ----- inaudible

Jane Muthoni: Sorry? It is registered. There yea, but I didn't register as(inaudible) in the way it is registered that is not the way I wrote it there. That lady there.

Background: ----- inaudible

Jane Muthoni: Kenya Society for Intellectually handicapped

Jane Muthoni: Okay, Yea, very briefly. It happens to be disability which has been left out in Kenya. Because when you look at those with vision disabilities they go up to university. Also if you consider physically handicapped, they too go into university. They are well catered for in the country. But when we come to the mentally handicapped when they complete their primary level studies they are just left out. I am saying it is the only disability that we have in the country, which is not considered at all.

Background: ----- inaudible

Jane Muthoni: Intellectually handicapped. Okay. Let me say the mentally handicapped which is well known, I mean which

people can understand.

Prof. Salim: Muthoni let me just find out one or two things so that we proceed clear as what we doing. What are you in the society? You are the chair person, are you the secretary

Jane Muthoni: I am assistant treasurer to the society

Prof. Salim: Assistant treasurer?

Jane Muthoni: Mh

Prof. Salim: And I said--- may be as I said honestly we are speaking here from ignorance.

Jane Muthoni: Yea

Prof. Salim: Are the two related mentally handicapped and intellectually handicapped?

Jane: yea

Prof. Salim: So that then you will be free to interchange, are they the same thing?

Jane: Yea the same thing

Prof. Salim: Thank you, that helps a lot.

Jane: yea, yea,

Prof. Salim: Where is the society registered?

Jane: It is an NGO

Prof. Salim: It is an NGO

Jane: Yea

Prof. Salim: Registered NGO?

Jane: Yea

Prof. Salim: Okay. So as you talk you can use either the term “mentally” or “intellectually”?

Jane: That term “mentally” is the one, which people to understand readily.

Prof. Salim: Right. Honestly we want to be educated believe me Jane, I want to be educated, so is there a difference between the two or are you dealing really with those who are handicapped in terms of mental faculties?

Jane: When it comes to registration that is when we use word “intellectually handicapped”. But when we are talking to people who only understand when we refer to the mentally handicapped, that is when we come to understand-

Prof. Salim: Is it the case of the more acceptable terms

Jane: Yea, it is acceptable term.

Prof. Salim: Intellectually is more acceptable, then mentally handicapped

Jane: yea, “mentally” is more acceptable than intellectually handicapped

Prof. Salim: Then why are you using intellectually?

Jane: Why we use “intellectually” is because the word “mentally” usually sounds very bad.

Prof. Salim: That is what I am saying, “intellectually” is more acceptable than “mentally”

Jane: Yea

Prof. Salim: Just having the word disabled we get it wrong we should say those who are challenged by disability. Anyway we don't want to go into debate on definitions but my colleague may be want to say something.

Dr. Mosonik: We wanted to ask you, is it a locally registered NGO, does it operate in this constituency or is there a branch here or is it national?

Jane: it is national and is has a branch here in Kiambu

Dr. Mosonik: with a branch?

Jane: Yea

Dr. Mosonik: okay. So you are speaking on behalf of the branch or national?

Jane: I am a national employee but I am also a branch representative, I am coming from Kiambu but it is national

Dr. Mosonik: Okay.

Prof. Salim: Sorry Jane for all that long interjection, you still have your full time of ten minutes to tell us about the problems of the intellectually/mentally handicapped.

Jane: Now when we talk of the mentally handicapped they are not regarded in the family so they happen to be the children left out. Some they feel that they are not part of the family, since they are not given a share of the land. I mean equal share with the other children.

Background: ----- inaudible

Jane: yea. And also the congregation. The family I mean the family should recognize the child as part of it. I also feel the government should give them vocational training, such that after their primary education, they can now go and be trained on something they can do for themselves which can enable them to earn their living just like any other citizen. I also feel, the government should create job opportunities for them. Especially if they have a preference for a certain job, they should be given opportunity to work. I also propose that the parish minister to be baptizing them, to recognize them in the church. I mean

when they go into the church, they normally don't behave very differently and people should not disregard them. They should give them a chance. People should not fear them or call them names because they are part of the society.

Prof. Salim: Jane it will help a great deal, you work with them, and for them can you suggest the sort of jobs which they can easily, given the comparatively lesser mentally faculties or their intellectual capacity, what sort of jobs specifically do you think they can easily retrained for and which will earn them something. Have you thought that out?

Jane: Yes. The work of the disabled means you put things there there the way you lay them should be such that they do not think much. They are very good at that, even they are not corrupt.

Prof. Salim: Mechanical touch

Jane: Mechanical yea. They find-----

Prof. Salim: You say that sort of job like putting boxes here and there to--- okay

Jane: Yes, also---

Prof. Salim: Anything else

Jane: I also say that they should try to decorate things, to put pins somewhere, where they can sit for hours, if they are decorating things, they can be given opportunity to do that. To do small jobs which doesn't need a lot of concentration.

Prof. Salim: As I said at the beginning it is very very important, we are duty bound and our action makes sure that marginalized groups, Kenyans who have always been on the margin of our life in this country, who have been neglected, we should bring them into the main body of society and help them. Therefore I am sure my colleagues will agree with me and you will agree with me, to give her more time so as to help us. As I said at the beginning we are ignorant about many of these things. So any suggestions from her or proposals to help this marginalized group, the mentally challenged, will help us also to think of ways and means, we can also help them by putting something in the Constitution, about them. So please feel free forget about time, is there any suggestions resulting from your work and experience be free to give them to us.

Jane: Can I say something which I haven't said already?

Prof. Salim: Yes, you could, but can we make a request to you, to kindly sit down and write a memorandum. This is a very important thing. In fact from all such organization as yours we normally get memoranda except yours. This is an area about which we have heard very little. The physically handicapped have been very frequent in giving us views. They have even been into our headquarters, but the mentally handicapped, a special group, a more specialized group of Kenyans we want to know more about them. So could you go back, write to us a memorandum post it if necessary or give it our local district coordinator, who will find ways of sending it to us. Thank you now we can proceed. My colleague wants to ask something on this.

Com. Adagala: Ah will you make an effort to come to headquarter, Commission headquarters? I am asking your organization, can it? Where is the chairman, chairperson?

Jane: She is in Mombasa

Com. Adagala: Yea can you get officials to come to the headquarters so that they can represent. Two, in the Constitution, although we realize that mental/intellectual incapacity can be very serious. People should actually represent themselves. It is good you have come, but I would have thought I don't know if my colleagues--you could have come with one or two adults, of the people themselves who are intellectually challenged. Yea, because you could have, isn't it?

Jane: yes

Com. Adagala: There are some who have more capacity than others. They need to come themselves because this thing of the church is very important, because some churches preach that this is the punishment of sin of the parents. You have not said that, you have just said they are called names and there should be more dignity and all that, but they themselves know how they experience that rejection. So next time wherever you go do come with a couple of them, so that you don't stand between them and Constitution. It is not allowed in the Constitution. Every person represents themselves for every interest group. I wish you could give us more specific jobs if you could write a memorandum and put it down it would really help. Did you know there was a national seminar for disabilities at the Commission?

Jane: No

Com. Adagala: Then you are not in touch with other organizations. There are national associations, which have come together as a network. You need to get in touch with them because if you isolate yourself you are doing what society does to the intellectually handicapped.

Dr. Mosonik: Just something small. In defining the qualifications for those to be elected, for example as an elected member the Constitution says that at the date of his nomination for election, he and under number to thirty five ID, not its thirty four; 1D C, this does not qualify if he or she is under any law enforced. In Kenya adjudge to be of unsound mind, and that phrase recurs, that is why we were asking you this question, is it mentally handicapped is it intellectually handicapped? How does that relate to the concept of being of unsound mind. So the terminology is very important and we should compare with the Constitution as it exists, which is being reviewed.

Jane: Can I now give the other view?

Background: ----- Inaudible

Jane: I also feel that married women although they are married illegally or customarily, I feel that they should have a share in their father's land, I mean the place they come from because--although she might be illegally married, and say she causes problems where she, is so I think married women should also get a share from their fathers.

Com. Adagala: Why not their mothers?

Jane: oh yes, oh together with their fathers, I thought a mother and father are the same.

Interjection: (Com. Adagala) Mother and father are not same otherwise they would not be married

Jane. Oh okay sorry they should also get the share from where she actually came from.

Com. Adagala: You know(tape stopped) it is your children and it is the women who should fight, because it is mothers actually who make a differences. So all children should inherit. It is in the succession Act.

Jane: The married woman ---

Com. Adagala: Not a matter of marriage, you inherit before you marry you get married.

Jane: So you get married when you—

Com. Adagala: No when you have your own, so it is a very serious issue but it is in the Succession Act. Women don't want to deal with the law

Jane: Oh

Com. Adagala: They want a law, it is in the successin Act. All children inherit. So all recognized children.

Jane: So we should inherit land just before you get married, -----(inaudible)

Com. Adagala: Even the men inherit first before they get married.

Jane: alright

Prof. Salim: In fact the impression I have, I am ignorant of these things. Jane Muthoni, on this point is it the case of, if I may use the term ignorance, that children even before they get married ----- (inaudible) should know that there is succession law under which they have a legal right to inheritance? Of those you know have they tried to get their rights under the succession law as children, legal children of parents, to get their rights before they get married?

Jane: No in Kikuyu tradition --

Prof. Salim: unless you want to tell me that perhaps custom is so strong, that they are not given those rights.

Jane: In our Kikuyu traditional customs, a married woman cannot inherit her father's property after marriage. But it so happens that when you get married when you go there, you get into problems and then you cannot to go back to your parents because you are divorced. So it is very hard now to go back your mother's or your father's place because you went away. That is what they say. So should you go back you are may even be beaten by your brothers. They will not accept you back. Now you end up now roaming just about, because you are in not with a husband, you are not with your father, then you are just nowhere.

Prof. Salim: Thank you very much we needed clarification on that. So what I was going to suggest is that it is now 1. 20 p.m. many of us have been sitting for quite a number of hours. We feel that we need a break, go out, stretch our legs for a break, shall we agree to break now? I have checked the number of people still waiting to give their views, and I think we can easily, even if we have a few more coming in, we can easily listen to the views of all of you today even if we go for a break now. We did it yesterday we broke for I think nearly an hour and came back, and everybody had the chance to finish. Can I suggest we do that? From the health point of view, I think we need to stretch our legs, have the blood running and those of us who are hungry can have a snack and then come back. May I suggest we come back exactly at 2.30

Background: ----- inaudible

Prof. Salim: Oh yes and those who have written memorandum they don't have to wait if they don't want to say anything about them. But I think even our staff needs a break. So lets wait until the afternoon. Thank you very much. **tape stopped**

Com. Adagala: we shall continue and those of you who have memorandum and you don't have time to wait, you can submit them. There is nothing wrong with that we shall go through all of them. Ningependa kuchukuwa wakina mama wawili. Ngojeni kidogo on page 3. Ann Njambi

Ann Njambi: I am Ann Njambi from Komothai Location, Githunguri division. My first point is about land ownership. I would like or it is my suggestion that when title deeds are issued, because we know very well that in Kikuyu society, the title deed is owned by men. In that connection I would like or I would suggest the title deed be jointly. So once a man gets married, the title deed should be jointly owned.

The other point is about education. When the government says that education is free, it should also give guidelines or there must be a law telling the heads how they are going to carry on the school duties. For instance here we have watchmen, the B.O.G teachers, and they have to be paid. Once they say there is free education, the parents outside there refuse to pay money for those salaries. So there must be a law or the government must issue salaries for those people. On the same issue, concerning

government colleges, I would like or I would suggest that when they are recruiting these people, they must give them surety that there is a job for them. For instance we have teachers who were recruited from the year 1998 and they are not employed. So if the government knows it is not going to employ them, let them not recruit those people because they are given hope and yet they are staying outside there with their certificates.

Background: ----- inaudible

Njambi: I would like the government not to recruit them.

Com. Adagala: For the next 100 years?

Njambi: No. (laugh)

Com. Adagala: You have to talk about today and have the perspective of 50, 20, 80, 30 ----

Njambi: What I am saying is, for now they are saying there is no money. For the time to come, whenever the government knows that there is no money, let them not recruit those people until they get the finances.

The other issue is about the added divisions, Locations, districts e.t.c. For instance, now we were in Komothai Location, and now we have to Locations Komothai and Kiratina. For the teachers and parents, there is something we call GHC. We who were educated earlier, knew we were in Komothai and now are in Kiratina. So for the sake of history. Let those added divisions Locations, e.t.c. be put out. I mean in history we learn that Jomo Kenyatta was born in Kiambu but what about today? Are we going to change the fact that he was born in Thika district?

Interjection: ----- inaudible

Njambi: I want those divisions to be done away with completely.

Com. Adagala: Which ones

Njambi: The added ones, the new ones.

Com. Adagala: What do you mean wiped out?

Njambi: To be put out, we remain with the old ones

Com. Adagala: Mama, wewe na mimi ndiyo tunazaa watoto ndiyo idadi ya watu inaongezeka. Unapendaje tusizae? Tukae tu vile--

Interjection: (Njambi) Ninataka tuzae na tukae kwa division zile za zamani, kama Komothai ile ilikuweco, ili kama watoto wanafunzwa, tunafunza kitu kimoja. Vile mimi nilifunzwa na mtoto wangu afunzwe hivyo. Are we together?

Com. Adagala: I don't want to be -----(?) because I don't understand. You know, actually I have got from a lot of people is that change is not something good. Overall, where I have gone in Central province I have realized that change is not a good thing. So I don't know what to do. Kama idadi ya watu inaongezeka na 1960 tulikuwa 4 million people now we are 30 million---

Njambi: Nowadays the population is decreasing,

Com. Adagala: Okay so you want us to decrease them?

Njambi: Decrease

Com. Adagala: and wipe out? Isn't it?

Njambi: eh

Com. Adagala: Wipe out new Locations, divisions, okay?

Dr. Mosonik: May be Ann you could tell us, new since when? You see, like Kiratina when was it created? But you know there have been changes over the years? We have a benchmark, a deadline, to say from this date the new Location should be scrapped.

Njambi: From 1990

Dr. Mosonik: From 1990. Okay.

Com. Adagala: Nyingine?

Njambi: Finally, I would suggest that if an MP or if a person was once an MP and he has been defeated in the elections may be two times, let him or her not contest for that seat any more.

Com. Adagala: two times eh?

Njambi: Yes

Com. Adagala: MPs only?

Njambi: yes

Com. Adagala: Councilors?

Njambi: I am talking about MPs only

Com. Adagala: Okay. Haya, nyingine?

Njambi: I am through.

Com. Adagala: Okay, any clarification? I think we got the clarification we needed.

Dr. Mosonik: Eh supposing when you are writing history, I am a senior lecturer in his history and this is the professor of

history, then we keep writing each time. He was born in Kiambu and then we put in brackets, you know, in parenthesis now Kiratina. You see what I mean? So that there is the old name and then there is the new name. You know like when we say somebody was born in Kenya, if they were born in 1898, there would be the East Africa Protectorate, if it was 1920 the colony and protectorate of Kenya, and then it was just an independent country called Kenya in 1964, and then it was a republic of Kenya after that. May be you want the identity of the place when the person was born rather than saying we must not change at all, in the light of seeing, that change in world especially what was mentioned with the population show. And some people may prefer a new name by the way. There are a lot of people who prefer new names. They say that this name is more original than the name that was given, especially, when some names were given by colonialists; who just gave a name without knowing the pronunciation, that kind of thing. Are you against change or are you for identifying people for historical purposes by the name of the place when they were born?

Njambi: I am against change.

Dr. Mosonik: Okay. (laugh)

Prof. Salim: Thank you very much, Ann Njambi, I think yes I was out---

Njambi: But there is something I forgot

Prof. Salim: Eh we can't keep remembering because your colleagues here want to come and give their views

Njambi: Please let me---please allow me

Prof. Salim: one point?

Njambi: One point.

Prof. Salim: Mh

Njambi: Ah there is this issue about mentally handicapped children. I feel that those children should be put in units or homes. I don't find it wise to keep them or to let them stay in those homes rather than letting them go to the normal schools and be considered as slow learners. So I would like the government to make a law that those children should not be kept in those units but they be kept in the normal schools with other children. Because in normal schools they learn a lot more than they learn in their special homes.

Background: ----- inaudible:

Njambi: Yes they should not be put in homes. Units, special school sometimes we call them homes. Mh. In ordinary schools

Background: ----- inaudible

Njambi: yes.

Prof. Salim: Asante sana, we go on to Bwana James Roria. Is he back? Oh you have heard him? Okay. I stopped on this

one, Joseph Njenga was the last one, ah no you couldn't Oh yes that is I have but I have gone back now. I have gone back to to the original list where we stopped and the next person in order is James Roria is he here?

Speaker: Amemaliza

Prof. Salim: Amemaliza?

Speaker: inaudible

Prof. Salim: Okay so. Francis Nguchu

Francis Nguchu: Thank you. My name is Francis Nguchu Karanja from Komothai Location -----(inaudible). In my submission, I would like to comment on the following: There is this issue about National Food Policy. Our country mainly depends on Agriculture, and I would propose that the forth coming Constitution to be clear on this issue food policy. We cannot be growing crops and then importing the same which we are growing in excess. I would propose that the next Constitution to be clear on issues about food policies, that is, National Food Security.

The other issue is about environmental degradation. Our forests and natural catchment areas are continually being degraded. I would propose that the Constitution be clear on issues of Environmental degradation. It will be a sad issue to ---

Interjection: (Com. Adagala) Please use that language which you can because now we don't know what you are saying,

Francis: degradation

Com. Adagala: Degradation?

Francis: degradation is continued continues

Com. Adagala: We know what it is. What do you want us to do about it?

Francis: The next Constitution should be clear on issues.

Com. Adagala: what do you want them to say?

Francis: To enact committees or to give powers to Parliamentary elected members to -----(?) to be going round and seeing to it that the -----(inaudible) the environment is safe for the future generations. The other issue is about retirement benefits. Retirement benefits should be enhanced to include all the citizens especially after attaining the age of 70. I would propose that the Constitution should safeguard or consider every citizens as a person who has contributed to the development of the country. Most people after attaining the age 70 are not able to participate fully in agricultural development like in taking a hoe and going to the field to dig. I would propose that the future Constitution considers giving them a kind of remuneration, at least something to keep them going i.e most of our old people.

I would also propose the Constitution considesr the issue of unemployment. Universities and colleges are letting out many graduands day and night.

Com. Adagala: Nobody graduates in the night. Your proposal should be on employment not on unemployment. It is employment, a positive thing.

Francis: Okay, I would propose that the government should seek ways and avenues to create more jobs for coming generations.

Com. Adagala: Do you have any ideas yourself?

Francis: Pardon? Ideas would be like boosting the agricultural sector and enhancing ways and avenues to create more chances for foreign investors to come into our countries, i.e giving them conducive environment to participate in business thereby creating jobs.

The other issue is about poverty eradication. I would propose that the Constitution should come up with clear future government policies. Some of the policies implemented while others are not. Like in poverty eradication, the lowering of taxes on all things will boost agriculture.

Com. Adagala: Eh, have you finished?

Francis: No. The other issue I wanted to talk about is carrying out business. In future I would propose the issuance of licenses. I would hate see a situation where a manufacturer is the same person who is wholesaling, at the same time he is person who is retailing. If you are a manufacturer, you remain a manufacturer. Give a chance to that person who is wholesaling and the wholesaler will give the chance to the person who is retailing. For example if you establish a business, I'm retailer, you are a wholesaler, I am buying goods from your place and then we are in the same Location, you are selling at a retail price and I am selling at retail price, I have so many people coming to your place. I would not get a person to sell to.

Prof. Salim: We are running out of time bwana Nguchu, we have got a lot of other people. Have you finished?

Francis: Okay let me wind up. The other issue is recalling our members of Parliament and councilors. If the constituents feels that these people are not delivering, can the Constitution be clear on modalities on how we can recall them back and tell them now people are not delivering.

Com. Adagala: ----- inaudible

Francis: Okay, in fact I knew of your coming yesterday and I would have written a memorandum. In fact I will go back and

write all that I would propose, and then give it to you.

Prof. Salim: Otherwise, thank you bwana Francis Nguchu, Harrison Mwaura?

Harrison Mwaura: Asante sana Commissioner. Mimi ni Harrison Mwaura kutoka Komothai hapa Kiratina sub-Location. Yangu sitaki kueleza sana,

1. Nasema rais apunguziwe madaraka yake kuliko ilivyo wakati huu au wakati tulipopata uhuru.
2. Katiba ile tunatengeneza wakati huu, iwe inahusu kila mtu yeyote katika jamhuri ya Kenya, kwa sababu. Inaonekana kama kuna wengine hawaambatani na Katiba tulio nayo.
3. Mashamba. Tuseme Serikali ikitaka shamba ya mtu kama mimi au wewe awe anapatiwa shamba lingine kulingana na vile shamba lake lilivyokuwa hapo awali na hiyo gharama iwe ni ya Serikali. Kwa mfano, hiyo hospitali iliyoko hapa, na police iliyoko hapa ilijengwa hapa mwaka wa 1978. Wale walipeana hiyo mashamba yaani plot wakati huo, wengine hawajapata mashamba mengine hata leo. Wakati huo nilikuwa chief, na mimi ndiyo niliwapeleka wengine Kerita na wengine hawajapata mashamba hata wa leo.

Prof. Salim: Compensation kwa mashamba yaliyochukuliwa?

Harrison: Wananjia mimi mwenyewe wakiniuliza niliwafanya namna gani? Na hivyo ni kumwachia mtu taabu, aliye madarakani.

4. Ni wakulima kama wa kahawa, ama mkulima yeyote aachiwe madaraka kwa kile kitu analima. Ikiwa ni kahawa, tuna pendekeza pesa iende kwa mkulima mara moja bila kupitia vichorochoroni.
5. Minister apunguziwe madaraka. Kwa sababu hata mamboyakipitishwa na bunge, minister hujiongezea mambo yake. Yaani anachelewesha mswada. Hatekelezi upesi.

Prof. Salim: Siku ya kufanya nini?

Harrison: Siku, yaani wakati mswada umepitishwa na bunge na ukawekwa sahihi na President sasa minister anaongeza siku zile zilizotajwa.

Prof. Salim: Yaani anachelewesha?

Harrison: Anachelewesha.

Prof. Salim: Okay.

Harrison: Lingine ni la masomo. Masomo yawe ya bure. Serikali itoe masomo ya bure kwa sababu watu wasio na uwezo wa kifedha, hawasomeshi watoto.

Prof. Salim: Ungependelea education iwe ya bure?

Harrison: Iwe ya bure

Prof. Salim: Mpaka wapi?

Harrison: Tuseme kutoka standard one kwenda mpaka darasa la nane, elimu iwe ya bure kabisa. Kutoka pale kwenda hadi form four, mtu anaweza kugharamia masomo kidogo, bali Serikali itoe usaidizi mwingi ndiyo watu wote wawe na elimu ya kutosha.

Lingine, na ndilo la mwisho, wakati huu Serikali yetu tangu tulipopata uhuru imekuwa ikiteua kwa mfano, kama waziri wa afya na matibabu hospitali anafanyiwa ambaye hajasomea uuguzi. Kwa hivyo angependekezwa awe amesomea udaktari ndiyo awe akijua mambo kuhusu madawa inatazamwa namna gani, au hospitali inaendeshwa namna gani. Kwa sababu wengine hata wanatolewa kwa jeshi na waanapelekwa kwa hospitali. Mwingine anatolewa katika police anapelekwa kwenye ministry isiyo yake. Hayo siyo mazuri. Hiyo si Serikali.

Prof. Salim: Asante bwana Harrison Mwaura umesema kuwa hiyo ni mwisho?

Harrison: Ndiyo

Prof. Salim: Okay, thank you very much, asante kwa maoni yako. Sijui kama wenzangu wana swala lolote, Com. Mosonik, Com. Kavesta Adagala? Asante. Bwana John Muigai yuko? Amesharudi? Hayuko. Bwana Mbaa Moses:

Mbaa Moses: Majina yangu ni Mbaa Moses kutoka Gathinguru katika tarafa hii ya Githunguri. Jambo la kwanza ambalo ningetaka kupendekeza katika Katiba mpya ambayo tunaiunda sasa ni kwamba, ile Katiba mpya iandikwe kwa lugha ya Kiswahili kama itakavyoandikwa kwa lugha ya kiingereza. Sababu yenyewe ni nini? Sababu ni kwamba si wengi ambao wanaelewa Katiba ya sasa, kwa sababu hata kama kuna nakala za lugha ya Kiswahili ni chache sana na hazipatikani. Kwa hivyo tunasema Katiba mpya iandikwe kwa lugha ya Kiswahili na iandikwe kwa lahaja ya Kiswahili ambayo imesanisishwa yaani lahaja ya kiunguja. Na pia Katiba mpya ambayo inaandikwa kwa lugha kiingereza isiandikwe kwa lugha ya kiingereza kile cha zamani, Latin American, ambacho hakiiieleweki. Tunataka iandikwe kwa lugha ya kiingereza cha kisasa, yaani modern English. Hata katika biblia, tunapata biblia imeandikwa katika new international versions ambazo zinaeleweka kwa urahisi, Katiba iwe hivyo.

Kiswahili pia kifundishwe na kitahiniwe katika viwango vyote vya elimu. kuanzia darasa la kwanza, ama shule za chekekechea mpaka vyuo vikuu. Wale wote ambao wanasomea nyanja mbali mbali ambazo zitahusu uma kwa mfano wanaosomea kilimo, udaktari, pia nao wafunzwe kwa Kiswahili, ili wakija kuhudimia wananchi waweze kuelewana na wananchi moja kwa moja.

Pia, tunasema nini kuhusu sheria? Sheria pia iandikwe kwa Kiswahili, ambacho kitaeleweka ili kila mmoja wetu aelewe sheria inayomtawala na inayomfunga ili tusiwe watu wakukanganywa na mawakili wakitumia lugha nzito ambayo hatuilewi. Tunataka sheria pia ziweze kueleweka moja kwa moja.

Kuhusu elimu. Napendekeza ya kwamba elimu iwe ya bure kuanzia darasa la kwanza hadi vyuo vikuu. Sababu ni gani? Serikali in uwezo wa kuchukua ushuru na kuongezea ikaweza kutenga kiwango cha pesa ambacho kinaweza kukimu mahitaji ya elimu humu nchini. Na kama sivyo hivyo, katika shule za upili, basi tulipe Serikali ilipe 70% na sisi tulipe 30%.

Kuhusu mambo haya ya PTA. PTA tunataka iwekwe katika Education Act ili iweze kutambuliwa. Maanake mpaka sasa haitambuliwi. PTA imetajwa tu pale, na mzazi sasa ndiyo anayelipa pesa nyingi, ndiye ambaye anamlipia mtoto wake, ndiye ambaye ameweza kustawisha ile shule, lakini hasemi chochote kuhusu uendelezaji wa ile shule. Kwa hivyo tunasema nini? PTA iwekwe pale na ipatiwe nguvu ifaayo. Jambo lingine ambao nitasema ni hawa sponsors. Sponsor awe defined roles zake ni zipi katika shule. Anafanya kazi gani sponsor huyu? Anasponsor nini huko? Ieleweke vizuri sana katika Katiba ili tusiwe na hizi tafashani ambazo tumekuwa nazo, hawa wakisema hivi na hawa wanakataa. Ieleweke kila mtu ajue kazi yake ni ipi. Mfumo wa elimu uweze kuwapatia wale wote ambao wameupitia kazi. Vipi? Kupitia kwa Serikali. Iwe na sera nzuri ya uekezaji. Tuweze kupata viwanda vingi ambavyo vitaweza kuwachukua hawa watu ambao wanatoka katika vyuo vikuu, waweze kupata kazi. Ili tusiwe tunafundisha watu, tunawapeleka kule university, wasome shahada nyingi na halafu baadaye wanahama na kuwenda kufanyia wengine kazi. Tuwapatie kazi hapa.

Jambo lingine ni kuhusu kilimo. Katika sehemu hii yetu tuko katika ile tunaita agro-based economy. Kwa hivyo wakati ambapo kilimo kimekuwa na mtafaruku, basi tutakuja kuangamia. Serikali ibuni sera ambayo itakuwa ni imara, na ambayo itatuwezesha sisi kama wakulima, kuhakikishiwa ya kwamba tutapata soko kwa mauzo yetu, tutaweza vile vile kwa kupunguziwa vile vitu ambavyo tutatumia katika ukulima. Kama ni mbolea kwa mfano upunguzwe ule ushuru, uwe wa chini kiasi ya kwamba mkulima yoyote anaweza kuupata. Tusiwe watu wa kunyanyasa mkulima. Kama ni wakati ambapo tunapata mavuno mengi kuwe na sera ambapo Serikali itaweza kuweka katika maghala yake, halafu ikatoa wakati ambapo kuna upungufu. Si kusema kwamba kupata njaa halafu baada ya wiki mbili tatu hivi kumetangazwa twataka msaada. Haya hatutaki tena. Twataka sera nzuri.

Prof. Salim: Bwana Mbaa Moses wakati wako umekwisha kwa hakika nafikiri uko karibu kumaliza, labda point ya mwisho?

Mbaa: Yea katika kumaliza malizia,

Prof. Salim: Kwa ufupi kabisa tafadhali

Mbaa: Kuhusu pia kilimo. kwamba Serikali pia itoe pesa katika utafiti na uendelezaji wa kilimo. Siku hizi tunaongea kuhusu genetic modification, hatujazipata hapa. Uchina wamepata, mchele wanaweza kukuza hapa kwa wingi na kutuletea hapa

Kenya. Na sisi tunaweza kukuza pia kwa hivyo nasema tuwe na sera nzuri ambayo itawezesha tufanye utafiti na tuweze kukuza na kuinua kilimo chetu. Asanteni.

Prof. Salim: Asante bwana Moses Mbaa. Any comment, questions for him? Bwana John Ng'ang'a Kangethe.

John Kangethe: Asante sana Commissioners kwa kunipatia muda huu ili nitoe pendekezo langu kuhusu kurekebisha kwa Katiba ya nchi yetu.

Interjection: (Prof. Salim): Tafadhali jina lako kwanza, umeshasema?

John Kangethe: John Kangethe.

Prof. Salim: Pole pole sana

John: Nishasema, John Kangethe Nga'ng'a. Hata kama nilitumia address ya Nairobi kwetu ni hapa tu Kigumo. Pendekezo langu ni kuhusu Education Act. Ningetaka elimu iwe ya bure kutoka standard one mpaka standard eight ili tuondoe illiteracy. Kwa sababu hasa wakati huu, watoto hawasomi kwa sababu ya kukosa pesa. Lngine ni BOG, Board of Governors in secondary schools. I feel that this one should be abolished completely because they don't have funds to govern with, we have only funds to manage, which are contributed by the parents. Kwa sababu you find that those who are in the BOGs are old people, they don't have children in that given school, and yet they are decision makers. We feel that it is not proper that they should continue to run in the schools. The PTA should be empowered, be given a chance to run the school because they are the ones who contribute money towards the same exercise. What we have in primary schools should be applied in secondary schools.

Lngine ningetaka kuguzia ni kuhusu education, ni chancellor wa university. Hili lahusu Rais. I feel he should not be the chancellor, somebody else should be appointed by the university council to head the university. This should be somebody who is an educationist who knows what is to be done and what is required.

Hilo lngine ni juu ya creation of districts, divisions, constituencies, e.t.c. That should be determined by the population in a particular area because what we have now is somehow is biased. You find that an area where there are very few people is given a division or a constituency, something which it does not really deserve. While in other areas where you find many people, the administrative units are not there.

Prof. Salim: So what is your proposal?

John: That the divisions or the constituencies should be created according to the population of a particular area.

Lngine ni kuhusu wabunge wetu. I feel that most of the times they are not in Parliament yet they increase their salaries. There

should be a Commission which will look into their salaries, not themselves, because they are the lawmakers, they just pass anything, and it goes through and it is implemented immediately. So a Commission should be formed to review, to look after their salaries just like what we have in other bodies.

La mwisho ni juu ya judiciary and legislature. That the chief justice should not be an appointee of the President, because whenever there is a case the judgment will be is biased. He will be dictated to, by the person who has appointed him.

Prof. Salim: Here the question arises, who should appoint?

John: The chief justice should be appointed by the Judicial Commission.

Prof. Salim: Tafadhali bwana Kangethe John Ng'ang'a point of clarification.

Com. Adagala: We are a country of varied geographical and environmental diversity. Why do you want us to use only one factor to decide on administrative or political units? Because it could be argued that people who are over populated don't deserve to have special places. Are you saying when we will get there and will presenting this and there will be some people from Turkana they will probably be saying just that. For instance Turkana is the largest district in the country so it takes a very long time to go from one end of it to the headquarters. So those people are inconvenienced in that way. It is still large anyway, so why do you think we should use only one factor, population?

John: Eh my point of thinking is that the purpose of creating these districts and divisions is to bring the administration closer to the people. You find a place like Turkana and North Eastern, the place is scarcely populated, that means there are not very many people to be governed, yet in an area like Kiambu, there is no comparison--

Com. Adagala: So those people should have administration brought closer to them, isn't it?

John: Yes according to the number of people of people who are there.

Com. Adagala: So we can consider them non- Kenyans then?

John: No they are Kenyans but then--

Com. Adagala: Then you have to consider their environment?

John: Yea, that one should also be considered but actually it should be according to the population.

Dr. Mosonik: You know I think we are asking questions so that we are clear. You have said to bring administration closer people, not closer to many people. There is this question of Turkana, which we said is equivalent to three provinces, just as

one district in terms of area

John: yes.

Dr. Mosonik. Bigger than Nyanza and Western and Central combined in terms of territory. Then you know that they are backward there, there are no roads, no transportation. The other day we went to East Pokot, Baringo East and they have 3 divisions and to get to where we were sitting as a Commission, two men walked 60 km. Saa moja jioni wakaanza safari, walifika saa kumi na moja asubuhi, but only one arrived so as to be able to attend, and the others they cannot get there at all because hakuna barabara. There are no vehicles. They see vehicles only once a week, something like that. So if you are bringing administration don't you think you should consider factors like that? We are not disputing the question of population at all but we have got to get a kind of compromise as Kenyans so that everybody feels that they have been considered, fairly.

John: Yes, but then I don't see the need of bringing a D.O in an area where he will look after 30 people or 50 whereas in other areas you have about 2 thousand people and the D.O is very far from them. So I feel that the population should be highly considered.

Prof. Salim: It seems bwana Kangethe you want to do exactly what my colleague fears might happen. In other words in those areas which are huge but population is small you are saying that there is no need for such services, government services at all?

John: No no I don't mean that.

Prof. Salim: Well We've been told for example that a place like Ijara has only 7,000 people, and therefore it is not like some other places where the population is in thousands, tens of thousands and the hint given to us, is as if Ijara's 7,000 people or eight thousand whatever it is, that they don't need a representative to speak for them in Parliament. Okay can I put it another way, what is your idea of a figure we should determine the formation of a constituency?

John: It would depend on the potential in a particular area.

Prof. Salim: Mh

John: Yes, the average--

Prof. Salim: Okay, those are your views and we respect them. Thank you

John: Okay

Prof. Salim: Ah now we want to go back to the subject of diversity. We have heard someone purporting to speak for the mentally challenged this morning, can we then give the chance to someone who has come in late but he belongs to a group that has been marginalized and a group that we have been ordered by our Act to look into their welfare? Luckily at least there is

one. He is a physically disabled mwananchi and since we haven't heard one disabled person speaking for himself and his fellow disabled, I would like him to call him to come and give his views. He is Mr. David Njenga.

David Njenga: Thank you chairman and the guests. My name is David Njenga. I came here in the morning. I found somebody talking about the disabled, how disabled people are given responsibilities or any other thing. I would like to say that even those disabled, they can be given powers and authority to do anything, they can be even Parliamentarians. They have never seen a disabled person being a Parliamentarian or a councilor, why? That does not mean they are not educated. They are educated as everybody else but they are not given this opportunity.

Interjection: (Prof. Salim): Bwana Njenga, give us proposals as to how disabled can participate in everyday life in society or whatever else you feel you want to tell us. But give us proposals and recommendations. Are you talking in terms of the disabled in Kenya not having positions or in the world or ---

David Njenga: No sir I am talking about ----- (inaudible) which I know. In Kenya but not in the world---

Prof. Salim: My colleagues tells me that you are not aware that there are a lot of disabled people in important positions here in Kenya. But never mind, we don't want to but this, this is your chance to tell us about the problems of disabled and how they can be helped.

David Njenga: My proposal for the disabled is that -----(?) but most of them are not given priority to do they be given chance to compete with other people whenever there is anything to do. My proposal is that I have seen that in cooperatives if anybody messes about with anything of the public conducted connected with cooperatives, I don't know whether there is a law which concerns that.

I would like the Commission to have a law concerning mtu amechaguliwa kama chairman atakayenyakua vitu ya watu na anawacha hiyo company halafu cooperative inafunga. Mnasema inafilisika. Hakuna, huyo anaenda anakuwa tajiri. I propose kuwe na sheria ya kumfuata mpaka kwake nyumbani.

Prof. Salim: Kwa hivyo jambo hilo halihusu walemavu unasema tu kwamba yeyote ambaye amekula pesa za wanachi afuatiwe?

David: Afuatiwe mpaka kwake

Prof. Salim: Haya endelea

David: Wale wengine ni wasimamizi wa parastatal za hapa Kenya. Hata wao wafuatwe. Tumeona nyingi, zilifilisika na hatujui, sisi wenyewe zimefilisikaje. Hiyo sheria iwekwe kali.

Lile lingine ni tujaribu tusiweke pesa juu ya sheria.

Prof. Salim: Pesa?

David: Pesa hapana juu ya sheria. Siku hizi tunaonekana, tunaweka pesa juu ya sheria.

Prof. Salim: Asante hilo ni swala muhimu sana twakushuru na ungengojea kidogo wenzangu wana maswala kidogo kukuuliza.

Dr. Mosonik: Yea, ningependa kuuliza kukuhusu, jambo la kwanza ulilotaja: give priority to the disabled. Tukisema kuhusu bunge ama council, unawezaje to give priority to them? Tuseme kuhusu bunge how do you do that?

David: Tunalotaka sasa ni kuwa wakati wa election, tuiseme ni yule mtu mwenye nguvu tu. Mtu yeyote akiapply awe considered. Asiconsidered ati ni mtu ako kiwango aina gani, yuko na utajiri au nini, iangaliwe njia yote. Hapo ndipo nilikuwa nasema maana sijaona mtu wa aina hiyo hata akiwa na elimu zake.

Prof. Salim: Asante sana bwana David Njenga, twakushukuru kwa maoni yako. Na sasa namwita bwana Njoroge Kinuthia. Njoroge Kinuthia yuko? Hayuko. S.K Kimani. Bwana Kimani you have a maximum of ten minutes eh? But you don't need to use all of it.

S. Kimani: Yes. My name is Stephen Kinyanjui Kimani and I come from this Location. I have two points I want to raise which I will request the future Constitution to consider. These are: you see all of you go to the city and you see how the askaris are behaving. You might be walking you as a Commissioner and you meet a disabled person is selling something and he is harassed.

Prof. Salim: Mr. Kimani sorry to interrupt but we are all aware of the situation. Okay just refer to it quickly.

S. Kimani: I come to the judiciary. As a Christian these askaris can arrest me because of interacting. If I am taken to a police station, I am being told--

Interjection: (Prof. Salim) Sorry bwana Kimani, is that the second point?

S. Kimani: No no I am continuing

Prof. Salim: You are giving examples of harassment on the streets and now harassment of those arrested? What about the proposal? What do you want done, we are aware of it?

S. Kimani: Is that eh Okay

Prof. Salim: We can put it together as police harassment to hawkers and those who are detained and then give us your recommendations.

S. Kimani: Judiciary doesn't take care, if I am not a hawker and I am arrested if I deny "I am not drunkard" or "I didn't bhang" and for sure I don't. I am put in a cell for 14 days, in remand, and there is nowhere I can complain about this. And if you try to write to higher authorities, it seems you can be followed. So I propose there must be a Commission where we can be reporting this, where they can discuss each case.

The second one is about our roads. We have good roads they were built 20 years ago. The engineer has been given a budget each year for maintenance. He doesn't come and in case you are found sealing a pothole he can arrest you and you are put in a police station. I would propose that a Commission should be set where we should be reporting or complaining about the district engineer not using the allocated money in the budget in the right way.

Prof. Salim: Bwana Kimani in this way you are going to take a long time. Just tell us what things to be done about bad managers, bad engineers and bad contractors regarding bad roads.

S. Kimani: For the money he has earned through corruption, he should either be jailed if found guilty as a deterrent for them to fear to do such things. Second point is about education, I mean the third. We have got special children who are very intelligent. In other countries, there are special children so they don't go to university. We should have a Commission set to select those children who are intelligent or special in other fields. So we can have inventions of things, like Japan. If a child is even in standard four, if he/she is special in electricity there are places where they are taken. So we should have a Commission to look into that.

Prof. Salim: So what do you want to do with these bright young people?

S. Kimani: Sorry

Prof. Salim: What do you want to be done, what do you want the Commission to do? Once they identify this young people what do you want them to do with them?

S. Kimani: The Commission should be set to recruit people to run other industries after they have studied. The special children because--

Prof. Salim: Okay, these are geniuses, very bright young. But having they finished their education?

Kimani: I --

Prof. Salim: After they have finished their education? You see there are two aspects on this I am sorry to interrupt. We need to get things very clear so that we can take them round. You want a Commission set up to identify very very bright young

people, to educate them specially or to use them after they have been educated in very key industries in accordance with their qualifications? What are you telling us? Are you telling us the first or the second? In other words you are not clear on what should be done with these young people. Are they already graduates or they are those who are very bright in secondary schools and therefore they should be identified, to be educated in a special way.

Kimani: Right from secondary they should be identified rather than taking everybody to university.

Prof. Salim: Having been identified what should be done with them?

Kimani: It is the Commission to select

Prof. Salim: Having already selected them, what should they do with them, I have selected these five very bright people I am a member of the Commission and these are colleagues in the Commission. I have selected them what should I do with them?

Kimani: They should be given money to do research on what they are good at. Another point is about the hospitals. Our ministry of health has relaxed because some drugs which are brought here are for testing. And actually they have caused so much danger to people because they don't know. So I propose because each person if he is given the chance to oversee the selection, they will allow so many things to come in. It should be formulated. If it is hospitals or teaching university medical schools to discuss before a drug comes. That will help many diseases, which are coming.

Four, agricultural chemicals, which we spray. We don't have knowledge what they come to do. So I propose or either our research institutions are not doing the right thing. The Commission should be checking chemicals coming for agriculture because we might spraying some chemicals like vegetables. You may see a tomato in town it is so attractive and has been sprayed with a chemical which can cause cancer. Vegetables which you find actually so greenish and over this we don't have a say at all.

Prof. Salim: Joseph Kibe Ng'ang'a.

Joseph Kibe: Eh asante sana kwa kunipatia nafasi hii hili niseme machache hata ingawa mengi yamesemwa ambayo nilikuwa nahitaji kuyasema hapa kwa Commission. Ya kwanza ilikuwa ni kuhusu uwezo wa President. President wetu ana nguvu zaidi ya kwamba ni above the law. Ati hata akiniua hawezi kuulizwa. Tuwe na sheria ambapo President hatakuwa na nguvu, akitaka kuniua, anaweza kuniua, akitaka kuniondoa anaweza kuniondoa. Hivyo nikaona yuko na nguvu zaidi na ilegezwe kidogo. Pointi ya pili ni upande wa Ministers. Ministers wanachaguliwa na President. Kwa hivyo wanafanya vile wanaambiwa na President kwa sababu wako na uoga, hawawezi kufanya kitu ambacho kiko right ikiwa President hakitaki. Kwa hivyo naona wamepewa nguvu zaidi wawe wamelegezewa kidogo. Afadhali hawa wawe wakichaguliwa na Parliament yenyewe.

Vile vile upande wa judiciary. Nianzie kwa Attorney General. AG mwenyewe anachaguliwa na President na akichaguliwa na President--

Interjection: Prof. Salim: Bwana Ng'ang'a sisi ni wakenya tunafahamu mambo yote haya kwamba AG anachaguliwa na President. Sasa unataka nini? AG aendelee kuchaguliwa na President au achaguliwa na mtu mwingine au na chama au na board au nini? Tafadhali una dakika kumi na mimi baada ya wewe kusema nitajaribu kupunguza zaidi, badala ya kumi kidogo iwe hili ni muhimu, hili wote hawa waliojiandikisha wapate nafasi. Kwa hivyo maelezo hayo ya nyuma utaacha. Dokezea na kisha utoe pendekezo lako.

Kibe: Ningependelea kuwe na Commission kutoka kwa wale wa Parliament ambao tumewachagua sisi wenyewe, wawe ndiyo watamchagua. Sasa nitaingia upande wa kilimo. Sisi wakulima wa kahawa tuna taabu sababu hatuna nguvu ya kuuza mazao yetu mahali tunataka. Tunataka Commission iwape wakulima wenyewe nguvu ya kuuza mali yao mahali wanataka, bora tu wawe wanalipa Serikali tax ambayo inatakiwa yote. Kutoka hapo, kuna watu ambao sijasikia wakiguziwa hapa, watoto wanao tangatanga, ambao wengine tunawaita chokora katika mji wa Nairobi. Hawa ndiyo wamekuwa wakora, ni wabaya sana. Hawa ningependelea sheria itungwe ambapo Serikali itachukuwa hawa watoto na kuwaelimisha hili wawe watu wa maana kesho wasiwe watu wakusumbua wananchi.

Sasa ni upande wa wale watu wameritaya. Kwa mfano mimi nikiritaya nikifariki bibi yangu anapewa mshahara wangu kwa miaka mitano peke yake. Sijui ni kwa nini na bibi ni wangu na umri wangu ni wake nikifa asipewe hiyo pesa yangu mpaka afe. Kwa hivyo tutengeneze sheria ambayo itasimamia huyu bibi apewe mpaka afe.

Prof. Salim: Asante sana bwana Kibe kwa maoni yako ni wazi kabisa, na nakushuru. Samahani ilinibidi nikusukume kidogo mbele ili umalize haraka hili wenzako wapate nafasi. Asante. Nafikiri ningefanya hivi, ningetaja majina ya wale walio bakia, wale walioko au is it too early now? To divide towards time. Tuendelee kidogo. Bwana Gitau Kingere. Gitau Kingere? Hayuko? Bwana Francis Ngugi Kimani? Karibu.

Francis Ngugi: My name is Francis Ngugi Kimani, I come from Kiratina Sub-Location, Komothai Location. Pendekezo langu la kwanza ni juu ya term of Parliament ipunguzwe iwe miaka mitatu instead of five years. Tena tuwe na cheo cha prime minister na awe anachaguliwa na majority party in the Parliament.

Ya tatu. Okay ya tatu ni hii kuhusu health service. Hospitali hizi zetu za Serikali ziwe zinatoa huduma ya bure. Masomo ya nne, ya primary school kutoka standard one mpaka standard eight iwe ya bure. Lngine ni nomination of MPs, councilors isifanywe na Serikali. Hiyo iwachiwe raia wawe wanawachagua hao. Hii nyingine ni nominations ama appointing of chiefs of general staff, Commissioner of police, Prisons' Commissioner, hiyo iwe inafanyiwa na bunge. Isiwachiwe President sababu ndiye anafanya hiyo. Sasa hilo ingine ni kuwa Constitution hii ya Kenya ile itatengenezwa iandikwe kwa lugha ya Kikuyu

Background: laughter

Francis Kimani: Na nikimalizia---

Com. Adagala: Okay, Katiba kwa Kikuyu ni nini?

Francis Kimani: Kwa lugha ya Kikuyu

Com. Adagala: Katiba ni nini?

Francis Kimani: eh?

Com. Adagala: Kwa lugha ya Kikuyu

Francis Kimani: Katiba inaitwa aje?

Francis Kimani: “watho wa Kenya” Kikuyu dialect. Katiba ile tunatengeneza. Law

Com. Adagala: Lakini hii si law, hii ni Katiba

Francis Kimani: Si ndiyo

Com. Adagala: Si law

Francis: eh

Com. Adagala: Eh

Francis Kimani: Lakini ndiyo tunasema iandikwe kwa Kikuyu ndiyo tunaweza kuelewa vile inasema.

Prof. Salim: Nafikiri umeshamaliza?

Francis Kimani: Nimebakisha moja

Prof. Salim: Moja imebakia?

Francis: Eh nabakisha moja

Prof. Salim: Haya endelea, endelea ya mwisho

Francis Kimani: Ile inabakia ni---

Prof. Salim: Tafadhhalini ndugu hapa anatoa maoni na hebu tusikize kwa makini.

Francis: Hii case ya succession ambayo ilitengewa mahakama, huko inaitwa family division, inaweka case sana kama kwa miaka kumi, miaka ishirini na pengine yule anafanyiwa case alikufa zamani. Tunataka hiyo wakati ipunguzwe. Iwe kama miaka miwili, ndiyo sasa hiyo kesi isiwe inakaa sana huko.

Dr. Mosonik: Eh ni kwa Kikuyu peke yake ama lugha zingine kama hiyo?

Francis: Mimi napendekeza iwe inaandikwa kwa lugha ya kiingereza, hiyo iwe lugha ya taifa, na lugha ya Kiswahili. Lakini kwa sasa tunaongea juu ya hapa Githunguri si ndiyo mulisema? Eh sisi tungetaka iongeze hata lugha ya Kikuyu. asante

Prof. Salim: Yaani unaweza kukubali kwamba kila ikitafsiriwa kwa lugha nyingi ni bora?

Francis: Eh

Prof. Salim: Right

Francis: Kama kabila wale wanataka itafsiriwe kwa lugha yao itatafsiriwa

Prof. Salim: Kisomali, Kimaasai

Francis: Eh sisi tunapendekeza Kikuyu

Prof. Salim: Sawa

Com. Adagala: Ah unaelewa, unaelewa kama wale wengine ambao walipendekeza hivyo elimu ikiwa ya bure, matibabu ya bure, kodi itaenda juu, kodi itatoka kwa wananchi. Kwa sababu ile ilikuwa ya mbele ya bure na elimu na afya, ilikuwa inatoka kwa international loans. Lakini sasa ikiweko kodi kutoka kwa wananchi itaenda juu. Hata hivyo wananchi wanalipa hiyo loan.

Francis: Kama hapa sisi tunakuza kahawa na tunatoa hiyo kodi inaenda kwa Serikali. Tena wale wanafanya kazi kwa Serikali wawe wameajiriwa.

Interjection: (Com. Adagala): Nimesema itazidi kwa sababu sasa haitoshi hiyo, sasa itazidi.

Francis: sawa sawa.

Prof. Salim: Asante sana

Francis: Okay

Prof. Salim: Bwana Francis Ngugi Kimani kwa maoni yako, ilikuwa ni oral peke yake sio kwa mdomo? Okay. Kamau Ngeche, yuko? Kamau Ngeche? Edwin Gitau. Edwin Gitau? Hayuko. Robert Ng'ang'a

Robert Ng'ang'a: Asante sana kwa kunipatia nafasi ya kuongea hapa.

Prof. Salim: Karibu

Robert: Mimi niko na mambo mawili ama matatu. La kwanza, sisi tunataka Serikali ambao tunaitarajia kutawala karibuni imalize rushwa. Kwa sababu kila office ya Serikali kuna rushwa, kila mahali iko rushwa. Tunataka Serikali ya kumaliza hiyo rushwa.

La pili, hapa nchini kwetu Kenya kuko na wezi unaenea sana. Tunataka Serikali ambayo tunatarajia inakaribia kuja imalize uwizi kabisa. Tunasikia hata kuna Serikali ingine ya ng'ambo kama huko uarabuni, hakuna wizi, huko ni kunyonga ama kupiga risasi hadharani. Hatutaki mchezo, hakuna Serikali inaweza kuendelea ikiwa na rushwa na ikiwa na wizi.

Lile lingine la tatu ni la elimu. Shule zinafunguliwa January, mwezi wa kwanza. Na watoto wakienda kwa shule wanaambiwa nendeni mlete vitabu na ile vitabu tulinunua viko nyumbani tukapatia watoto waende navyo. Wakaenda huko wakaambiwa vimebadilishwa. Sasa hiyo vitabu kubadilisha kwa mwaka, hiyo sheria iundwe ya kusimamia kwa sababu ni kunyanyasa wananchi.

Prof. Salim: Asante bwana Robert Ng'ang'a kwa maoni yako hayo na ni wazi wazi kabisa. Ningekuambia kitu kimoja kwamba kwa hivi sasa mtu anayetumia silaha kuiba anauwawa hata hapa pia, au anatolewa hukumu ya kunyongwa ingawa anawekwa mpaka rais atakaposema haya mpelekeni anyongwe sasa. Maanake anangojea ruhusa ile ya rais ili anyongwe. Lakini sheria ya Capital punishment au ile ya kumnyonga anayeiba kwa kutumia silaha ni hiyo, ni ya kumumaliza kabisa. Haitoshi hiyo.

Robert: Anatolewa kwa kutumia pesa, kwa sababu ya rushwa.

Com. Adagala: Ningependa kusema tu kama mwalimu pia. Kuna nchi zingine, kama kitabu cha bayolojia au cha hesabu kinatengenezwa kinakuwa hard cover na kinadumu miaka ishirini, kumi na tano, ishirini. Ikiwa umenunua nyumbani au kwa shule. Sasa kweli mzee umesema kitu ambacho mtu mwingine hajasema. Ni kubadilishwa badilishwa kwa nini? Bayolojia inakuwa tofauti au ni nini? Mwali wa mtu umekuwa tofauti au ni nini? Umesema kitu.

Robert: Haya sawa

Prof. Salim: Haya, nikiendelea mbele, bwana Peter Kamweru yuko? Peter Kamweru? Haya. Kamweru. Bwana Kamweru you have a memorandum?

Peter Kamweru: Yes I have it

Prof. Salim: So where is it? Now you probably need to refer to it to highlight the points, only highlight no reading please. Since it is yours I am sure you know what is in there. Main points eh?

Kamweru: Haya. Mimi nataka kusema masomo ya --

Prof. Salim: Samahani utataja jina lako hapo

Kamweru: Peter Kamweru, nimezaliwa hapa kwa hii tarafa ya Githunguri katika huu mtaa wa Komothai. Na sasa mimi nataka kutoa mapendekezo yangu., Sasa nataka kusema habari za masomo: iwe bure kuanzia primary hadi university level.

Ya pili, tuko na watu wamefanyia kazi kijiji hii sana, tunawaita elders. Hawa watu wanatakiwa kuwa on pension kuanzia

------(inaudible) miaka ishirini na tano kwenda juu.

La tatu, tuko na watu wengine wako hapa, hawa watu disabled. Disabled ni watu kama wale wengine na wanatakiwa kuangaliwa sana sana. Kitu kile akifanyiwa yule, na yule mwingine pia anafanyiwa. Hata kulikuwa na mpango mwingine ulikuwa umefanyiwa lakini hawa watu------(inaudible) hiyo mchango ilifanyiwa. Ilikuwa ni harambee ilikuwa ya disabled. Bado pia haikuhudimia hao watu. Kwa hivyo tunaiuliza Serikali ishike huo wajibu sana na iangalie hawa watu disabled. Wawe wanapewa pension kwa kila mwezi ndiyo wanaweza kuendelea na maisha. Kuna watu weingine tunaweza kuongea juu yao. Tuseme habari ya hospitali. Hospitali ni lazima huduma ziwe za free. Tunataka kwenye Katiba ya leo ama ya kesho ile tunatengeneza sasa ziwe za bure kwa sababu watu wengi wanashindwa na ugonjwa inakuja kwa ghafla. Huna pesa ya Nairobi hospital, Aga khan na wapi.

Habari ya provincial administration, mimi naweza kusema hiyo imalizwe kabisa na instead wale watu tuna wachagua.....(?) Wanajua ile dawa..... (inaudible) ni lazima wawe wakiangalia na kuhudumia hawa watu kuliko wengine kwa sababu------(inaudible) pesa zote zinaokotwa katika wilaya hii, sasa zinapelekwa wapi? Zinapelekwa pale custody ya DC . Sasa hii pesa hujui inapelekwa upande gani? Ni zinafikia Serikali ni gani ambazo hazifikii Serikali. Hiyo hatujui. Kwa hivyo tunaweza kusema ile reason tunatoa iwe inaangaliwa sana na itolewe kama ni auditor general awe anatoa ile------(custody ya D.C)

Kuna lingine naeza kusema tu, habari ya basic rights. Hiyo nimemaliza basic rights. Habari ya Commissioner-----(inaudible) nataka kuongea juu yao kidogo. Hawa watu wawe wanachaguliwa na -----(inaudible) na wananchi wa Kenya. kutoka sehemu zote katika mikoa zetu nane. Kila mkoa unaweza kutoa wawili ama watatu. Lakini -----(inaudible) wasitoke kwa district moja. Iwe zote zinakuwa -----(inaudible). Na hilo neno la uchaguzi likiingia maneno inaenda----- (inaudible)

Kuna hii nyingine Commission ya human rights. Tunaweza kuongeza nguvu zaidi. Wakati hawa watu kama niseme ni police ama ni hospitali ama ni kotini ama ni kila pahali inahusu huduma za wananchi, hawa watu ni lazima wawe wanaingilia hayo maneno. Kwa sababu hawa ndiyo wanazijua shida za hawa watu. Kama wanafinyiliwa wanajua wanafinyiliwa. Kama hawafinyiliwi, wanaweza kutoa tu marekebisho kwa Serikali na waseme tunaka hii na hii. Huyu mtu, ambaye kwa mfano tuseme, hii habari ya magistrate, ni sheria hiyo na police iko hapa. Hivi Vinashikana. Huyu anakuja anatoa yule anamleta pande hii ingine. Sasa tuseme tuko na gari mnasema unroad-worthy vehicle, sheria yenyewe haisemi hiyo gari inatakiwa kufanyiwa nini. Inatakiwa kuwa dismantled ama inatakiwa grounded ama inatakiwa kufanyiwa namna gani? Ama ndiyo tunasema ni lazima iwe inatafsiri habari ya sheria. Ni kitu gani kitatendeka kama gari imeharibiki kabisa, au windscreen tu, basi kuwe na faini ama jambo lingine.

Prof. Salim: Tafadhali, tafadhali, hakuna haja ya details tupe mapendekezo. Recommendation

Kamweru: Habari ya President, hawezi kuwa juu ya sheria. Ya pili, hawezi tu pia kuwa juu ya mkuu wa wanajeshi. Ya mwisho nataka kusema, ni lazima tuwe na a public media ili sisi wote wananchi wa Kenya, watakuwa wanaitumia kupeleka shida zao ama maoni yao, kwa sababu, ikiwa tunachagua tuseme kama ni member of Parliament, labda hawafikii hawa watu ni lazima hajui shida za watu sana na yeye ndiyo anatuwakilisha watu huko kwa bunge. Tunataka tuwe na public media ndiposa mimi nikiwa na shida naweza kuenda kutoa maoni yangu yakaangaliliwe na ya mwingine pia. Asante.

Prof. Salim: Asante bwana Peter Kamweru kwa maoni yako na sasa ni multe bwana Mbugua Muturi. Karibu.

Mbugua Muturi: Shukrani sana, kwa kunipa nafasi hii niseme maneno machache.

Com. Adagala: Sema jina lako, okay

Muturi: Jina langu ni Mbugua Muturi. Kwetu Kathuruni, Kiratina sub-Location. Nasema hivi, Katiba tunaotaka kuunda kwanza jue kuwa Kenya kuna watu kwa sababu Katiba hii tunayo sasa haijui. Pili Katiba hii tunayoiunda sasa ituweke sawa sisi wote. Tatu, Katiba tunayoiunda sasa iwe inalinda mali ya wananchi wote.

Com. Adagala: Okay asante sana mzee. Hiyo itasaidia kwa preamble ni nzuri sana. Asante. Geoffrey, Geoffrey ako hapa? Okay.

Geoffrey: Asante sana Commissioner, majina yangu ni Geoffrey Kiarie kutoka Tabiroine, Kiratina Location. Yangu si mengi yale watu wengi wamekwishaongea zaidi yale ambayo nilikuwa nimetarajia. Lakini moja ambalo niko nalo ni ya ukulima sababu mimi ni mkulima. Ukulima tunaona hautiliwi maanani sana, sababu unaona watu ambao wanakuza mahindi, mahindi hayo hupotea. Kama sisi watu wa kahawa, hatuna nafasi nzuri ya kuweza kuuza mazao yetu. Lazima yauzwe na watu wengine, na hata watu ambao wanakuza mimea mengine hata hawa hawapati nafasi nzuri ya kuweka kilimo sawa sawa. Tunaonelea kama wakuzaji wa kahawa hakuna soko ya kuuza sawa sawa. Wakuzaji chai hata hawa wako taabuni pia wakuzaji wa miwa hata hawa wako taabuni. Tunasikia kuna sukari inapotea bure na ingine inakuja kutoka nje. Na tena wakulima ambao ni wafugaji, maziwa ya yanapotea, kwa kukosa soko. Na kuna maziwa ambayo tunasikia ambayo yanatoka nje. Sasa wakulima hawana uwezo, kwa hivyo Serikali iunde Katiba au section ya agriculture sector iwe sawa sawa. Watu wasaidiwe ili nchi hii na isiwe na hali ya kukosa vitu kama mahindi, maziwa kupotea, na kahawa kukosa soko.

Com. Adagala: Asante, haya asante mzee Geoffrey. Kuna William Kiarie? Ungependa kuchanga?

William: Kwa jina naitwa William Kiarie Gitau, mimi natoka hapa Kiratina. Nataka kusema machache maana ile nilikuwa nayo yameshasemwa.

Com. Adagala: Asante

William: Eh moja, nataka haki ya mwananchi, kwa hayo ninamaanisha ile siku tulipatiwa demarcation hapa, watu wamepata taabu sana. Ya kwanza mashamba iligawiwa na haikugawiwa kwa haki. Mashamba ile tuligawiwa hapa, demarcation

Com. Adagala: Mwaka gani?

William: 1950

Com. Adagala: 1950?

William: 1958

Com. Adagala: 1958?

William: Ehe

Com. Adagala: Okay

William: Kile mimi nataka kusema hapo, watu wale walifanya kazi hiyo walisahau mwananchi maana hawakugawa sawa. Mimi nikiwa na shamba hapa na mwingine yuko hapa, yaani watu walifanyiwa vibaya sana kwa mzunguko pa njia. Hawakupewa pahali ya kupitia.

Com. Adagala: Ungependa aje?

William: Kwa hivyo mimi nakaa hapa na hii ni nambari yangu na huyu ni mtu mwenye shamba hii na mimi nazunguka hapa kwote karibu maili moja. Sasa mimi kitu nataka hapa ni hiyo irudiwe watu wapewe nafasi ya njia.

Com. Adagala: Ungependa hivyo? Okay nyingine?

William: Lingine lile nilikuwa nataka kusema sana ni habari ya rais.

Com. Adagala: wananchi kuna jambo ambalo linafaa tuzungumze kwanza?

Background: inaudible

Com. Adagala: watu ambao wanazungumza, nani angependa kusema kile mnazungumza? Nani angependa kusema ili tujue kwa sababu sas inaenda-- amesema uongo?

William: Mimi nasema uongo?

Com. Adagala: Mimi nauliza amesema uongo?

William: kama mimi nasema uongo waje waseme vile mimi nataka kusema.

William: (laugh) mimi nilikuwa nauliza hivyo, ni swali nilikuwa nataka kuuliza.

Com. Adagala: Endelea, la pili huwezi kuuliza Katiba swali, sisi ndiyo tunakuuliza maswali. Wewe useme pendekezo lako.

William: Hilo ni pendekezo langu nilikuwa nalo, sasa lingine limekwisha semwa sana ni rais. Yeye ana uwezo sana. Hii nataka apunguziwe huu uwezo wake.

Com. Adagala: Okay endelea. Umemaliza

William: ah hapana. Lingine ni la hawa wajumbe wetu. Wakichaguliwa waje kutuona sisi wananchi. Maana kama sisi tunawachagua wanakaa miaka tano---

Com. Adagala: Ungependaje?

William: Mimi ningetaka wawe wakitutembelea sisi wananchi.

Com. Adagala: Sasa tutawafanyaje ili waje kuwatembelea kama hampendi, hampendi.

William: Akiwa hatembelei wananchi au hahusiani na wananchi tumuondoe.

Com. Adagala: Okay hiyo ndiyo Katiba kabisa?

William: Sawa mimi nafikiri hiyo ndiyo nilikuwa naye.

Com. Adagala: Hiyo inaitwa power of recall. Wananchi wanarecall wana power ya kurecall hayo yanaweza kuwekwa kwa Katiba. Lakini kama hampendi hatuwezi kuweka kwa Katiba. Lakini power iko. Anything?

William: No

Com. Adagala: Haya asante mzee, maoni yako yamesajiliwa. Kihara Mbugua. Njenga Wambiru, Njenga Wambiru? Okay.

Njenga Wambiru: Jina langu ni Njenga Wambiru kutoka Kibicho subLocation.

Com. Adagala: Njenga Wambiru endelea.

Wambiru: Kwanza ningesema kuna mambo mengine. Sijasikia hapa watu wengine wakisema. Kwa hivyo ningeuiliza kama tumefanya kitu kulingana na Commission hii ya Katiba. This imported farm goods, kama zinaweza kuwekewa high taxes kwa

sababu hizi ndizo zimeangamiza backbone yetu, yaani farming.

Com. Adagala: Pendekezo?

Wambiru: Pendekezo ni kuweko high taxes.

Com. Adagala: nini iwekwe high taxes?

Wambiru: Imported farm goods.

Com. Adagala: Okay

Wambiru: Chakula, kwa sababu ndiyo imeweka hii economy, backbone yetu vibaya.

Elections dates should be marked from when the Parliament opens. Kwa sababu hii election date, President ndiyo ana announce na announce wakati yeye inamfaa--

Com. Adagala: Hiyo inaeleweka, calendar kwa ECK, nyingine?

Wambiru: Lingine ni Ballot boxes should be transparent.

Com. Adagala: Lingine?

Wambiru: The President hawezi kuwa above the law. Hiyo iwe scrapped. Iwe scrubbed kabisa kwa sababu yeye ni mtu kama mimi amezaliwa hapa, tunavuta hewa moja, yeye awe kama mimi.

Com. Adagala: Haya

Wambiru: Akikosa makosa, koti ni moja.

Com. Adagala: Hiyo ni demokrasia, not above the law ehe?

Wambiru: Eh lingine ni juu ya PC, kiti cha PC, hiyo inatakiwa ninasuggest hiyo iondolewe. Halafu hata hivyo vya chief, assistant chief, badala yake kuwekwe elders, wazee wa kijiji wadogo wadogo.

Com. Adagala: PC nani ata---

Wambiru: PC?

Com. Adagala: Mh

Wambiru: Kwa sababu, instead of PC, D.C yuko kwa sababu yeye -----(?).

Com. Adagala: Asante, tuendele. Kimani Muiruri, okay come. Msikae mbali sana wale watu hawajatoa maoni, njooni karibu, tutachukuwa muda. Jina lako kwa Microphone.

Muiruri: Ehe asante sana kwa kuniita hapa niongee kidogo na nina furaha sana kwa wageni hawa wanakuja kututembelea. Kwa hivyo maoni yangu ni kuwa Serikali ilioko sasa management hakuna. Majority hakuna. sababu ndiyo hii: Nairobi kuna kiwete, kuna chokora hawa wa Nairobi. Viwete hawa kutoka asubuhi wanawekwa hapo wanauguzwa kwa jua. Chokora wanapiga watu kwa mawe na kuwapiga kinyesi. Watu hawa nataka wakamatwe, kwani watu wako normal. Chokoraa wanakula madawa hii ya kulevya. Wapewe mashamba acre tano tano--

Laughter

Muiruri: Kiwete hawa waandikwe majina na Serikali wapate kwao wajengewe duka. Serikali inaweka stock watu wao watakuwa wasaidizi wako wakitoka hapo. Nikiendelea nitasema hapa tangu zamani, kuna watu hawana shamba hata plot, hata acre moja hawana. Watu hawa kwa maoni yangu wapewe acre tano tano huko juu ya forest. Wapewe acre tano.

Nikiendelea ni mambo ya kina mama. Tunasema tunaoa wamama nyumbani na tunaoa ni kweli. Lakini wamama kufika nyumbani tunawatesa vibaya sana. Kwa vile kama kwangu nyumbani bibi yangu ninamtesa vile mimi nataka. Sina heshima mimi kwa bibi yangu. Bibi yangu naye kwa bwana yake hana heshima. Nataka kutoa maoni kutoka leo mabwana wako hapa na wakina mama, mabwana wawapatie bibi zao heshima kubwa. Akiwa ni bibi awe D.C, awe P.C, awe na heshima kwa bwana yake ndiyo wajue kulea watoto hawa. Tena iko taabu sana, wasichana wanaolewa, kama kwangu nimezaa wasichana sita, nane wanachukuliwa kakishazaa watoto tano, sita nikarudishiwa hapo. Yule mwingine vile vile, watoto wanakwenda kuwa chokora Nairobi. Wanakwenda kusumbua Serikali. Nataka kwa maoni yangu sheria ichukuliwe kali sana, mwenye kuzaa hao watoto awekwe ndani. Miaka mia moja hapana hakuna huruma.

Laughter

Muiruri: Sababu ni nini? Nilimaliza kulea –

Com. Adagala: Sikilizeni mzee tafadhali

Muiruri: Tena nikiendelea kwa mambo haya yetu ya wakulima wa kahawa. Akiwa ni mtu amechaguliwa hapa, anapelekwa kwa society anakula pesa ya wakulima yote, akasema wale walikuwako mbeleni walitolewa, walikula, walifanywa nini hata mimi nitakula. Mkiona hapa tuna taabu, tunaletewa taabu namna hiyo. Ni mtu akikula pesa ya mkulima hata ndururu mwaka mia moja, shamba anayo inauzwa na Serikali, atoke kwa barabara kwa sababu anaua watoto wangu. Na sio wangu peke yangu ni wa hawa wote kwa jumla.

Com. Adagala: Haya mzee endelea:

Muiruri: Kwa hivyo ndiyo nataka wachukuliwe sheria kali kabisa. Tena nikiendelea kwa malandlord, wenye nyumba, na ndiyo wenye sitima, mwenye kukomboa hiyo nyumba pesa ile anapata ni kidogo. Hata ya chakula haitoshi. Hata nyinyi mshahara ni duni, mimi najua. Mishahara mnayopata ni duni. Yafaa kupata kama ni karani, clerical officer apate elfu nane na pesa ya nyumba. Kwa hivyo land lord waonee huruma wenye kukomboa nyumba, hakuna pesa, Serikali inaingilia hii hata ikiwa ni plot yangu mwenyewe. Nyumba ni yangu na nimejenga, lakini hawa wenye kukomboa ndiyo wananiajiri mimi wakitoka pesa itatoka wapi, nitatoa pesa wapi wakitoka wote? Hawa ndiyo watajiri wangu na mimi niwaonee huruma. Nikiendelea mambo ya elimu.

Com. Adagala: ya mwisho?

Muiruri: Eh ya mwisho.

Com. Adagala: endelea

Muiruri: Mambo ya elimu kutoka standard one mpaka university ni mambo ya Serikali. Wazazi waondokewe na karo kwa vile watoto wanafukuzwa kila mara. Watoto wangu sasa hawasomi, walifukuzwa wote wako nyumbani. Kwa hivyo kwa maoni yangu soko hii tunataka ijengwe, iwekwe ukuta, wajengewe wawekewe mabati kwenye kuuza nguo, nguo zao zisipate pata matope.

Com. Adagala: Nani ajenge?

Muiruri: County council. pesa wanaitisha ya nini? Bibi yangu anatoka na fees akiingia hapa anaambiwa leta pesa. County council ndiyo itajenga pesa wanachukua za nini?

Com. Adagala: Okay taxation okay

Muiruri: Tena, barabara hii, barabara hata ukipita hapa ni kama barabara ya ng'ombe. Na mwenye gari, kodi yake kubwa, kwa hivyo barabara iwekwe lami na itawekwa.

Com. Adagala: Okay

Muiruri: Daraja iko hapa hakuna daraja zilijengwa zikahesabiwa ni mamillion na ni daraja ya kupita baiskeli

Com. Adagala: Okay asante mzee, hata hiyo ya daraja tumechukuwa. Haya asante. Asante kwa kuchanga mzee na moyo wote. Francis Mburu Gachukia, Francis Mburu? Ernest Mukaru? Okay njoo haraka haraka. Sema jina lako kwa microphone.

Ernest Mukaru: Eh mimi naitwa Bwana Ernest Mukaru Kanage, nilizaliwa katika wilaya ya Kiambu, katika Githunguri division. Kwangu nyumbani ni Komothai Location ndipo ilipokatwa nikaingia katika Location ya Kiratina. Yangu ni machache.

Kuna kitu sijasikia kikitajwa na yeyote aliyeingia hapa tangu asubuhi. Tuna watoto wamezaliwa kila mwaka na upande wa kupata vote, kadi za uchaguzi, tumepewa mwezi mmoja. Hakuwezekani watoto wazaliwe mwezi mmoja. haiwezekani. Hizo card ziendelee kupeanwa hadi mwisho wa mwaka kwa sababu watoto wetu wakati kama huu tunaelekea kwa uchaguzi, wanang'ang'a nia kwa kitambulisho hakipatikani. Wanan'gang'ania kwa kupata vote hawawezi kupata pia kitambulisho. Hivyo mimi napendekeza, hayo mambo yachunguzwe na Commission muchukue hayo mambo kama ni kitu muhimu.

Nina mambo mawili tu. La pili, katika mkoa wa kati, sisemi hali ya Kenya Nzima. Ninasema katika mkoa wa kati.

Com. Adagala: Ngoja mzee haujatwambia tufanye nini na--tufanye continuous registration?

Ernest: Yea.

Com. Adagala: Haya endelea mukoa wa kati.

Ernest: Nimesema katika mukoa wakati, kuna watu wana Location kama sita katika shamba wanalo kama, acre elfu tano, sita. Kuna watu wengine hawana. Wanajaribu kurithi ya babake acre mbili wagawane watu ishirini. Watoto wao sasa ni wazima, wanataka nao niwakatie plot niliopatiwa na baba na haiwezekani kwa sababu sina nguvu ya kujenga gorofa. Hata ukisikia watu wakisema hapa kuna chokora kuna chokora, chochote upandacho ndicho uvunacho. Kwa hivyo ninapendekeza katika wilaya ya kati, mtu yeyote aliyezaliwa hapa kama citizen wa hapa, apewe acre, kila mmoja citizen wa Kenya.

Com. Adagala: Ngoja mzee hapa unasema mtu aliyezaliwa hapa Central province?

Ernest: Mtu alizaliwa hapa Central province

Com. Adagala: Apewe heka ishirini hapa central province?

Ernest: Akitoka Central province, atapewa vile watu wa kwenu walitenga. Akitoka hapa aende Rift valley atapewa vile watu wa Rift valley waliamua lakini sisi hapa ni ishirini.

Com. Adagala: Hiyo siyo, ninasema ambaye alizaliwa hapa apewe acre ishirini hapa

Ernest: Hapa. Akihamishwa kwa sababu shamba itakwisha akienda kule ama pande hii kwa kuchunga si kwa wakulima, aende kwa kuchunga, atapewa vile walivyopima wenye kule. Sasa sisi tukikata kauli, tutasema D.C, D.C ndiyo ni mzuri lakini hatumwingilii ataingiliwa na Katiba tu.

Com. Adagala: Asante mzee. Any? Haya enda huko mzee. Afuataye ni Edwin Gitau. Edwin Gitau? Kama hayuko Rebecca yuko? Okay Robert Ng'ang'a? alitoa na naona amemark hapa. Joseph Kigura, Joseph yuko? Haya hatua kwa

hatua njoo hapa utoe maoni.

Joseph Karanja: Asante sana Commissioners kwa vile mmenipatia nafasi hii niongee kidogo. Hata ingawa mengi yamesemwa lakini yangu ni machache tu na nitamaliza haraka. Joseph Gikura karanja. Ya kwanza mimi ningengea mambo kuhusu uchaguzi ama appointment of judges. Ningependekeza sheria ile itakapokuja itengeneze body ya kuchagua ama kuappoint majudges na chief justice, na chairmen of parastatal bodies. Na even directors of CID na, special branch na Commissioner of police, na prisons. Number two ni kuwe na body, iwe appointed, ya Commissioners ya kuchagua Commissioner wa complaints. Siku hizi kuna body zile ziko kama, law society, na kwenye hiyo Commission kuna Commissioner wa complaint lakini hana uwezo sana. Wale lawyers wale tuko nao wakipatiwa pesa kama ile wanaclaim damages kwa wananchi on behalf of their clients, wanaitumia na njia zao wakakosa kulipa wenyewe. Yule Commissioner of complaints hana power ya kudemand hizo pesa ama kuchukuwa hatua ya kufunga huyu lawyer ndiyo wawe na uwoga ya kutumia hizo pesa za clients wao. Ningependekeza apewe nguvu huyu Commissioner atakapokuwa appointed, ya kushika mtu na kumfuata mpaka hizo pesa zinarudishiwa wenyewe.

On of the future President, ningependekeza asiwe akiitwa ndiye Commander in Chief of Armed Forces. On the side of transport---

Com. Adagala: Commander in Chief. Army iko, lazima iwe---

Kigura: Army iko yule mkubwa wa jeshi ndiyo akuwe ndiye Commissioner of ama---Commander in chief, badala ya President. Upande wa transport--

Dr. Mosonik: Eh nikuulize, ujue ikiwa kuna kama rais, ama mtu raia ambaye anakuwa Commander in Chief, hivyo ni kama kubalance wale wanajeshi wasikate shauri kwamba wana ujuzi wa kupigana na waanzishe vita. Ndiyo ilikuwa nia tunaita checks and balances. Like in America, yule rais wa America anaitwa Commander in Chief kila mahali. Sasa ukiwapatia wanajeshi peke yao wakate shauri kesho, waanzishe vita, kutakuwa namna gani?

Kigura: Ikiwa tunataka kuongeza mtu kutoka upande wa raia, bunge ichague mmoja wao ama minister sababu minister hatakuwa na nguvu ama uwezo zaidi kama vile President ako nazo. Kwa upande wa transport, kuna jambo moja ndogo lakini si ndogo, linasumbua wananchi sana hapa. Hizi magari ndogo ndogo kama pick-ups hizi ndogo, siku hizi unaona watu wanaambiwa wakate TLB. Hiyo TLB inasumbua raia hapa, ni magari kadogo tu kama katoyota saloon, ile Toyota 1000. Mtu anaenda kukata TLB. Hivyo ni kusumbua wananchi sana. Hiyo mimi ningetaka kuuliza future Constitution iabolish hiyo TLB for small vehicles za kubeba majani na wazee hapa nyumbani. Mashambani sio pahali pa watu kusumbuliwa nayo kwa bara bara.

Com. Adagala: Wanataka magari ya aina gani isumbuliwe kwa barabara?

Kirugi: Ya transport. Yale malorry ya kubeba mizigo kwenda Mombasa hiyo ndiyo inatakikana na ya kubeba abiria. Hiyo ndiyo inatakikana ilipe hiyo TLB sababu inatakikana ijulikane ni route gani atafuata, ni masaa ngapi atatumia, atatoka pahali hapa mpaka kwenda wapi? Hiyo ndiyo inatakikana iwe ikilipa hiyo TLB, lakini magari, --kama zamani. Jambo lingine ni juu ya ajali barabarani. Hiyo nayo Serikali ama hiyo Constitution iongeze--

Interjection: (Com. Adagala) mzee mnatoa maoni hii watu wawili?

Kirugi: Huyu ametupa maneno lakini niko naye pengine ananikumbusha. (laugh)

Com. Adagala: Pengine mko mapacha basi

Kirugi: (laughter) Tumezaliwa pamoja

Com. Adagala: Okay

Kirugi: Haya asante sana, sina mengi, yangu ni hayo tu.

Com. Adagala: Accident ulisema nini?

Kiragu: Accident, magari, future Constitution, ama Serikali, ipewe amri ya kuweka zile zilikuwa zikiitwa speed governors kwa motorcar. Zisiwe zikienda mbio mbio. Ikiwa ni magari ya hapa karibu karibu yawekwe speed governors yawe yakienda pole pole.

Com. Adagala: Okay mzee asante sana. Peter Mwaura. Peter Mwaura? Muwe mkiamka haraka tuendeleo.

Peter Mwaura: Nii njitagwo Peter Kamore wa Mwaura, na gwito ni haha gathugu, na ngwaria na gikuyu, ndikwaria na githweri, magego ni mathirire. Nii haria ndi-ri, ni riri, ni tondu andu indi ciao tene nii ndionaga mundu agithii kurithia mburi Atari nayo.

Translator: Mimi sijaona, zamani, mtu akienda kulisha mbuzi kama hana na hana.

Peter: Mburi ciariithagio ni mundu matukanitie na uria ungi

Translator: Mbuzi ilikuwa inalishwa na yule amekusanya na mwingine.

Peter: No riu-ri, ngoria atiriri, ni kahua guku ndiwako, na ndimutongoria wa githii kihaha Kairi, na nii hindi iyo-ri, nii ndionaga kahua tugitwara KPCU, ndionaga kena mundu ungi ukuga mbia iria turareherwo ni ng'ania ukuga itiguthii uguo,

Translator: Lakini sasa, nauliza, mimi niko na kahawa hapa, nilikuwa mmoja wa waongozaji wa factory hapa karibu, na wakati ule, hatukupea kahawa KPCU. Siku hizo hatukuambiwa hii pesa ya kahawa hii itaenda kwa nani ama kwa yule mtu.

Peter: Riu hindi ino-ri, ndina mugunda ngurite Rift valley,

Translator: Sasa wakati huu, niko na shamba nimenunua Rift Valley.

Peter: Na riu-ri, mbembe iria twinacio kuo-ri, turendia shilingi mirongo ina na kilo 90.

Translator: Na sasa mahindi yetu tunauza miane kwa gunia, ni ya kilo tisini.

Peter: Na ningurite fertilizer na ndihite murimi,

Translator: Nimenunua fertilizer, nimelipa mfanyikazi.

Peter: Magana manari nimegucokia mbia iria ndutite?

Translator: Miane, itarudisha ile jasho yangu ambayo nimefanya nayo kazi?

Peter: Angikorwo nii wiyathi ugiuka guku ndirari wakuo, na ngiuga uguo andu aria mehaha kuri mehaha, nimoi ndirari mutongiria wa Kanu guku.

Translator: Wakati tukipata uhuru mimi nilikuwa mmoja wa viongozi wa Kanu. Mimi nilikuwa kiongozi wa Kanu area hii.

Peter: Andu aria mehaha aguku kiraatina nimoi uguo.

Translator: Watu wa Kiratina wanajua.

Peter: Ngakiuria atiriri, angikorwo ni ithui twaruire wiyathiri na tukiingata muthungu-ri, tuheyo wiyathi ri ona muthungu ucio twaingataga tiga ni mburi atung'eeeri tukariha ciringi ithatu.

Translator: Mimi nauliza kama tulipigania uhuru na tukafukuza mwingereza tupatiwe uhuru, tulifukuza mwingireza kwa sababu ya kuua mbuzi zetu na kuuza shilingi tatu.

Peter: Hindi-ino nii ndira kiona tutiri na wiyathi.

Translator: Hata wakati huu mimi naona hatuna uhuru.

Peter: Tondu riri? Angikorwo mwana ni kuruta igoti-ri, angikorwo, tugitia wiyathi twoigire thibitari tuthondekagwo tuhu.

Translator: Kwa nini? Kama mtoto ni wa kutoa ushuru, tulisema hosipitali tutakuwa tukitibiwa bure.

Peter: Angikorwo ni ciana kuma 8, twathimithagirio tuhu,

Translator: Ikiwa ni watoto kutoka darasa ya nane tulisomeshwa bure.

Peter: Kai thirikari ino iya muthemba gani?

Translator: Kwani hii Serikali ni ya aina gani?

Peter: Ngoria uguo,

Translator: Mimi nauliza hivyo.

Peter: Nii ndigucira muno no angikorwo ni gatiba ithui murathondeka,

Translator: Kwa hivyo mimi sitasema sana lakini ni Katiba mnatengeneza,

Peter: Mumenyere katiba iyo imenyere nginya mwana uri ndaa. Nginya mwana uri ndaa mchunge.

Translator: Mchunge, hata mtoto aliye kwenye tumbo mama yake.

Peter: Mukimenyere nginya kuku irangire.

Translator: Mwangalie hata Katiba ilinde hata wanyama.

Com. Adagala: Asante mzee Mwaura, asante umetupea historia, imenaswa kwa mitambo yetu, na umesema masomo iwe ya bure kama ilivyokuwa hapo zamani. Tuendeleo na David Kanagi Kanathe. Jina?

David Kanage: Yes. My name is David Kanage Kanathe, I was born here and my memorandum for today is on behalf of P.C.E.A Gathiroine Civic Education Committee. First I thank you for accepting this. Secondly, I am going to highlight the main points because I have got the memorandum which I will give to you.

One is on the legislature. Our committee feels that: we should adopt Parliamentary system of government with the prime minister from the majority party in Parliament, and President who is ceremonial. We believe the Parliament should also vet all top appointments of the Judiciary, civil service, -----(?) master general, and the Governor Central Bank.

On the executive we believe: that the Presidential candidate be a graduate, should hold the position for not more than ten years. Minimum age be raised from 35-45 and also our President should retire at the age of 65. We also believe that impeachment for misconduct and good moral should be part of the Constitution, the new one. This means that the President and prime minister are subject to Kenya Law.

Number three is on defense and national security: different forces should be established by the Constitution because at the present the service is on an act of Parliament.

Com. Adagala: What forces?

David: By in particular, I am saying, the military, army or armed forces. Two, we would like the ceremonial President to be commander in chief of the armed forces and carry on ceremonial duties. Three, our military experts and manpower currently are being underutilized and they are a burden to wananchi. We propose military service be restructured in five commands. In each commander will be responsible for reconstruction of roads and bridges within his command. These funds will come from ministry of works, which have been allocated to them and are totally misused. Therefore (inaudible) armed forces for maintenance and construction of the roads within their command area. In case of misuse of the funds by the army, it is easy for them to be disciplined rather than the civil servants.

If you try take disciplinary action against civil servants, it takes years and he has got godfathers, so the action is never taken, and that is the tax payers money. This will also save the foreign exchange instead of buying material and wasting of time. Easy communication, enabling investment locally and foreign would mean economic power.

Re-introduction of Affiliation Act. Re-introduction. This was there but it was misused here, hata ilienda huko Parliament. But we feel it should be re-introduced now so that children or every Kenyan citizen will know his lineage.

Two, a newborn citizen should know his or her parents. Three male adults should take care of their new borns for a healthy nation. This in turn would help this nation to avoid to having people like Chokora. And the last point is on family wealth.

When people are being married they take marriage vows, and one of the conditions is that they are one, they share, their property belongs to both of them. It is our recommendation that once the couples are married, their property should in future be it a car, it should be registered jointly. All property should be registered jointly. The newly married couple has got so many cases and problems but when they are registered that property will be taken care of.

Com. Adagala: Haya asante, thank you very much. I just wanted to ask a different question. Civic education, hallo, George give us a chance, hallo. You are civic education provider?

David: Yes.

Com. Adagala: You are a civic education provider

David: ----- inaudible

Com. Adagala: You are a committee? Yea, because we are finding some very incorrect things which are being repeated as if people learnt them in a programme, and we are a bit perturbed about this. For instance, people keep repeating that there are two parties, in the US. There are two political parties in the US, which is not true. There are two political parties in the UK. Just as an example. So we are perturbed because it seems as if it is something they have learnt. It is not true, because the seat of democracy, which is the US, cannot surely have two parties. Therefore, they recommend that there should be only three parties or four parties. They are saying that there are too many parties. You know it is a very funny idea, but I don't know if it came through civic education or through the media.

David: In actual fact, in this booklet when we say that we have-- decided to go to read section of two of the Constitution, that is okay. It talks of multiparties, we can have as many parties----- (inaudible) What we recommend is that we should have a prime minister and a ceremonial President.

Com. Adagala: I know that is what you have but I am a bit perturbed about the general populace.

Interjection: (David) We have educated them

Com. Adagala: Okay. Bernard? Geoffrey Gitate?

Geoffrey Gitate: Eh asante sana, mimi naitwa Geoffrey Gitate Kanyoro na mimi nimezaliwa tu hapa hapa Komothai. Lakini kile kitu ambacho mimi nataka kuongea ni hiki: nataka sheria iwe juu ya watu wote katika Kenya, hata rais. Kile kitu kingine mimi nataka kusema ni tumelima kahawa hapa na majani bali pesa hatupati. Tunataka sana hiyo kahawa, kitu tumelima au wakulima wamelima vifuatwe sana. Tuwe na sheria kali ndio watu wakiuziwa wakapelekewe pesa yao. Tena kile kitu kingine

mimi nataka kusema,; wale watu tumechagua, tumechagua watu wengine wakatuharibu hapa sana. Tulikuwa na benki zingine hapa ambamo tulikuwa tunaweka pesa yetu. Watu walichukua pesa zetu kwa bank na wakaenda nazo, mpaka leo wameenda na kutoroka kabisa. Watu wengine wanakufa kwani pesa zao zilitolewa kwa bank, na hakuna mtu aliulizwa. Mtuwekee sheria inayosema: hao watu wakitoa pesa yetu namna hiyo mara nyingine tukate kate hao kwa panga. Kwa maana hata sisi tumeumia sana. Tunawashwa na mambo mengi ilhali wao wanatajirika huku na kujenga manyumba za mawe.

Com. Adagala: Wanaenda wapi hao watu?

Gitate: Wanaenda huko Nairobi kujenga nyumba za mawe.

Com. Adagala: Kwa nini mtu hajawapeleka kotini?

Gitate: Si ndiyo mimi nauliza sijui members wanataka nini? Wanaweka sheria yao hapa ati wakishachaguliwa kwa kahawa, wakiiba wasiulizwe bali waondolewe. Walisema waondolewe lakini halikuwekwa kwa sheria. Hiyo sheria tunataka kutoa kabisa.

Com. Adagala: Ulisema wakatwe katwe na panga?

Gitate: Ehe kwa maana wanakula pesa yetu na hakuna mtu anawauliza hawa watu.

Com. Adagala: Okay mzee asante ni kitu muhimu umesema hapo. Haya. Okay, tuendeleo mbele basi. Bernard Chege? Bernard Chege au Chege? Ah huyu ni nani sasa. Andrew Kagwa? Ni kwa mdomo?

Kagwa: Ni kwa mdomo

Com. Adagala: Haya.

Kagwa: Asante, kwa kupatiwa wakati huu nieleze machache kidogo.

Com. Adagala: Sema jina lako.

Kagwa: Jina Andrew Kagwa

Com. Adagala: Okay

Kagwa: La kwanza ni hili jambo la wafungwa: hawa wafungwa wengine wanaoshikwa kwa kunywa chang'aa, wizi mdogo na kupelekwa jela ya huko industrial area, tunataka namna hii; haya makosa ndogo ndogo, yasipelekwe huko: waletwe hapa, watengeze njia zetu hapa, badala ya kupelekwa huko, wanasongomana, ndiyo wanafanya sodomy huko. Waletwe hapa, wafanyie kazi hapa. Tena watu ambao wanafungwa kwa miaka mingi wafanyizwe course, wafunzwe wawe rehabilitated. Yaani wakitoka huko, wanafanya kazi kama ni ya useremala, kama ni nyingine waliofanyiwa training.

Lingine ambalo linahusu Kenya ni industries. Nchi yeyote yenye haina industry, hiyo imekwisha. Kama watoto wanasoma, wanaenda wapi kama tunafunga industries. Zilindwe kwa sababu factory zote, industry zote, za Kenya zimefungwa. Tuko na

Kenya Meat Commission imefungwa. Tuko na KCC, imefungwa. Tuko Bag and -----(?) imefungwa. Factory zote zimefungwa. Hata tukisomesha watoto jamani wataandikwa wapi kama industries zinakwisha? Zinakwisha kwa sababu hii. Hizi industries au parastatal bodies, mtu ambaye anakwenda huko anachukua jirani zake, anaandika hapo bila qualification. Kwa hivyo, hizo industry, kwa sababu hakuna production, zinafungwa. Tunataka namna hii: Industry zote zitafutiwe kamati ya kuchunguza ni nani ataongoza, yaani alete production, siyo kuandika ndugu yake, na ndugu yake hana ujuzi. Sasa ndiyo unaona industry zote zinafungwa.

Jambo lingine ni elimu: tunataka watoto wote wasome. Hata manifesto ya Kanu inasema watoto wote wasome, na hiyo manifesto sasa haipo. Mimi nauliza: kama watoto hapana soma, na wako na akili bali ni pesa hawana? Hii nchi inakuwa na wezi wengi kwa sababu hawa vijana wangesoma wangepanya zingine. Tunataka elimu iwe ya bure kutoka standard mpaka university. Tena katika Kenya hatutaki mockery. Tunaona kama ni head of state, alichaguliwa na yeye hana elimu. Sasa tukisikia huku anakwenda kuwekelea wahitimu kofia na yeye hana elimu: sisi tunataka akienda huko akiweka kofia, tujue amesoma, hapana mockery.

Com. Adagala: Ana degrees tatu.

Kagwa: Alisomea wapi?

Com. Adagala: Ana degrees tatu.

Kagwa: Haya, haya sawa sawa -----(?) Tena lingine ni huu urithi. Huu urithi tunataka namna hii: mimi sikutuma application kwa Mungu nizae watoto wa kike, mtoto wa kike na mtoto wa kiume, hawa wote ni wangu. Kwa hivyo mimi nataka hivi: kama urithi ukija, kama daughter yangu ameolewa ana haki ya kugawiwa. Kwa sababu kama mahali aliolewa labda hakuenda vizuri, na yeye ni wangu, kwa hivyo kila kitu niko nayo agawiwe.

Jambo lingine labda ni la mwisho ni la kahawa. Hii kahawa inakuwa na mtindo mbaya kabisa. Sisi na watoto wangu tunakwenda shambani tunalima kahawa, tunapelekea mtu ambaye hajui habari ya kahawa. Kazi yake ni ya kuuza. Tunataka namna hii: sisi watu wa Komothai tunalima kahawa, tunataka mtu wa kununua kahawa aje hapa-- Willing seller, willing buyer. Hapana tupelekee mtu huko, atuuzie kahawa na yeye hajui, anataka kutajirika juu yetu sisi. Ndiyo unaona hapa sisi tunakuwa maskini. Tunataka kahawa tukilima tuweke hapa mtu wa kununua kahawa kama anatoka Germany, aje hapa tusikizane bei. Hapana kupelekea mtu huko aniletee pesa ile anataka, hapana hiyo tunakataa.

Jambo lingine ni hili la retarded children -- mashule ya retarded children, na hawa watoto wa mtaani wanaorandaranda. Tunataka Katiba iangalie hawa watoto retarded kwa sababu hakuna shule ya watoto hawa retarded. Tunataka tuwe na skuli, iangaliwe na Serikali, na ziwe nyingi kwa sababu hawa watoto retarded wako wengi sana. Hakuna skuli yao isipokuwa iliyoko hapa Komothai, ni pastor mwenyewe alitafuta na, ndiyo inaendelea hapa Komothai. Hatutaki pastor aende huko. Tunataka

Serikali yenyewe ifanye hivyo, isipokuwa tuko na bahati tulipata priest akatafuta hiyo skuli. Tunataka Serikali iingilie, itafute mashule kama hayo. Tena hawa watoto wako huko Nairobi--

Com. Adagala: Saa mzee. Unazungumza vizuri lakini muda ndiyo mfupi

Kagwa: eh asante.

Com. Adagala: Okay, unajua kuna mipango miwili ya Serikali kwa watoto,--- mzee sikiza kidogo. Kama hapa Kileleshwa primary ambapo ninakaa karibu na watoto wangu walisoma, kuna mpango wa watoto ambao wako na akili punguani wawe wanaenda huko. Nimeona wakienda. Pia kule karibu mimi ninakaa, nyumbani kule Sabatia, nimeona Serikali ina shule lakini ni chache. Kile unasema zinafaa ziwe nyingi. Tena tuna hizo za private. Kama nyingine iko hapo Kileleshwa, Jacaranda, ya private, ya bei juu. Serikali nafikiri inajaribu lakini unasema ziwe nyingi.

Kagwa: Ziwe nyingi

Com. Adagala: Lakini hapa kwenu hatujaona mtu mmoja, mtoto mmoja ambaye ana akili punguani, hawako.

Kagwa: Wako

Com. Adagala: Wako wapi?

Kagwa: Siwezi kuwaleta hapa lakini wako.

Com. Adagala: Wanafaa waletwe hapa. Kwa sababu mmefanya tume iwe kama vile kimila. Mnaficha watoto walemavu na wa akili punguani nyumbani. Tunataka Katiba iwalete hapa na tumefurahi umesema hilo, kwa sababu wazee mna busara. Wewe una busara unaona kitu kibaya kinatendeka, isipokuwa pengine hauna mtoto au wewe mwenyewe hauna hiyo shida.

Kagwa: Isipokuwa mnanikimbisha zaidi nilikuwa na machache kidogo. Nitakimbia, nikimbie, (laugh) nipatie nafasi tu kidogo niseme habari ya P.C namna hii. Tunataka PC aondolewe.

Com. Adagala: Ukisema tu direct bila hadithi ya “tene na tene” tutaendelea.

Kagwa: (laughter) Niongee tu kidogo.

Com. Adagala: ulisema PC?

Kagwa: Yaani aondolewe kwa sababu hatuna kazi PC anatumfanyia sisi.

Com. Adagala: Nani awe badala yake

Kagwa: Ni chief, hata D.O aondolewe.

Com. Adagala: D.O out

Kagwa: Tunataka Chief, assistant chief, na wazee wa kijiji.

Com. Adagala: Chief in.

Kagwa: Mh

Com. Adagala: Na huyu chief apatikane kwa njia gani?

Kagwa: Huyu chief awe na elimu na awe na wisdom

Com. Adagala: mh

Kagwa: eh

Com. Adagala: okay.

Kagwa: Awe na mambo mawili kofia mbili-- wisdom na education

Com. Adagala: okay, kitu kingine?

Kagwa: Kitu kingine, ni hii bribery. Bribery haitakwisha kwa sababu huyu ni askari na anapatiwa elfu saba tu, ako na family eh? Watu wengine huko juu wanapatiwa pesa nyingi.

Com. Adagala: Sema sema.

Kagwa: Tunataka aongezwe mshahara kubwa ili asijaribu kuhongwa---

Com. Adagala: Na yule anamuhonga?

Kagwa: Wawekwe ndani wote

Com. Adagala: (laughter) Okay mzee, nafikiri umemaliza. Kwa sababu yote hayawezi kwisha na mengine tumeyasikia mara kadhaa. Sasa tuna Evans Muita na David Njenga wako wapi? David Njega “areko? Are haha? Gotire?” haya endelea.

Evans Muita: Asante sana Commissioners, the Secretary, the councilor na wananchi wote na watu ya kanisa. Nilio waona wako hapa, good afternoon all of you. My names are Evans Muita---

Interjection: (Com. Adagala) And you will address the Commission. You are not playing up to the gathering. Ikiwa kuplay the gathering utangojea rally outside. Lakini sasa utazungumza kwetu.

Evans: I will talk to you sir. My names are Evans Muita, I am a resident of Komothai, I do business in Nairobi, I am an estate agent and I have some recommendations. The first recommendation I have is the Traffic Act: if you look at the matatus, the buses you find that they have like 20 stickers. One of them is P.S.V another one is TLB, another road License, insurance, and another one showing the passengers that are supposed to be carried in that vehicle, and another is the inspection sticker which is supposed to last for a year. I am saying that all those stickers should be removed because the Kenya Revenue Authority is the one issuing them. And it is very difficult for the owners of motor vehicles to get all of them. To avoid corruption, they should be removed, because like inspection stickers, there is no vehicle with the type of roads we have here, which can be

roadworthy for one year.

Background: inaudible

Evans: Yours is a Patrol, which is costing 12 million, and it is new. (laugh)

Background: ----- (inaudible)

Evans: Okay.

Com. Adagala: Anyway, just say all stickers should be removed.

Evans: Yes

Com. Adagala: There are some people who are driving on nice roads in Nairobi.

Evans: On nice roads, especially when they are here

Com. Adagala: Or Kisumu. (laugh)

Evans: Yes. What we are trying to say is that--

Com. Adagala: Don't try to say, just give us the recommendation.

Evans: The recommendation is that those stickers can certainly not last for a year.

Com. Adagala: You have said that, next?

Evans: The next thing is about insurance. There is this tendency where you find if a vehicle has an accident, you find lawyers rush there to get claims.

Com. Adagala: We know what it is, tell us your pendekezo

Evans: I am thinking that the vehicle should be insured against third party only and not passengers. The passengers, since they know their value, they should have personal accident policy. If you know your value is one million, you take a policy worth 1 million, if you have an accident your family will get that 1 million, the situation where that it must go to court, which must decide how much you are supposed to be paid. At the end of the day nobody benefits, the money is taken by the lawyers.

Com. Adagala: Okay endelea.

Evans: On the same issue, some of these awards which are being issued by the court make some owner matatus bankrupt. Some have been declared bankrupt, while others are under receivership. So, I was thinking that it should be abolished. That insurance, the insurance for the passengers, because the court awards 30 million to 40 million, the insurance company pays a certain percentage, another percentage is supposed to be paid by the owner of the matatu. So I am thinking if it is abolished that will have their personal accident cover whereby they went have to go to court, the insurance company will pay directly.

The other thing I wanted to recommend is about employment. In Kenya we require one man one job. Women, even they will

be included. We are saying that one person should have one job are. We should not have people who have several jobs because many people have no jobs. So I will not elaborate on that. The other thing is that the government should create employment by manufacturing medicine. We should have a factory manufacturing medicine, because we have pharmacists, we have clever people here, and the medicine should be free to all government hospitals. They should also create employment by expanding the Kenya Oil Corporation. It has only few petrol stations in like two or three, when company like Shell has 500. So Kenya Oil Corporation should open petrol stations to compete with shell and other foreign oil companies, so that they can employ many Kenyans and there is business on that. The government, should purchase goods from the other ministries, not from individuals, to avoid corruption. And things like government printers should printing all the stationery for the government.

Employment of security officers that is the police, the army, the GSU and all the security agents they should be employed from the Location, sub-Location levels. Such that, we can get trustworthy people, who can be trusted with our security. They should be vetted by the assistant chief in the sub-Location level.

The other recommendation I would like to make --

Com. Adagala: You mean if someone applies for a job in a security firm he should be vetted by the his assistant chief or in the police

Evans: Yes, also in the police, the prison, GSU, armed forces, that is the army, air force and even special branch, and the rest and the rest. They should be vetted by the assistant chief from the village level so that they will have good conduct. On political parties: it is my recommendation that people should not change from one party to the other, because Kenyans have been confused by these politicians. One day there are in this political party, the next one, another one. They should be made life members. A life member means you are supposed to be there until you die. The other things is about elections.

Com. Adagala: What happens to ordinary members? The rank and file?

Evans: All parties should have life members not ordinary members, so that they can stick there. If their party wins they continue, if it doesn't win they still continue in the opposition.

Com. Adagala: Ehe like Shikuku number 71?

Evans: Yes,

Com. Adagala: Kanu

Evans: Stick there. (laughter). The other thing I wanted to recommend is about the elected people, that is the President, the MPs, and the councilors. They should strictly be in Parliament for two terms of five years only, and they should be given

pension. Such that we have the President going around after retiring from office. We should have many Presidents here and many MPs here, so that they can also be helping these wananchi, since they are not reached when they are in office. During the election time, no money should change hands. People should be elected because they know what they are doing or because they are capable, but not those thieves who go there to steal from parastatals or from government organizations, then they come, bribe, and are elected. All leaders from the cooperative society or any other organization, should not be bribed. The bribe should not be there. Another recommendation I would like to make ---

Prof. Salim: Please observe the time limit, please?

Evans: Yeah

Prof. Salim: I think your ten minutes are up.

Evan: I will go very fast now. The government offices should be at constituency level.

Prof. Salim: You are about to finish?

Evans: Yes I am about to finish. The government offices should be at constituency level to avoid people traveling long distances. Those officers at constituency levels should understand the local language of the given area so that they can help mwananchi.

The last one is on retirement benefits. I would recommend that when people are retiring, they should be paid their benefits to avoid further corruption. Three months before their retirement, they should be given their package to avoid their going to Nairobi to bribe so that they can get their money. And the question of retirement age, it should be mandatory 55 years for all professionals, because to me these people cannot be thieves-- they cannot be crooked , they are people who have means, and they have pensions, so they can stay at home.

The other thing the Commissioners I would like to recommend, is about the licenses.

Prof. Salim: I thought that was the last one?

Evans: The last one is licenses.

Prof. Salim: You already discussed licenses

Evans: No, another thing I am saying is that licenses should be issued freely.

Prof. Salim: Okay thank you very much for your contribution bwana Evans Muita,

Evans: Thank you everybody for listening—

Prof. Salim: just wait there for a minute in case my colleague has any questions to clarify anything.

Evans: Please ask.

Prof. Salim: May be I could ask you one while he checks. You are talking in terms of removing all stickers from matatus.

Evans: Yes

Prof. Salim: Does that include insurance sticker and the road license?

Evans: The road license and the insurances' third party one only should remain, but the others should be removed.

Dr. Mosonik: So it is not all stickers

Evans: It is not all

Prof. Salim: So you want to qualify your statement about all stickers?

Evans: Yes I want---except, that one.

Prof. Salim: And then you talk in terms of should court award bankrupt matatu operators, because they give awards to passengers. So you don't want any awards given to passengers?

Evans: Yes, I don't want, because I want the passengers to have their personal accident policy, since that money does not reach that passenger.

Prof. Salim: But do you think that is fair?

Evans: Yes it is fair.

Prof. Salim: I may enter somebody's matatu, I may not have any personal accident, and I think I can safely say that 99% of Kenyans, average Kenyans, have no personal accident policies.

Evans: What I was trying to say is that from here to Nairobi fare will be cheaper. The insurance is the most expensive. Like traveling from here to Nairobi probably cost 50 shillings. 20 shillings is because of the insurance. So if the insurance for those passengers is not there --

Prof. Salim: You see, the thing is that you are looking at all these from the point of view of matatu owners, you are not looking it from the point of view of passengers at all.

Evans: I am also looking at them in the end, it will be cheaper for them to travel because the matatu is travelling when you are inside. A building like this one can collapse. So if you have insurance personal accident for 24 hours is better.

Prof. Salim: Who should have the insurance policy, is the passenger?

Evans: He is the passenger yes

Prof. Salim: Is it the passenger? But I am telling the passenger may not have insurance. So God forbid. Somebody's wife or child dies in a matatu accident, he will not get anything from the matatu owners for his insurance policy if we were to follow your recommendations?

Evans: what I was trying to say, I was trying to say you recommend. People should be encouraged to take their personal accident not to rely on matatu one

Prof. Salim: And what about the matatus you see them as having no---

Evans: Matatu and other means of transport should not have the insurance for catering the passengers.

Prof. Salim: Alright you are seeing it as I said from the point of view of matatu owners, but we understand.

Evans: I was trying to say that matatu owners have been going bankrupt because the courts have been awarding a lot of money---

Prof. Salim: That is exactly the point I am trying to make. You are seeing it from the point of view of interest of the matatu owners.

Evans: Yes

Prof. Salim: Fine thank you.

Evans: The last thing I wanted to say is about the duties. The duties should be verified ---

Prof. Salim: No, I think we have finished with you. We were just seeking clarification. Thank you.

Evans: Thank you.

Com. Adagala: What you would like is for the matatu owners to make only the profit? Because I am not responsible for the driver that you hire? Okay? I am not responsible for the maintenance or the outcome. In fact you want me pay your driver, pay maintenance, pay your everything and then if I get in an accident and get my legs cut off I should pay. So you want a passenger to pay for everything?

Evans: What I am saying is, as the things are now the high premium which are paid by the matatu to insurance company.

Com. Adagala: You can misuse the high premium, if you want to recommend that, but you cannot just make profit of people, they are not gunias.

Evans: I am not trying to say that way. I am trying to put it this. The high premiums which are paid by the owners of the matatus, they are paid by the passengers.

Prof. Salim: Thank you. We move on to bwana Samuel Waweru, is he here? Samuel Waweru? Here? No. Samuel Mburu? Joseph Warioko? Karibu. And is Councilor David King Kibuja yuko? Eh yuko wapi? You were there yesterday weren't you with us? Okay but you didn't give any -- we remember seeing you there somehow I don't know why? But you came here to give your views? Thank you.

Joseph Warioko: Okay thank you very much Commissioners. My name is Joseph Warioko, I come from Komothai. I would like second that the President should not be above the law. By virtue of his power, he should not be above the law. I would like to talk about the issue of vote of no confidence to the President. So personally I have a vote of no confidence in the President.

Com. Adagala: Tafadhali, mkutano mmoja tafadhali.

Joseph Warioko: So if the members of the Parliament have a vote of no confidence in the President, they have to do it.

Com. Adagala: And MPs and councilors?

Warioko: Of course yes

Com. Adagala: Mayor? You see a vote of no confidence is a principal so it should apply?

Warioko: Of course. Each and every member who is leading the public should be elected under all cost. Then the other issue is about the disabled. They must be given their rights.

Com. Adagala: civil who?

Warioko: Disabled

Com. Adagala: Disabled

Warioko: yea. To be given their own rights like each and every person.

Com. Adagala: Okay, I would have liked to hear a little bit more about these rights, but if you have them down it is okay. Okay Councilor your time now.

Councilor: Thank you Commissioners and welcome to my location, which is Komothai Location. My name is as you have read David Kibunja, a councilor for this area. There is so much that has been talked today in a way that I have decided to restrict my contributions to the issues that I thought have not been touched adequately. I will touch on Land reforms: If you don't mind, it is a matter of fact that land is the basis of the economy in Kenya and therefore should be owned and managed in a sustainable manner. That is why it should be owned by Kenyans but under state supervision for utilization. So the land should be owned by Kenyans and supervised by state to make sure that every land is utilized in that no parts of arable land shall be left idle.

The Government should also have the power to acquire private land for any purposes so long as it shall compensate to the owner adequately, in terms of investment, development, in accordance with the market value of the time. But if the land is being acquired for lack of utilization, then no compensation should be made by the Government. Instead the Government should seize it and allocate it to the other Kenyans who shall put it into viable economic use. It shall also be prudent for the government to control the use of land by the owners in order to keep checks and balances on the environmental enhancement. The state should ensure that no Kenyan shall be a squatter in his own country.

The land therefore should be divided into four categories, each category with a sealing of land ownership. That is: the first category should be large-scale land or farm. The ceiling should be one thousand acres to an individual or an institution, so that we don't have one person who has got one thousand acres in the Rift Valley, and he has also one thousand acres at the Coast. The small-scale land or farm, the ceiling should be 250 acres per individual or an institution. Note that the two above categories should be on legal basis. The third category should be family unit land. Each family in Kenya shall be entitled to a 10 acres filling of land which shall be free hold.

The fourth category is for anybody who is over 18 years and does not have formal employment. Every Kenyan who attains the age of 18 and they do not have formal employment should be given two and half acres, filling, on lease hold to sustain him or herself: but if an employment opportunity arises, or in case of his or her death, then the state can allocate the same land to a person of the same dire need.

Com. Adagala: So you have a written memorandum, make highlights councilor. You can see where the son has gone?

Councilor: Okay I am making the highlights. In relation to the above, that is farms, in terms of cash crops we would like to have a cutting point for prices. That is fixed prices like for coffee or tea. So that if the farmer doesn't realize the same, then the government subsidizes the farmers in order to encourage them. The other thing concerns non-citizens. Non-citizens should only be allowed to venture in large-scale farms with a ceiling of 1,000 acres, but with shorter leases e.g. of 20-25 years only. Otherwise they can own a residential land of not more than 1 acre.

Treaties and Agreement: No pre-independence free treaties and agreements should be retained in Kenya, because Kenya is one and belongs to all Kenyans. As such, a Kenyan can own land anywhere in the republic. Furthermore these treaties and agreements were entered into by the colonialists who had no mandate over the Kenyans. Dear Commissioners please note that the issue of land reform is very sensitive and that is why we want it entrenched into the Constitution, irrespective of the Njonjo Commission for land reforms. So we are ignoring, trying to ignore the Njonjo Commission, we don't trust them.

Com. Adagala: -----(inaudible) the Commission but we are on different levels and we are going to have a seminar on land and the Njonjo Commission like other Commissions will input into this Commission. Wataleta. Yes so we can't waste our resources in that way councilor. Any point?

Councilor: I have not finished I wanted to --

Com. Adagala: Well you better finish

Councilor: Local government---

Com. Adagala: That one you should tell us good things.

Councilor: Nobody has talked about the local government.

Com. Adagala: People talked about local government, you may not have been here.

Councilor: Okay, thank you.

Com. Adagala: Including how many years you should be in office, councilor

Councilor: Oh okay two terms and be pensionable. It is evident that local authorities are the most basic level of governance which makes them closest to the people and that is why people would want to elect their chairmen and mayors through the secret ballot. That is having an executive chairman and mayor for five consecutive years.

Com. Adagala: Selected how?

Councilor: Through the ballot box

Com. Adagala: Direct?

Councilor: Direct

Com. Okay

Councilor: The council should be autonomous and councilors should have the power to hire and fire chief officers. It is accepted that most leaders are born with leadership qualities, and as such, anybody who is illiterate, but is proficient in national and official languages, should qualify as a councilor just like the members of Parliament. We should not say that--

Interjection: (Com. Adagala) you are reading.

Councilor: Yeah they have to be of form four level.

Com. Adagala: No you don't have to read, make points

Councilor: Okay

Com. Adagala: What is the education level? Zero?

Councilor: Well as long as they are literate---

Com. Adagala: Minimum, we need a minimum education.

Councilor: Minimum, standard eight, they can read and write. So they are literate.

Com. Adagala: But you said like members of Parliament.

Councilor: Well the members of Parliament do not have a limit on qualification. They only pass the proficiency test.

Com. Adagala: We are stating, we are asking for people to give us educational levels. They don't have now, and we are reviewing the Constitution, we would like to also review that issue.

Councilor: Yeah

Com. Adagala: Yes

Councilor: Then that can be amended by somebody else.

Com. Adagala: Okay, they have----- (inaudible)

Councilor: The other thing that we wanted to talk about is the minister in charge of local government-

Interjection: (Com. Adagala) We are not talking, you are presenting and you will represent your proposal with discipline councilor.

Councilor: Thank you, thank you very much. The other thing that we are saying is that we should not create so many councils. In one county council we should not create more than one municipality, the urban and town councils are not necessary.

Com. Adagala: Urban and town Councils eh?

Councilor: Yeah, they are not necessary, because they are increasing the revenue paid.

Com. Adagala: Well they also overlap, isn't it?

Councilor: Eh?

Com. Adagala: They overlap one another?

Councilor: They do.

Com. Adagala: Okay endelea

Councilor: Yes. Eh the other thing is that for sometime---

Com. Adagala: Give us the proposal

Councilor: Yea the proposal

Com. Adagala: No history.

Councilor: We would like the minister to exercise his powers under Section 9 to amalgamate all those creations of urban and town councils into the original mother councils. That is adding the only two within in a given area.

Com. Adagala: Okay endelea

Councilor: The other thing that we would like repealed are the conflicting powers between the Minister of Agriculture and the Minister of Local government in terms of production or crop -----(inaudible). We feel it should be retained by the minister of local government so that those -----(inaudible) can be treated under the fees and charges.

Com. Adagala: I think if you have finished local government, have you finished local government?

Councilor: I have finished with the local government but I wanted to entrench issues on HIV/AIDS. We feel that --

Com. Adagala: You want to entrench--?

Councilor: No I am --

Com. Adagala: It is entrenching itself.

Councilor: Eh?

Com. Adagala: HIV/AIDS is entrenching itself. What would you like to do?

Councilor: Eh I would like the local authority to have a vote on that, so that they can be prepared in case of disaster, that is for disaster preparedness and management. It is also suggested that HIV/AIDS be managed by the council. There can't be anybody more qualified like a councilor to deal with HIV/AIDS related issues. He sees them in hospitals, he burries them, he conducts fundraising for the orphans and he literally lives with them. It is only prudent that standing committees then be formed within a council, so that any money that is coming from either the Central Government or the donors be channeled through the councils, so that they can help to identify the problems from the grass root level.

Com. Adagala: Why can't the council raise money?

Councilor: Well the council could, but it does not have enough financial base to cater for the whole of their county council as such. So ---

Interjection: (Com. Adagala) Just, on the standing committee.

Com. Adagala: On the standing committee of AIDS, why can't the council raise money? I am talking about this because everybody is seeing what the Government can do. The Constitution is about the relationship between the governors and the governed. Also what can the governed do? Also what can the people do? Actually we have missed out that whole dimension of the governed and it is just not coming through. It is just Government, Government, Government, and it would not work because it has to be both ways. I don't think I am mistaken?

Councilor: No, but you see within the memorandum I have always said that the council---

Com. Adagala: I am just saying generally.

Councilor: I have said that the council should have that vote. They should provide, to cater for that. I think it might not be adequate, thus we should expect some more donations from donors and elsewhere to serve our purposes.

Com. Adagala: Okay

Councilor: Thank you very much

Com. Adagala: Haya----- (inaudible)

Dr. Mosonik: On the Njonjo Commission you said you don't trust them. Can you say just a little more please on the Njonjo Commission.

Councilor: You know we have seen so many Commissions and they end up nowhere. So what happens is that whenever the report is prepared, it is shelved. And once it is shelved there is nothing that will be done, nobody will be able to follow it again. And we feel and we think that it was done deliberately. That is why the Njonjo Commission was appointed before the CRKC, so that you are not seen to be handling it or dealing with it, so that it appears as if you entrench it into the Constitution. It is something like it was hijacked from the main stream. That is, it is not in a Constitution, not entrenched like you are. So---

Com. Adagala: What about the 8-4-4 one? It is also a Commission, their findings will also input into this Commission.

Councilor: Yea, but entrench what we are telling you ----- (inaudible)

Com. Adagala: But I am just telling you we don't see them as antagonists. We don't see them as opponents, or enemies. They have gathered a lot of data, a lot of views from wananchi, and we will look at them and put them here.

Councilor: Fine thank you very much

Com. Adagala: Together with the ones we have received from you. *

Speaker: Kikuyu Dialect

Translator: Nataka kuwaambia asante sana kwa kuja kwetu hapa Kigumo Kiratina. Sisi wenye kijiji tunafurahi sana, maana mumetutembelea. Lakini nitawaambia kitu kimoja lakini hiyo hamtaandika. Ningetaka hata Serikali iendelee kutusomesha sana, na hata mkienda muwe mkitutembelea na hata kutuma watu wengine watufundishe. Na mkienda, muende salama. Asante.

