

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

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[Redacted]

CONSTITUENCY PUBLIC HEARINGS,

KITUI WEST CONTITUENCY HELT AT

A.I.C. KIAYINE, MATINYANI

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ON

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4 JUNE 2002

CONSTITUENCY PUBLIC HEARINGS, KITUI WEST CONSTITUENCY, HELT AT A.I.C. KIAYINE,

MATINYANI ON 4TH JUNE 2002

Present

Com. Pastor Zablon Ayonga
Com. P.M. Wambua
Com. Charles maranga

Secretariat in Attendance

Collins Mukewa - Programme Officer
Elizabeth Nderitu - Assistant Programme Officer
Zipporah Wambua - Verbatim Recorder

The meeting started at 9.45 a.m. with Commissioner Wambua in the Chair.

Speaker: Hawa wako nje ya compound waanze kuingia.

Com. Wambua: Everyone understands, kama ni Wakamba nitaongea Kikamba wale ambao sio Wakamba tutafanya translation, wacha kwanza nianze na Kizungu.

Mabibi na mabwana tungelipenda kuanza kikao hiki. Hapa tuko na Commissioners watatu, ningelipenda kuwajulisha wale ambao wamefika leo. Kwanza tuko na Pastor Zablon Fena Ayonga, ni mzee ambaye ndiye anawakilisha wale ambao mnaita Senior Citizens. Mzee ndiye anatuonyesha njia huko kwa Commission, amefanya kazi na Kanisa la SDA kwa miaka mingi, karibu 30 ama zaidi. Hapa tuko na Commissioner Dr. Charles Maranga Bagwasi, Charles Maranga ni mtu anayejulikana sana, amesomesha huko Kenyatta University miaka mingi na pia wakati moja akajaribu siasa, aka-retire, akaingia kwa Commission, amesema pengine wakati ujao pengine atajaribu kuuliza hiyo kazi tena, kwa hivyo tunataka kumpatia maombi. Mimi kwa upande wangu nafikiria mnanijua, mimi ni mtu wenu hapa, natoka hapa hapa tu. Sijui kama mnataka majina. Paul Musili Wambua Commissioner.

Upande huu tuko na Secretariat Staff, wale ambao tumekuja na wao ndio watatusaidia. Kwanza tuko na Collins Mukewa ndio huyu hapo, yeye ni Programme Officer huko kwa Commission. Tuko na Elizabeth Nderitu, Assistant Programme Officer – Commission na tuko na Zipporah Wambua, but not related with me yeye ni mtu wa kutoka uko Matuu, lakini she is also a Verbatim Recorder, sitaki msemu nilikuja na sister yangu. Yeye ni verbatim recorder kutoka Commission, so she is the one who is going to record what we are going to say. Halafu nitampatia huyu atasema maanake tuko na Coordinator hapa pia ni

mtu watu, Field Officer, Elizabeth Mumbi mnajua sana na Assistant wake anaitwa Dennis. Those are the Commission officials.

Kwa hivyo Elizabeth itatujulisha 3C's tumalize this programme maanake sasa uko mwisho mwisho pengine hatutakuwa na wakati. Utuonyeshe members wa 3C's wale wa Kitui West halafu nitampatia nafasi Dr. Charles Marange ambaye atakuwa ndiye Mwenyekiti wa kikao hiki aendeshe sasa, kuanzia sasa. Kwa hivyo Elizabeth utujulisha watu wako, nawajua wote mimi lakini nafikiria ma-Commissioners wangependa kuwaona. Wao wamesikia mnafanya kazi vizuri lakini hawajui ni akina nani, kwa hivyo tafadhali utujulisha members of the Constituency Committee.

Elizabeth Mumbi: Kwanza wacha tuanze kwa maombi, ningependa kumwalika Malusi. Ningependa kumwalika Mr. Malusi atufungulie mkutano wetu kwa maombi. Karibu.

Mr. Malusi: Tuombeni. Baba katika jina la Yesu twaja mbele zako kwa unyenyekevu, tukijua na kukubali ya kwamba bila wewe, hatuwezi chochote. Tuna kile ambacho kimesababisha tukusanyike hapa, tunataka hekima, tunahitaji pia maarifa hayo hatuna ila wewe utuongoze, twaomba roho wako na uwepo wako uwe nasi, uanze nasi, uendelee nasi na umalize nasi. Yale ambao tutatenda katika jumu hili yawe ya kulitukuza jina lako na yawe ya manufaa kwa nchi yetu ya Kenya. Twaombea serikali na wale wanaoiongoza, President na Mawaziri na Wabunge na Madiwani na wafanyikazi wote wa serikali wa Local Authority na yeyote yule ambaye anahuduku kwa mambo yote, pia twakumbuka wahudumu wa kazi yako wachungaji na wote ambao wanaeneza injili yako ili kuwoko amani na utulivu katika nchi.

Twaomba baba utusamehe kwa yote ambao tumekukosa kwa mafikira, kwa maneno na kwa matendo na twaomba uongozi wako. Uwe nasi, uwe na Mwenyekiti, uwe na hao wengine Wanatumia and wale wote ambao wanasaidiana nao na sisi zote, ili tusije tukachukua mafikira yetu tukapeleka mbali na kusudi yetu itakuwa wakati huu. Uwe nasi, utuongoze, utubariki na katika jina la Yesu Christo, mwokozi na mwongozi wetu tunaomba. Amina.

Elizabeth Mumbi: Wacha nichukue fursa hii niulize wanakamati wote wasimame ili niweze kuwajulisha kwa wageni na wale wengine. Hapa tuko na Jeremiah Mulu, huyu ndie Chairman wa Kitui West Constituency. Halafu mbele yake kuko na Penina Kimanzi pia na mwanakamati, mbele yake kuko na Bibiana Mulwa – Member na tuko na Fred Mwalimu, mbele yake kuko na Francis Ndingu, huyu ndie Vice Chairman. Wale wengine hawajafika lakini walikuwa wakitoka mbali sana, watafika pia tutakuwa na wao na ningependa kuwajulisha yule amekuwa akifunza Location hii. Mr. Malusi, amekuwa mwalimu wa Civic Education katika hii Location.

Kwa hayo wacha niridisha kwa (sentence incomplete)

Com. Wambua: Nienda kunena kimusye nikenda withiwe niatkwatania. Ndinegiwe mwantha usu ninge? Tutisye mwantha

uu nieundu wa kwithiwa ni mwise undu koo twikalaa na tuikwenda mundu asye nutatililwe, avatwa mwanth wa kunengane views syake. Kwoudo twenda wise kwithiwa kila mundu ni wakwata mwantha, na twanenea kavati nitwendie twathukuma undu twaiwane na twanengwa mwantha uu. Na niasya andu ala manahusika na wia wa kuvanga akina Mulu na Coordinator ni mutavisye andu withiwe ni mooka, nikenda withiwe ni maumya maoni moo. Tuikwendaa mwongela ngewa nundu ni twisena twenda kumya mwantha kwa kila mundu withiwe niwatugenga maoni moo Na ithye nitookie nikena withiwe nitwatavwa kila undu andu makwasya yulu wa Katiba undu makwenda maandike. Twikatweke vee andu twatiye nza. Na niasya nienda kuvkya ngewa isu vau nundu vaie maana ma kwongela, nitwelailwe.

Kwa hivyo nafikiria madam Coordinator, tuko na area Chief ambaye yuko hapa pengine, one of the unique things about Matinyani is that we always here lady leaders, lady Cabinet Ministers, that is the area Chief, she is Annet Mbiti – Chief Matinyani, nafikiria nimeomwona Chief Mutundu, Cosmas pia yuko pale. He is my Chief actually although I am at the border, I do not know which area I belong to both of them claim that I am their subject because I am at the border. Kwa hivyo nafikiria sasa nitampatia nafasi Commissioner Charles Maranga aendeshe, maana tumepata watu wa kutosha yeye sasa ndiye atatuambia vile tutaendesha mpango wa leo. Thank you.

Com. Maranga: Basi kwanza kabisa nataka kutoa salamu zangu kwa niaba ya Tume ya Kurekebisha Katiba ingawa Commissioner Wambua ameongea, unajua huyu ni mtoto wa nyumbani na mtoto wa nyumbani hana ile maneno wato wanamtambua, wanamwona tu, huyu ni kijana wa fulani hapa. Hakuna maneno mingi, lakini sasa sisi wengine ni wageni hapa na tunataka kusema asante kwa kutukaribisha hapa Matinyani na leo tunataka mtoe maoni yenu bila wasiwasi, ukiwa mfanyi kazi wa serikali kama Chief's na kila mtu, unahaki ya kutoa maoni mbele ya Tume ya Kurekebisha Katiba.

Kwa hivyo Chief's, mahali zingine zote tumeenda hapa nchini Kenya, kama jani nilikuwa Saikuru na District Officer alitoa maoni yake kabisa bila wasiwasi, Chief's walitoa maoni, na kila mahali yote hapa tumeenda Chief's D.O's hata yeyote, awe D.C. hata uliona President mwenyewe anasema anangojea Yash Pal Gai, tuende tuchukue maoni yake, kwa hivyo hata Rais anatoa maoni yake. Tunasikiza hayo maneno? Kwa hivyo mtu asikuambie eti wewe ni mfanyikazi wa serikali uwezi kutoa maoni, unatoa, ukiwa mwalimu, ukiwa nini unatoa maoni yako.

Sasa lakini, kabla hatujaanza, tusikizane ile masharti. Ya kwaza kabisa tutafuata list, kuna list tunajaza hapo nje, ukiingia wewe utaamua kama unakuja kuongea ama utaki kuongea. Kama unataka kuongea basi utajiandikisha na utuambie unaongea ama unapeana memoranda, kuna wengine nakatoa, ama ile memorandum wameandika bila hata kutaka kuongea, kwa hivyo unaweza ukafanya hivyo. Bila kuongea na utoe memorandum yako. Vile vile unaweza kuja hapa, uketi kimya usikize vile wengine wanaongea na vile vile inakubaliwa.

Unaweza kuja hapa unataka kuongea, sasa wale ambao wanataka kuongea ndio ninataka kuwambie zile njia ambazo tunafuata.

Ya kwanza kabisa, mtu anajitambulisha jina lake. La pili, unakubaliwa kuongea lugha yoyote, unaweza kuongea lugha ya Kiswahili, lugha ya Kiingereza ama lugha ya mama. Kwa mfano sasa tuko Matinyani, unaweza kuongea lugha ya Kikamba lakini hata kama hata kuna Mjalu hapa, anaweza kuongea Kijaluo. Tunaelewana hivyo? Kwa hivyo inakubalika.

Tena kitu ingine ya muhimu sana, tunataka mutoe mapendekezo vile unavyotaka, lakini ukitambia. Kwa mfano, ukituambia watu wa Ukambani, taabu zao ni maji, maji, ni maji na hutupi pendekezo vile unataka tufanye, Katiba mpya haitusaidii. Ukisema barabara ni mbaya kati ya Kitui na Mwingi, sasa wewe unatakiwa utupe pendekezo useme, tunataka barabara mzui namna hii, namna hii. Kama ni elimu ni hivyo hivyo, kama ni maneno ya uongozi, ni hivyo hivyo. Kama unataka Chifu waendeleo, utaambie vipi? Kama hutaki waendeleo, utuambie vipi? Tunaelewana? Kwa hivyo mkija mnatoa maoni ile sawasawa.

Tena kitu ingine ni, kuusu muda. Sisi kama Tume ya Kurekebisha Katiba, tumepita mahali mingi hapa nchini Kenya, tumeenda Mkoa wa Pwani, Mkoa wa Mashariki, Mkoa wa North Eastern, huko Nairobi. Tunampa mwananchi dakika 5, ata kama umeandika memorandum, unatupa maoni yako ya muhimu. Ingingine yote, sisi tutaenda kusoma, kama unaongea vile vile tunakupa dakika 5, kwa hivyo unajipanga vilivyo ile maoni ambayo unataka kutoa, uhakikishe kwa hiyo muda umefanya nini? Umetoa. Kwa sababu tunataka kumpa kila mtu nafasi, atoe maoni yake. Tunaelewana? Kwa hivyo hiyo ndio wakati, kwa hivyo mimi kama Chairman, sitakuwa naongea, nikiona wewe unazidi, nakuambia sasa malizia ama nitakukata. Tunaelewana? Lakini sitaka ufike wakati huo, mimi nataka unatoa maoni yako kwa wakati ambayo tumekubaliana. Tunaelewana kwa hiyo maneno?

La mwisho kabisa mtu akitoa maoni yake ata kama unakubaliana naye, hukubaliani naye, hiyo ni maoni yake. Sisi hapa hatusemi, haa, hatusemi tushangilie huyu ama nini! Hapa sio mkutano wa siasa, mtu anatoa maoni vile unataka. Tumekubaliana? Kwa hivyo mimi sasa, naambiwa wale ambao wako na simu ya mkono ile inaitwa mobile, ile simu ambaye inatembea kila mahali, kama Coordinator mimi najua ako na moja. Mnazima zote kwa sababu inafanya hitilafu kwa mitambo ya kunasia sauti zenu. Kwa hivyo hayo ndio nafikiri nitasema. Com. Wambua.

(Interjection)

Kwa hivyo, ukimaliza kuongea hapa mbele yetu, kuna kijitabu huko, register rasmi ya Tume ya Kurekebisha Katiba, utaenda huko uweke sahihi, utuwachie memorandum, ata kama huna memorandum, utaweka sahihi ya kuonyesha kuwa umefika mbele ya Tumbe ya Kurekebisha Katiba na hiyo ni recordi ya kihistoria, itakuweco na itaendelea kuwa hapo. Hiyo ni permanent record ya Commission.

Ata ukioni Commissioners hapa hawaandiki kila kitu, wanachukua point fulani, tunanasa sauti yenu yote. Ata kama ukikohoa

wakati unaongea tutaanasa hiyo kukohoa. Unasikia hivyo? Kwa hivyo kila kitu iko recorded. Tunaelewana? Kwa sababu kuna wazee wengine wakiona Commissioners hawaandiki, wanasema mnasekiza maneno yangu kweli? Kwa nini hamwandiki? Tunanasa huko record yenu. Tunauliza hiyo jina yenu kwa sababu wakati tutakuja kuleta report unataka kusoma. Naweza kusema, Elizabeth Samuel, aliongea nini? Mulwa aliongea nini? Fulani aliongea nin? Annet aliongea nini? Tunaelewana? Kwa hivyo hiyo ni maneno ya muhimu.

Basi bila kupoteza wakati, sasa ni saa nne kasoro dakika saba tunaanza mkutano wetu rasmi wa kuanza kusikiza maoni na yule ambaye anatoa maoni, utakaa hapa, tutakuwa na mic hapa. Unakuja unaketi hapa halafu unatoa maoni yako.

Kwa hivyo wa kwanza kabisa ni Councillor Musyimi Manzi.

Coun. Musyimi: I am Councillor Joseph Musyimi. I will represent my views towards the Constitution Review.

I suggest that Councilors should get their salaries from the Central Government.

They are elected members of the Council, like the elected Members of Parliament and so, they should draw their salaries from the Central Government. The Councilors conduct a lot of Harambee in their areas and meet all sorts of demands from the people of their areas in developing their areas.

I suggest that their salaries be increased to Kshs. 50,000/= or Kshs. 100,000/= per month so as to meet the areas demand. I also suggest that, any Councilors elected in the Council for 1 term of 5 years, he or she should qualify for pension.

I suggest that ballot papers cast at any polling station should be counted at the same polling station, and the Presiding Officer of the Polling Station carry announce the result to a central point, where the results from all other Polling Stations shall be counted.

The idea of carrying ballot boxes to the central counting point has been noted as cheating is concerned.

Political Party: Political parties should be 3 only, there is no need for many political parties in this country, if we want to develop the country.

Thank you.

Com. Maranga: Ngoja kidogo, kitu ambayo sikuwaelezea kabla pengine haujatoka kwa kiti ya maoni saa ingine Commissioners wangetaka kukuuliza maswali ama kuakikisha ya kua ile maoni umetoa ameyasikia kwa usawa, kwa hivyo nitauliza Commissioners wenzangu kama wana swali na kama hawani utamalizia hapa. Any questions? No. O.K.

Thank you very much sasa Councillor uende uko uweke sahihi kwa huyo kijana chipukizi huyu, uweke sahihi mbale yake huyo anaitwa bwana Mukewe.

(Interjection)

Com. Maranga: No, it is O.K., we are all right there is no problem.

The next one is Permenas Munyanya, Munyasia sorry and my apologies.

Parmenas Munyasia: Mr. Chairman, Sir, My name is Honorable Parmenas Nzilu Munyasia and I am just presenting my memorandum towards Constitution Review.

Mr. Chairman Sir, the first thing is extension of time concerning your Commissioner.

1. Mr. Chairman Sir, my view is that the Commission should be give sufficient time to produce a comprehensive Constitution to avoid sooner amendments if elections were to be held this year using the old Constitution. That is my view number one.

2. National ceremonies: Mr. Chairman Sir, the Commission must remember that the Kenyatta day to my view, was wrongly considered and my view is, Kenyatta Day is called Kenyatta day because Kenyatta and the other 5 persons were detained on the 20th October 1952, same day, same night, same year and therefore only 6 people were ddetained on that particular day and therefore others were sooner detained and sent to other detentions. Therefore my proposal is, that the Kenyatta Day should be scratched off, to pave way for those who were detained together with Kenyatta on 20th October 1952 and are still alive to deliver speeches to the nation as on that material day.

Mr. Chairman Sir, I will quote afew who are alive and those who are dead. The Honorable Jomo Kenyatta is dead, the Honorable Kungu Karumba is dead, the Honorable Benard Kubai is dead. Those alive are Joseph Paul Ngei, Honorable Ochieng' Oneko, Honorable Kaggia, those are still alive and they should deliver speeches, so that the younger generations should understand how the few fought for independence.

Latter on others were detained in a massive way, Mau Mau leaders and leaders of various groups and other organizations and therefore, the Review Commission should consider that very seriously. When I was giving a comprehensive report on the questionnaire book or document, I left one word about the Police Force.

3. The Police Force should be recruited to tally with the Kenya Armed Forces i.e. employed on contract basis of 9 years and later if the 9 years are competed, to reapply for the contract. This will reduce massive corruption, which is currently on, in the

Police Force, and any officer would be careful to perform his duties well knowing that after 9 years contract, if I did not perform well I will be sacked.

4. **Parliamentarians Pension:** My friends of Parliament did not consider seriously where the scheme should begin. They come to those who were sitting in 1998, they said 2 terms of 5 years of their current time. So, after 10 years some had gone out and they were pensionable. Those who come in, 1997 changed that scheme, they said No it is 5 years only. Those members of the current sitting Members of Parliament of 1997 whose time is ending this year, after being thrown out they will qualify, after serving for 5 years.

Your friend said I quote myself, I have done 18 and half years in Parliament 1963 to 1984. I was removed through a petition and I am not pensionable. Therefore, I will say it should read that any person or persons who had been a Member of Parliament since independence (1963) and that he had fulfilled all the requirements as laid down in Parliament Standing Orders should be pensionable.

5. Lastly, Sir in Ukambani we have natural rivers especially Athi River. This river is running through out or along the Ukambani areas to the Sea, after that the water is a waste. This river should be blocked as it was done with Tana River. Tana River, they have got 7 folks but Athi River has none, why that difference? Therefore, when God created the 2 big rivers, he had a purpose for Tana River and Athi River in Ukambani. Why are we skipped off, this is very unfair and therefore, this river should be blocked to allow people to irrigate from both sides and prevent wastage of water running to the sea to be useful, to be utilized for better farming and better use. Thank you Sir.

Com. Maranga: Thank you very much. I think Honorable Parmenas Munyasia, you have a number of questions from the Commissioners and points of clarification.

Com. Wambua: Honorable Munyasia, I would like to know from you whether you have any suggestion regarding the date. You have said that we should scrap Kenyatta Day and you have said that those who are alive and are freedom fighters who were jailed with Kenyatta should deliver speeches. Do you have a proposal as to what name we should give to this holiday? If we should have one or are you suggesting that there should be no holiday to remember those who were arrested on that day?

Hon. Munyasia: Thank you. There is no change for the day, it should remain the same day 20th of October 1952 for heroes, it should be called Heroes Day as done in COTU.

Com. Maranga: There is another question from Pastor Yonga.

Com. Pastor Yonga: My question had been asked by Commissioner Wambua but in addition to that question you said, we

have some of these freedom fighters who are remaining, 3 of them. Now, if these 3 are going to give speeches, what happens to the day, you know as we get old we will die out, after then what happens to that day? Did you take some thought about the continuation of that heroes day, who is now going to speak on their behalf?

Hon. Munyasia: Thank you Sir, I did not say, I think I said specifically that the 3 are still alive but there other groups who are still, the present leaders of Mau Mau who are still alive and other organization leaders because, during the colonial day, they picked the detained leaders. I was detained for 3 months and put in until they could not prove whether I took the Mau Mau Oath.

Com. Maranga: May be the last question from the Chair. What is your position about Nominated Members of Parliament since 1963 to date, do you want them to be considered as elected Members of Parliament?

Hon. Munyasia: Yes.

Com. Maranga: Thank you.

You can now sign our official register with the young man Mr. Collins Mukewa. Thank you very much. Now, the next person is William Kisuzu.

William Kizuzu: Jina langu ni William Kaindulu Kisunzu, kutoka katika Location ya Kalimani na Sub-Location ni Chamzia. Mimi ninakikundi changu cha wazee ambayo tunajiita Chamzia Wazee Self Help Group. Kazi yetu ni kulima, kupanda mboga na kutengeneza matoari ya kuuza ili kupunguza umaskini. Ninatoa shukrani kwa kupewa nafasi hii ili kutoa maoni ya wazee wenzangu.

1. Tumeona sisi raia tupewe nafasi ya kuwachagua ma-Chiefs kwa sababu ma-Chifu ambao wameandikwa siku hizi wanaandikwa kisiasa. Either mwanasiasa anasindikisha mtu yake ndiye anaandikwa Chief. Huyo Chifu hawezi kutumikia raia kwa njia inayofaa kwa sababu ameandikwa na mtu fulani. Wanasiasi ni watu kuchaguliwa na mkundi na kunakuwa na upinzani fulani, kwa hivyo Chief atakuwa akikaa tu kama yule ambaye amemfanya aandikwe, hawezi kutumikia raia kwa njia inayofaa. Kwa hivyo tukipewa nafasi, sisi kuwachagua Machifu nafikiri tutachagua mtu ambaye atatumikia kwa njia inayofaa. Hiyo ni maoni ya kwanza.

2. Katika Katiba ya 1963, wafanyikazi wa serikali walikuwa hawakubaliwi kufanya biashara lakini Katiba imelgezwa wafanyi kazi wa serikali wanafanya biashara, kwa hivyo hawawezi kutumikia raia kwa njia inayofaa na ndio wamefanya uchumu wa nchi kuzoroteka kwa sababu ya ufisadi, kwa hivyo mimi natoa maoni yangu ya kwamba wafanyi kazi wa serikali wasikubaliwe kabisa kufanya biashara. Kama ni kufanya biashara wafanye indirect, wafanye kwa wanawake wao ama watoto wao, lakini

hao wenyewe wakae maofisini watumikie raia kwa njia inayofaa.

3. Naongea juu ya wazee ambao wako zaidi ya miaka 60 kama mimi. Wazee hawa wakifika miaka hiyo, hawatunzwi kwa njia inayofaa na watoto ama wake zao. Kwa hivyo ningepuliza Katiba ya leo ambayo tunatengeneza, ishugulikie wazee. Mimi nimekuwa nikiona wazee Wakizungu wakiwekwa katika Ma-hostels na wanalindwa hapo wanaletewa chakula, wanalishwa vizuri, nguo zao zinafuliwa na wanakaa kwa njia nzuri na wanaishi maisha marefu. Lakini wazee wa siku hizo sisi tunawachiliwa, hatuli vizuri, hatutunzwi vizuri, tunakufa kabla miaka yetu, maisha ambayo Mungu ametuwekea kufika. Kwa hivyo ninauliza Commission hii itutengenezee Katiba ambayo wazee watalindwa na serikali.

4. Maoni yangu ya mwisho, kuna wazee wanaoitwa Village Elders. Hawa wazee wanaitwa Village Elders wanafanya kazi nyingi hata kuliko Assistants Chiefs ambao wako chini wao. Wanaleta amani katika village kwa kuamua mambo mengi, watoto wamepigana huko, akina mama wametukanana, mbuzi imekula shamba la mtu, hayo yote yanaletwe kwa hao wazee wa Village Elders na wanaamua. Kwa hivyo amani nyingi ambayo iko katika nchi inaanzia kwa wazee halafu inaenda juu. Kwa hivyo hawa wazee hawalipwi chochote, mimi ningepuliza Katiba ikitengenezwa, kwa sababu ni yetu, wazee hawa wa Village Elders walipwe. Kwa sababu katika Kenya hakuna mtu anatakiwa kufanya kazi bure, walipwe na hiyo ni njia moja ya kupunguza umaskini. Kwa hivyo maoni yangu inakwamia hapo. Asante.

Com. Marange: Asante Mzee William. Kuna swali?

Com. Pastor Ayonga: Mzee William umesema wazee wawekwe katika ma-hostels. Mtu akifika miaka 60, weka hostel. Ndivyo ambavyo ulisema? Ili alishwe na anaweza kukaa siku nyingi kwa maana hivyo ndivyo Wazungu wanafanya, ndivyo imesema?

William Kisuzu: Ndio nimesema hivyo.

Com. Pastor Ayonga: Mzee ufikiri kwamba, kuenda kuweka wazee katika ma-hosteli ni kama kuweka wazee gerezani. Hiyo ni detention na wazee hawa si wana watoto na wana wajukuu na wazee hawa wanapenda kuishi katika community. Hujui kiwemo katika Community inakufanya usikie uko appreciated by people. Lakini sasa detention hii mambo leo ya kuweka wazee wafungiwe, walishwe na kuwasafishia nguo. Unafikiri wazee wa Kikamba watapenda mambo kama hiyo? Au watoto wa hawa wazee, baba yako akifika miaka 60, anachukuliwa anafungiwa kwa hostel. Hii maneno unaona itapendeza Wakamba au na Waafrika wote wa Kenya?

Mzee William: Mimi nafikiria hiyo inafaa na tumeona na wazee wenzangu kama inafaa.

Com. Pastor Ayonga: Basi hayo tuyaache ni maoni yako lakini mimi nisingependa.

Com. Maranga: Unajua wazee wawili wakizozana hatutaki kuingilia. Basi asante Bwana William, uweke sahihi. Ngojea kidogo Commissioner Wambua inaonekana ana swali kwako.

Com. Wambua: Kuna kitu umesema na nimejaribu kufikiria lakini naona sielewi. Ni kama umesema public servants, wale wafanyikazi wa serikali wasiruhusiwe kufanya biashara lakini ukasema pengine waruusu watoto wao, mabibi zao wafanye biashara. Je, unasema kwamba kama mtu ni District Commissioner ama mtu anafanya kazi kama officer wa serikali, anaweza kuweka biashara yake, lakini badala yake kuendesha hiyo biashara anaweka bibi yake. Si, ile lengo ambayo tulikuwa tunataka ya kuakikisha kwamba hatumii cheo chake, pahali anapofanya kazi kuakikisha kwamba anajifaidisha, hakitazuilika ikiwa tutaruhusu bibi ama mtoto wake aendeshe biashara kwa niaba yake? Sijui kama umenielewa? Umenielewa?

Mzee William: Sielewi vizuri.

Com. Wambua: Umesema mtu kama ni public servant ama anafanya kazi asirusiwe kufanya biashara lakini mtoto wake na bibi yake wanaweza kurusiwa. Si hiyo itakuwa, ile jambo ambalo tunataka kumaliza ya huyo bwana kutumia cheo chake, kuakikisha kwamba amejifaidisha, kitakuwa tu atujakizua kabisa manake anaweza kufanya hiyo biashara kwa jina ya bibi yake ama mtoto wake?

Mzee William: Hapo ninaeleza ya kwamba akifanya kazi in-direct, yaani watu wake kama bibi ama mtoto akifanya biashara atakuwa akiwaangalia tu lakini awe hayuko ndani.

Com. Maranga: Asante mzee wangu weka sahihi kitabu chetu rasmi hiyo itakuwa mzuri kwetu. Mwingine ni Kivunza mboti. Lakini kabla hapo vile anavyokuja, ningependa kumtambua His Worship the Mayor of Kitui Municipality, Councillor Julius Kaango, umekaribishwa nafikiri utapeana maoni kuusu Local Authorities. Asante.

Kivunza Mboti: Mimi naitwa Kivunza Mboti kutoka Matunyani Location, Kalya Sub-Location.

Maoni yangu ni kama haya, tumepata Land Survey in 1971 ndio ilingia Matinyani, 1971, 1972 na 1973 tukapata title deed la shamba letu, tulikuwa tunachukua title deed na Shilling 50/=, tulichukua lakini hawakuchukua sababu hawana Shilingi 50/=. Kutoka 1971 hata sasa title deed ni sawa, kikundi cha Matinyani Location tunaambiwa ofisi Kitui kwa ajili ya pesa. Title deed yangu ifanywe Sub-division ndio wagawiwe shamba, kila shamba naitishwa 6,000/= ili mtoto wangu afanyiwe sub-division kwa shamba langu na nilichukua title deed na Shilling 50/= in 1971 na 1972.

Com. Wambua: Hiyo pesa ambayo wanaitisha ni pesa ambayo inatakikana ilipwe na serikali ambayo ni pesa inatakikana iende kwa mifuko ya watu?

Mzee Mboti: Survey fees

Com. Wambua: Endelea.

Mzee Mboti: Sasa mimi nataka gawia watoto wangu shamba na sina hiyo pesa ya kupeleka kwa survey na niko na title deed. Kikundi cha Matinyani Location, title deed yao imekwama ofisini kwa ajili ya pesa.

Com. Wambua: Haya utuambie unataka nini.

Mzee Mboti: Haya ndio maoni yangu.

Com. Wambua: Nataka utuambie mapendekezao ungependa tufanye nini?

Com. Wambua: (Venacular) ...

Mzee Mboti: Hiyo shamba kama kawaida 1973, mtu akitakiwa kuchukua title deed apeliike shilingi 50/= au 100/= kwa survey office, apewe title deed. Haya ndio maoni yangu.

Com. Maranga: Jiandikishe hapo tafadhali. Asante sana Mzee Kivunza Mboti. Mrs. Roze Kioko.

Rose Kioko: I am Rose Kioko and these are my views on Constitution of Kenya Review Process.

(Interjection) Inaudible.

Local Government:-

Mayors and Council Chairmen should be elected directly by the electorates, they should not be in charge of a ward.

The 2-year term for Mayors and County Council Chairmen is inadequate instead it should be extended to 5 years.

They should be upright and ethically acceptable by the people e.g. they should not be criminals, not have been implicated in land grabbing or corrupt dealings.

I suggest that a Commission such as the Local Government Commission be formed to look into matters of remuneration

of Councillors.

Nominated Councillors should be retained, but should be morally and ethically upright people, of good educational status.

Women have not been well represented in the Local Governance. I therefore suggest that at least half representation of women be entrenched in the Constitution to ensure equity in governance of Local Authorities.

The Executive

In Kenya, Executive authority of the state is vested in the President but I recommend the following: -

That the Constitution should specify Presidential Candidates qualifications to be a University graduate, aged between 35 years and not more than 70 years of age.

He or she should be a Kenyan by birth and of sound mind.

He should also be a registered voter in any one of the electoral constituencies he or she wishes to contest in.

He should not have been declared bankrupt and must be a leader of a political party.

Presidential tenure should be 2 terms of 5 years each.

The Constitution should set limits on Presidential powers e.g. He or she should not prorogue Parliament, appoint and fire Senior Government Officials, he or she should not establish Commissions of inquiry instead, this should be done by Parliament.

The Constitution should provide for the removal of President for misconduct while in office through a Vote of No Confidence by Parliament.

We should have seats reserved for women and the disabled in Parliament to reduce the current disparities that exist in Kenya electoral system.

Our Constitutional provisions for fundamental rights are inadequate and should therefore also include right to access to clean water, clean environment, right to employment and right to gender equality.

The State should have the responsibility of ensuring that the all Kenyans enjoy basic rights like security, healthcare, education, water, shelter, food and employment.

The Constitution should provide for free and compulsory primary education for all Kenyans upto Standard 8.

The teachers who are curriculum implementers are not involved in fomulation of education policies, therefore they should be more involved and should have more say on matters of education.

The Current Constitution does not provide for the rights of groups of people who have suffered from marginalization due to historical, social, cultural or other reasons e.g. interest of women are not fully guaranteed in the Constitution and I suggest that they be addressed in the following ways:-

1. By passing laws protecting women e.g. Law to protect girls from being married at an early age.
2. By making provisions for affirmative action in favour of women, e.g. set a side a number of seats to be field by women in Parliament and Local Authorities.
3. Electing more women to Parliament and setting a side some posts in the sectors of the economy to be filled by women to allow participation in economic development at national level.
4. Allowing equal access to land by both men and women through passing a law to ensure that women also have a right to inherit land equally with men.

The Constitution should guarantee other basic rights like social security for the old, where the state should allocate a certain amount of money to take care of the old on attaining the age of 55 years.

Thank you.

Com. Maranga: Thank you Rose Kioko, there is a point of clarification from Commissioner Wambua.

Com. Wambua: You have mentioned the right to recall or impeach or pass a vote of no confidence on the President, if he does not perform. I did not hear you mention anything to do with a Member of Parliament or the Councilor. Can you say something about that? Do you say there even when they do not perform or do you have something to propose?

Rose Kioko: I wish to suggest that if a Councillor or a Member of Parliament does not perform or has some misconduct, he should be recalled by the electorate.

Com. Maranga: Thank you Rose Kioko please I want to request you to submit your memorandum and sign up our official register. Thank for your presentation, you move to the other side. The next person is Chief Musyimi, sorry it is Cliff Musyimi.

Cliff Musyimi: Asante sana Chairman, majina yangu kamili ni Cliff Mwicha Musyimi kutoka Matinyani Location.

Sana sana mimi nilikuwa nataka kuongea kuhusu corruption here in Kenya. Nikianza, kulingana vile naona, watu wanafikiria corruption inafanywa kuanzia chini, lakini kwa maoni yangu, naona corruption inaazia juu. Nitachukua mfano moja ya watu wa serikali kama Polisi. Hapa unaona Polisi ni mtu analipwa Shilling 7,000/= kwa mwezi na mtu ambaye ana familia, watoto wako shule na yeye mwenyewe anastahili kulisha hiyo familia, kuivalisha na kusomesha watoto.

Hiyo 7,000/=, ukipanga hiyo mshahara na Polisi, pengine mtu ako Mombasa au Nairobi na familia iko nyumbani hiyo mshahara haitoshi kabisa. Kwa hivyo naonelea sisi Wanakenya, Katiba iweze kufanya kazi, ili mtu yeyote hata ikiwa nani, wacha Polisi, iwe iko standing salary ya mfanyakazi yeyote, yule amejua ameandikwa na serikali kwa mfano kiwango kama 30,000/= yule ambaye ni wa kiwango ya chini, awe anafanya ama kazi yoyote, huyo ndio standanding salary yake. Kutoka hapo, mshahara ipandishwe kulingana na masomo ya mtu, kwa sababu mtu akipewa 4,000/= au 6,000/= atalipa nyumba, analisha watoto e.t.c. Hiyo pesa haitoshi ndio unaona ikitokea nafasi ya kuandikana mahali, utapata wale watu ambao wana pesa ndio watoto wao wanaandikwa kwa sababu wanapita kichinichini. Niandike huyu mtoto, na huyu mtoto labda hata masomo hajafikisha mahali, yule amewachwa nje, amefika.

Nitachukua mfano mwingine wa Minister. Minister anafanya kazi, wakati wowote amelindwa na Polisi, huyu Polisi anafanya kazi masaa 24 au 12 na unakuta Minister mwenyewe mahali popote wanaenda anakula na anakunywa, lakini Polisi mahali aliandikwa nje hajapata chochote. Mtu kama huyo unamtegemea afanye kazi vizuri kazi itawezekana kweli ikienda namna hiyo?

Kitu kingine ningependa kutaja ni juu ya hali ya usalama sana sana hapa kwetu Kitui. Hapa kwetu Kitui naona tuko na upunguvu wa ulindaji wa usalama, kwa sababu kitu ikitendeka hapa, mahali pa kukimbilia karibu ni Kitui, ni kutoka Kitui mpaka Kabati, ukiangalia area hii ya mlimani hakuna usaidizi pande huu ni Kitui tu. Tungeomba Katiba iweze kuongea na serikali tuwekewe Police Post humu kwetu ndani, ndio kitu ikitendeka tunakimbia haraka ili tusaidiane.

Maoni yangu yamefika hapo.

Com. Maranga: Asante, inaonekana kuna swali kutoka kwa Commissioner Wambua.

Com. Wambua: Mapendekezo yake ingekuwa tuweke Police Post kwa Location, kwa Division kwa Village au namnagani? Tunataka proposal ambayo iko specific.

Cliff Musyimi: Nilikuwa naonelea, Police Post ziwe katika Divisions, kama hapa Matinyani tuwe na Police Post hapa karibu.

Com. Maranga: Asante Bwana Musyimi, sasa nakuomba uweke sahihi kitabu chetu rasmi. Mwingine nitamwita sasa ni Munyoki Musee.

Munyoki Musee: Nimeshukuru Mwenyekiti. Maoni yangu si mengi sana, Jina langu ni Fredrick Mynyoki Musee kutoka hapa Matinyani.

Ningependekeza ya kwamba tunapoingia katika uchaguzi, tunapomchagua Rias, vile vile tumchague Makamu wake.

Wadhifa wa Rais upunguzwe kama, tunasikia Rias ndiye anachagua Makamu wake, na Rais huwa anachagua yule anampendeza, kwa hivyo ningependekeza tunapoingia kwa uchaguzi, tumchague ata Makamu wa Rais kupitia kwa kura.

Napendekeza ya kwamba tunapoingia shugulu za uandikishaji wa kura au kuesabiwa kwa watu ama kitu kama hicho. Kabla hizo shuguli hazijaanza, watu waelimishwe, wapewe civic education kwanza, kabla ya hayo mambo. Ningependekeza hiyo iwekwe kama sheria.

Vile vile ningependekeza ya kwamba, top government officials, kwa wakati moja, unasikia huyu ndiye Permanent Secretary tena ndiye Chairman wa Corporation fulani kwa hivyo ningependekeza one man one job. Mtu awe na kazi moja tu.

Ningependekeza vile vile, top Government Official after a certain period to declare their wealth. Wawe wakitambua mali yao yote na vile wamepata hiyo mali, hiyo itakuwa njia moja ya kupampana na ufisadi. Tukiangalia nchi zile ambazo zimeendelea kam Denmark, utapata kwamba baada ya muda fulani, watu wale wanashukilia nyadhifa kubwa katika serikali wana-declare their wealth.

Maoni yangu si mengi ni hayo tu.

Com. Maranga: Asante Bwana Musee. Kuna swali? No. Thank you very much, sign our official register. Asante sana, the next one is Munyalo Kieti. Wakati ni wako Mzee wangu, kuja moja kwa moja.

Munyalo Kieti: Jina langu ni Munyalo Kieti kutoka Matinyani Location, Kiondoni Sub-Location. Maoni yangu si mengi ni machache.

Mimi napendekeza Katiba ikitengenezwa sikukataa watu wa serikali wafanye biashara lakini maoni yangu hasa ni kwa Ministers. Nitatoa sababu ya Minister kukosa kufanya biashara. Minister ndiye anatengeneza Cabinet, ndio wanajua vitu vile vinaongezeka na yeye mwenyewe wakati wanaongeza bei za vitu, maanake ndio wanakaa katika Cabinet, wakijua bidhaa ambazo zimeongezwa bei, siku hiyo nafikiri Minister hawezi kulala. Atasema kitu fulani ipishwe, na kwa kweli kabla ya budget kusomwa hiyo bidhaa inapotea, na wakati budget inasomwa, utaona bidhaa ni nyingi zinatoka. Je, ikiwa mkebe ya Kimbo imeongezeke Shillingi moja na anapitisha Kimbo Million 20, akitoa anatajirika anatajirika nakuwa Millionaire. Kwa hivyo ile nataka Katiba ikitengenezwe wacha watu wa serikali, Minister ndio wako ndani ya Cabinet ambayo inaongeza bei za bidhaa na harusiwi kujua, hiyo ni siri ya serikali haitakikani kujulikana.

Mimi Bwana Chairman nasema ikiwa Katiba itatengenezwa, Minister afanye biashara akitoka katika bunge. Maanake ndio wanatengeneza kila kitu katika Cabinet halafu ananyanyasa wananchi kwa kupoteza bidhaa na baada ya kusoma budget, bidhaa zinatoka

La pili, nataka katiba ikitengenezwa, sisi wazee wale tume-retire hatufikiriwi, serikali ikiongeze watu mshara, kale kamshahara yangu ya pension haiongezwi na bei ya bidhaa inaongezeka. Nataka mkitemeneza Katiba, sisi wazee tuangaliwe serikali ikiongeza pesa, ili sisi pia tuongezewe kitu kidogo. Tume kaa pale, pale na mambo yanazidi kuongezeka na sisi hatungezewi.

(Interjection)

Ya nne nataka kuomba serikali ikitengeneza sheria, vile watoto wa mtaa wamekuwa wengi sana na mimi nashangaa vile wanakuwa wengi. Siku hizi boss ama hawa wakubwa wanazaa na watoto wa watu. Akishazaa, mtoto anawachwa hivyo, mama hana nguvu, na hiyo nyumbani hao ni maskini, mtoto anakosa malezi, halafu wanakwenda town. Wakitaka kupunguza “chokora” au watoto wa mtaani, yule yule amezaa na huyo mtoto alazimishwe kulea huyo mtoto kabisa maanake wale wanazaa hao watoto ni watu wale wako na mali. Akishafanya mapenzi na mtoto wa mtu, anamwacha hivyo na mama yake huyo mtoto ni maskini. Huyo boss amemaliza haja yake.

Katiba ikitengenezwa iangalie kabisa, yule amezaa naye alazimishwe kulea huyo mtoto na hatutaona “machokora” wakiwa wengi katika town. Maanake wanatokana na wasichana wale wanazaa watoto na hao watoto wanakosa pa kuenda, mwenye kuzaa na huyu arusiwe kulea mtoto. Nafika hapo.

Com. Maranga: Asante Mzee Kieti, inaonekana kuna swali kutoka kwa Commissioner Ayonga.

Com. Pastor Ayonga: Mzee Kieti, Je, itakuwaje kwa mtu aliekuwa anafanya biashara na ndipo amekwenda bunge, biashara bado iko, ilikuweco, huyu mtu atafanywa je? Pengine nadhani mawazo yako yalikuwa kwa watu wale ambao wanaingia bunge

ndipo wanaanza biashara. Lakini utamfanyaje mtu alikuwa anafanya biashara na amekuwa Minister? Hiyo hukutuambia.

Mzee Kieti: Sababu yake, kusema hivi mimi najua, ni kujua siri za zile vitu wanatengeneza wakiwa kwa Cabinet na anajua siri.

(Interjection)

Com. Ayonga: Wanajua siri?

Mzee Kieti: Wanajua siri za vile vitu ambazo zinaongezeka, yote wanapitisha, maanake ndio wako katika biashara. Wakati budget inasomwa, kila kitu inatoka, inaanza kuwa nyingi.

Com. Ayonga: Lakini hujaniambia, tumfanyeje huyu mtu. Tuseme huyu mtu alikuwa mwenye biashara ya petroli na ameenda Parliament, sasa atawacha hiyo biashara yake?

Mzee Kieti: Hatawacha hiyo biashara yake, isipokuwa yaangaliwe njia gani inaweza ku

Com. Ayonga: Hiyo njia ndio tunataka kutoka kwako?

Mzee Kieti: Hiyo njia ndio mnataka?

Com. Ayonga: Ndio, hayo ndio maoni yako, sisi hatuendi kuangalia, sisi tumekuja kuchukua maoni yako na ndio tunataka utuambie?

Mzee Kieti: Sasa mimi nimefika hapo maanake siwezi kueleza.

Com. Maranga: Asante Mzee Munyalo Kieti, sasa nakuomba uje uweke sahihi kitabu chetu rasmi. Asante sana.

Mzee Kieti: Nimejibu yote yale maswali yote mmeuliza.

Com. Maranga: Iko sawa sasa. Kuja uweke sahihi. Yule anayefuata anaitwa Boniface Bunyo au Bungo, atatuambia.

Boniface Masuu Kavungo: Habari ya Commissioners. Ningependa kutoa pendekezo langu. Ninaitwa Boniface Masuu Kavungo.

1. Mwanzo, nataka kutoa pendekezo langu kuusu elimu ya viongozi. Katiba ya Kenya ningetaka isiweke vikwazo kuusiana na

viongozi kuusu elimu maanake kuna viongozi ambao wanahitajika waongoze watu lakini hawana elimu na ndio wanafaa. For example, unaweza kumchukua mtu kama Councilor ambaye ni wa Form 4 na hawezi kujua kukaa na watu halafu upate mwingine ambaye hajafika hata Standard 2 na anajua kuishi na watu, hiyo inamaanisha viongozi wanahitajika wale ambao wanajua mwenendo wa watu.

2. Viongozi watakoachaguliwa walindwe, kwa sababu kuna uwezekano ya kuwa kiongozi ni mzuri na kwa vile kuna watu wanamwandama sana, uongozi wake uandamwa na wale na serikali ingilie na mwisho kabisa kiongozi aliyekuwa anahitajika na watu atupuliwe mbali, halafu kunaletwa mtu mwingine ambaye hawezi ule uongozi.

3. Elimu: Elimu hapa nchini Kenya imeanza kuzorota sana. Inamaanisha walioelimika kitambo ndio wataendelea na kuwa wameelimika kwa sababu mwanzo, kunashida sana katika sehemu zingine hapa nchini. For example kama Ukambani utakuta kuna watu ambao hawana mapato ya juu na wanaendelea na kuzaa na ile hali ya kuelimisha watoto wanashindwa. Unakuta katika familia, kuna mtoto mmoja ambaye elimu yake ama kuzaliwa kwake unastahili kumwezesha kusoma hata mpaka elimu ya hali ya juu sana lakini kulingana na ukosefu wa mapato na vile area yao iko remote au wazazi wako hawana chochote unakuta hakuna mtu anayetumia maanani. Kwa hivyo katika elimu ya watu ambao hawajiwezi, itiliwe manani sana, na serikali ijayo kupitia Katiba ya Kenya ichukue hatua kwa wazazi kama wale ambao wako na wale watoto. Kuzaa mtoto sio makosa bali kumelimisha na kumlea ndio shida kabisa.

4. Hospitali: Serikali hapa nchini Kenya ni lazima itilie maanani kuhusiana na ugonjwa unaopitia kwa watu kila wakata. For example unakuta hapa nchini Kenya kuna hospitali na hii hospitali sio mtu binafsi alitengeneza na wakati aliajiriwa kule na serikali na anapata pesa ya kumridhishia mambo yake yote, unakuta pale kwenye hospitali amefungua hospitali ingine pale ndani na ametoka nje kuenda kufungua hospitali ingine. Kwa hivyo ningepomba serikali na Katiba mpya impunguzie wafanyikazi wa serikali kuwa na biashara ya hospitali nje ya hospitali. Wafanye kazi ya hospitali peke yake na waridhike na ile mshahara wanapata pale.

Kwa hivyo mtu yeyote atakayeusika na hospitali za nje, hiyo biashara yake na lincence zake zifutuliwa mbali.

5. Ningeomba Katiba mpya iwe inashugulikia sana areas zile remote sana e.g. Ukambani, Umasaini, Turkana areas kama hizo, sababu gani? Kuna shida ya stima, kuna shida ya maji na kuna shida ya barabara. Serikali isahau areas zile zimeendelea sana na iangalie wenye shida.

For example areas kama Ukambani, wakati wa mvua nyingi unakuta mito nyingi hazivukwi kwa sababu hakuna bridge, zilizengwa chini ya mto sasa huwezi kusema kwamba uko Kenya na hali ni mbaya.

6. Masharti magumu ya kufanya kazi hapa nchini ama nchi za nje. Ningeomba Katiba mpya ituruhusu vijana wale tumekosa

kazi hapa kutokuwa na masharti magumu ya mtu akipata kazi nje ya nchi uwa anawekewe vikwazo. Kama kitu kama Passport Mkenya mwenyewe anapewa Passport bila masharti yeyote, kwa sababu ametafuta kazi nchini na hakuna. Kwa hivyo tuurusiwe uwa tunatoka nje bila kuwa na masharti hayo magumu.

7. Vijana wa Kenya wamekaa siku nyingi bila kazi, na ukiangalia percentage nyingi ya vijana wa hapa nchini wamekaa bila kazi.

Kwa hivyo Katiba mpya ishugulikie vijana sana kama ndivyo tunaelekea sasa, vijana wawekwe kazini na waruhusiwe kutoka nje.

8. Tangu ugawaji wa ardhi hapa nchini Kenya ifanywe, ilikuwa na mwaka 1972

(Interjection)

Com. Maranga: Malizia.

Boniface Kavungo: Ilikuwa ni mwaka ule na wakati mashamba ilikuwa ingawa, mtu alikuwa anajigamia shamba yeye mwenyewe na wakati alifuatia mambo yake ya kuishi hapa duniani alikuja akazaa vijana kama watano na shamba ni ile ile ya acre 10. Inamaanisha kugawanyia hawa watoto shamba, maisha inakuwa ngumu sana maanake kugawia vijana 5 shamba, siku hizi kuenda kwa survey inakuwa na shida sana. Kwa hivyo ningepomba Katiba ya Kenya irudishe survey katika ugawaji wa mashamba bila masharti na hata kama ni title deed hizo tutagaramia.

Mashamba igawiwe na survey bila kuwa na masharti ama pesa nyingi.

9. Kuna wale watu tunaita Village Elders, wazee wa vijiji ambao wanafanya kazi nyingi sana kuliko Chief na Sub-Chief, hao wazee, Katiba ya Kenya ichukue hatua ili hao wazee maanake wanapoteza kazi nyingi sana wakati wanashugulikia watu, wawe wanalipwa kitu kidogo.

10. Utawala na viongozi austahili kuwa na muda, kama ni Councillor na tumemchagua siku ya leo na tunaona astahili kuendelea na mwaka moja umeisha, na tulikuwa tunamchagua akamaliza mwaka tano na hatufanyii chochote, wakati wowote tunastahili kurudi tena kwa meza na kumchagua mwingine.

Com. Maranga: You need to wind up now, please that is your last sentence.

Boniface Kavungo: Katibai ya Kenya, mimi ningepomba Katiba ya Kenya mpya ile inakuja sasa, mtu yeyote akipatwa na makosa asiende kuwekwa pale kwa Polisi, na asicheleweshwe kushtakiwa, apelekwe Kotini mara moja maanake tunaelewa kwamba utawala wa Kotini umekuwa wa kuchelewesha kesi ndio wapate nafasi ya kuhngwa.

12. Wasichana wa hapa nchini Kenya walindwe na serikali maanake kuna watu wengi wamejitolea kwa vile wana pesa nyingi ukawa wakichafua watoto wa watu. Mimi nimefika hapo nikisema wasichana walindwe.

Com. Maranga: Thank you very much, kuna swali kutoka kwa Commissioner Wambua.

Com. Wambua: Maswali mawili Bwama Kivungo. Sikusikia ukitaja kama ungelipenda elimu iwe ya bure. Umetaja matatizo ambayo yaliyoko lakini hukutupatia maoni yako. Je, ungependelea elimu iwe ya bure na ikiwa ya bure ifike kwa kiwango gani, iwe ni ya primary ama secondary school?

Pili, umesema Councillor kama hafanyi kazi, wananchi wapewe nafasi ya kumfuta kazi, sikusikia ukitaja Member of Parliament na President. Ungependelea nini kwa hao wawili pia? Maanake wote umewachagua, sio Councilor peke yake umechagua, Councillor, Member of Parliament na President.

Boniface Kavungo: Kwa upande wa elimu, pendekezo langu ya elimu ya bure hapa nchini Kenya, ningetaka iwe ya kuto darasa la kwaza hadi nane, halafu elimu inayofuata kwe na uchunguzi mkali, kujua ni nani alipelekwa shuleni na wazazi wake hawana nguvu. Serikali inachukua hatua ya kumpeleka mpaka masomo ya hali ya juu.

Upande wa Councillors, unausu viongozi. Councillor ni mtu ambaye amechaguliwa na ambaye anaitaji kulindwa kama anastahili kulindwa na kama anashindwa na kazi aondoke. Vile vile kama mbuga na hata President.

Com. Maranga: Asante Boniface ninakuomba uweke sahihi kitabu chetu rasmi na hiyo memorandum utupatie. Anayefuata sasa ni Francis Ngui.

Ningetaka kutangaza tu wale wanataka kuongea mbele ya Tume ya Kurekebisha Katiba ni lazima mjiandikishe na vile vile nimeona wanafunzi wamefika, kama mnataka kuongea nafikiri ni vizuri mnijulishe ili niweze nikawahudumie haraka ili murudi shuleni. Asante. Vile vile mko na haki ya kukaa na kusikiza vile wananchi wanaongea. Thank you, proceed.

Francis Ngui: Kwa majina naitwa Francis Ndingo Ngui.

1. Monthly Pension for retirees should be reviewed along with other Civil Servants salaries because some of them spend more money on transport than what they are paid when they go to collect it.

2. Sacking of Civil Servants and teachers included should be done by their employers and not the President. The President

should not interfere because in most cases this is done through political influence and personal grudge. We have witnessed this with several people like Kaguthi and so on and later they are reinstated.

3. Sacking of Civil Servants and teachers on public interest should be scrapped off from the Constitution, because many times it is based on political interest and personal vendetta. I am a victim of that, and this is very common in Kitui West that is public interest, should be scrapped.

4. Members of Parliament salaries and allowances should be reviewed by an appointed Commission not the Members of Parliament themselves to avoid ...

5. Constitution to allow Kenyans to have “Kura Za Maoni” if need be, because you find sometimes the government is misleading people, corruption is very high, tunatakiwa tukubaliwe “Kura za Maoni”.

6. District Commissioners should be enlightened on projects to be carried out in their districts by any Minister and the same be communicated by him to the citizens within the vicinity of the projects. How much and how long it would take to avoid, White Elephant Projects which waste a lot of government funds. We have several of them here in Kitui, the so-called Kitui Teachers College, the Mwetasio Bridge, which was started over 10 years ago, and it is still under construction.

When a project is completed a guarantee should be given by the contractor because you will find a road which has been tarmacked just within a period of one year you will find a lot of pot holes where by government funds are wasted for no reason.

7. When a new government takes over leadership, the Kenyan economy begins to deteriorate, the Members of Parliament should lead the Kenyan citizens to pass a vote of no confidence with it even before the terms of office expires. In this case, I want to say that the Members of Parliament should not pass a vote of no confidence on their own on the government, because most them will be bribed by the government, instead it is the Kenyan citizens who should pass the vote of no confidence in the government.

Thank you.

Com. Maranga: Thank you Mr. Ngui.

Com. Wambua: Mr. Ngui, I want to get your views on the last one, on the question of the vote of no confidence how should it be done. It is another election or what form should it take?

Francis Ngui: When Kenyan citizens

(Interjection)

Com. Wambua: Is it through a referendum, or what form should that vote of no confidence by the Kenyans take? Is it through demonstrations? Is it by election?

Francis Ngui: It is through voting, secret voting.

Com. Maranga: Thank you Mr. Ngui, I now request you to sign our official register and hand over your memorandum to the Commission. Thank you very much. I have noted with concern Chief Annet and others have not signed up, I do not know whether you want to speak at a later stage. If you want to speak, you let me know, because I know you have been here since morning. The next person is His Worship the Mayor Julius Kangu. It is your turn, thank you.

Julius Nzambe Kangu: Mr. Chairman, Commissioners here are my proposals:-

I propose.

(Interjection)

Com. Maranga: Start with your names.

Julius Kangu: My name is Julius Nzambe Kangu, Mayor Kitui Municipality.

1. Political Parties: In Kenya we want 3 Political Parties and we want those political parties to be those with majorities.
2. Defections: When one defects from his or her party, he or she should automatically be disqualified.
3. Title deeds should bear 2 names, of husband and wife and if they attain 55 years, their children both male and female should share the land provided that one is not married. One should also be allowed to acquire land anywhere in Kenya and be free as a citizen.
4. Education: Kenya education system should provide free education from Standard 1 to Form 4.
5. Clans: Clans should maintain their culture because they play a big role in educating younger generations to avoid foreign culture.

6. Churches: Churches should have control of their religion because they have turned their Churches into businesses. Even now you can find a Pastor defecting from his Church and instead joining another Church, he goes and opens another Church. Which means Churches in Kenya are in business.

The National Council of Churches of Kenya which is the umbrella of Churches should first interview a Pastor before he opens a Church, so that we control Churches because if this is not going to be done, you will even find a Family Church, the way we are now heading.

7. Local Government Act: The Local Government Act should be changed and be replaced with a Commission like that of Teachers Service Commission or that of Parliament.

8. The Constitution of Kenya should change such that Kenya should have a Prime Minister. The President should be ceremonial.

9. Provincial Administration: I support the administration to remain because it is close to mwananchi but they should be under the Commission not from the Office of the President, they should have their own Commission to control other influence from top officials like Permanent Secretaries who can be influence anybody.

10. We want Nominated Councilors to be pensionable like other Members of Parliament. They should serve for 2 terms, I do not see why our colleagues the Members of Parliament forget to consider Councilors because during the elections you will find that the card which is marked Members of Parliament, Councilors but when it comes to the affairs of the Councilors they are forgotten, therefore the Constitution should look into the problems of the Councilors.

11. District Development Committee (DDC): Personally, I want the Chairman of the District Development Committee should be a mwananchi but not the District Commissioner because he does not come from the District, he can embezzle the money for the project.

I can give you an example, there was some money which was sent to Kitui Kauma to build a Health Centre but because of another “Kaundhu” which is at Sombe, when the money came, that time the Member of Parliament was Mwau, because the Permanent Secretary could not understand the Kaundhu and the Kauma, the District Commissioner who was here when Mwau was an Assistant Minister, he came to the District Commissioner, he told him that Kauma is at Sombe. That time all the money went to Sombe, later they come to discover the money was to go to Kauma. That is why I am suggesting that we should have a member not the District Commissioner to be the Chairman of the District Development Committee.

That is all Mr. Chairman, thank you.

Com. Maranga: His Worship the Mayor of Kitui, thank you for your views. I now want to call upon Commissioners to may be ask some points of clarifications.

Com. Wambua: A very short one. Umesema ungependekeza Councilors, Madiwani wawe pensionable baada ya kutumika kwa kipindi cha miaka mitano lakini hukutaja kama ungelipenda wawe wanalipwa kutoka kwa Consolidated Fund kama Members of Parliament maanake hilo ni swala ambalo tumepokea maoni na wengi wa ma-Councilors wanasema hatungelipenda kulipwa zile ambazo zitakusanywa hapa, tunataka tuwe tunalipwa kama vile Members of Parliament wanalipwe, tuandikwe ka mshahara na mshahara utoke kwa Central Government. Ungepenlea nini, maoni yako ni nini kwa hayo?

Julius Kagu (Mayor): Mr Chairman I propose that our money should come from the Consolidated Fund, the government to pay the Councillors because they are serving the same people the Members of Parliament are serving.

Com. Wambua: Unataka Councillor apate pesa ngapi na Mayor?

Julius Kagu (Mayor): Mshahara ya Mayors na Councilors. This time because, we need good allowance which is about Kshs 200,000/= like the others.

Com. Maranga: His Worship the Mayor, thank you very much kwa maoni yako nakuomba kabisa uende pande hii ingine uweke sahihi kwa kitabu chetu rasmi ya Commission. Mwingine anayefuata ni Mwalili Kangu, sijui kama ni ndugu ya Mayor. Inaonekana yeye ndiye Mzee kuliko Mayor. Haya kuja utoe maoni.

David Mwalili Kangu: Mimi naitwa David Mwalili Kangu. Yangu nafikiria naweza kusema Kikamba. Kwa Kiswahili labda lugha haitaingia sawa sawa. Wacha nizungumze tu.

Mimi nataka hii Katiba mpya ya Kenya, kwanza mali ya Kenya iwe na Committee kutoka kwa bunge ambayo inaangalia kila district.

(Interjection)

Mimi napendekeza hii Katiba iandikwe mali ya Kenya ile mnaita rasilimali ya Kenya iwe ikigawiwa kwa kila scheme bila mapendeleo kwa sababu kuna sehemu zingine zimeachwa nyuma kabisa.

Mimi napenda katika Katiba hii watu wawe wakisoma bure, elimu iwe ya bure. Kutoka Standard 1, hata chuo Kikuu kwa

sababu ile Manifesto ya KANU ilituambia elimu itakuwa ya bure na sasa hiyo sijui itaandikwa nyingine au namna gani.

Hospitali: Tuliambiwa tutakuwa tukitibiwa bure hiyo imemalizika, iandikwe tena ya bure.

Uchaguzi: Hii uchaguzi tunafanya inaleta itilafu kidogo kwa sababu tunafanya siku moja, tunachagua Rais, tunachagua Wabunge na tunachagua Councillor, kuna wale hawajui ni kitu gani inafanyika wanakwenda nyumbani bila kujua walifanya nini. Iwe siku ya Rais ni moja, siku ya Bunge iwe moja na siku ya Councilor iwe moja ndio kiwe hakuna kusema unapiga kura vibaya.

Shamba: Unapata mzee anashamba yake na sasa anapatwa na shida, wakati anataka kuchukua kipande kidogo ili ajisaidie serikali anasema uliza mtoto. Mtoto ni wako, shamba ni yako, Je, itakuwaje unauliza mtoto na shamba na lake na mtoto ni wako. Baada ya kuambia mtoto, unataka kidogo anakataa na serikali inasema msikizane. Hii itakuwaje, mtu akubaliwe akitaka kuuza, auze bila matatizo.

Nafikiri hayo ndio zangu tu.

Com. Maranga: Asante Mzee Kangu. Thank you very much mimi sina swali kwako wewe ungeweka sahihi kitabu chetu rasmi. Asante kwa kutoa maoni mbele ya Tume ya Kurekebisha Katiba. Thank you very much.

The next presenter is Reverend Steven Munywoki. It is your turn see. Please proceed starting with your names.

Rev. Steven Munywoki: Jina langu ni Reverend Steven Mwalili Munywoki na mimi nazungumza juu ya uongozi wa Makanisa.

Kwanza ninaanza na: -

1. Freedom of Worship: Freedom of Worship inafungua nafasi kwa watu wote hata devil worshipers, waendeleo na kuabudi mahali popote na kupeleka majini katika mashule. Mashule yetu Kenya zimeingia kwa taabu hata uwache uchomaji wa watoto kwa sababu gani kuna amri inawaalinda. Inaitwa Freedom of Worship, kuomba ni lazima tutofautishe, unaomba shetani ama unaomba Mungu. Serikali lazima iangalie, huyu mtu anaomba Mungu wa kweli ama anaomba majini na ikiwa anaomba majini hiyo ni hatari ambayo siku ya leo inakabidhi nchi yetu ya Kenya.

Lazima serikali itofautishe kwa kuwa tumeingiliwa na mashetani mpaka shuleni. Katiba yetu itofautishe, ukisema Freedom of Worship ni kulinda mtu anaomba nini. Ikiwa anaomba Mungu wa kweli aendeleo, ikiwa ni kitu kinasababisha hasara kwa wazazi, kwa watoto, lazima serikali ipige marufuku hiyo kabisa.

Kitu ambacho kinafanya mambo kama hayo ifanyike ni kitu gani, kile mnasema ya kwamba economy ya Kenya imeanguka. Wazungu wanatoka ngambo wakiwa na majini, (devil worshipers) ndiyo wanachukua pesa, na serikali ikiwa imeanguka ki-economy haiwezi kukataa pesa hata zikiwa zinaletwe na nani. Wanachukua pesa mahali popote wanazikuta, hiyo ni kuonyesha ya kwamba tumefungua nafasi kubwa hapa Kenya, watu wa devil worship from overseas waingie na pesa waendeleo na kututesa hata siku ya leo hiyo kitu nasema ni wazi na kinajulikana.

2. Sisi Makasisi, kuna amri inasema tukifunganisha harusi, hiyo certificate lazima tuipeleke kwa Attorney General within seven days, na ukikosa kupeleka within seven days you are liable to 2 years imprisonment na sisi hatuna gari wengine wanatoka Turkana, wengine ni huku Kitui, hatuna magari ya kupeleka huko. Tutafutiwe angalau ikiwa ni kwa District Commissioner au kwa mtu wa serikali tukifunganisha harusi tupeleke hapo ama ikiwa si hivyo tupewe muda mrefu. Tutafute pesa ya kupeleka hiyo certificate kwa Attorney General.

3. Hapa Kenya inajulikana kama Christian Country lakini hatuna representative wa Kanisa katika Bunge, ambaye anatoka kwa Kanisa ili sauti ya Kanisa isikike katika serikali yetu tukufu ya Kenya. Nataka hapo paangaliwe, hata nimesikia huko kwa Arafat ambaye ni maadui wa Israeli wakitawala amachagua viti sita kwa sababu ya Wakristo ili wasionewe na Waislamu. Hapa Kenya tunasema automatically we are Christians, we are not, we need representatives of the Church kwa kuwa Kanisa ndiye inachukua mashule, Mkanisa, watu wote wako hapo ndani.

4. Kanisa haipati msaada kutoka kwa serikali hata a single cent, wanapata na njia gani? Hakuna. Ukienda ngambo utakuta serikali inaangalia Kanisa isaidiwe kwa kuwa ndiye inapea watu amri za Mungu wasiibe, wasiuwe na ikiwa ndio nuru ya ulimwengu lazima serikali naye iangalie kwa kuwa watu wakiokoka, wakiamini Yesu waokoko uwezi kupata wezi wengi.

Kama siku ya leo mashuleni, tunaingilia tufunze vijana, tukifunza vijana amri za Mungu na amri ya Serikali, utapata watu wazuri katika nchi ya Kenya, elimu peke yake inamalizikia hapo lakini rohoni kuna dhambi, na hapo lazima Serikali itupatie nafasi kuingilia mashule tufunze neno la Mungu tukisaidiwa na hiyo Serikali. Kwa kuwa sisi hatuwezi.

Jambo la mwisho ile ni muhimu sana.

5. Mkanisa kama Kangu alisema, amefunguliwa mengi na wengine hawakuenda katika chuo wafunzwe Bible School au Theological College na wanapewa nafasi wafungue Mkanisa, waendeleo na kudanganya watu.

Wiki iliyopita wengine waliingia hapa chini, wakaambia watoto hamkubatzwa mlibatizwa vibaya, tuende tukutane kwa mto, tukkubatiza ukitoka kwa maji dhambi zako zote zimechukuliwa na maji na wewe huru na hii ni udanganyifu. Tunajua dhambi iko rohoni ya mwanadamu kwa hivyo lazima serikali na Katiba yetu nzuri uangalie roho za wanadamu kwa kuwa bibilia inasema “roho za wanadamu ni danganyifu dhambi ziko hapo” lazima tuingie, tufunze neno la Mungu. Najua Serikali yetu inatupenda sisi

lakini itasaidia tuendelee mbele. Asante Sana.

Com. Maranga: Niko na swali la kwanza kabla sijampa Pastor Yonga.

Reverend umetuambia tunataka kutofautisha kati ya Mwenyezi Mungu na shetani. Je utajuaje tofaouti kati ya wele wanafundisha vizuri na wanafuata Mwenyezi Mungu na wale ambao wanaabudu shetani. Kwa sababu kuna kimila za Waafrika mbali mbali ambao wakati Mwingereza alifika hapa alisema hiyo ni hali ya shetani. Sasa mimi nataka unielezee kama Reverend Je, unajuaje ni nani anaabudu shetani na nani anaabudu Mwenyezi Mungu.

(Interjection)

Hiyo ni swali la kwanza, sikiza tu kuna ingine.

Ingene umesema kuna watu walikuja kuusu ubatizo, wanasema vile ulibatiswa hivi sio vizuri, hii ndio njia yake, sasa hiyo ni Kanisa ingine, sasa mnapambana ki Kristo, moja anasema ubatizo njia hii sio sawa na wewe Kanisa lako inasema hii ndio sawa, hiyo ni Mkanisa kwa Mkanisa, sasa unataka tufanyeye? Na nyinyi hamsikizani kwa hiyo maneno.

Pastor uliza swali ingine.

Com. Pastor Ayonga: Pengine maswali yakiwa mengi tutakuchangana, nataka ujibu hayo mawili, yangu yako very specific.

Rev. Stephen Munywoki: Kitu cha kwanza, ukiwa kiongozi wa Kanisa lazima uwe na cheti imepitia katika mafunzo, hakuna mtu anaweza kuongoza kable hajafunzwa, awe na chetu cha kuonyesha, huyu ni Pastor, amefunzwa kutoka chuo fulani fulani. Hiyo ndio tofauti inaingia. Wengine hawana hiyo, na ikiwa hawana hiyo na inawapelekea wanawake na wasichana, basi akitumiwa na shetani ataleta mambo ya kishetani. Usiruhusu mtu yeyote awe kiongozi kable yeye mwenyewe hajapelekwa chuoni, awe na cheti cha kumwezesha kuongoza.

Com. Maranga: Pastor, unataka kuniambia, mtu akishapita chuo Kikuu ndiye anakuwa wa Mungu na yule ambaye hajaenda chuo Kikuu sio wa Mungu?

Rev. Stephen Munywoki: Hapana.

Com. Maranga: Yaani nataka unieleze kwa ufupi, mimi nilikuliza hivi. Wewe unataka kuniambia mtu ambaye ameenda chuo Kikuu ndiye yeye ambaye amepitia chuo ambayo ni ya Kidini eti ndio ni wa Mwenyezi Mungu. Lakini yule ambaye hajapitia chuo, pengine yeye ndiye anaabudu shetani, na sisi tunajua wenye ambao wanaazisha hawa wanasema wanaleta pesa za kigeni

ni watu ambao wameelimimika, hata wengine wameenda vyo vya Makanisa. Tunaelewana, kwa hivyo mimi kitu nilikuuliza ilikuwa kitu kidogo sana.

Wewe kama Reverend, unatofautishaje mtu ambaye anaabudu Mwenyeze Mungu na yule anayeabudu shetani? Hiyo tu ndio swali langu?

Rev. Stephen Munywoki: Yule ambaye anaabudu shetani mnajua Free Masons nikitaja ni mengi na mnayajua kwa hakika na yako hapo nchini Kenya, Free Mansons.

(Interjection) Ni moja.

Ya wale, watu wengine ni wale ambao wanachukua watu na wanatoa sadaka. Kisa kimoja kilifanyika Machakos, mmoja alituma mtoto aende nyumbani kwa fulani, jirani yake huyo mtoto akachukuliwa, akatolewa sadaka kwa shetani, wakaongojea wakienda ameonekana amemiminika nyumbani, wakasema tutaenda tuzunguke hiyo nyumba tuue huyo mtu.

Simu ikapelekwa kwa Polisi, akaja akaokoa, sasa waona.

Com. Maranga: Mtu aliyezunguka? Wacha nikulize, mtu aliyezunguka kwa nyumba mara kadha, si ni hivyo?

Rev. Stephen Munywoki: Aliua kijana, alitumwa kwake na babaye.

Com. Maranga: Lakini kwa bibilia kunaandikwa, mimi ni kama sijui biblia sana lakini najua kuna wakati ata Mwenyezi Mungu alikuwa anaambia mtu enda mto fulani uoge mara tano ama mara saba. Ni hivyo? Kuna kitu kama hiyo?

Pengine hawa watu wanaambiwa endeni mzunguke kwa boma. Anyway that is that.

Rev. Stephen Munywoki: Matokeo ya mafunzo ya bibilia ya kweli inaleta yale mambo tunaita matunda ya kiroho, raha, upendo hiyo ndio matokeo ya Mungu wa kweli. Ikiwa inatoka kitu kingini, basi hatari imeingia.

Com. Maranga: Basi kitu tunataka kujua, usifikiri tunakuuliza haya maswali kwa bure.

Rev. Stephen Munywoki: Hiyo ninajua.

Com. Maranga: Unajua kulikiwa na Commission of Inquiry ambayo ilifanywa Kenya, sisi kama Tume ya Kurekebisha Katiba tunataka njia za kishetani ni zipi, na njia za Mungu ni zipi?

Rev. Stephen Munywoki: Basi. Asante sana. Shetani yupo wale wanaabudu shetani hebu nikuambie, wanapeleka majini, majini wakiingilia watoto wanaanza kuzungumza Kiswahili na wanataja ni nani aliwaleta. Wanataja, watu wale wa Mungu wa kweli wanajawa na roho mtakatifu wana upendo and wanapendana na wanahubiri ukweli.

Com. Maranga: Na wanaongea kwa lugha.

Rev. Stephen Munywoki: Hiyo lugha sisemi.

(Laughter)

Com. Pastor Ayonga: Basi, Pastor hebu tuingilie kwingine. Mimi nataka maswali mafupi mafupi ambayo yako-focused na utatupa wazo.

Je, unafikiria nini juu ya huu uwingi wa kuambudu na watu wanasema wanamwabudu Mweyezi Mungu, tuwache hiyo mambo ya mashetani kwanza. Na hao watu usiku kucha wanapiga drums na kuimba na makelele mengi katika miji na locations mbali mbali watu hawalali usiku. Unafikiria nini juu ya mambo hayo? Na hali hayo yote wanafanya kwamba wanamsifu Mwenyezi Mungu.

Rev. Stephen Munywoki: Hebu ni seme hapo.

Com. Pastor Ayonga: Na watoto wa fulani hawalali kwa ajili ya kelele ya hao watu.

Rev. Stephen Munywoki: Nimeshaangalia hayo yote nikaona ya kwamba, ndani ya hayo kuna watu wanatumia uongo, kwa sababu gani? Kukesha, kile kinaitwa kukesha usiku, lazima msiache vijana na wasichane na wanawake wakiwa wanakuja kuomba Kanisani kama hii, wazee lazima wawe hapo wasimamie kwa kuwa wengi si kuabudu Mungu.

Com. Pastor Ayonga: Pendekezo lako ni nini?

Rev. Stephen Munywoki: Kunaendelea usherati, hebu nimalize, na kitu kimoja ambao mimi na wa AIDS Committee, kuna kitu kimoja kinaweza ku-spread AIDS, ni ile inaitwa kesho ya usiku, lazima ikiwa iko, ipangwe na Kanisa, ipangwe na wazee wa Kanisa wawe hapo hapo pamoja na mabibi, ili waendeleo na kuomba Mungu wakisimamiwa na wazee.

Com. Pastor Ayonga: Mimi sikuuliza hiyo, mimi nasema kelele ambayo inapigwa huwezi kulala kwamba mnaabudu Mungu na hali hapa mmezungukwa na nyumba za watu. Maoni ni nini?

Rev. Stephen Munywoki: Maoni yangu ni katika Bibilia, kusema na makelele na kuomba ni kama mtu anapata papata, anatafuta Mungu yuko wapi. Kwa kuwa ki Mungu Yesu alienda binguni na sisi tuna roho hapa duniani.

Mungu asikii kwa sababu ya kuitwa na masauti, mimi nasema, tuombe kama vile Yesu alisema. Ukiomba funga nyumba yako, Mungu anakuona anasisikia maombi yetu. Hiyo makelele ya uko hata nilikemea mahali fulani tulienda kwa Camp, nikawambia ukitaka kupiga makelele, uende peke yako uko uwache watu walele kwa kuwa uzingizi ni msaada kutoka kwa Mungu.

Com. Pastor Ayonga: Wacha nikuulize swali lingine, pengine ilo naona umepita kando. Swali lingine, umesema katika marriage certificate inatakikana baada ya siku saba, ile copy iwe imefika kwa Attorney General na unasema ikichelewa mtu anakuwa prosecuted. Lakini umeshasikia practically mchungaji amekuwa prosecuted?

Rev. Stephen Munywoki: Wakati tulisoma hiyo, tulisema tujifuvunie Kenya kwa kuwa sisi tuko Kenya, ikiwa ni kwa sheria tungefungwa.

Com. Pastor Ayonga: La mwisho, umetaka serikali ilipe Mapastors kwa njia moja au ingine, lakini bibilia inasema washiriki ndio wanaolipa, Walawi walikuwa wakila toka mapato ya hekalu. Sasa ikiwa Padri, Pastor ataanza kulipwa na Serikali, unaona hapo umeenda nje ya Bibilia?

Rev. Stephen Munywoki: Hebu niseme hapo. Katika hiyo taifa ya Waisraeli Walawi walikuwa na amri kutoka kwa Mungu watoe fungu la kumu, ikiwa sivyo watalaniwa na kila mtu alikuwa anatakikana apelike kwa hekalu. Siku ya leo hatuwezi kulazimiza watu walipe fungu la kumi. Tunawasihi, wakilipa, wasiolipa, mamba yataendelea hivyo.

(Interjection)

Com. Pastor Ayonga: Kosa liko kwamba, waubiri wameacha kufuata Biblia jinsi ilivyo, neno la Mungu linasema watu watoe zaka, si kwa lazima lakini kama mtu anataka abarikiwe lazima ampe Mungu sehemu moja ya kumi. Na kama ile sehemu moja ya kumi itatolewa Kanisa litajaa na funds za kulipa wafanyikazi wake, kwa hivyo tusije neno hilo hilo la Mungu la sema “ ya kaisari mpe Kaisari” na ya Mungu apewe, Mungu.

Mungu hajasema Kaisari mpe Mungu.

Rev. Stephen Munywoki: Ya mwisho ni ya kwamba hao wanasikiliza lazima wajue ukiwa kuna Pastor anakuongoza lazima utoe fungu la kumi ni amri ya Mungu.

(Interjection)

Com. Maranga: Sasa ni kazi yako utafanya kwa Kanisa yako. Asante sana Reverend, thank you very much. Go and sign our register.

Sasa hapo najua msiwe na wasi wasi, hatuulizi maswali magumu, tunauliza maswali ili ndio tujue mnataka nini? Kwa hivyo mkiona maswali ni ngumu kidogo kwa Reverend ni kwa sababu tunataka ukweli wa mambo.

Sasa wacha niite wale wanafunzi ambao wamefika hapa. Kwanza kabisa kuna, Hastings Musili, Sabina Mulwa na Nyamai Kivinjo. Mimi nataka wawe hapa karibu ili waanze kutoa maoni. Wa kwanza kabisa ni Hastings Musili.

Hastings, it is your turn, I want you to present in 5 minutes. Are you presenting on behalf of all the others or you want to present as an individual first?

Hastings Musili: Kuna mwingine.

Com. Maranga: O.K. so, five minutes, make a summary of your main points. Thank you and you start with your names.

Hastings Musili: My names are Hastings Musili, I am a student from Kalimani Secondary School and here are my views.

I feel that the Constitution should provide free, basic and compulsory education in the Primary Level that is upto in the Class 8.

To add on the same point, parents who let this free and compulsory education should be liable for prosecution in a Kenyan Court of Law.

As a student, I feel that we have got a right to be educated and taken care of by our parents and the Constitution must be forceful to parents violating free and compulsory basic education.

It is my view also that the Constitution should look into the event of a school girl being impregnated by a school boy and eventually giving birth to a child then the responsibility should be shared equally by the parents from the two parties upto and including an age of 18 years. i.e. for the new born baby. This point should apply to a girl and a boy who are in school.

If it is a salaried man, the responsibility for the pregnancy should be then taken by the man. The Constitution should enforce that a percentage of his salary should be deducted to take care of the child without any consultation.

We also feel that the Constitution should advise the Judiciary to work independently and let no one else interfere with their decision-making.

We also feel that the Constitution should bring down the President of Kenya to be under the law, while still in position because when he is above the law, he is likely to abuse his powers.

I suggest that the President should be denied the power to dissolve the Parliament and this be left to the Parliament as the decision maker.

I also suggest that the Constitution should look into healthcare and services rendered to patients in District Hospitals and if possible to sack and prosecute those doctors and nurses who give services as expected to only their own people or only when they are bribed. The Minister under this Ministry should be advised to take his responsibility and work with his two hands.

Those are my views.

Com. Maranga: Thank you Hastings Musili, you remain seated there, there is a burning question from Commissioner Wambua.

Com. Wambua: You said that where a school boy impregnates a school girl then the parents should take responsibility for the leaving child upto age 13.

Hastings: 18 or 13.

Com. Wambua: The parents should take responsibility of taking care of that girl or that child upto age 18 years. The newly born?

Hastings: Yes.

Com. Wambua: Now, what I find interesting and that is what I wanted you to comment on. You will find that in most of the situations, the boy or the girl are likely to give birth to this child when they are about 17 years. If you add 17 and 18 that means 35 years. Why should the parents be punished, when you know very well that after you leave school you are likely to get a job and take care of that child? Why should the parents take responsibility upto age 35.

Hastings: O.K. My answer is that, you know, we think that parents have relaxed very much in advising their children. So we want them to be punished so that they may take the responsibility of advising the children.

Com. Wambua: Thank you Hastings Musili, your parents are listening to what you are saying, thank you. Come and sign our official register and hand over your memorandum. Thank you for coming.

The next one is Sabina Mulwa. Start with your names.

Sabina Mulwa: My names are Sabina Mulwa from Kalimani Secondary School. I am here to propose on the girl child.

1. Circumcision of girls should be outlawed. In this point there are many effects of circumcision on girls. For example the circumcision if done in unsafe conditions, it can spread diseases like HIV due to use of unsterilized blades. It reduces women's feeling towards due to the removal of the clitoris. The circumcision of girls is painful i.e. it traumatizes the concerned girl child and sometimes leads to death due to excess bleeding. It gives women difficulty when giving birth due to the scar because in some women it may fail to heal and sometimes it fails to open.

2. Forced Marriages: This should be outlawed and anyone who marries a young girls should be persecuted in a court of law and we girls should be protected by the Constitution.

3. Because students are the state holders in education, they should be consulted when education policies are being made to give their views.

4. The Constitution should provide a law against any girls who suffer as victims of rape and those who commit such offences should be prosecuted in a court of law and in some cases, be hanged. For this reason, those who suffer as victims of rape have many effects, the girls may live fearing, men because it was not her will and it was done by force and sometimes, let us say the girl in school, this may lead to school drop out if the girl becomes pregnant.

Sometimes it can lead to death if the girl bleeds excessively.

Com. Maranga: Your points are self-explanatory, thank you very much come and sign up our official registers. Thank you. The next student is Nyamai Kivindyo. Are you a student? How come your name came as part of this? O.K. you are lucky present. You have 5 minutes.

Nyamai Kivindyo: My name is Nyamai Kivindyo from Mutulu Location, Kathuma Sub Location, my proposal is:

1. The nomination of Councilors and Members of Parliament should be left to people with disabilities like the crippled and the small communities like the Muslims who cannot raise their own Councillors or Members of Parliament to represent their

interests to the government. Nominating a person who had been previously rejected by his people is tantamount to encouraging his weaknesses into the government.

The nomination should be conducted in a manner that the nominees do not come fully from the winning party but from all registered parties.

2. In Local Authorities the Mayor should not vie as a Councillor but purely be elected as a Mayor from the beginning, but in case he fails to win, he shall not be presenting his ward, a Councillor shall present the Ward where the Mayor had been elected.

This would curb the problems arising from his ward.

A Mayor shall be more concerned with the full Municipality rather than the Ward he represents, if he is both a Councilor and a Mayor. He would even fail to develop his Ward deliberately due to fear of his fellow Councilors. I would propose that the same criteria be followed even in constituencies where the Ministers are obtained or where a President and his vice shall come from.

3. Ministers shall be appointed in various Ministries depending on their education reviewed in the Ministry, but not be appointed from elected Members of Parliament i.e. Members of Parliament shall not be appointed as Ministers but elites from all over the country who attain the required qualifications in various ministries.

A Commission shall be responsible for the appointments.

4. Candidates vying for Presidential seats shall not vie for Parliamentary seats. If a candidate fails to win Presidential election, he or she should remain representing his or her constituency. To get rid of the likely hood that Members of Parliament who know very well that they cannot win a parliamentary seat, do not deceive people diplomatically as vying for Presidential seats so that people may vote for them to win Parliamentary seats. This would minimize the number of political parties and create harmony and peace among Kenyans.

5. The private land should be respected by the government in all aspects regardless of minerals and other valuable materials on or underneath them, i.e the owners shall be allowed to extract minerals and market them unless he would partly need government assistance.

6. Public land and buildings owned by Non Governmental Organization for instance Gysa would be more useful after completing their mission i.e. they should immediately be turned into learning institution for instance Teachers Training Colleges.

7. It would be of paramount importance if the Constitution provides enough domestic and irrigation water to irrigate Kenyan

shambas so as to eradicate poverty instead of importing yellow maize and other goods.

(Interjection)

Com. Maranga: Wind up, your time is up.

Stephen Nyamai: ... which can be produced or manufactured internally.

The number of political parties should be 3 at most, which must attain a condition that they should show a national image. If it happens that there are 3 parties, demanding to be registered, showing the national image, the national election for all parties.

Com. Maranga: Thank you very much Kivindyo because you have used your time and since you have a written memoranda we will have it as a Commission so you will not lose anything. Thank you very much. Any questions, O.K. thank you very much and sign our official register.

Wacha niulize wananchi niwambie kua ukija hapa na umeandika memorandum, sio lazima utusome kila kitu utupatie ile maoni ya muhimu, the main points. Sisi kama Tume tutasoma kila kitu, kama hatusomi kutoka kwa memorandum, ile maneno yako unazungunza tutayatafsiri kwa njia ya reporti ili tuweze tukasoma sisi kama Tume kwa hivyo hakuna ile kitu unaweza ukapoteza.

Tuna record kila kitu, kwa hivyo nawaomba sana ukija hapa toa maoni yako kwa usahihi kabisa ili tuweze tukaokoa wakati, watu ni wengi kabisa.

Yule ninayeita sasa ni Stephen M. Mulatya. Stephen it is your turn.

(Interjection)

Stephen M. Mulatya: My name is Stephen M. Mulatya and these are my views as far as the Constitution is concerned.

1. I would like to request the Commission to put free education from Nursery to Standard 8 and in a Nursery school, we would like to request the teachers to be employed by the government.

2. I would like the Constitution to look in the medical services and this should be free in all government hospitals and if it is a private hospital, we would like to request the charges to be lowered a bit.

3. I would like the Commission to look in to the corrupt judges and if they are found guilty, they should be dismissed completely from the government office and they should not be given any licence to hold such office any longer.
4. The corrupt lawyers or advocates should be looked into because some of them are consuming their client's money especially when they are paid by their insurances, yet nothing is being done to these lawyers. We therefore request that they be taken to court immediately and if they are found guilty let their licences be withdrawn and put in prison accordingly.
5. We would like the Commission to look into all corrupt government officers. They should not be interdicted or transferred in any government office, instead they should be dismissed completely because once they are transferred they will repeat the same mistake wherever they will be transferred.
6. If a thief is taken twice to court and found guilty, we would like him to be hanged rather than putting him in for 6 months and once they come out they repeat the same mistake.
7. I would like the Commission to give equal opportunities to all the Members of Parliament either from the ruling party or the opposition.
8. I would like to request the Commission to let the Members of Parliament and the Councillors serve for a term of ten years as well as the President.
9. We have two important bodies at the district level and these are the District Land Board and District Land Tribunal board. Our request is that the appointment of these officers should be for only 2 years and they should be appointed by the local people. These officers should be distributed to all divisional headquarters rather than being in a District Headquarter.

The sitting allowances for these officers should be paid by the government.

Finally, I would like the Commission to look into officer who attains an age of 55, he should not be appointed to work in any government office.

Com. Maranga: Thank you very much.

Stephen Mulatya: This is because we lack jobs in Kenya yet there are very learned people who could do the same jobs and the appointments are mostly done by the President. Thank you.

Com. Maranga: Thank you Mr. Mulatya you have gone beyond your time. Any questions? Thank you very much. Please I

ask you to sign and hand over your memorandum. We have Musangi Mulwa.

Musangi Mulwa: Naweza kuongea Kikamba?

(Interjection) Wewe unajua Kiswahili.

Musangi Mulwa: Sijui Kiswahili.

(Interjection)

Musangi Mulwa: Kwa majina naitwa Musangi Mulwa.

Musangi Mulwa: Kwa masieta nitawa Musangi Mulwa . Ithye akamba nitwethetwe twe na thina. Nitwethetwe twitwawa na twitwana na tukikalanya na iveti situ na aume maitu. Na kwa ivanda ivuthu, tukithewa twina syana ta ile kana itatu. Na kwa vaati nthuku kiveti kikikwa na kiveti keu cha kwa, na kukethewa kwe na nzukanyo ya kiveti kiu ni kie kikathikwe kwoo nacho kina syana sya mundu usu. Kindu kiu kithetwe kina mathena ithye akamba, Nye kwenda kwakwa ni ethiwa mundu ni wakwa atemothee, mume ni anengwe ivanda. Athika muka waka ainengwe ivinda ya kuthea mundu muku usu. Kitume niundu andu ainge nimekalaa na iveti syoo matatheete nundu wa thina. Nayu ila mundu akwiwa athee mundu nake ni mokwo na ndena kindu, ethiwa male ndiaonekana mundu usu e thayo tee akwa yuma va kwa mitoke isu? Ithye akamba ni twithitwe twe na thina mono. Mundu waitu akikala mortuary ta chumwa kama mie ile. Ee mortuary mume akewa naamothee, ku ni kwongela methoi yulo wa mundu usu okwewe. Ethiwa ni vatantheka Kativa yaito ya Kenya mwiao usu nuuvetethwe withie mundu muka usu niwathikwa ni mume na ainengwe muda wa kuthea mundu muka usu. Ndeto syakwa sye vika vau.

Translator (Mr. Malusi) In short, she is talking about married women whose bride price has not been fully paid, especially the one called “nzeu” in Kikamba where you pay 3 goats, 5 goats or seven goats and because there has been problem of where she should be buried because unless those goats had been paid to the parents, she is not fully recognised as married and therefore when she dies, the parents insist that they have the right to bury her while the husband also insists on the right to bury his wife.

She is suggesting that the husband be allowed to bury the wife and be given time to pay the dowry called “nzeu”.

Com. Maranga: Thank you very much. I want to say that I want to thank her very much on behalf of the Commission and I now request her to go and sign the official register because there are no questions. Thank you.

The next person is Stephen M. Wambua. Mr. Wambua, tafathali uje haraka Mzee wangu wakati ndio huo dakika 5, kama

unaweza ukafanya haraka ni sawa. Majina yako?

Stephen Wambua: I am not good at English infact so I might confuse by mixing up the languages and that is my you know.....

1. Kwa majina naitwa Stephen Mutia Wambua na ninatoka tu hapa Matinyani. Mambo yangu si mengi sana, ya kwanza niko na suggestions juu ya title deeds.

Katika condition ya sasa kunusu title deed, inasemekana ukipatiwa unakaa nayo miaka 99 halafu sijui ni kubadilisha au pengine ichukuliwe na pia katika upande wa kwenda chini katika area yako ya shamba pengine unapatiwe 6 feet kuenda chini na huko chini pengine kukupatikana kitu si yako. Hivyo sasa maoni yangu hapo nilikuwa nataka pengine mtu akipatiwa title deed hata kama ni years and years ikae kama yake pamoja na wajukuu wake bila ya kuwekewa muda.

2. Identity Card charges: Kwa sasa kuna watu wengi sana ambao hawajapata vipande kwa sababu ya kukosa Shilingi 50/= ya ku-register ndio upatiwe Kipande kwa hivyo sioni kama kuna haja ya kuuliza watu walipe Shilling kama 50/= ndio mtu apatiwe Kipande.

3. Free Education: Hapa nikitaka kuzunmza free education ningezungumzia tu Secondary education kwa sababu hiyo ndio hua ina vikwazo vingi sana kwa wazazi. Ndipo pengine watoto wapate kuendelea juu zaidi baada ya kumaliza Standard 8.

4. Election: Katika upande wa election, watu wamereruka sana kwa hivyo hapo siwezi kuzungumzia eti Councillor au Member of Parliament awe na education fulani ndio aweze kuchukuliwa. Sisis tunamwelewa tu kulingana na vile anavyoishi, kama yeye anatoa mtamishi ambayo yanaweza kutusaidia, tutachagua yeye au pengine tumkatae kwa sababu tunajua vile alivyo na kuhusu education vile tunamwelewa. Kwa hivyo hapo siwezi kuweka condition eti Councillor pengine awe amesoma mpaka darasa gani au mambo mengine ya aina hiyo.

5. Registration of Parties: Kenya kulingana na vile nina ona ni changa sana katika upande wa kuchukua parties ziwe nyingi sana katika upande wa politics, kwa hivyo pengine mbili au tatu zingetosha zile zingine ni kama yale Mekanisa yanazungumziwa hapa na tutatosheka upande huo.

Kwa hayo machache, sina mengi ya kuongezea. Asante sana.

Com. Maranga: Asante Bwana Stephen Wambua, nashukuru kwa maoni yako na nakuomba utuwekee sahihi kitabu chetu rasmi na nafikiri utuwachie hiyo memorandum. Asante kwa maoni. Anayefuata ni Erustus Mua, Erustus wakati ni wako, summarise you points, I can see your memorandum. You have 5 minutes thank you and you start with your name.

Erustus Mua: My names are Erustus Mua and I have views from the Students Community of Matinyani since they are doing an exam, they have sent me with their views and I have the views of the teachers who are supervising the exams. Therefore I have two sets of views. I am a teacher.

Com. Maranga: Since you are a teacher, I know you know summary, give us the main points and then give us the memorandum we will read. Thank you.

Erustus Mua: The first recommendation on the new Constitution is that: .

It should guarantee all children equal opportunity to education i.e there should be free and compulsory Primary Education.

The students are also concerned with the abolition of sports in Primary Schools so they are recommending that the administration should be allowed to re-introduce Sports in primary schools so that those who are endowed with sporting activities can also benefit.

The roles of Board of Governors and Parent Teachers Association in the management of schools. The PTA should be the policy maker and not the BOG in other words, we are recommending that the management of the schools should be with the PTA and not the BOG. The BOG should only be the implementor and not the policy fomulator.

Membership to the PTA should be widened and the membership to BOG should be pegged with some qualities especially education. There is also a recommendation that the Chairman of the BOG should be somebody who is directly involved in education and not a politician or his own representative.

It is only in the management of schools where we have board members who are not directly involved in education, it does not happen in hospital boards or agricultural boards. Therefore, the BOG should not have a say on the posting of any teachers because this is a professional concern.

The role of religious bodies as sponsors in schools should also be limited in line with their contributions towards the day to day running of the schools. In other words the religious bodies (sponsors) should not interfere with the appointment of teachers and the heads, they should only be concerned with provision of moral guidance.

Employment of Teachers: This should be done through the Teachers Service Commission not be BOG and not the District Boards.

Discipline of Students in Schools: The Ministry disciplinary procedures for students should be shortened, at the moment it is a

very very long process which by the time it is completed it makes no sense.

There is a Kamba say '(Venacular) ... this is because after taking a very long time the whole thing does not make sense, so the Ministry should set up a department to deal with students discipline at their own levels, if it feels teachers and parents should not have a say in this.

Discipline of Teachers: This should not be the responsibility of the District Education Officer because he is not the employer and the teachers feel that the DEO should not be a TSC agent. This is because, he is employed by the Ministry.

Appointment of the Ministry for Education and other Ministers that are Concerned: That Ministers should be professionals in the Ministry they head. E.g. the Minister for Education should be appointed from among active educationists and the same should apply to the Permanent Secretary because he would be able to understand education matter better.

Educational Attachees: They should also be trained educationists because there is a concern that in our foreign embassies their people have got nothing to do with education and they are educational attachees and they end up confusing everything.

Com. Maranga: I am going to make you wind up in less than a minute please, thank you.

Erustus Mua: There is a recommendation of the Office of the Prime Minister and the Office of the President: There is a proposal that the President should divolve the institution of the President where the President is not a member of any party and his office should be ceremonial, he should not be a Nominated or a Member of Parliament.

There is a recommendation that we set up an upper chamber for a Committee of representatives which will give us the Institution of the President, probably the committee be of members like Senior Citizens, Retired Judges, High ranking Civil Servants so that at least they can have control over the Prime Minister.

Com. Maranga: Thank you Erustus Mua, given that your memorandum is written and they are not your own views, I think it is important you hand them over to us and I once again say thank you very much for presenting. Please sign our official register.
Thank you.

The next person is James Muide K. O.k. you have 5 minutes to summarise and I hope you are not reading to us our questions and issues, just give us your main points after you have gone through. Do not tell us question 8, this, question 7 this, please. We have the answers.

James Muide K: Jina langu ni James Muindi Isianga kutoka Matinyani Location, Karia Sub Location. Yangu ni machache tu

na nitaanza na upande wa ubaguzi kama hii Katiba inarekebisha mambo itaweza kunisikiza, kuhusu mambo ya serikali yetu.

1. Ubaguzi ule nazungumzia ni wa wakati tunakuja kuchagua mtu, wakati wa kutangaza mshindi hiyo inatangazwa na Presiding Officer yule ako kiofisi, hatangazi kulingana na vile wananchi wamefanya na hiyo ni kunyima wananchi haki yao. Nasema hivi, wananchi wamechagua mtu kwa mfano, mtu amechaguliwa kwa kura nyingi, kama Mutua ndiye anachaguliwa, sikihesabiwa, Mutua ndiye anaongoza na wakati wa kutangaza, kunatangazwa Muli. Hapo wananchi wananyimwa haki yao, kwa hivyo ningependelea hiyo kitu ikaangaliwe vizuri sana iwe ikitangazwa kulingana na vile wananchi wamepiga kura na hiyo ni kitu moja ambayo nimeonelea kwa maoni yangu ni kitu ya muhimu.

2. Upande wa Rais: Rais akichaguliwa, inafaa aunde serikali na vyama vile vingine vyote, maana akiunda Serikali na chama chake peke yake, hiyo ni kuonyesha anaongoza watu ambao hawamskii kwa sababu unapata watu wanne wanasimama na wapiga kura ni 20, yule anaongoza anachugua kura 7, kura 13 zimemkataa, akienda kusimamia hao watu atawasimamie ni kama ni kwa nguvu. Kwa hivyo waude serikali ni zile vyama vingine na hiyo nitafika hapo.

3. Masomo: Kisomo kwa maoni yangu ingefaa, kianze Kisomo ya buru kuanzia Form 1 kuendelea ata kama ni University. Kwa sababu kuko watu ambao hawawezi kupewa nafasi wasomeshwe fully na kuna watu wanaweze kupewa nafasi wasome lakini kwa wakati huu wanapewa lakini hawapewi ile ya kawaida. Hii inatakikana, hii jukumu ipewe Chifu na Wazee wa vijiji.

(Interjection) Inaudible.

Hawa ndio watakuwa wapeana kwa Chifu, huyu mtu tunamjua kwa hivyo inaistahili wasome bure kuanzia Form One na kuendelea.

Hapo nitakoma hapo na mtarekebisha hapo mbeleni

4. Hospitali: Kwa upande wa hospitali kwa maoni yangu, ninauliza Serikali ile utaundwa na Katiba ile itarekebisha, kusikubaliwa mtu anayeitwa Dakrati yeyote apewe nafasi aweke hospitali yake. Ikiwa atapewa naye asiajiriwe na serikali maana hawa wanapefa hospitali zao na wanatufanyia kazi hospitalini wanatunyanyasa. Madawa zikiletwa, hawa ndio wanachukua, kwa hivyo hawafai wapewe licences za kuendesha hospitali zao wenyewe.

Hapo hospital in mahali panaweza kuangaliwa vizuri sana maana kuna watu ambao hawajiwezi na wanakufa wakionekana, hana Shilingi 20/= za kununua card akifika hapo, hawezi kuhudumiwa na akionewa huruma na mtu amtotee Shilingi 20/= anunue ile card, akienda hatahudumiwa maana hana pesa ya kununua dawa. Inasemekana ni Cost Sharing, cost sharing kwa maskini itatoka wapi?

Com. Maranga: Malizia Mzee wanagu, zungumza lako la mwisho.

James Muinde: Yangu nitafika hapo kama ni la mwishi mmeninyima kili mmeniitia. Wacha basi nizungumzie ile ya mwisho.

5. Mambo ya shamba: Kwa maoni yangu, wakati huu upande wa shamba yangu ni yangu lakini Serikali iko ndani. Hapo ndipo ninauliza hii Katiba ikirekebishwa, ihakikishe kwamba kwangu ni kwangu, ata wakipata dhahabu au mafuta ni yangu, kwa sababu hii sheria ilitolewa wakati wa ukolini walikuwa wanataka kujitajirisha mwenyewe ndipo alisema ikifika nchi 3 huko chini kile kitatoka ni chao. Hiyo ni kunyanyasa wananchi ya Kenya.

Com. Maranga: Asante sana, ninaona uko na memorandum ningekuomba utupatie hiyo memorandum hata kama ni ndogo halafu uweke sahihi register yetu.

James Muinde: Sina hayo, hii ni karatasi niliandika rough manake sikujua itatakikana.

Com. Maranga: Asante, thank you very much. The next person is James Kimanzi. Kimanzi, it is your turn, please try to summarise we have very many people give your main points. Thank you.

James Kimanzi: Jina langu ni James Maluki Kimanzi kutoka Chondoni Sub Location, Matinyani Location.

Mimi nachangia kuhusu early retirements ya civil servants and teachers, maoni yangu ni badala ya mfanyikazi a-rotate na miaka 55, ni maoni yangu na maombi yangu kwa serikali yetu a-rotate kwa miaka 60 (60 years). Kwa sababu aki-rotate na miaka 55 wengi wanakuwa very young na familia yake pia bado young.

Benefits: Mtu aki-rotate anapatiwa benefits zake akiwa ameajiriwa kwa miaka 5 au zaidi na hiyo ndio sababu nasema ni afadhali a-rotate kwa 60 years kwa sababu wakati kama huu uritire na 55 years utafutwa hiyo pesa ya pension for more than 5 years, kwa hivyo ukiongeza miaka 5 kwa 55 inakuwa 60 years.

Yearly increments ya wale wame-rotate: Hawa wame-rotate wengine wanapatiwa 200/= na hawaongwei kila mwaka. Imagine mtu kutoka Mutitu au Motomo au Modha aje Kitui kuchukua 200/=. Maoni yangu kwa Serikali yetu tukufu katika Katiba yetu, ile mpya ile mpya tunaendelea kutengeneza, iongeze benefits kwa hawa retirees wapate pesa nzuri.

Hawa watu ambao wame-rotate wakiwa na miaka 55, wana shida mingi katika familia zao, watoto wanatoka shule na kwa vile wame-rotate wakiwa young. Wengine wanasumbuka sana kwa sababu ya kutafuta pesa ya kuretire, zile benefits, kwa muda mrefu. Ile ingine, hii Tume nataka iangalie sana ni corruption ile inaendelea kule Treasury. Hao watu wakiwa wame-rotate mnajua wanakuwa hawana pese, mtu akienda kule anaambiwa atoe kitu kidogo kwa hivyo hii Tume iandike ile hii kitu kidogo

yaondolewe katika Treasury kwa sababu hao watu wanapata taabu sana kupata hiyo pesa.

Com. Maranga: Wind up.

James Maluki: Yangu ni hayo. Asanteni sana.

Com. Maranga: Asante Mzee Kimanzi na nakuomba uweke sahihi kitabu chetu rasmi.

The next one is Simon Kivuti. Simon, wakati ni wako, haraka haraka toa maoni ninaona uko na memorandum, toa maneno ya muhimu peke yake.

Simon Kivuti: My names are Simon Kariki Kivutu of Chondoni Sub Location representing their opinions.

Mr. Chairman, the Commissioner, Ladies and Gentlemen. I beg to present the opinions reached by us through reading, that:

The discipline forces, the Military, the Police and Prisons should be established by the Constitution.

The President should not be the Commander in Chief of the Armed Forces, Army General is valid.

The Executive should not have exclusive power to declare war. The Constitution should not permit use of extra ordinary powers in emergency situations such as war, national disasters, insurrection and breakdown of public order. This emergency powers should be involved by Parliament.

The Constitution should regulate formation, management and conduct of political parties.

The number of political parties should be limited, we should have at least 3, these are the two powerful parties and the rest should be merged so that the parties become 3. The political parties should be financed by public funds on equal basis.

We should adopt a Parliamentary System of Government in which a Prime Minister is appointed from the majority party in Parliament and the President remains more or less ceremonial.

The powers of the President should be Ceremonial and the head of the State.

The Prime Minister should be the head of the Government.

The Parliament should make appointments such as appointing, Parastatal Heads, Judicial Officers and Permanent Secretaries.

Being a Member of Parliament should remain a part time job.

People should have a right to recall their Member of Parliament and the procedure would be through Baraza mobilization and should not be of political hatred but of inefficiency of services to their areas of representations.

Salaries and Members of Parliament benefits should be determined by a would be set remuneration Commission.

It is correct to retain the concept of Nominated Members of Parliament. The changes required in this concept are that a Nominated Member of Parliament should only be from the people with disabilities such as the lame, the deaf and the blind.

The Constitution should permit coalition government because this would be a government of national unity that would prevail a Multi Party representation at both levels of government.

Parliament's power to remove the Executive through a vote of no confidence is adequate.

The President should not have the power to dissolve Parliament.

It is not necessary that a President should be a Member of Parliament for in being a Member of Parliament he would favour his area of representation.

We need the Provincial Administration, this will suite well starting from the Village Elders to the Provincial Commissioners because it would need common man's need of governance and the village elders should be given wages for they provide good services to the government and they are not paid. They should be legalized in the payroll.

We need Constitutional Law Courts to listen to matters pertaining to Constitutional affairs.

Judicial Officers should be appointed according to their qualifications by Parliament.

The minimum qualification of Judicial Officers should be a degree of LLB and above.

The Attorney General should be separated from prosecution. There should be a director of prosecutions.

Candidates who fail to seek nomination in one party should be allowed to switch over and seek nominations from another party, for this may have been caused by political hatred by a powerful cadre from the same constituency.

We should retain the rule of 25% representation in at least 5 provinces for Presidential Election.

We are not satisfied with the demarcation of Constituencies and Wards because they are too large for a Member of Parliament and a Councillor to give sufficient services to his Constituents. There should be a change to simplify the demarcations.

Civic, Parliamentary and Presidential Elections should continue to be held simultaneously.

Election date should be specified in the Constitution.

Presidential election should be conducted directly.

Com. Maranga: Winda up, your last sentence please.

Simon Kivuti:

All individual land disputes should be settled by clan's officials for they know their clan better in regard to boundaries.

The procedure for land transfer should be simplified thus succession to children and to widows and sub divisions should be free of charge.

Com. Maranga: Thank you very much, I can see you have written a very nice memorandum may be you can finish in less than a minute. Just finish because you are reading. Just read through.

Simo Kuvuti: All of it?

Com. Maranga: No. What is your last sentence? How long is it? Anyway, thank you very much you will hand over the memorandum. Thank you but there is a point of clarification.

Com. Wambua: I just want something very brief, clarification.

1. You said that political parties should be two and you said the two most powerful ones, I do not know what you mean by powerful ones? I would like you to tell us, what should be the mode of determining, which are the two political parties to remain? Is it by the strength of the number of voters the party garnered in Presidential elections? What is the measure of this strength? That is what we would want to hear from you.

Simon Kivuti: What I mean is, you know we have KANU and NDP to form one party, we have NAC those are two powerful political parties now.

(Interjection)

We have KANU and NAC those are two? Do you get me?

Com. Maranga: We have KANU and NAC.

Simon Kivuti: Then the rest, small political parties merging together.

(Intejction)

Com Maranga: Just listen to me very carefully. What I want you to tell us is the basis of measuring the strength. Is it the outcome of a Presidential election, the number of votes won, or is it the number of seats in Parliament? How do we measure their strength?

Simon Kivuti: I mean this, before the elections.

Com. Maranga: Or do we look at them and say this is strong, this is the second strong and those are the two strong ones. How do we measure their strength.

Simon Kuvuti: According to the number of their members.

Com. Maranga: Anyway, thank you very much, may be you had not thought through it, now you can hand over your memorandum. Thank you for your presentation.

The next one is Joshua Nzanga Joshua Nzanga you are the next.

Joshua Nzanga: My name is Joshua K. Nzanga. I would like to talk on employment.

Employment: That employment should be on contract basis for 10 years to be renewed at will and to be considered by the employer.

School Management: The Constitution should consider having a Chaplain for Secondary Schools to take care of the spiritual matters of the students, as we know in our Universities to replace the position of the Guidance and Counselling Master, as some of them are not morally and ethically upright.

National Appointees: There should be a national appointee who is a spiritual leader in Parliament to take care of the matters of the Members of Parliament whenever there are problems or conflicts to counsel them and to guide them to reconcile them.

Land Ownership: Land ownership and property, the wives name to appear together with the husbands name on the title deed to protect the right of the wife, to avoid conflicts in a case where a husband dies and the women is left alone.

National Security: NSSF (National Social Security Fund) to be paid to the contributors when they cease to be temporal employees and join permanent employment or immediately they terminate their duties in any given company or any given institution so that they can be able to benefit themselves and their families.

NHIF: As an insurance it should care of both in-patient and out patient.

Pensions: Pensions should be computed 6 months before retirement to benefit the retirees, so that they can be able to take care of themselves and their families.

Thank you.

Com. Maranga: Thank you Joshua Nzanga for keeping and saving time. Thank you very much and I now request you to sign our official register and hand over your memorandum.

The next person is Jeremiah Mulu. Jeremiah Mulu it is your turn. I think you can even sit there and somebody gives you the microphone you do not need to move to the other side. Since you know our procedures now you can be very brief to the point.

Jeremiah Mulu: My name is Jeremiah Mulu. I will be very first because mine is oral, I would not give any document. Much

as been said on politics and what have you.

My name is Jeremiah Mulu and it is unfortunate that I am the only disabled person here and I think I am going to talk about the rights of the disabled persons.

1. All buildings that consist a first floor and above should have lifts to enable the disabled persons enjoy freedom of movement as the so-called abled persons. Failure to do so, the owner of the building including the architects and the structural engineers should be jailed without an option of a fine.

(Interjection) Inaudible

2. Any person found to have cohabited with a disabled person or a minor to the extent of giving birth with the concerned, should be forced to take care of the sibling together with the mother of the child until he or she attained the age of 18 years, failure to which he should be jailed for 18 years without an option of a fine.

3. At least 5 disabled persons should be nominated in parliament to represent the views, feeling and the rights of the disabled persons as they have been neglected by the society at large. A disabled person for example like me, so wishes to decide to contest a Civic, Parliamentary or Presidential Seat, he should be funded fully by the government to prove his popularity as disability is not inability.

Disabled persons should not be looked down upon as we use our brains and not legs in contributing to necessary sessions in Parliament.

4. Disabled persons should also be appointed in the Provincial Administration, as they are also able to administer. This applies to Parastatal bodies and other Government organs. If need be they should also be considered in CID and other private investigation bodies as they cannot be suspected by the public at large.

5. A Vote of No Confidence should be passed in 2 years time to any Civic, Parliamentary or Presidential candidate who is not performing to the expectation of the electorates.

6. Mayors and County Council Chairmen should not be elected by Councillors but by the electorates to prevent them from abusing their offices in trying to induce or reward their supporters with council properties, e.g. plots and awarding them dubious tenders where by no goods are supplied and yet money is being paid for.

7. Disabled persons should be allowed to trade freely in their respective locations or areas of their wishes without being

molested, bundled in lorries like it happens with the Nairobi City Council and goods being confiscated since they are trying to make a livelihood like any other law abiding able citizen.

8. The Economy: It is very sad that for the last 38 years of independence Kenya is almost pulling the tail as regards to development when rated with the rest of the world. Leaders who have been named to have been involved in scandals should be vetted and if found guilty of mismanagement should be jailed and their wealth being taken over by the state.

The President, Minister or any other high-ranking officer in the government should not be allowed to protect this economy thieves. All persons who have served in the government for a period of about 10 years should be forced to declare their wealth.

9. Politicians should not be allowed to hijack the process of the Constitution Review Commission, they should give it time and also extend its life to enable them come up with a good Constitution that can beat the American that has lasted them for over 200 years.

Thank you.

Com. Maranga: Thank you. You have one question from Commissioner Wambua.

Jeremiah Mulu: Welcome.

Com. Wambua: Bwana Mulu I am extremely worried by your recommendation of 18 years jail for cohabitation and what is worrying me is whether you segregate between a situation where a disabled person who is educated, knows his or her rights and is capable of deciding and giving consent. Do we still prosecute such people?

Jeremiah Mulu: They should be prosecuted if that person has taken an advantage over that disabled because some people may think e.g. that a disabled person is not vulnerable to AIDS, so you just trick her then she conceives after that act that you just run away. Do you expect to go freely?

Com. Wambua: I am worried about a different situation where the person we are calling disabled, yes is disabled but can consent, is highly educated, know his or her own rights and cohabit with another person and have children. Do we still jail this other person for for 18 years?

Jeremiah Mulu: Let me be fair, the word disabled means, a person who is not able, educationally as you are trying to put it, a kid or somebody who is blind and is not even able. For example, somebody of my status, I think I know what is right and what is wrong, when to do and what to do.

Com. Maranga: Thank you very much Mr. Mulu. You sign our register and give the memorandum. The next speaker is Makau Munyalu, can we have Makau Munyalu. Fanya Haraka.

Makau Munyalu: Kwa majina naitwa Makau Munyalu. Yangu ni kidogo tu, maanake nasema kwa ajili ya ukoo.

Chairman wa Ukoo ndiye anaweza kusaidia Serikali ili watu wawe na mwelekeo mzuri. Hi ni kusema, Chairman wa Ukoo, ikiwa anataka kumuadhibu kijana, tuseme hawa wanavuta bhangi na wele wanafanya mambo mabaya, Chairman wa Ukoo akimuhadhibu na kijana akienda kwa Serikali atamshataki na Serikali itachukua hayo mambo.

Hiyo ni kuonyesha, huyo kijana ataendelea na kuwa na hayo mambo kwa sababu amepata mahali pa kujikinga. Kwa hivyo naonelea ni vizuri, Chairman wa Ukoo apewe uwezo ili aweze kurekebisha mwenendo wa vijana wetu. Wakifanya hivyo watapunguzia Serikali kazi, ata jela haitakuwa na watu wengi kama leo, maanake wanajazana kwa kufanya mambo mabaya na wakienda kushtaki, serikali inachukua hiyo kesi na huyu kijana hatarekebisha mwenendo wake.

2. Wazee wa Kijiji: Wale wazee wa kijiji, kwa vile sisi tuko nao huku, tunaona wanafanya kazi nyingi kuliko Sub Chief na huyu mzee wa kijiji hapati hata a single cent. Anaamka asubuhi anakuja kwetu kutuambia kesho kutakuwa na mkutano kila wakati, na hatapata hata a single cent, hana mshahara. Kwa hivyo naonelea ni vizuri wazee wa kijiji katika Katiba mpya ambayo inatengenezwa wapatiwe mshahara kama inawezekana.

Asante.

Com. Maranga: Asante Makau Munyalu, utuwekee sahihi kwenye register yetu na utuwachie hiyo memorandum yako.

Anayefuata ni Gideon Malusi. Una dakika 5 na mini nataka ufanye summary to save more time please, I can see you have a memorandum. Thank you, proceed.

Gideon Malusi: My names are Gideon Mwangi Malusi, I come from Matinyani Location. I am presenting my personal views Honorable Commissioners and the audience.

I will take on a few topics and then I will be presenting a memorandum but it has not been refined so after my presentation I will ask to be given a few minutes to refine it and then hand it over.

1. Basic and other rights which are guaranteed in the Constitution but which do not seem to be getting to the intended beneficiaries as intended. I am proposing that there should be an honest discussion on what is intended and what is possible or

what can be done with the available resources. This is because, right now we have cost sharing and the likes and those who should benefit from whatever are not first of all letting to the picture so that they may know what is intended and the capacity available to carry it out.

These basic rights should include water, education, health, security, communication and the like. We were promised water in every home by the year 2000 as I speak now even the taps, which were running at that time, are now dry and most of them are rusted.

Education has become very costly for the ordinary mwananchi and it is not that the mwananchi cannot subscribe but it is just that they are not told exactly where they should come in and in what form and I am suggesting therefore that they should be encouraged to participate but their participation should be well defined.

Education and training of whatever nature is intended to prepare people so that they may become a renewable kind of resource for the country. Right now we have a lot of wastage in our schools and at various levels in that you get drop outs all the way from Primary, Secondary and even at higher levels. Our education should be geared to a definite end so that we do not have any wastage. This is because we have very little resource in the country and we cannot afford to just throw it out like that.

We have some graduates who are just in the streets, we have some teachers who have also been trained at some costs, they have not been placed and we have these others who have not gone to any kind of training but they have also been educated at some costs.

Civic Education: The civic education, which we have been trying to give in preparation of this kind of exercise we are now having. Civic education is essential and should therefore be tackled at the earliest age possible. I am also suggesting that it should be made part of the school curriculum.

Natural and National Resources: The distribution of these is not even through out the country. The Constitution should therefore ensure equity in the use for the good of all is exercised. We also have some resources like Ukai, the stalled Teachers College which has never been completed at Kwavunza, we also have Kitui Multi Purpose which is now almost neglected and all these were built at some costs. We also have the BLI which used to train farmers and we have the Jaika facilities which will be left in September by those who put them up. We also have the Kitui Ginnery. All these need to be rehabilitated as centers of learning and training taking into consideration that Kitui does not have any Public National Institution, and yet we have these facilities which could be converted into such.

Family Resources: Property should be jointly registered between a husband and a wife so that there will be less squabbles if either of the spouses passes away, there would be less complications over succession and inheritance.

AIDS victims, orphans, street children, elderly people and other destitutes surely, some of these people if not all are of our own creation and our Constitution should make provision for them as they are our people and could be a resource.

Thank you very much.

Com. Maranga: Mwalimu I can see you have done very well,. I do not know whether there are any questions now that I have realized you were a teacher to Commissioner Wambua I think he has no reason to ask you a question now because he would be going against the oath.

(Laughter)

Thank you very much. Register now and then hand over the memorandum. Thank you Mwalimu Malusi. The next one is Monna Muthengi. Monna Muthengi I am waiting for you.

Monna Muthengi: My names are Monna Muthengi and I come from Kalimani Location.

(Inaudible)

1. I would like to emphasize that children should be given their rights and these rights should be entrenched in our Constitution. There should be elimination of child labour. The government should provide free and compulsory education for all upto Standard 8.
2. The affiliation bill should be reinstated but it should only be effective in cases of minors i.e. under 18, any other who are under the protection of guadians and parents, those who are not earning their own money for their own upkeep and the disabled. This is to avoid abuse of this bill by unscrupulous people.
3. Women should be accorded human right and there should be elimination of violence against women. They should also be given their freedom and especially freedom of assocation and expression, which is normally suppressed by their spouses.
4. Women should be given right to own property and in case of a husband dissertion for a period of at least 5 years, a wife should be given the right to administer the family estate for benefit of the children.
5. Ownership of property should be registered in both spouses' names.
6. Women should be given equal opportunities in education and at work places.

7. There should be no discrimination against women in work place when they get pregnant or when on maternity leave.
8. Maternity leave should be same both in public and private sectors.
9. The disabled and especially women should be protected from unscrupulous individual and organization, which can exploit them.
10. There should be special seats preserved for the disabled, women especially widows and other minorities in Parliament and the Councils.
11. There should be protection of natural resources and equal distribution of revenues from these resources to all the districts in the country.
12. Pensions for retired persons should have a yearly increment as the cost of living is also rising yearly. There should be pay rise for these pensioners when other workers are given pay rise.
13. They should also retain their Hospital Insurance Cards and be made to contribute to this fund, as this is the time when they need these services more than any other time because they are getting old.

That is all I have.

Com. Maranga: Thank you mama Monna Muthengi, there are not questions please sign our official register. Thank you very much. The next speaker is Rose Mbathi.

Rose Mbathi: Thank you Mr. Chairman.

This is in addition to a memorandum that Monna Muthengi and me.

(Interjection)

Jina langu ni Rose Katuku Mbathi, ninatoka Kololo Village, Mithini Sub Location, Mtonguni Location, Mtonguni Division.

This is in addititon to a memorandum that Mrs. Monna and me did on behalf of all Women Groups in Kitui. I am going to read through and I have a memorandam, which I shall give.

1. Registration of family land should include both wife and husband in the title deeds plus all family property.
2. Inheritance: The law must be specific that both daughters and the sons have to get their share of inheritance even if the girls are married, this is because at time a marriage breaks and when the wives are chased away, this increases poverty in our country.
3. Incidences have occurred where disabled women get children with unknown people both in big towns and the rural areas and what happens is that the responsibility is left to the disabled women. My recommendation that there should be a law which makes the same man to marry the disabled to take care of the child and the disabled because every Kenyan has to enjoy human basic needs.
4. Due to HIV AIDS Kenya is losing 700 people per day and unless the laws are there to take care of the welfare of widows and orphans, especially the orphans in schools. In future Kenya might not have educated people because when the parents die, then the orphans drop out from schools. This results to street children in towns.

The Law should enforce fund raising even through tax paying to cater for school bursaries for the orphaned school going children.

5. Community based organization and Non Governmental Organization dealing with the welfare of counseling widows and orphans be taken seriously in order to assist the government with management of such groups in the villages.

Such problems of widows and orphans should be the responsibility of all Kenyans not just a few.

6. Our laws should be specific to what happens when gender discrimination is in place like a lady chair or other women leaders cannot implement policies just because they are women and they are looked upon as women and frustrated.

Children rights should be respected especially when it comes to how parents handle their children on discipline, right to education, rights to basic human rights including health.

7. Civi Education and adult literacy be in place all the time for those who do not know the elementary laws of this country e.g. family laws where the marriage laws are concerned and you find women are rotting in mortuaries and the children are misplaced because of the traditional practices where the women are declared as not the legal wives of the men concerned.

8. The adult literacy classes should include income-generating activities so that every woman in the country is busy, hence

reducing poverty. Here the government and other developmental stakeholders will support the women in the activities and also it should include:

9. During this time of HIV AIDS epidemic, the government should give patients drugs cheaply and the drugs should be made available for their relief.

Prevention of HIV AIDS should be the responsibility of every Kenyan so that messages reach every corner of our villages.

10. Corruption should be done a way with under all costs since this is a very bad disease to us as citizens bearing in mind that we are passing the same to our future generation, then where will Kenya be? This practice not only makes us dishonest but lazy.

(Interjection) Thank you.

Rose Mbathi: Lastly please.

Constitutional Review Commission be given ample time to finish their work of getting views from every Kenyan citizens.

Thank you very much Mr. Chairman.

Com. Maranga: Thank you very much. That is Rose Mbathi, thank you Mama. Now I request you to hand over your memorandum and sign our official register. Thank you very much.

The next one is Mutisya Lori

Joseph Mutisya Lori: My name is Joseph Mutisya Lori from Kalimani near Chandusya School. My points are very few and they are the following: -

1. Those people or candidates who do not want to join any political party should be allowed to contest independently.
2. When we get land title deeds, we get for 99 years, it would be better if this were forever not for 99 years.
3. Land distribution: When idle land lies somewhere it should be reported to the Local Authority by the Councilors.
4. Traditional ways of catching a thief: It should be good if such tradition ways like “chuma” to be allowed for those who steal

and we cannot prove. When we put this 'chuma' he will be caught and will be put in.

5. Political Parties should not be more than 3: This can be ignored by those who do not have Members of Parliament and Councilors who are not active.
6. Nobody should be allowed to be a Member of Parliament or Councillor if he has been put in for criminal cases.
7. Members of Parliament should be allowed to trade but should not be given the government tenders, as they will be influencing people.
8. District Commissioner and Provincial Commissioners should not appointed by the Public Service Commission and not the head of state,
9. Development Fund for the Local Authority should not be used for payment of salaries but for development only.

Finally, my dear Commissioners I think we are now repeating what had been said before. Is it because of more money or what?

Com. Maranga: Mutisya, thank you for your views and I request you now to sign the official register.

The next person is Councillor Pius Mwaka

Coun. Pius Mwaka: Bwana Chairman, jina langu ni Pius Mwaka kutoka Mutonga Location.

1. Raia: Atakayekuwa raia wa Kenya bila swali ni yule ambaye wazazi wake ni raia kamili wa Kenya.
2. Bila swali, mtoto aliyezaliwa na mzazi moja ambaye ni raia wa Kenya anapasa kupewa uraia.
3. Bunge: Hatua maalum ya kuongeza kushiriki kwa wanawake Bungeni ni kwamba wanawake na pia wanaume wote wasimame, waombe kiti cha Bunge au kwa Council na watakaochaguliwa ndio wataongoza watu.
4. Mamlaka ya nchi: Rais asiwe Mbunge wa Constituency yoyote bali awe mgombeaji wa Urais kwa Kenya nzima, ili aweze kuangalia watu wote katika Kenya bila kuangalia chama chake.
5. Serikali za mtaa: Mayor na wenyekiti wa mabaraza wasichaguliwe moja kwa moja na wananchi, ili tu wachaguliwe na

Madiwani kwa sababu Madiwani ndio wanajua kazi ambayo itaendeshwa na Mwenyekiti au Mayor, mwananchi hatajua. Vipindi vya miaka miwili kwa Mayor na Mwenyekiti wa Council. Wamabaraza havatoshi bali ziongozewe na kuwa miaka miwili na nusu.

6. Inapasa kuwa na masharti ya kimadili au Kikatiba kwa wagombeaji kiti cha Udiwani. Kama mtu aliuu, kama mtu alihusika na kashfa ya uwaji au ulagai au ulevi wa kupindukia, ama kama hanafamilia, hawezi kuongoza watu.

7. Muundo wa umadili wa uchaguzi: Mgombea kiti anayeshinda kwa uwingi wa kura ndiye anapasa kuwa mshindi wa haki. Wagombea viti wanaokosa kuteuliwa na chama kimoja ana haki ya kuruhusiwa kuvyama hivyo na kuomba uteuzi kutoka kwa vyama vingine kwa sababu katika Kenya vyama ni vingi.

8. Utaratibu wa kuesabu kura urahishishwe, kura zihesabiwa kwa njia ya computer.

10. Haki ya uridhi na mali: Kusiwe na kipimo cha juu cha ukubwa wa ardhi inayoweza kumilikiwa na mtu binafsi. Kama mtu amepata ardhi kwa njia ya haki hakuna kosa.

Mwanakenya ana haki ya kuwa na ardhi mahala popote nchini Kenya kama amepata kwa haki.

Com. Maranga: Councillor, have you finished?

Coun. Pius Mwaka: Bado imebaki kidogo tu.

Com. Maranga: Sasa nakupa nusu dakika umalize kwa sababu saa yako imeisha.

Coun. Pius Mwaka: O.K.

Idadi ya Wabunge ipunguzwe, kusiwe na wilaya yenye Wabunge zaidi ya mbili.

Baada ya Rais kuchagua Mawaziri, apeleke majina yao kwa Bunge ili wachunguzwe kama kuna aliyehuzika na ufiisadi eowote aondolewe na Rais achague mwingine badala yake.

Com. Maranga: Asante sana, fanya registration hapa na tunashukuru kwa maoni yako.

Anayefuata ni Benson Yumbi Mutema. Benson kuja haraka utoe maoni yako. Kunaya Ruth Malusi pia uwe tayari.

Benson Yumbi Mutema: Kwa majina naitwa Benson Jumbi Mutema. Nitazungumza kuusu mambo matatu kwa muda mfupi tu.

1. Primary School Education: Maoni yangu ni, kuna kitu kimoja Serikali yetu tukufu inaita Cost Sharing. Serikali inaonekana imechukua tu kitu kimoja na ikawachia wazazi vitu vingi sana zile ambazo ni vikubwa vikubwa. Wazazi wako na kazi kubwa kwa sababu wanaelimisha hawa watoto mpaka University.

Ningeuliza Tume ipendekeze Serikali ichukue vitu vingine wiwili kama mijengo na vitabu.

2. Employment au Kazi: Sisi kama wazazi tunakuwa na maisha magumu, unasomesha mtoto, unauza shamba yote inakwisha na baadaye hakuna kazi. Nyinyi nyote mnarudi hapo nyumbani kuwa maskini ya mwisho.

Naomba Serikali tukufu kupitia kwa Tume, watoto wakimaliza shule ata kama ni Form 4 wapate kazi.

3. Mshahara ya Wabunge: Hawa wangwana wanalipwa pesa mingi sana na inaonekana wanafanya kazi siku 12 kwa mwezi. Hii mishahara, maoni yangu kupitia kwa Tume ni iwe reduced, ndio watoto wetu wawe wanamaliza shule, wapate kazi na hizo pesa zitumike kwa vitu vingine kama kusaidia, disabled na pengine kuna waombaji wengi katika Kenya. Hizi pesa zikipungzwa zinaweza kusaidia beggars.

Thank you.

Com. Maranga: Asante Mzee Benson Yumbi Mutema. Sasa nakuomba kwa unyenyekevu uende uweke sahihi kitabu chetu rasmi na utuwachie memorandum yako.

Ruth Malusi is next.

Ruth Malusi: My name is Ruth M. Malusi from AIC Kiatine here in Matinyani.

My points are:

1. Legislature: The government should determine salaries and benefits for Members of Parliament to avoid selfishness.
2. Electoral System and Process: There should be a minimum of 50% votes cast of the registered voters in a Ward or Constituency during a by-election. This is for good representation.

Electoral Commissioners should be appointed by the Parliament.

3. Electoral Commissioners should be empowered to arrest and take court any person, party or member, any party member or government official who bribe voters outside the polling station in the form of money or relief food.

4. Voting age should be between the age of 18 and 80 years. This is to avoid deterioration of mind.

5. Women Rights:

One third of Electoral Commissioners should be women.

There should be equal inheritance and succession of rights for both male and female children.

6. Adult Education should be a branch of Primary School as Nursery school is. An Adult School teacher should be under the Primary School head teacher.

Thank you.

Com. Maranga: Thank you Ruth please sign the register.

The next one is Ngulungu Ngau. Ngulungu Ngau hayuko. Then we have Christopher Iliu Kalingwa. Yes it is your turn. Do we have J K. Mulandi, you are next. Wewe ndio unafuata uwe tayari.

Christopher Iliu Kalingwa: Kwa majina ni Christopher Iliu Kalingwa kutoka Matinyani Location, Kathauli Sub Location, nawakilisha kikundi ya watu 48 ambayo inaitwa Mogili Women Group. Sisi tunafanya kazi ya Nursery Planting.

Kwa vile tulisomeshwa kuhusu Katiba kwa kuirekebisha tuliona maswali haya:

Tunaongea kuhusu kumaliza njaa, umaskini, ujinga, ufishadi na uchawi. Serikali ikichukua jukumu la kufunga mito yote ya Kenya, kuvuna maji ya mvua itasaidia kilimo ya kisasa na wale wasioajiriwa kazi wataweza kulima.

Serikali ichukue jukumu ya kusomesha watu wote kutoka Standard 1 hadi Form 4 ili kumaliza ujinga.

Serikali kuchukua jukumu ya kutibu watu wote hospitalini bila kuitishwa Shilingi 20/=. Kwa sababu wengine hawana hizo pesa.

Serikali kuchukua jukumu ya ..

(Interjection)

Mr. Christopher: Macho yangu inamatatizo kidogo.

Serikali ipeane title deed kama kitambulisho kwa sababu wanaotaka kumiliki hawawezi kuipata. Wanaotaka kumiliki ardhi hawawezi kupata title deed kwa sababu inalipishwa pesa nyingi.

Ma-DO na Chifu wapewe jukumu ya kuwalinda wananchi, kujua matatizo yao kwa sababu hawa ndio wako karibu na wananchi kuliko Polisi.

Sheria iwekwe kwa wale wanaojiriwa kazi, kwa mfano kama wewe ni daktari usifungue Clinic, kama wewe ni mwalimu usifungue duka kwa sababu, wenye kufanya hivyo kama ni mwalimu unapata kwamba wazazi wanaitishwa pesa kila siku ili mwalimu apate kujitahidi, Daktari naye anabeba dawa.

Serikali ichukue jukumu ya kutandaza stima popote shuleni, ata computers iwe inaweza kutumika kwa mashule.

Sheria iwekwe kwa wale wanaokuza uchawi, kuabudu shetani na waganga wasioeleweka. Wakionekana na miujiza hayo wapelekwe Kotini.

Com. Wambua: Tafadhali jiandikishe tafadhali. J. K. Mulandi. Mwinde Mwanga yuko? O.K. Wewe ndiwe atakayofuata Bwana Mulandi.

J. K. Mulandi: Kwanza nawasalimu wana Tume wote kwa jumla. Kwa majina naitwa John Bosco Kinyanjui Mwana wa Mulandi.

Kitu cha kwanza, nitasema kuhusu hii Tume.

1.Tume iweze kumaliza hii Katiba ambayo tunazungumzia by February Mwaka ujao wa 2003 alafu baadaye tuingie katika uchaguzi ambao ndio utakuwa wa mwisho. Kuesabiwa kwa kura kutakuwa katika station ambayo wapiga kura wamepigia ili wajue yule aliyeshinda katika sehemu hiyo yao.

Serikali ambayo mimi nimeiangalia kwa makini iwe serikali ya mseto kwa sababu hatutakuwa na mapinduzi ama kuvurugana.

2. Kodi na uchumi: Hapo awali tulikuwa tunatoa kodi kwa njia mzuri na kuhudumiwa vizuri lakini sasa kodi inapitia kwa viwanda. Sisi Wanakenya hatuna viwanda walio na viwanda ni watu kutoka Europa, Wahindi na Wazungu na hakuna wenzetu Wakenya ambao wako na kiwanda ili tupate uchumu ambayounaweza kuendelea sio yule wa tusaidiane malipo.

3. Ukoo na Sheria yaani Customary Law: Hiyo inapunguza wezi na wakora ambao wananyanganya watu mali na hata wananyanganya mabwana wengine mabibi zao na ukoo ndio unaweza kuhakikisha kwamba huyu mkora anachungwa. Customary law pia unaweza kuzuia chokora na kutupa watoto mapipani hiyo ni jukumu ya ukoo.

4. Education: Serikali kwanza imalize miradi ya zamani. Kwa mfano tuna Chuo Cha Walimu ambacho kilianzishwa na hakijawahi kumalizika. Kurekebisha Ukai Institute na masomo kuanzia Kidato cha Kwanza hadi cha Nne, serikali inaweza kuhudumia wananchi kwa kua mapatao yao hayamo, yamemalizika kwa njia ya kusema eti tusaidiane (cost sharing).

5. Maji na stima zinaitajika ili zitufikie. Ahadi ni deni kwa Serikali, ilisema ujinga, umaskini na ugonjwa.

Nyinyi nyote mnajua hayo yote kwa hivyo mimi nilikuwa nimetengeneza hii kwa karatasi kwa kuchoro chora tu lakini si memorandum ambayo nimeandika vizuri.

Kwa hivyo, asante sana kwa kunisikiliza.

Com. Wambua: Umeandika kwa lugha gani?

Mulandi: Nimeandika lugha ya Kiswahili.

Com. Wambua: Hata hivyo utuwachie tafadhali na tutajaribu tuisome na tunataka kukushukuru kwa maoni yako ambao tumeyasikia. Kwa hivyo wewe utuwachie tutaishoma na tuelewe. Kwa hivyo asante sana Bwana Mulandi kwa maoni yako. Muinde, tafadhali. Kuna Ben Mutunga? Martha Robert? Martha wewe ndiwe atakayefuata Bwana Muinde Mwanga.

Muinde Mwanga: Naweza kuzungumza kwa Kikamba? Kiswahili tu.

(Laughter)

Jina langu ni Muinde Mwanga kutoka Matinyani Location, Chondoni Sub Location. Neno langu ambalo nataka kutoa hapa kwa Tume ni oral, sikuandika pahali popote.

Serikali ile itakaokuja ikitaka kuunganisha vyama, iunganishe vyama vyote.

(Interjection)

Com. Wambua: Serikali iundwe kutoka kwa vyama vyote au iunganishwe namna gani?

Muinde Mwaka: Iunganishe vyama vyote ikiunda Serikali. Kwa maana mimi niliona kama vyama viliunganishwa na hakukuwa na mambo mengi. Kama vile KADU, APP na KANU waliunganishwa. Na hivyo vyama vingine KADU na APP zilikuja zikaishia hapo kati kati kwa maana ziliunganishwa zote. Rais wa chama cha APP akapewa Minister and hakuna mtu anaweza kusengenya babake akiwa yupo ndani.

Com. Maranga: Hiyo tumeelewe utupatie...

Muinde Mwaka: Hichi changu ndicho nilikuwa nataka kuzungumzia.

Com. Maranga: Utupatie proposal nyingine. Hiyo ya coalition government tumeelewa.

Muide Mwaka: Sina mengine mimi ni hayo tu.

Com. Maranga: Asante sana, kama ni hayo tumeandika, tumeyasikia na yamenaswa kwa chombo sasa tutayachukua na tutaenda kuyaangalia. Asante sana bwana Muinde.

Martha Robert yuko? Martha kuja hapa tafadhali.

Wamba Katolo yupo? Sijii kama ni Wambua au Wamba basi wewe ndiwe atakayefuata.

Ben Mutunga Mutena yuko? Basi wewe utafuata mama halafu tuende kwa Katolo.

Martha Robert: Thank you my names are Martha Robert Katuku.

The new Constitution should cover the rights of all groups of people and changing the Constitution should involve all people.

A child born in Kenya should be a citizen without any condition.

Kenyan defence and national security should be under parliament and planned like any other department.

Mayors should be elected by the people and they should serve for a period of 5 years.

There should be more women representative in Parliament.

Women interests are not guaranteed in the Constitution.

The disabled should also be represented in parliament.

The government should give children free and compulsory education at the Primary level.

Widows, orphans and the disabled should be taken care of by the government.

The powers of Councillors and Chiefs should be given to the District Development Committee.

Thank you.

Com. Wambua: Nataka unifafanulie maneno machache hapa. Kwanza umesema, a child born in Kenya should be a citizen. Ni kweli? Should this child be born of foreigners living in Kenya, if born here you are saying should be a citizen.

Martha Robert: Yes.

Com. Wambua: You are sure about that. O.K. that is number one.

You said the number of women in Parliament should be increased. How do you propose to do this, through nominations or special seats for women or what? What is your proposal?

Martha Robert: I said more women should be more represented in Parliament.

Com. Wambua: That is why I am saying how do we represent them more. Do we give them special seats by nominating them or do we reserve seats specifically for women so that they can be elected and we be assured that a certain number will go to Parliament. Do you have an idea, if not it is O.K.

Marth Robert: You can nominate them.

Com. Wambua: Thank you very much, please register yourself there;

Next is Ben Mutunga Mutema tafadhali. Bwana Mutunga utafupisha maneno najua wewe ni mtu wa maneno mafupi, yafupishe tutayaandika, tunayaelewa haraka haraka halafu tutaenda ku-analyse huko Nairobi.

Benjamin Mutunga Mutema: Asante sana. Kwa majina naitwa Benjamin Mutunga Mutema kutoko Kidhumla Location, Kasaine Sub Location.

Kwa maoni yangu, hapa ambapo kunaandikwa wagombeaji viti wanaokosa kuteuliwa na chama kimoja wataruhusiwa kuhama kuenda kwa vyama vingine. Kwa maoni yangu, mimi ningenelea kwamba mtu akikosa kuteuliwa na chama aondoke kwa uchaguzi. Asiende kwa chama kingine kwa kuwa ataenda kuvuruga amani huko.

2. Juu ya Chairman wa Kitui County Council au Council yeyote au Mayor yeyote, ile sheria ya kikoloni ya kuchagua Chairman kwa miaka miwili naona kwa maoni yangu iondolewe. Chairman yeyote wa Municipal au County Council awe akichaguliwa na Councilors and achaguliwe kwa miaka mitano.

Committee ile ya mabaraza ya wilaya, committee ya finance na ya education hizo zote ziwe zikichaguliwa na Council kwa miaka mitano badala ya miaka miwili.

Sina mengi zaidi ya hayo ni hayo tu.

Com. Wambua: Asante sana Bwana Mutema, maoni yako tumeyapokea na tutaenda kuyatia manani tukiandika reporti yetu. Thank you very much.

Wamba Katolo. Katolo jaribu ufupishe maneno ndio tumpatie wengine nafasi. Yako najua hua ni mafupi kwa hivyo yafupishe kabisa.

Wambua Katolo: Asante sana wana Tume wa Kurekebisha Katiba. Yangu ni machache tu. Kwa majina naitwa Wambua Katolo, kwangu ni hapa Kangani.

Nitaongea kama mwananchi wa kawaida.

(Interjection)

1. Mimi ni mkulima, bei ya chakula iwe nzuri.

2. Hospitali iwe na dawa za kutosha.

Yangu ni hayo tu. Thank you.

Com. Wambua: Nilikuwa najua ni mafupi, nilikuangalia nikajua wewe uko na menono mafupi. Asante sana, jiandikishe hapo.

Sasa nitaita Benedict Muli. Benedict najua tayari umetupa maoni tuliyaandika tukayanasa, kwa hivyo yafupishe yali ambayo yalisahaulika wakati huo utuambie hayo hayo tu. Maanake yali mengine bado yako kwa machine.

Halafu Bwana Muli utafuatiwa na Felix Mutinda. Yuko? Felix wewe ndiwe atakayefuata Bwana Muli.

Benedict Muli: My names are Benedict Mwendwa Muli of P.O. Box 908 Kitui. I come from Matinyani here and I will address as follows:

Honorable Commissioners with your permission you may allow me add on my submission, which I did in Kitui Central on the 14th May 2002.

1. The Constitutional Review Commission should be entrenched in the Constitution to avoid abolishment.
2. Ballot boxes should be transparent, possibly plastic glass, not tinted or coloured.
3. Votes should be counted at the polling stations.
4. The Constitution should compel the coming government to honour the National Anthem and its contents. It talks of fighting against poverty, diseases and ignorance.
5. Those who mismanage public funds and property within the government since uhuru, should not be left free. They should be forced to return what they might have stolen and be reprimanded for the same.

That is all I had. Thank you.

Com. Wambua: Your views were very excellent, I remember them very well in Kitui you have just added 5 other good views. Asante sana.

Benedict Muli: Pia ningerudisha asante kwa hiyo ya Kitui mlinipatia wakati wa kutosha.

Com. Wambua: Sasa tunamuita Felix Mutinda. Mutinda atafuatiwa na Edgar Munyoki.

Edgar yuko wapi? Halafu Rahael Munguti, yuko? Haya basi tuendelee na Felix.

Felix P. Mutinda: My names are Felix Peterlis Mutinda from Matinyani. I am for the views that:-

Spouses of Kenyan citizens regardless of gender should be entitled to automatic citizenship. I am of the opinion that our Constitution should not allow dual citizenship in our country.

Political Parties: Our Constitution should regulate the formation of political parties, this will check registration of family groups as political parties. The number of political parties should be limited to approximately 3 and they should be financed by the state and enjoy security from the state machinery.

We should not adopt a Federal System of Government. Kenya has distinct and varied ecological zones and thus Federal Government will confine some regions to permanent poverty.

Powers could be devolved to lower levels of government by retention of a well-structured and disciplined provincial administration.

Legislature: Language tests required for Parliamentary elections should be done away with. Academic standards should be spelt out for Parliamentary aspirants, I suggest a minimum of C grade in KCSE.

Salaries and benefits of Members of Parliament should be determined by the Public Service Commission.

Local Government: Mayors and Council Chairman should be elected directly by the people.

Education: I propose that we should have a clear guideline on registration and promotion of teachers, appointment of administrators in our institutions of learning, admission criteria in various stages of higher learning.

General Elections: I suggest that counting of votes should be done at the polling station and the results obtained immediately the station closes.

Police Training: I suggest that Police training period be extended for them to be trained sociology for they are to live with people around.

Land ownership: Title deeds should bear the names of the two spouses.

Pension: Pensioners benefits should not be taxed to avoid humiliation of double taxation.

There be established a system of citizen presenting their views directly to the President.

That is all I have. Thank you.

Com. Wambua: Asante sana. Bwana Felix isipokuwa ulisahau kuzima hiyo simu imekuaribia maneno yako.

Nitaita Edgar Munywoki. Tafadhali kuja utoe maoni yako. Raphael Munguti amepatikana, yuko wapi?

Tafadhali zima hiyo simu ina-interfere na hiyo machine. Nani yuko hapo. O.K. Edgar utafuatiwa na Rahael Munguti

(Interjection) Raphael.

Rebecca Zakayo yuko? Ako wapi? Halafu tutakuwa na Councillor Kameta, yeye ndiye atakuwa wa mwisho hapo.

Tufuatane hivyo, kwa hivyo endelea Edgar.

Edgar Munywoki Mutemi: My names are Edgar Munywoki Mutemi from Matinyani, I will start with: -

1.Preamble: The Constitution of Kenya shall be constituted by the people of Kenya.

2.The authority under which the Constitution is to be changed or ammended shall be laid upon the people of Kenya.

3. Kenya shall be a democratic state or Republic under the new Constitution.

4. a). The Constitution shall define all the fundamental rights and freedom of Kenyan citizens i.e. right to life, liberty, freedom of movement, assembly, speech, justice and peace regardless of race, colour, ethnicity, sex, religion, creed or social or economic status.

b) Constitutional Supremacy: The mandate or power to ammend or change the Constitution shall lie upon the people of Kenya.

c). Citizenship:

Anybody born in Kenya.

Any woman married to a Kenyan.

Any child born outside Kenya but the mother or father is a Kenyan citizen.

Through application for a certain period.

5. Political Parties:

The Constitution shall limit the number of political parties to 4.

The Registered political parties shall be financed by the government of Kenya without any discrimination.

6. National Assembly:

Being a Member of Parliament should be a full time occupation with exception to outdoor activities as pertains to the office or when they are called in to Parliament.

If a Member of Parliament is appointed as a Minister, a by-election should be held immediately.

Members of Parliament shall have their offices in their respective constituencies so that all people can have access to them, to listen to their needs and complaints.

Members of Parliament shall be re-called after every 2 years in order to be accessed on development matters.

The Constitution shall preserve some seats for the disabled and for the youth in Parliament.

For one to contest for a Parliamentary seat, he should be 21 years old and above and must have Form 4 certificate.

7. Judiciary:

The Judicial service should be independent.

For one to be in charge, one should be an advocate of the high court.

The Attorney General should have not powers to stop any case, instead there should be a director of prosecution.

The Constitution should set up an office of public advocate.

The Constitution should create an office of the Ombudsman where all public complaints will be taken and heard.

8. Public Service Commission:

All senior public servants positions to be specified on qualities, qualifications and duties.

All development funds should be included in the budget for every district.

The Constitution should establish a Commission to deal with all salaries of public servants including President, Ministers, Members of Parliament and all top government officials.

9. Land and Property Rights:

The Constitution should ensure that all the trust land are identified as from the colonial period.

All Kenyans should have the same hectare each where somebody can cultivate, keep livestock and feed his family and if a boy child has began his own family the same should apply to him.

10. Education:

The Constitution should ensure that education is affordable to all Kenyans from Primary level to University level.

The Constitution should ensure that Private Schools, Colleges and Universities are not profit motivated i.e. they should not charge high levies or fees.

Primary school education should be free and for all Kenyans.

Com. Wambua: Just a minute.

Com. Maranga: You said that if a Member of Parliament is appointed as a Minister, all right? Then you occasion a by-election? But I am asking myself what if that Minister is sacked and he has already his position as a Member of Parliament. What happens?

Edgar Munywoki: I think if a Minister is sacked, I think it is due to mismanagement of his office and therefore there is no need of ...

(Interjection)

Speaker: May be you had not thought about it.

Com. Wambua: If you had not thought about it, just leave it but there is something else.

Kuna swali nyingine hapo.

Com. Wambua: Recall Members of Parliament after 2 years, to assess their development. Are you suggesting that there be election every 2 years or what are you suggesting?

Edgar Munywoki: My idea was, for Members of Parliament to be recalled, this will be done to assess on matters of development whether after being elected, have they done something in terms of development. If they have done so then, they will continue.

Com. Wambua: So you are saying that the right to recall a Member of Parliament should only arise after he has served for 2 years. I'm I right? Is that what you are saying? O.K.

Is that what you are saying? The right to recall a Member of Parliament should be after 2 years so that you give him 2 years to see what he has done? What are you saying?

Edgar Munywoki: After we have elected him for 5 years, then after 2 years we assess him then after that he continues for the rest of the terms.

Com. Wambua: That is exactly what I am asking? The assessment should be after 2 years?

Edgar Munywoki: No.

Com. Wambua: Anyway, the second one is: You said that all Kenyans should have equal land. Didi I get you right?

Edgar Munywoki: Yes.

Com. Wambua: All Kenyans should have equal land and what size?

Edgar Munywoki: We know may be there are some people who have acquired 100 of acres.

(Interjection)

Com. Wambua: Ngoja.

Edgar Munywoki: and some..

Com. Wambua: Do you have a proposal, do you have a sealing, what sealing are you suggesting? What is the minimum of land for every Kenyan?

Edgar Munywoki: 10 acres.

Com. Wambua: 10 acres. Thank you very much and please register yourself there.

Can we have the next person? Raphael Munguti. Tafadhali yafupishe maneno.

Endelea, taja majina na tafadhali maneno yawe mafupi maanake tutayaelewa haraka haraka.

Raphael Munguti: Mine is just a suggestion of the delegation. The laws that we get from Parliament, sometimes when it is something technical, there is what we call delegated legislation and when we it comes to delegated legislation, they are given powers by the people in that position. It is my suggestion that when it comes to this delegation, to have representatives of all parties, that we do not just have like if it is KANU and we know, it is KANU in power, we do not have the same group going for that delegation.

We have selection of these people so that we do not have their own ideas governing that delegated legislation.

Another thing is that in Parliament, when it comes to the idea of getting the majority vote, the same should also be done that we do not just randomly get the big number but try to see the representative in Parliament. Not just like, the majority in this idea is 50, which is the majority without looking at their representatives. Therefore, the majority should consider those who are representing which party. Not just the majority.

(Interjection) Inaudible

That is one.

The other thing is that the long procedures in giving an O.K. for the activities in a community which are really for the benefit of individuals. As you know with companies for them to get started, we have that long procedure, I am suggesting to the Constitution to evaluate and see those that are activities that are to benefit the community do not go through all these long procedures for them to be given an O.K. to practice whatever they are to do.

My last point is that special consideration should be given to health i.e. hospitals and education which are like the foundations touching our day to day lives.

Powers of the President: These should be shared, the Constitution when it was first established powers, it gave all the powers to the President, that he is the one to control all the activities. He is the one to appoint.....

(Interjection)

Com. Wambua: Make your proposals.

Raphael Munguti: My proposals is that the powers should be limited. These should be shared with other people. May be should be shared by the Ministers or whoever. I am just giving a suggestion that the powers should be limited not just to the President.

Com. Wambua: Please register yourself there. Thank you very much for your views.

Rebecca Zakayo is there? Halafu Councillor Kameta awe tayari. Na wewe nitakupa dakika mbili because I know you gave your views before.

Taja majina mama na uendelee tafadhali utoe maoni yako.

Rebecca Zakayo: My names are Rebecca Zakayo.

(Interjection)

Com. Wambua: Weka chini kidogo.

Rebecca Zakayo: First I am going to talk about the Mayors.

Mayors: -

I think that the terms of the Mayors should be defined in the Constitution. A Mayor should be a Form 4 leaver.

(Interjection) Punguza kidogo.

Com. Wambua: Ukiweka karibu hatusikii, ukiweka kidogo mbali tutasikia. Ni hapo sasa.

Rebecca Zakayo: Rape: I think our Constitution should define well about rape. On this I am talking about child-rape. Child rape to my suggestion should deserve life sentence.

A normal rape should be defined well in the Constitution i.e. in the case of a man or a woman, they should serve the same term of imprisonment.

The other rape is marital rape; this should also be defined well. Maybe in case of a man, the time of imprisonment should be defined in the Constitution.

Child bearing: In our country Kenya nowadays the rate of children born out of wedlock is higher, the Constitution has not put a law to stop this. My suggestion is that, the Constitution should define well on a child born out of wedlock. Maybe the man or the lady should be dealt with. The Constitution should define what will happen to the man because it is the men who are causing all these.

Presidency: The Constitution should define the age of a President. It is written in the Constitution that the President should be 35 years but the maximum age is not defined.

I think the President should not be more than 50 years of age.

(Interjection)

I mean the President's age should be between 35 and 50 years.

(Interjection) Commotion in the background.

Com. Wambua: I think this is important, O.K. Just a minute. We want to get it right so that we capture it nicely.

What you are saying is that whoever wants to be the President must make sure that he wins the election when he is not less than 35 and he should stay there and serve upto the age of 50, after 50 he is disqualified.

Rebecca Zakayo: Not 50, you stay there then after your term you should be out. May be if the Constitution says the President should serve for 10 years, what I am saying is that the President should not be over 50 years.

Com. Wambua: The President should not be over 50 years.

Rebecca Zakayo: Yes.

Com. Wambua: I was coming to that Mama if you give me time. You are saying that the President should serve for 10 years after he is elected and he should not be more than 50 years. Which means, whichever comes first, he should get out. If he gets 50 years before he finishes his 10 years term, he must get out. But if he is under 50, the maximum he can serve is 10 years? Is that what you are saying?

Rebecca Zakayo: Yes.

Com. Wambua: Carry on.

Rebecca Zakayo: Again I think the Constitution should define well on equal distribution of resources in our country. e.g. roads and water, I think the distribution should be equal.

Education: There should be equal educational opportunities e.g. Universities should not be based in some places and not others. Like in Kitui we can also have a University.

Jidiciary: The Judiciary should be independent.

(Interjection)

Speaker: Endelea.

Rebecca Zakayo: The President should not be a member of any political party.

Election of Judges should be done by the people.

(Interjection)

Com. Wambua: Just on that one last point. How do we appoint them, through election or what method?

Rebecca Zakayo: Election.

Com. Wambua: If you want to be a Judge you stand for election and you are just elected through the ballot. That is what you are saying.

Rebecca Zakayo: Yes.

Com. Wambua: O.K. Thank you.

Now, you have touched on a very thorny issue and I know my fellow Commissioners here want to hear about it and they will be asking questions but let me open it up.

Marital rape, a term you used but did not define, that issue has been very thorny, there are those who believe that there is nothing like marital rape because there is a permanent consent after marriage. There are those who believe there is and I think it will be of assistance to us to tell us what is your basis for the recommendation you have made that, a man should be jailed for? How many years? Marital rape you recommended jail term.

Rebecca Zakayo: 10 years.

Com. Wambua: I think you have to define it madam. 10 years is a very heavy punishment, we need to know when it is this committed according to you? What constitutes this and I am sure my fellow Commissioners here would want to hear more about it.

Com. Maranga: I only want to add that. Can you also define adult rape, I did not hear the sentence you gave for adult rape. You gave for child, where you gave life sentence but you did not give us the sentence for adult rape.

Again, you have kind of indicated that it is only men who rape, you have not indicated where a woman rapes?

Rebecca Zakayo: O.K. Normal rape, I have talked about both men and women. I think both should be given the same sentence of life sentence.

Marital rape: I think the man is the one who should be jailed.

(Interjection)

Speaker: What about the woman?

Com. Maranga: You know, have you been reading papers. Who are on the war path in Murang'a against men. Is it men or women? Even Kangemi, whom have you seen who are more vicious? Who are more serious about these issues, like people drinking illicit brews?

Rebecca Zakayo: Both.

Com. Maranga: So you want us to put both in marital rape? But who determines because you are in a bedroom?

Rebecca Zakayo: I think both are partners so you do not have to rape.

Com. Maranga: If you came to give evidence against your husband that he raped you, you want to tell me that the Judge would believe that? Or if I came to give evidence against my wife, I should be believed and yet we are only the two of us?

Anyway thank you.

Com. Ayonga: I think the young lady gave us her views which are very foreign to many of our ears here and which also need to be defined. I think we can leave her, at that that is your view. Other Kenyan women will tell us what rape means. Thank you.

Com. Wambua: Tumepokea maoni yako. Asante sana Madam.

Councillor Kameta is next.

According to our report, kulingana na orodha tuliyopewa Councillor Kameta ndiye atakuwa wa mwisho kutoa maoni halafu kulingana na mpango iliyoko, tutafunga hiki kikao baada ya kusikia maoni yake.

Councillor Kameta nimempa dakika mbili peke yake maanake tukipokea maoni yake uko, na bado yapo yamenaswa hapa. Kwa hivyo kama kuna kitu uliyosahau hicho ndicho tutakuruusu uzungumzie. Kwa hivyo dakika ni mbili.

Coun. Boniface Kameta Manzi: Thank you Chairman, my names are Boniface Kameta

Manzi and my views are as follows:

Political Parties:

Apart from mobilizing wananchi they play a big role in community development and educating them about human rights.

Political parties should be limited to 4 for the betterment of the government.

Local Government:

Mayors should be in the office for 5 years term so as t have the time to prepare for the development of the Council.

Councilors should have a minimum education of Primary education course.

There should be no Nominated Councillors since they serve their political parties.

Land: -

Individuals should own land.

The government should get consent from the owners of the land.

The government should not have powers to control the landowners on how to use it, instead they should advice them on how to use it.

The Transfer of land should be simplified because at the moment the process is too expensive and it takes so long to prepare a tittle deed.

Kenyans should own land anywhere in the country because they are natives and it is one way of eliminating tribalism.

Thank you Mr. Chairman.

Com. Wambua: Nilikua najua maneno yako yatakuwa mafupi kwa hivyo asante sana

Bwana Councillor, jiandikishe hap.

Kuna mtu yoyote ambaye amejandikisha na hakuitwa kutoa maoni? Kuna mtu hapa ambaye alijiandikisha kuwa anataka kutoa maoni na jina lake halikutajwa?

Com. Wambua: Ve mundu we vaa ukie kumya maoni yulu wa Katiba na ndanetwa na niwandekithye isyetwa yake? Viaye munu.

Kwa hivyo tumekoma sasa tumefika mwisho wa kikau hiki kulingana na orodha tuliyopewa, sasa tumefika mwisho tumewasikiza watu 45 na nataka kwa niaba ya Commissioners, Tume ya Kurekebisha Katiba na Commissioners wenzangu ambao wako hapo kuanzia pande ile, nimetaja Pastor Zablon F. Ayonga na Dr. Charles Maranga ambao tulikuja nawao hapa.

Kwa niaba yao ningelipenda kuwashukuru wate ambao walifika hapa kutoa maoni. Nataka kuwakikishia nyote kwamba maoni ambao mlitupatia, tumeyapokea, yamenaswa, tutaenda Nairobi, tutayaangalia, tutayachunguza, tutatengeneza report na ikiwa sheria ambayo iko sasa haitabadilishwa, tutatengeneza hiyo report na turudi hapa tena tuwapatie nafasi ya kuisoma halafu kama kutakuwa na mabadiliko mngelipenda yaweko, ama msemi kwamba maoni ambayo mliyatoa hayakuweco, basi tutaiyangalia tuirekebisha tena.

Kwa hivyo ningelipenda kuwashukuru nyote wale ambao mlifika hapa kutupatia maoni yenu, na sana sana ningelipenda kumshukuru Bwana DO, Bwana Bore ambaye yuko hapa nasi tuko kwa tarafa yake, pengine angependa kuzungumza machache. Tutampatia nafasi hiyo.

Nimeona pia Machief wamefika hapa, Chief wa area hii Annet Mbiti nimemuona, nimeona Sub Chief, nafikiria nimeona Chief Mutulu. Nimeona karibu Machief wote wamefika hapa, kwa hivyo, inaonyesha Bwana DO, idara yako imefanya kazi vilivyo kuakikisha kwamba watu wamekua mobilized na wamefika kwa mkutano.

Kwa hivyo shukrani maalum kwa niaba ya Tume, kwa niaba ya Commissioners wenzangu, tafadhali waakikishie kwamba wale ambao wako kwa idara hiyo, tuko na shukrani sana kwa kutusaidia kwa hii kazi.

Pia nimeona kuna viongozi wa kisiasa, Councillors, wakiongozwa na His Worship the Mayor, wako hapa, wamekuwa nasi tangu asubuhi. Tulipokua Kabati pia walikuweco, kwa hivyo nataka kuwashukuru pia kwa kutusaidia kuonyesha interest kwa hii process.

Kwa hivyo nitafika hapo mimi, sasa nitaregesha microphone kwa mwenzangu ambaye ndie alikwa Mwenyekiti wa kikao hiki Dr. Charles Marange naye aseme machache halafu kama tulivyoanza, tutafunga kikao kwa maombi halafu sasa tutasafiti kuenda

Nairobi tupeleke yale mliyasema kabla hayajapotelea kwa njia.

Com. Maranga: Pengine kable sijazungumza ningeomba Pastor Ayonga aseme kitu kimoja kidogo.

Com. Pastor Ayonga: Nataka kuwashukuru sana kutoamaoni, yaani ambayo yanamaana sana na kwa njia moja au ingine yataungana na maoni ya watu wengine kote nchini na bila shaka tutakuwa na Katiba na itakuwa Katiba ambayo wewe na mimi tataiita Katiba yetu. Asante kwa wale wote waliojitayarisha na maoni.

Asante kwa wale wote waliokuja kulisika na tuna matumaini kwamba Mwenyezi Mungu atazidi kutusaidia sisi sote na heri pia mnapo rudi nyumbani kwenu muombe Serikali na muombe Katiba kwamba kusiwe na pingamizi yoyote, mwishowe tujione sisi sote tukiwa na kijitabu cha Katiba mpya ambayo ukisoma unasema, you were part and parcel of this Katiba making.

God bless you wherever you were and work hard ili tujenge nchi yetu pahali imefikia ili sote tushirikiane.

Mungu awabariki.

Com. Maranga: Kama Mwenyekiti wa kikau hiki ningeomba Bwana DO aseme maneno moja kwa dakika moja hivi ili nimalizie ndio nifunge.

Francis Bor (D.O.) Commissioners na wananchi ambo wako hapa hamjambo?

Wananchi: Hatujambo.

Francis Bor: Yangu nitashukuru wananchi wote wa Matinyani ambao wamefika hapa kutoa maoni yao. Nafikiri wakati mmetoa maoni ata sisi mmetutetea, unajia kuna maoni mengin sisi hatuwezi kutoa mahali kama hapa. Naweza kutoa maoni leo Tuesday na Friday niko na barua ingine. Saa zile mmetoa mmetutetea kwa sehemu zingine nyingi.

Pia nitarudisha shukrani kwa Commissioners kwa kupatia Matinyani nafasi tena kwa maana the other time maoni yalipatiwana Kabati na Chusiani na kule kulikuwa mbali, kuna watu hawengeweza kufika uko. Kwa hivyo tunawashukuru kwa kurudi hapa tena na watu wa Matinyani nimeona kumekuwa na difference kidogo. Nimetembea zote kwa hizi meetings za kupeana views, ya Central, Kabati na Chusiani na nimeona kwamba hapa Matinyani peke yake ndio naweza kusema youth wametoa maoni. Sehemu hizi zingine unakuta wazee wa 50, 60, 70. Mzee anakuja tu anasema anataka kuona DC ya Kitui na Mwingi na anasema amepeana maoni yake.

Hapa tu ndio nimeona ya kwamba vijana wamejitokeza na wametoa maoni mazuri kabisa. Nafikiri ya kwamba wakati Katiba mpya itakuja, tutaweza kusema kwamba hii ni Katiba yetu kwa sababu tulichangia. Kuna point utaona ya kwamba ilitolewa na

mzee fulani wa hapa na utaweza kusema hii ni Katiba yetu, sio kama ile ya zamani ilitengenezwa Lancaster House halafu ikaletwa huku.

Kwa hivyo Commissioners nafikiri mtatupatia Katiba ambayo tumawapea, ile tumewapea ndio irudi kwetu. Otherwise, tumewashukuru na tunawambea muendeleo na kazi yenu vizuri. Sehemu zingine ambazo mtazitembelea Mungu awe nanyi.

Asante.

Com. Maranga: Haya, basi kwa moyo huo huo mimi nataka kuomba yule mwenye mji hapa ambaye ni His Worship the Mayor aseme tu moja, ata kama anasema kwa lugha ya Kikamba.

His Worship (Julius Kaango) Commissioners ambao tuko nao hapa, wananchi ambao mmekuja leo kwa niaba ya watu wa Kitui Municipality nitachukua nafasi hii niwashukuru sana, hasa kama Bwana DO amesema, wale ambao tulikua tunajua, Commissioners wangekuja Kabati na Chusiani lakini kwa maombi, tukawaomba kama inawezekana waaje hapa Matinyani. Kwa sababu ya hiyo wakakubali kuja kwa niaba ya watu wa hapa, ninawashukuru sana. Mkifikia Mwenyekiti mmwambia watu wa hapa Matinyani wameshukuru sana kwa sababu hii ni heshima kubwa tulipatiwa.

Ile ingine ni kwamba, ile Katiba ambayo tunangojea kwa yale maoni tumepeana, sio Katiba ya mtu mwingine, ni yako na yangu na kama mnatoa maoni na yale maoni ulitoa sio kusema ulitoa maoni ukiangalia fulani iwe inamfaa yeye mwenyewe. Hii Katiba, mimi kwa niaba ya watu wa Matinyani nashukuru Mungu sana kwa sababu ninaona ile Katiba inaokuja wale ambao ni wanasiasa kama sisi, nafikiri itakuwa mzuri na wale ambao wanajua siasa itakuwa inawalenga sawa sawa.

Hakuta kuwa na mambo kama eti kura imeibiwa. Kwa hivyo kwa hayo machache nawashukuru sana.

Com. Maranga: Asante Bwana Mayor. Basi kwa niaba ya Wanatume wenzangu na kwa niaba ya wale ambao tunaita 3C's, members of the 3C's, ninataka kuwapongeza, nataka vile vile kutoa shukrani kubwa kwa District Coordinator wetu ambaye in Elizabeth Samuel na vile vile nataka kuwapongeza wale ambao wametoka Secretariat Nairobi, wakiongozwa na Bwana Mukewe, Elizabeth Nderitu na Wambua. Asante Sana, tunashukuru kwa kazi yenu.

Bila kusahau Kanisa la AIC Kiatine, tunasema asante na tumesema asante sana na Mungu awabariki.

Kwa hayo machache nataka kusema huu ndio mwisho wa mkutano wetu wa Tume ya Kurekebisha Katiba na ningeomba Mzee moja atuombe ili tuweze tukaondoka.

Asanteni. Na mkutano wa Tume ya Kurekebisha Katiba sasa umefungwa. Thank you.

