

CONSTITUTION OF KENYA REVIEW COMMISSON

(CKRC)

VERBATIM REPORT OF

**CONSTITUENCY PUBLIC HEARINGS, NITHI CONSTITUENCY,
HELD AT CHUKA BOYS HIGH SCHOOL**

ON

13TH MAY 20002

**CONSTITUENCY PUBLIC HEARINGS, NITHI CONSTITUENCY, HELD AT
CHUKA BOYS HIGH SCHOOL ON 13TH MAY, 2002**

Present:

- | | | |
|------------------------------|---|--------------|
| 1. Mr. Issac Lenaola | - | Commissioner |
| 2. Ms. Salome Wairimu Muigai | - | “ |
| 3. Dr. Abdirizak Arale Nunow | - | “ |

Secretariat Staff In Attendance:

- | | | |
|-----------------|---|-----------------------------|
| Solomon Anampiu | - | Programme Officer |
| Mary Kanyiha | - | Assistant Programme Officer |
| Patricia Mwangi | - | Verbatim Reporter |

The meeting started at 9.40 a.m. with Com. Isaac Lenaola in the Chair.

Com. Issac Lenaola: Pastor, nafikiri utuombee halafu tuanze.

Pastor: (prayers) Mungu mwenyezi mumba wa nchi na bingu, mumba wa watu wote, mwenye mamlaka yote ambaye ameweka mamlaka kwa serekali yetu, hii yetu ya Kenya ambayo ilianza huyu mwanzo wa Commission hii.

Siku ya leo tumeungana hapa ili tue na mazungumuzo ya mambo ya Katiba yetu na nchi Kenya tunauliza muongozo mwema.....na amani kwa kikao hiki tufunguwe ili tukitoka hapa, tutatoka hapa ikiwa maneno, mazungumuzo yetu itakua ya hekima na ya uzito wakuendelesha nchi hii yetu kwa leo na miaka ijaio, watoto wetu na wajukuu. Tunaomba haya yote

ubariki Commissioners wetu ata wakati wote wanyosikiza maoni yetu uwe ukiwapa hekima na kusikiza kwa makini. Tunaomba haya yote katika jina wa muokozi wetu Yesu Christu na kuamaini. Amen.

Com. Issac Lenaola: Karibuni katika kikao hichi cha Tume ya Marekebisho ya Katiba ambaye ni mukutano wa kwanza katika wilaya hii ya Meru South.

Ningependa kuwajulisha ma-Commissioner wenzangu tuko nao na pia kufanya kazi kutoka tume. Kwa upande wangu wa kushoto nikwa Dr. Abdirizak Arale Nunow.

Com. Abdirizak Nunow: Hamujambo?

Com. Issac Lenaola: Upande wangu wa kulia ni mwenzangu Salome Muigai.

Com. Salome Muigai: Hamujambo?

Com. Issac Lenaola: Hapa tuko na Bwana Solomon Anampiu ambaye ni Programme Officer kutoka tume. Halafu pale tuko na Mama Mary Kanyiha ambaye atakua akiandika reporti ya hii panel. Na pale tuko na Patricia Mwangi ambaye atakua akinasa sauti na pia record za mikutano ya leo. Na Dsistrict Coordinator wetu ndio huyo. Huyu ni wenu munamujua.

Kabla ya kuanza, ningependa kuwaeleza vile tutakua tukifanya mukutano. Jambo la kwanza, uko na uhuru kuzungumuza kwa lugha yoyote. Ukipenda kuzungumuza Kiswahili ama Kingereza ama KiMeru ama lugha yoyote lingine uko na uhuru kusema vile ungependa.

Jambo la pili, ningependa heshima kwa mukutano. Kukiwa na jambo ambalo hupendi mtu amesema usimukatize. Mungoje mpaka amalize na wewe useme yako, kwa hivyo tusingombanishie wale ambayo wanatoa maoni maana maoni ya kila mtu si maoni ambayo lazima tuyapende.

Jambo lingine, ukiwa na memorandum ambayo inaandikwa tutakupa dakika tano pekee yake kuangaza ile memorandum, ku-highlight zile important points pekee yake kwa hivyo uko na dakika tano tu ya memorandum. Kama huna memorandum ungependa kuzungumuza uko na dakika kumi. Kwa hivyo, memorandum dakika tano, bila memorandum dakika kumi.

Baada kupewa maoni ma-Commissioner pengine wangependa kuuliza maswali kwa mambo ambayo hawaja fahamu kwa hivyo baada kwa kila musemaji ma-Commissioner watakua na maswali ambaye atauliza kufafanua yale mambo ambaye mumekua umesema. Halafu baada ya hapo ikisha keti pale kutoa maoni karibu na Mrs. Mwangi utaketi pale unatoa maoni baada ya hapo utakuja hapa na ku-register kwamba umetoa maoni mbele ya tume. Kwa hivyo ukimaliza kutoa maoni pale njoo pole

pole kwa Bwana Anampiu hapa ujiandikishe kwamba umetoa maoni. Nafikiri hayo imekua sawa sawa. Tumeelwana? Okay.

Basi musiongoje tuwakatize, ukiona dakika zako tano zimeisha ama dakika kumi zikatishe na ukuje ujiandikishe kwamba umezungumuza. Basi tungependa kuanza. Wa kwanza ni Rugendo Elipha Njagi. Kama hayuko Kinyua Angaine Justin. Karibu. Na baada yake Riaka Njoka uwe tayari.

Justin Kinyua Angaine: Okay Asante.

Com. Issac Lenaola: Na useme jina halafu uendele.

Justin Kinyua Angaine: Kwa majina mimi naitwa Justin Kinyua Angaine, nina memorandum.

Com. Issac Lenaola: Basi dakika tano Bwana Angaine.

Justin Kinyua Angaine: Okay asante. Hii memorandum ni ya group inaitwa Vuta Magendo Men's House, imeandikwa na Vuta Magendo Men's House, siyo memorandum mrefu lakini ya kwanza nitapeana maoni yangu ama tatizo kidogo mimi na ona iko kwa tume yenu.

First of all, I think I will speak in English, let me speak in English. First of all I will register my regret actually and disappointment because of the way your Commission has handled things especially when you wanted to request for extension of the period. You should not have come to the public without having agreed. I remember some Commissioners were requesting the Chairman to resign. Those wrangles should have been resolved indoors not in public, I think that was a disappointment to me.

Then we go now to the part of the memorandum. First of all, Katiba hii ya Kenya, the Constitution of the people of Kenya is not the Constitution of Kenya but should be Constitution of the people of Kenya, that should be the title of the Katiba. The current Constitution does not guarantee education. I will talk on the education part of it. There should be an assurance that education of all children in Kenya actually should be free up to Secondary level. University level, maybe they can provide a loan which is assured of everybody that a loan is available for all the people of Kenya.

Another issue. Supremacy of the Constitution. Currently the Constitution of Kenya is said to be supreme but even if it is supreme we have somebody who is the Head of State who is said to be above the law. Something cannot be supreme and somebody else is above the law so we require everybody in Kenya to be under the Constitution. We should not have anybody who is above the law in Kenya. On the same token the Parliament should not have authority on changing especially the Executive Power. They can change other clauses but when it comes to Executive Powers parliament should not have authority

to change the Executive Powers. They should not also have authority to change the privileges of the parliamentarians especially when they are adjusting the.....it is very disheartening actually if, we can say if they are not paying teachers their salaries and they are increasing their salaries we feel we are disappointed with them.

Then the other thing they should not be able to change is the We have seen in instances where people who have voiced differing views with the Executive they are denied their citizenship so actually nobody should be able to change the clause of citizenship in the Constitution.

Then, we have the defence. Our defence currently is under one man, the defence we have is under one man who we call the Commander in Chief. Actually that should not be the case because actually I will give a saying in KiMeru which says that if you select a mad Chief then you will suffer, I am not saying anybody is mad in Kenya but what I am saying is we do not know who will take over that office in future so if somebody is not proper in mind he can mislead Kenyans and we go to war so we should not have an individual who is the Commander in Chief, we should have at least a panel of people to be commanding our defence system.

Then we have the political parties. Currently it is only the ruling party which is financed by the Government. Those funds are actually tax payers money, even if somebody from the opposition, he should be financed because we require to hear those views of even the opposition. They should be financed.

Com. Issac Lenaola: (interjection inaudible)

Justin Kinyua Angaine: Okay thank you, nitakua nimemaliza. Then we have the structures of the Government. The current system is a unitary system where we have one Parliament. I feel that system is not working because parliamentarians have taken it upon themselves to make laws and actually what they do is bribery, there is bribery in the Parliament where we know people are coerced to vote in. So we are suggesting, actually we should have another house which the representatives should be from the districts. Each district should contribute one person to that house so in Kenya at the moment we have about 65 districts, we should have another house which has 65 seats. These 65 seats will be occupied by a person, one person from each district. The work of this house will be vetting the appointments of the Government because currently we are seeing that when we come to appointive votes most of them are landing in one area just because there is no panel which is counter checking the appointments.

Then the second thing the house will do is they should control the natural resources of that district, the natural resources of the country. Each person, each representative in that house should be the head of that district where he can control the resources of the country.

Com. Issac Lenaola: (interjection inaudible)

Justin Kinyua Angaine: Okay thank you. Then finally, the current qualifications of the President, we require actually a President to have a degree, University degree, and we should not have a President who is over 70 years, he should not contest if he is over 70 years. Then the structure of administration, this Provincial Administration, we should do away with the DO's and the PC's they are not doing any work. We should be left with the Chief, the Assistant Chief, the DC and we do away with the DO and the PC. Okay thank you.

Com. Salome Muigai: Asante sana Bwana Kinyua Angaine, nina maswali machache kwako nita hitaji uiandike hii uiajibu yote yakiwa pamoja.

La kwanza ni habari ya kuzipatia vyama vya siasa pesa, je, wataka sasa wakati huu tuna ambiwa kua tuna viyama hamsini na mbili zilizosajiriwa kwa hivyo kama ungetaka kila chama, kila moja ya hizo hamsini na mbili zipatiwe pesa kiasi kimoja ama unamaoni gani ju ya hiyo? Nataka uandike hili ujibu maswali yangu pamoja.

Ya pili ni hii nyumba ya pili yenye umesema kua itoke kwenye, do you understand Swahili?

Justin Kinyua Angaine: Yes I understand.

Com. Salome Muigai: Okay. Hii umesema kua ungetaka kuona bunge ikiwa na nyumba mbili kwa hivyo hii nyumba ya pili yenye ungetaka kuona watu wakitoka kwenye wilaya, sasa nataka kuuliza kua tumepata maoni tafauti kutoka pahali tafuti juu ya vile wilaya zenyewe zimetengenezwa hivi karibuni hata hizi zi juzi, ungetaka zikae hivi hivi ama wewe unamaoni gani juu ya hayo? Hiyo ndio maswali yangu mawili. Asante.

Com. Issac Lenaola: Endelea kujibu.

Justin Kinyua Angaine: Okay asante. Kwanza ataikiwa sikutaja hiyo neno, political parties actually is in my memorandum it is only that I never mentioned that because I was not reading to you.

The political parties should be reduced. Actually we should have a maximum of five political parties in the country. Political parties should only be registered if they have different ideologies from the other, we should not have a mass of 50 political parties we should have about 5 political parties. These 5 political parties should be financed on the proportion of their parliamentary representation then when we go to the issue of the district, the district have been arbitrary formed, actually they should first of all be adjusted, the boundaries should be adjusted first then thereafter we can have the representation. Thank you.

Com. Issac Lenaola: (inaudible)

Riaka Kathanga Njoka: Good Morning everybody, I wish you a good day and success. My name is Riaka Kathanga Njoka, I am representing

Now, my opinion which are according to the views, a few personal a few from what I have gathered from the women or the people when I was giving civic education. The few points they brought up though it was not final, that is what I have brought here.

The first one is, in the present Constitution the preamble, the introduction to it is brief and not really for the people. My suggestion is that our Kenya Constitution should have a positively worded preamble stating the type of document and for whom it has been written.

Second point. All citizens should be given appropriate positive opportunities from birth to final stage in life. That this given a few examples there, equal joy at birth for daughters and sons either give, in KiMeru we give Ngemi, so it is three for boys and girls if there are five it is five for boys and girls, gives them a positive setting from the beginning of their life. Still on the same point of this, same opportunities for health and education facilities including the less able and at times the over hyperactive. There are some people who are very intelligent and that intelligence gets taken away because they are not given a chance to over shine so this should be taken into consideration. There should be the same professional and technical training to all boys and girls including the less abled and the same job opportunities, technical and professional training should be the same and also as well as jobs. By that I mean jobs or training for people like mechanics, pilots, politicians, directors of companies, engineers, all those should be the same for both girls and boys. Same rights to property ownership and.....from parents, husbands, daughters and sons. Example of a mans estate should be given to the wife and not to the brother or son.

Point number three. That was on citizenship. Point number three; property attained before marriage contract to remain personal to original owner or to be made joint ownership after marriage. The B of that, all property acquired after marriage should be registered in joint names of husband and wife. Example is land, houses, shares, cars and all that capital access should be in joint names.

Point number four. Natural resources as well as national through industrialization should be shared appropriately, that is the central government which should be responsible for extraction, infrastructure and industrialization up to market or service stage should take 60% and local authority where the resources as situated to get 40%. I am referring to the mineral and national resources.

Point number five. All leadership positions like President, Ministers, MP's, Directors, Chairman of Boards of Trustees, Authorities and Parastatals should serve for a maximum of two terms of either three or five years with an equal period between re-election to the same position. One person should be elected to such positions of leadership in maximum two organizations. Maximum two organizations, one as in the Executive and the other one as an ordinary member, Committee member. C. The ratio of women to men should be one third to start with but be raised to a half by 2007 election that if the President is a man the VP should be a lady, the Minister, the Assistant Minister and the PS in a Ministry one of them should be a lady, the Chairman, Vice Chairman and Managing Director in a company one of them should be a lady.

Six. Government should give boys and girls free education from Standard 1 to Form 4. University and College education should be subsidised to make sure that everybody can afford. Not loaning but subsidised.

Number 7. The right age to get identity cards, be married, to start working, should be 18 years. There should be compulsory retirement, age should be at 65 not 55. There should be retirement on medical grounds should be at 55 if somebody is retired on public interest he should not get any benefits. Accountability and transparency at all levels of work failure to which a person should not hold any leadership position in future and he/she must resign the position. Before they are approved for election or appointment, a persons ability, education, profession, qualification, experience, morals, patriotism, wealth, should be declared or made known.

Projects needing outside finance should be debated and agreed upon in Parliament and given priorities of the area.....

Com. Issac Lenaola: (interjection inaudible)

Com. Salome Muigai: Asante sana Mama Riaka Njoka. Nina swali moja tu kua, you are proposing that we increase the age of retirement from 55 to 65? And I just wanted to get your thoughts on how this impacts on the unemployment on our youth. So, if we retaining the older people for another extra ten years at the time when the nation is having a problem with employment of the youth, what are your thoughts on reconciling these two?

Riaka Kathanga Njoka: This is on a long term because so far the people who are retiring at 55 most of them are at their prime, at the prime of their work in experience and In qualification according to the work. The youth, according to the population at present if we create more jobs both these groups will be taken care of because we are retiring people when they are most useful and when they can offer more for the country economically.

Com. Issac Lenaola: Thank you Mrs. Njoka, please bring your memorandum.

Joseph Mbuko: Okay asante sana.

Speaker: Sema jina.

Joseph Mbuko: Joseph Mbuko Ngaroi. Yangu ni machache sana ile inanihusu ni kuje hapa kusema. Ni mambo ya death certificate ya mashamba.

Tuna mambo ngumu sana kama wale watu hawajiwezi, wale wabaza wamekufa. Kwa hivyo ukiambwia utoe shilingi elfu thalathini ndio ustake hiyo kifo watu wengi watoto wengi hawana mashamba manake wababa zao vile waliwachwa hawana pesa ya kugarimu hizo pesa, wakili, advocates, mambo mengi sana ya hiyo. Hiyo ndiyo natakakuzungumzia na vile ingefanywo watu wakapata mashamba kwa kugawiwa ni wale wamebakia nyumbani na mashamba ile mababa zao wamekufa. Hiyo kitu inatakilisha sana.

Kwa hivyo ningeonelea pali yangu nikisema hiyo mambo yote inkafutiliwa mambo ya kwa wakili na kustaki kwa Judge ipelekwe kwa Chief ata kwa DC hivo mambo itakwishia hapo. Hao nido wanjua mambo ya mashamba ndio watoto wao wakapata mashamba yao na njia muzuri. Sasa ukiwambia uende mpaka Nairobi, advocate ukaona pesa nyingi sana, ni wengi sana wale wasio na mashamba manake hawana pesa ya kugawa hiyo mashamba na waliwachiwa ni baba zao kabla hawaja ngawanyiwa hiyo ikawa ngumu sana.

Si na mengi sana, hiyo nido ilikua maoni yangu, ikirekibishiwa ikirudishwa uko Chief akamaliza hiyo mambo pamoja na DO hiyo watoto wakapata mashamba mtu akaendesha mambo yake ndio. Yangu si na mengi ni hiyo tu.

Com. Issac Lenaola: (inaudible) F. Njoka Namu.

Fredrick Njoka Namu: I wish I knew this one because I had already done it as a memorandum which I was to read.

Com. Issac Lenaola: We do not have enough time for you to read memorandums. Just pick the most important parts.....pick the most important parts.

Fredrick Njoka Namu: My name is Fredrick Njoka Namu from Magumoni Location, I mean Magumoni Division, Magumoni Location in Chuka. I am a farmer. The following is my personal views on the changes of Constitution Review as I see it.

Number 1. The monetary system; There has been a controversial issue both in Parliament and in public and the banks on the system which should be followed in monetary system of the nation. I feel the control of the monetary system should be installed

to the Parliament so that the Parliament decides when to make money, when to print money, how to distribute it and then pass them system to the Central Bank which will be the sole controller of the monetary system. If we allow private banks which are many falling to control money in this country no doubt we shall wake up one day and find we have nothing. As such we also understand that as a result they are making billions of money in profits which is either hived to the foreign countries as profits and little is left in this country. The control of the bank interest issue like what we have, reference to Donde motion, is the type of the system that we should follow but at the moment there is a tug of war between the Executive, the Judiciary and the Parliament on the whole system which leaves the country's people baffled of where to go next.

Presidential Powers; The present system of the Government of our Constitution vets all the arms of the Government excessively to the President. He is the one who appoints Judges, he is the one who appoints Chief Executives of the Government including Armed Forces, the Police and Parastatal Executives. He has the power to appoint and fire the Judges and all Chief Executives.

In the old days if I refer, although this was a similar system it is a bit different because the Governor could not discharge someone and could not directly appoint someone but at the moment all the powers of appointing Chief Executives in everything is vested to the President. My recommendation is that we should have Commissions which Armed Forces should have its own Commission to employ on the Army, Navy, Air Force, Police, Prison, Administration Police and National Youth Service. A Commission for Judicial Public Commission and Administration plus Parastatal should have a joint Public Service Commission by itself. Medical should have a separate Public Service Commission as we have the Teachers Service Commission. So, no appointment should be done directly by the President or the Prime Minister if there will be.

Recruitment should be done through visits to Secondary Schools, Colleges, Polytechnics and University Campus's which should be done from time to time. The level of education in Government recruitment should be limited to Secondary School Certificate, O'Level of education. After employment all civil servants including Police should not stay in one station for more than 2 years. Chiefs and Assistant Chiefs should be transferable as any other civil servant. The system of keeping a Chief in their birth place is a colonial system and should be done away with.

Anybody being a public servant in all categories, whoever is caught with embezzlement of the public funds should be charged and if found guilty should be made to pay back the money to the Government with a specified interest. Whatever rank on this one and whatever on is he should be made to pay back the money to the Government as I said again, with specified interest.

Education; It should be noted that at the moment Primary School level of education is obsolete it has no use at all. So I would think that all children should be helped up to Secondary School level because if you go to offices with the CPE you will not be able to get employed. We should have free education and to start with although it is expensive, we should have free education to start with poor children and disabled. They should be educated freely. For those whose parents are able to pay at least

should be allowed to educate their children in any way that they want.

Local Government Candidature; The present system is that MP's elect, they sit for a language test. They should be exercised also extended to the County council, councilor elect. Standing or sitting to Form Four level of education we shall have councilors but not mature councilors and not people with enough wisdom, therefore I would see that the councilors, an examination is set similar to the parliamentary, a language examination board which could examine all eligible candidates for the local Government.

Com. Issac Lenaola: We shall do memorandum.....

Eustace Muturi Grishon: My name is Eustace Muturi Grishon fromDivision. The Review of our Constitution comes at a time when Kenyan's are living in abject poverty, insecurity, ignorance and poor health disparte the promises made by the Lancaster group immediately after independence. Being a peasant farmer who has born the brunt of bad Governors, I wish to submit that there should be distinct separation of powers between the three arms of Government i.e. Legislative, Judiciary and Executive. Sir, Parliament must have a fixed calendar detailing the dates for opening, recess and dissolution. The power over this must be vested in Parliament not the Executive.

Point number 3 The date for national elections should be set out in the Constitution, must be held after every five years. Mr. Chairman Sir, power to set up Commissions should be vested in Parliament and not the Executive

5. Local Authorities or communities should be empowered in order to be in charge of natural resources within their localities.

Point number 6. Suspects should not be mistreated while in custody awaiting prosecution or later.

Seven: Citizens should be allowed to enjoy their freedom of association without being required to acquire permits from the Police or Provincial Administration.

Number 8. Mr. Chairman Sir, after or during elections, counting of votes should be computerized to avoid rigging in the course of doing so.

Number 9. Parliamentary political parties should be funded by the Government in order to enhance democracy.

Mr. Chairman Sir, point number 10. There should be total liberalization of the airwaves to allow the widest TV and Radio coverage.

11. The freedom of press should be strengthened, granted and protected by the Constitution and the Government.
12. Mr. Chairman, an independent body composed of credible persons from key sectors should be appointed to be in charge of the Government when Parliament is dissolved to allow free and fair elections. Please give this point under special care.
13. Civic aspirants should at least have a Form Four grade to improve the Local Authorities.
14. Provincial Administration should be scrapped and the power be invested to the local Government.
15. Presidential and Parliamentary aspirants must have at least a degree level of education.
16. Mr. Chairman Sir, point number 16. The Constitution should provide for and make it a must formation of coalition Government by winning parties to enhance national unity.
17. Farmers or producers should be empowered in order to have direct and total control of their produce. e.g. Tea, Coffee, Milk etc.
18. Mr. Chairman, the Government must give and ensure all citizens acquire free education from Primary to University.
19. No one should be above the law. All citizens must be subject to law or Constitution.

Finally Sir, the formed Government which will not be able to meet the basic needs of the people following their manifesto should resign. May God guide you and protect you in your task. Thank you.

Com. Salome Muigai: (inaudible) You have talked about cutting the Provincial Administration(end of side A)

Com. Issac Lenaola: Ukifanya kama Bwana.....tutafurahi sana.

Bedford Ngugi Mureri: Mr. Chairman thank you. I am Bedford Ngugi Mureri. Thank you. I am a member of Vuta Magendo Action Network.

First, I wanted to support what my first counterpart, the memorandum, Mr. Justin Kinyua Angaine and finally say that this issue on land of having somebody staying in a place for 12 years to be scrapped in the present Constitution. Thank you.

Com. Issac Lenaola: Ungetaka.....ikuwe scrapped?

Bedford Ngugi Mureri: Yes Sir. Thank you.

Pius Njage: I am Mr. Pius Njage.....on side of Njuri Ncheke on entire old Meru and also Meru South Council Elders. Actually, my words will be very limited because the earlier person Mr. Kinyua Angaine spoke a lot about what I had decided to say so to save time I would talk on my view on the land disputes.

Where land disputes arise there are people know as Njuir Ncheke of Meru who deal with all things because if you will state as a Christian you will go on stealing lands of other people. We need this Njuri Ncheke of Meru to beso that when there is a land dispute somewhere those old Meru, those kinds of elders can be allowed where there is a..... not to allow the dispute to stay between a person and the other so we use this way of nthenge or he-goat to be allowed.

The other thing is about death. Where the death arises there are some people who rush and they ask the board, Land Board, you canthe land has to be sub-divided, a mama like this one who is before us is my wife, no land for her anymore the land has to be shown to other people. So these people of Meru this Njuri Ncheke should be dealing with the succession of that land so that they can know who is next to deal with that land.

The other part to end is about powers in the Government. The present Government, the President is said to be above the law. All things which are going on in the present Government is totally.....to other people. So, what my view is, is that our President should deal with his office without interfering with Parliament, Parliament should be a separate body by itself and Judicial should be having its own Commission so that if the President should not be dealing with things which are not found in his capacity. That was my view to add to what was said before. Thank you.

Com. Salome Muigai:about land and you mentioned about land and ownership with women, how would Njuri Ncheke be looking into land and ownership of women. In the traditional Meru structures did the women own land? I just want to share your thoughts on that for my own education and so that you maybe clear too.

Pius Njage: Before there, the ownership of the land was to men but you can find Madam, these days women are buying land and so forth. I said where the death falls, like myself I just pass away.....English language, the land should remain on your side and you sons so that you can know what to do with it, that is what I meant, and Njuri Ncheke knows more about your generation from forefathers so they can know this matter is not going to the Board to waste money and so forth. That is where my words fall.

Com. Salome Muigai: Just another question, you have just said that the land should resort to me and my sons not the

daughters?

Pius Njage: No, daughters are there because you know I know the present succession, you know let me go back where George was.....Minister. You know succession falls to everybody daughters and sons are equal sharing to the father. Like now if my daughters married and they mess with their husbands, comes back to my home, if she demands a piece of land I give her but this time what I meant is that those people of Njuri Ncheke of Meru, the entire old Meru District which comprises of the.....now, they are the ones who know where there is dispute to assist you not the court. That is what I meant.

Com. Issac Lenaola: Rugendo Njage.

Rugendo Njage: Mimi naitwa Rugendo Edphas Njage kutoka Meru South, Chuka Division, Kaligan Location,.....location. Maoni yangu ninataka kutoa nikusema hivi.

Bunge likipitisha kitu halafu ili wezulia Rais aweke sahihi. Akikata kuweka asiwe ndio mwisho. Shauri imepitishwa na bunge Rais akika naye kwa muda wa siku saba bila kuweka sahihi kama vile amekata hii ya Donde, Speaker wa bunge anafaa kuiweka sahihi na iwe sheria mara moja.

Ya pili, Rais akimaliza miaka yake ile atoke kwa uongozi asimufanyie mtu yoyote campaign ili wananchi wa Kenya watajua sasa ni nani watamuchagua lakini asiende kufanyia mtu yoyote campaign ata kama ni wa chama chake.

La tatu, Mbunge akitaka kuhama kwa chama kile ambacho alikua halafu ahamie chama kingine, ile uchaguzi ugaramiwe na ile chama ambacho kinamutaka. Asiharibu pesa ya wananchi ama pesa ya serekali ya Kenya kwa umalaia wa chama.

La ine. Case ya mashamba ata kama imesemwa, maoni yangu mimi nilikua isipelekwe courtini ifanyiwe na wazee wa, kama vile imesemekana wa Njuri Ncheke ama wale wanjua kama Chairman wa Murango hivi hivi, hawa wanaweza maliza case ya shamba kuliko court shauri ikipelekwa courtini inachukua kama miaka tano. Kwa hivyo hiyo haisaidi mwananchi. Ya pili, ningependa Katiba hii ikubalie civic education iwe ikiendelea kwa wakati wote ata kama ni kwa shule na watu wewe wakisomesha kwani Katiba ya safu mtu anajua sheria akifungwa. Unasikia Judge anakwambia according to Section fulani inasema ufungwe miaka tano kwa hivyo kujua sheria ukifungwa hiyo si kusaidia mwananchi.

Wafungwa, wafungwa jala, ningetoa maoni yangu niseme atawao pia ni binadam ingwa tu wametenda kosa. Wanafaa kua wakiangaliwa uko, kuwe na watu wanenda kuangalia kama wanatunzwa vizuri ata kama ni wafungwa. Kama wanapata chakula ama hawapati ili ata wao wanafaa kua wanatoa maoni shauri ata hao ni wananchi nikufungwa tu wamefungwa.

Ya saba, ama ya sita, mtu akifungwa maisha, mtu akifungwa maisha nigetaka hii Katiba ikubalie bibi ya ule mtu ambaye

amefungwa maisha amutembelea katika hile geresi kwani katika Biblia inasema mtu atawacha mabwana yake kwa kifo lakini kwa sasa mtu akifungwa hiyo haiwezi kua kifo kwa hivyo hiyo mtu awe nafasi wana bibi yake kwa muda ama kwa miezi fulani mpaka akikufia uko ni sawa. Ule naye ame ukumiwa kunyongwa kabla haja nyongwa pia ata yeye ako na ruhusa, ningetaka hii Katiba ikubalie yeye pia kukutana na bibi yake mpaka wakati atakaponyongwa.

Lingine. Mtu akiwa Rais, mtoto yake ikiwezekana asifanye biashara nchini, anaweza fanya inje.

La nane, wakati wa campaign Katiba iruhusu wale wanapigania kiti ya Rais kabla uchaguzi wapewe miezi miwili wazunguke Kenya mzima waseme na wanainchi bila ya kukimbizwa na Polisi halafu na pia waruhusiwe katika TV mtu anweza pewa wapangane mtu awe na muda wake wakuomba kura ama kusema na wanainchi kwa TV lakini si chama moja iruhusiwe kingine mtu akingia screen inakata. Kwa hivyo iwe free.

La kumi, mtu akikata case, tuseme nimeshikwa kwa ulevi. Nikikata case courtini mimi ningetaka hivi, kama nimekata nisipelekwa remand ili tu ni pewe bond, free bond ili nikuje tungangane na hile askari ambaye amenishika kwa sababu ya sasa mtu akishikwa atakama wewe ni Reverend una ambiwa ni drunk and disorderly sasa utakubali shauri unaogopa kubebwa siku kumi na nne huko remand kwa hivyo mtu awe akipewe free bond.

Rais wa Kenya akimaliza miaka yake, mudogo yake asiwe ndio anashikilia serekali. Serekali awachie mkuu wa wafanyikazi, isiwe mkononi wa Vice President. Mutihani, mutihani wa shule, ningependa Katiba ya sasa ili mutihani uwe sawa. Shule kutoka Standard 1 mpaka Standard 8 serekali isimamie kwa sababu ile mtoto ambaye anasoma vizuri anafanya mutihani vile yule mtu anasoma mbaya mtu anafukuzwa week mzima, week mbili na muthani ni ile ile. Kwa hivyo ili mutihani iwe pamjo serekali isimamie shule mtu asifukuzwe shule kutoka Standard 1 mpaka Standard 8 ili hiyo ifanyike vizuri.

Tume ya uchaguzi. Tume ya uchaguzi ningetaka ile pesa ambao wanatumia ziwe zikipitishwa na bunge kwa sababu unaweza kusikia constituency moja inatumia 90 million, 100 million na hiyo ni njia ya kutoa pesa kwa Treasury. Ie pesa haishi ile tu nikutoa pesa tu kwa Treasury, njia ya kutoa. The same with Ministries, Ministries ingine ni za kutoa si kufanya kazi.

Katiba ya sasa ningetaka hivi, nikistaki mtu nisimupelekea summons wala tukafanya siku ya case na yeye, nikistaki mtu ile mtu ya courti amupeleke summons asign.

Bunge. Bunge wathibitisha mambo yao ata wao pia wanafaa waulize wanainchi maoni, sikusema waki.....tunataka kila mtu apate million moja kwa mwisho wa mwezi, wanandika. Ata wao pia wanafaa, ama mushahara wao uwe ukiset na ile anaset ile ingine ya serekali lakini sio tu wakaye kwa nyumba, tunapata million moja kwa mwezi.

Mahakama ya ufisadi, mahakama ya ufisadi ningetaka iwe ikiwezekana, kama hii ya Kenya iwe na mtu kutoka pengine inje.

Judge awe kutoka inje shauri atakama ni judge wa hapa mkuu wa hiyo group anachaguliwa na Rais inakua ni kazi ya bure.

Jambo la mwisho ni kuhusu upande wa Police. Kuhusu upande wa Police ningetaka wakati wanapoenda kazi either OCS ama OCPD, hawa wakijua anawapea kitu kama worker ticket anasema kwa mfano nimewatumakufanya kazi lakini si watu kama tano hivi wakati wako off wanshikana wanaenda kufanya muchango uku uku ati wanafanya kazi. Kwa hivyo, kuwe na worker ticket ambao inaonesha kweli OCS amewatuma. Asante sana.

Com. Salome Muigai: Asante sana Bwana Rugendo kwa maoni yako, mimi ninamaswali machache kwako.

Swali la kwanza ni umesema kuwa habari ya mashamba iletwa kwa wazee kama Njuri Ncheke. Ningetaka kuliza, hawa wazee watakua wazee wakiume na kike ama ni wazee wa kiume peke yake.

Swali langu la pili nikua umesema mamlaka wakati Rais hayuko mamlaka isichukuliwe na mdogo yake yani Makamu wa Rais, basi ningetaka unieleze kwa maoni yako kazi ya Makamu wa Rais ni nini?

Na mwisho ningetaka kukuliza au pia utueleza maoni yako juu ya nani atakayetoa pesa ama atakayibinisha pesa ya tume ya kusimamia uchaguzi? Kwani umesema hiyo pesa izimishwe wala isitolewe na bunge, itolewe basi na nani?

Rugendo Njage: La kwaza yakwamba Njuri Ncheke nafikiri hawakuangi na wanawake na si lazima Njuri Ncheke, ata kwa kijiji kuna wazee si lazima iwe ni Njuri Ncheke, kuna wazee ambao wanaweza kutatua mambo ya wale wako na shida. Tuseme kama baba yako amekufa na ningetaka kupewa shamba---

Com. Salome Muigai: (interjection) Tume elewa hayo nakuliza.....wakike ama wakiume...

Rugendo Njage: Ikiwezekana kama kuna wakike na mume lazima wawe pale ikiwezekana.

Com. Salome Muigai: Isipowezekana?

Rugendo Njage: Waume basi.

Com. Salome: Makazi ya mbunge wa Makamu wa Rais?

Rugendo Njage: Okay, kazi ya Makamu ya Rais si kwa sasa ni wakati tuseme sasa huyu ni Rais na miaka yake imekuisha. Si kwa wakati ako kwa kazi, wakati sasa huyu ni Rais na anatoka. Sasa wakati anapowacha kama vile Mzee aliwachia Mzee Moi na nikisema hivo si ati siasa, ile inakua ngumu. Kwa hivyo mimi na ona iwachiwe mkuu wa wafanyikazi badala ya Makamu

Com. Salome Muigai: (interjection)

Rugendo Njage: Kwa maoni yangu akishikilia wakati wa uchaguzi ndio shida kumutoa pale.

Com. Salome Muigai: Haya nani atakaidhimishaza ECK tume ya kusimamia uchaguzi?

Rugendo Njage: Pesa ya Electoral Commission pia ni Parliament itapitisha lakini iesabiwe yani waone kama tuseme Kivuiti Chairman asema constituency fulani kuna uchaguzi na ninaona itatumia kama million mia moja. Lazima bunge iangalie kweli hiyo million mia moja katika constituency moja matumizi yake ni gani.

Com Lenaola: Asante sana Bwana Rugendo tumeshukuru. Ningependa kumukaribisha.....wa area hii Mweshimiwa Nthiga, karibu kwa kikau hichi. Kabla ya Reverend Kanga ningependa kuwakumbusha hivi. Ukiwa na memorandum yako ambayo umeandika na hungenda ku sema andikisha hiyo memorandum hapa na itakua ni maoni yako imetolewa vizuri sana. Si lazima ukuje uisome pale lakini ukitaka kuangaza memorandum kutoa mambo muhimu katika hiyo memorandum utakuja pale dakika gapi? Tano. Kama huna barua yoyote ambao umeandika uzungumuze tu maoni yako dakika gapi? Kumi. Na mutatao maoni, tafadhali musitoe maspeech ya kisiasa toa maoni yako straight forward kama yule Mzee alikuja mara ya kwanza. Tumelewana?

Kama hutakikuzungumuza na uko na maoni yako andikisha useme mimi sizungumuzi yangu nimyato kwa memorandum. Tumelewana hivyo? Okay, Reverend Edward Kanga halafu Magdelene Rugendo, utamufwata Bwana Kanga.

Rev. Kanga: Majina yangu ni Reverend Edward Mbuva Kanga na uduma PCK Meru Diocese na mimi ni pia member wa NCCCK Meru South na mimi pia ni educational Secretary wa ACK Meru South Schools.

Presentation on Constitutional change to the Commission. Kwanza I would like to commend the Commission for their constant work in this duty they have been given to our nation. Though there are very many problems I would like to ask for your patience, reconcillation among yourselves so that we the citizens of Kenya can reach the point that we have hoped to reach for many years that is to have a good Constitution for our country. With that Bwana Chairman, I would like to go on with my views. I will have only very few points here, five points, on areas that I have found a problem to our citizens especially where I live Meru South.

On coffee production, since the production of coffee in Kenya is dying this Commission is asked to cause change in the Society's Act so that the production of coffee and marketing can be liberalized such that coffee can be marketed directly by the farmers instead of going through the middlemen, Coffee Board, KPCU and the Unions. This will ensure direct control by the

producers and direct control of finances for it will be give and take business. This will encourage the farmers to grow more coffee because the profits will be direct.

Two; on Members of Parliament Act and MP's and Councilors. Since independence the electoral as seen their Members of Parliament change from one party to another sometimes causing the electorate a lot of pains to make unnecessary campaigns and short elections. This Commission is asked to recommend the change of the Act of election on MP's to give the electorate power of consent to their MP's to defect or not and also for the Act to give powers to the electorate to remove the MP's if they do not serve them properly.

On taxation; presently we have indirect taxation. I request on taxation we should have direct and indirect taxation. Since we have indirect taxation in Kenya and most citizens have no say on how this taxed money is spent on development this Commission is asked to recommend and cause the changes of the taxation Act that there be direct and indirect taxes in Kenya so that the direct taxes are spent in the areas they are paid to develop their area, e.g. roads, schools, hospitals etc. Presently our fellow people here will agree with me that roads are very bad, some of us woke at six to come here and we arrived at ten because the roads are impassable, vehicles are all over in the villages trying to muddle through the roads which are completely impassable.

On street children; since this problem of street children is very high and difficult to handle, this Commission is asked to recommend for an Act of Parliament that will deal with it such that it will be an offence for any parent to let her or his children wander without care causing this problem, that also this Act will empower the Government to build thehomes for these street children wherever they are found.

On education for all; since independence there was school equipment scheme, this of late fell and it is never more to be found in schools therefore parents are with very big burden of educating their children. This Commission is asked to recommend for an Act of Parliament that will establish this scheme again and for the Government to look for ways and means of funding it in order to achieve the aim of giving education to all as the motto is. Currently the burden on parents is so heavy that this idea can not succeed. God Bless you. Reverend Edward M. Kanga I present my views.

Com. Lenaola: One question to ask.

Com. Salome Mugai: Thank you very much Reverend. I have a question on the street children, you have said that no parent should be allowed to let her or his children wander about. I have a question of children born out of wedlock whereby only one parent is held accountable for these children. What are your thoughts on this?

Rev. Kanga: Well, there are areas where we can borrow a leaf. In places like United Kingdom such children are taken care

of by the Government very directly, educated, that means in ensuring this, this Act can also cater for these children.

Com. Salome Muigai: That is a remedial case. But prevention, do you think the Government should just be waiting for the street children to come on the streets and be taking them and catering for them?

Rev. Kanga: No, there should be counselling centers for single parents, mother or fathers, so that they can be helped to take care of these children so that they may not be left in the streets.

Com. Lenaola: Thank you Reverend Kanga for.....please come and register yourself. Mr. Rugendo halafu Caxton Gitonga.

Magdeline Rugendo: Majina yangu ni Magdeline Njeri Rugendo kutoka Magumoni division,....Location.

Yangu nataka kusema juu ya kina mama kwa sababu wakina mama wengi wale hawajaolewa na hii harusi wapate certificate wako na shida nyingi. Wakati wamekaa na mabwana zao saa ingine wakikosana wana achiwa watoto wanenda kwa sababu hawana hiyo marriage certificate wanafukuzwa na wanenda na watoto na hakuna kitu watapata hapo kwa sababu hana hili marriage certificate na kwa wingi watoto wetu siku hizi wanenda wanashikana wana pamoja na wanishi kama bibi na bwana.

Kwa hivyo, ningemba hii nini yetu ikiwa watakubali serekali yetu ata akiwa hana ile marriage certificate awe anafikiwa asiambiwe ati hajaolewa na huyo mtu kwa sababu wako na watoto tatu, nne na anafukuzwa kama mtu hana chochote au hajulikani na wazazi wanamujua, wame enda kienyeji ile wanauliza nini kienyeji na anatupwo hivi hivi. Kwa hivyo ndio nilikua naomba wawe serekali yetu inafikiria hao watu wasiwe wanapote hivi hivi.

Ile ingine ni watoto wetu wasichana wale wamepata watoto manyumbani sasa haonekani kama mtu na ndio sababu unaona watoto wengi wamekaa hapa town kwa sababu ikiwa amepata mtoto na amefukuzwa ataenda kujipanga town na wale watoto wake ndio unaona sasa wale chokora inaenda kutangatanga. Kwa hivyo, kama huyo msichana atashikwa vizuri na asomeshwe vile atakaa awe nyumbani asitupwe kwa sababu tuu mtoto wa kiume. Wapatiwe pahali ya kujenga akaye hapo na watoto wake ataweza kutafutia watoto wake akiwa hapo. Lakini akitupiliwa hivi nido unaona sasa watoto wanakaa hivi hivi wanatoroka, wako town wanarandaranda kwa sababu hao watoto wako town ni wa watoto wetu ndio unaona wanarandaranda hapo town.

Hiyo ingine ni maneno hii ya shamba. Tuseme kuna mtu ili ni ndugu au wako na family umemuweka zaidi ya miaka kumi, ishirini, amepata watoto kumi na tano hapo na unanza sasa kumufukuza kwa sababu watoto wako wamekaa wakubwa na amekaa kwako kwa miaka zaidi ya kumi au kumi na tano. Unamufukuza sasa aende wapi? Hapo ndipo nilikua nafikiria ata hiyo serekali yetu itafikiria kuwe na sheria ya kusimamia huyo mtu, umemuweka, ukiwa umemuweka zaidi ya miaka tano

unamufukuza sasa na amezalia hapo aende wapi? Ndio unaona sasa watu wanajaa town wote kwa sababu mtu amekosa. Angejipanga bele lakini sasa amezalia kwako hata pata mahali ya kuenda. Hiyo nidyo yangu tuu, asante.

Com. Salome Muigai: Asante sana Magdeline kwa maoni yako. Umezungumuza juu ya huyu msichana mwenye anapata watoto kama.....yuko nyumbani ukasema asidiwe kule nyumbani ili apate nafasi ya kulea watoto wake. Na je, maoni yako ni nini juu ya baba ya hawa watoto ikiwa una maoni yoyote.

Magdeline Rugendo: Juu ya huyo baba watoto, achukuliwe ata yeye hatua. Astakiwe kwa sababu sasa ni wao wanafanya hawa watoto wapate shida ata huyu mama apate shida. Huyo baba achukuliwe hatua, ikiwa ameandikwa hiyo mshahara yake ikatwe itunze hawa watoto.

Com. Lenaola: Kuja ujiandikisha hapa tumeshukuru. Caxton Gitonga halafu Murage Samuel, utafuata Caxton.

Caxton Gitonga: Haya, kama vile mumesikia jina yangu ni Caxton Gitonga. In my view of the business of amendment of the Constitution, the Constitution should be amended by a single majority vote, i.e. more than 50% in Parliament. The public should also be involved in this process of amendment through referendums. No part of the Constitution should be beyond the amending power of Parliament, this is because every part of the Constitution has an impact on the people and should be---

Com. Lenaola: Caxton, huatakiwa usome yote.

Caxton Gitonga: Sisomi yote. I am reading everywhere.

Com. Lenola:certain points. Do not rush because you want to read all of it.

Caxton Gitonga: No part of the Constitution should be beyond the amending power of Parliament. This is because every part of the Constitution has an impact on the people and should be changed if it conflicts there well being. Referendums for amending the Constitution should be conducted by people chosen from the community to avoid chances of the Government influencing its outcome.

There should be a minimum percentage or number of votes that a ward, constituency or Presidential candidate must attain in order to be declared the winner. The candidate must attain more than 50% of the cast votes, if none of the candidates attains the 50% number of votes then the first and the second candidates should vie for the seats again in order to come up with a candidate who is for the majority of the people.

An MP who defects from his or her party should be expelled from Parliament but if the majority of the constituents do not

approve the move the MP should not be expelled from Parliament. The rule on 25% representation in every Province should be abolished. This is because this system does not allow for the election of a President who is a favourite of the majority. They should be replaced by one in which a sworn in President has more than the 50% of the votes that we cast during the election process.

Seats should be retained for specific interest groups. These interest groups include the handicapped, the youth, the children, the women and students. Civic, Parliamentary and Presidential elections should continue to be held simultaneously, this will not only ensure smooth and well coordinated governance at all levels but will be cheaper given the countrys economic status.

There should be no limit on election expenditure by each candidate. The candidate should be allowed to spend all his or her resources in the contest as long as their use does not contradict the law and that the resource or the resources or the money has been earned in clean ways. There should be no graft or malpractice in earning the money. The election date should be set in the Constitution. It should also not be subject to alteration by the President. In exceptional cases, e.g. in times of war, the dates should be adjusted only by a vote of Parliament, however, the times for when such adjustments can be done should also be clearly specified in the Constitution in order to avoid cases of MP's adjusting the date for their own interest.

Electoral Commissioners should be appointed through a Commission set by Parliament, this Commission should consist of individuals from all parties in order to avoid biases. These Commissioners should serve for a period of five years and any Commissioner found with unethical behaviour should be removed from the Commission. When the elections are over and the new President sworn in then the Commissioners should retire and a new Commission sworn in.

The Executive should not retain the powers of.....management and distribution of finance and management of human resources. This should be done by an autonomous body whose decisions must be endorsed by a majority vote in Parliament. Parliament should retain the law to authorise the raising an appropriation of public finances, they should play a key role in budget making and implementation. This is in order to ensure that budget making is participatory and warranted for by the social economic conditions of this country.

In order to ensure equitable distribution of national resources the Constitution should provide for a mechanism that gives Parliament more powers in resource distribution in so doing no area is bound to be neglected.

The Government should apportion benefits from natural resources between the Central Government and the community where such resources are found. This will ensure that a particular community reaps maximum benefits from its resources. This would also ensure that improved conservation efforts since the approach could now be participatory.

The Auditor General and Controllers office should be given amnesty. It should also be given powers to sue those who they find

with cases of graft, to attain this the Anti Graft Police should work under this office. The Auditor General and the Controllers office should be represented in all levels to divisional levels to ensure efficiency. The Auditor General and Controller should be appointed by a Committee set by Parliament also. This will consist of MP's from all parties in the house.

Parliament can also control management of public finances through passing of appropriate bills such as the Budget Bill, Ethical Bill and the Donde Bill.

Com. Lenaola: Is that your last point? Say one last one.

Caxton Gitonga: Competent Kenyan's can be attracted to work in the country through adequate salaries and working terms. This can only be achieved through proper governance which will ensure economic growth and administration. The management and disciplinary laws of the PSC can be strengthened through the Code of Ethics Bill such that the servants who are involved in graft can be told to declare their wealth. And I am making a suggestion also here, ---

Com. Lenaola: You can read that one be very careful you do not.....time.

Com. Salome Muigai: You have said that we should have seats in Parliament for special groups, do you have any thoughts on the numbers of percentages of such seats?

Caxton Gitonga: For example, because women are many they should have two seats and then women and the youth should have two seats each and then the handicapped and the students should have each one seat.

Com. Lenaola: Thank you. Murage Samuel karibia halafu.....

Murage Samuel: Kwa jina naitwa Murage Samuel B.M.N, natoka Kithangani Location Chuka Divison. Proposals zangu zote they have 85 points.

Com. Lenaola: Can you pick out 10.

Murage Samuel: Actually they are all very very important.

Com. Lenaola: Then pick the most important points.

Murage Samuel: Firstly, there is the weaknesses of the present Constitution na hayo maoni yote yameandikwa na Kithangani Education Promotion Association na mimi nikiwa moja wao baada ya kuenda through the Constitution we have presently.

Sasa, hapa tumazungumuza ama tunaandika juu ya, tumeandika mambo juu ya Presidency, on the Prime Minister tume propose tuwe na Prime Minister, tumezungumuza mambo ya National Assembly, vile inapaswa kua, mambo ya transition.

Vile vile, tumeguza mambo ya Electoral Commission, kuna maneo juu ya corruption na mismanagement of funds. Tumezungumuza juu ya elderly and the needy. There is also a lot on social amenities, we have issues on local authorities or County councils, land issues are there.

On political parties, on anti-social habits, on the Office of the Ombudsman, mambo ya press news and information, on Government resources,and how the resources should be used. Tumezungumuza mambo ya National Security and Defence na vile vile education.

Sasa kwa vile nimesema yote ni 85 na siwezi nikapata masaa ya kusoma zote na ningependelea hasa ni some lakini kwa vile we do not have much time I will just hand over.

Com. Lenaola: (interjection).....hiyo umesema ni muhimu sana.....kusoma vizuri pole pole..... Asante sana, karibu. Halafu sasa Sam Kariuki.

Sam Kariuki: Okay, my names are Sam Wakaru Kariuki from Chogore Location and I am going to give out some views concerning human rights from my community.

One, we started with education whereby the community said that education should be free from Primary to Secondary so that all people, healthy people, crippled and even street boys will have access of getting education. Then, the Government should see that the education system is stable so that no changes should come about time after time because parents suffer cost of books very much. Then there is view here saying that the Government should allocate some amount of money, more money, to pay watchmen in schools so that Secondary school children should not destruct the school. The watchmen will protect destructions in schools by students.

Then, we also found that the Government should see the bars and other drug shops should not be near schools because these will spoil the children. Then we also found that people should be getting jobs or colleges of their choice if their certificates allow and therefore we also found that career forms in schools should as in the past to avoid corruption.

Then number two we talked about utamaduni whereby our cultural rights, we found the cultural rights of all tribes should remain but if they need amendements they can be allowed by the Government. Then we talked about worshipping. We found that any denomination worshipping God should remain but the Government should look at their moral laws so that some denominations

which are aiming to spoil the stability of people will be demolished or should not be registered.

Then we came, number four we talked about administration. We found that Provincial Administration should remain excluding DO. Wanainchi should find access from, that is they should be nearer to the DC, that is from PC to DC there should be a good faith of wanainchi. Then we found that wanainchi should not contribute money to entertain top officials, Government officials, because the Government can cater for their allowance. We also found that some areas should be paid by the Government. I continue?

Okay, land rights. We found that land inheritance should not cost much money as it is now therefore this matter of sharing land or land inheritance should be dealt with by the Chief and Assistant Chief so that work can be issued to the one getting land. Okay, then we found that lands should belong to Government and Government should give people permits or title deeds for ownership. If the Government needs your land for public institutions, for building public institutions, they should give to the person another land of the same size therefore Government should be having floating lands.

Then.....residents found that title deeds, the Government should see that the title deeds should bear both husband and wives names to avoid some corruptions of kinds.

Com. Lenaola: The last point.

Sam Kariuki: Then we found that affirmative---

Com. Lenaola: (interjection) Title deeds.

Sam Kariuki: Title deeds? Title deeds should bear both husband and wives names. Then we also found that affirmative laws, the Government should consider the affirmative laws from different communities.

Com. Lenaola: Okay karibu. Jiandikishe hapa. Bwana Nyaga.

Eustance Nyaga: Mr. Chairman, my name is Eustace Mukoroi Nyaga from this district. I have already presented my memorandum over there but there are a few points I would want to highlight.

One of them is on election of Mayors and Chairmen of County council. The present parties of the councils electing Mayors and Chairmen of County council has a lot of problems because it is done after campaigns, serious campaigns and groupings and so on, so the group that wins does not have time to do any development because the other group start squabbling, fighting to try to undo the other. So, a lot of time is wasted in squabbles instead of development. So, I recommend that election of

Chairmen and Mayors be done by the people or the electors.

The other point is that the council employees particularly the senior ones do not respect the councilors because they are brought there by the local government and so I would suggest that the councilors have more say or they have all the powers to deal with employees of the council no matter what status or position they hold to the council.

The other point Mr. Chairman, is on education as far as councilors are concerned. The proceedings, some of the councilors do not follow the proceedings. When it comes to budgeting and all this it becomes very difficult. So the level of education I am suggesting should be Form Four for any councilor to be elected.

Mr. Chairman, the other point is worship, freedom of worship. The present Constitution guarantees freedom of worship without any limits. So, I would suggest that this freedom of worship is limited to true God because when it is left open just like that, this now leaves people to establish some cults such as Mungiki and others even devil worshipping which become a nuisance to the society. So, it should be freedom of worship to true God.

The other point I would want to highlight is on Police. Here we have regular Police and Administration Police. The role of Administration Police is not clearly defined and so I am suggesting here we have just one force in Police by merging the AP with the regular and coming up with one force and then the training should be extended maybe to not less than one year, the present training of six months I think is not enough.

Mr. Chairman, my last point I would want to highlight is on voter education. It is important for every citizen in this country to know the importance of voting and therefore people should be eager to vote. Teaching voter education to adults has proved to be very difficult so here I am suggesting voter education be made mandatory in the curriculum of education so that when children are young they start learning the importance of voting because the want to put leaders they can trust, leaders who can help them, so if they know that then there will not be voter apathy during elections. So, Mr. Chairman, I would think teaching from Primary to Secondary, by the time they leave Secondary they will have know it is important to vote.

With those few highlights Mr. Chairman, I think I will stop there.

Com. Lenaola: Yes, one question Madam Salome? Two questions.

Com. Salome Muigai: Thank you very much Mr. Nyaga. One of my questions is on the election of Mayors and Chairpersons. What about the timing, do you still want them Sir, to be elected for three years? That is one of my questions.

The next one is on freedom of worship, you have said that it should be limited to the worship of true God, how do we define the

true God because the Christians will say there is one God, the Muslims will tell us Allah is the only God and he has no son you know? So how do we define in a multi-cultural and multi-religious setup that we are, the definition of a true God?

Eustace Nyaga: With Mayors, I would recommend that Mayors are elected for the period the council lasts.

Now, the question of true God, it could be difficult but it can be found. Now, you see people like the Muslims they pray true God, that is God and there are other denominations. But then, if you look at the practices some of the cults that come in claiming that they want to worship, a way should be found to investigate before the licensing or they are registered there should be a way to investigate whether this is real worship, genuine worshipping or is a group that is forming to do something to the contrary.

Com. Lenaola: Philip Nkare.....Gitonga Justus, utamufwata huyu. Endelea pale pale.

Philip Nkare: Asante sana kwa kunikaribisha. Mimi, mengi yamesemwa lakini, jina naitwa Philip M. Nkare. Nimetoka Magumoni Division, Meru South, Thoita Location, Thoita sub location. Mimi ni member were Vuta Magendo na mambo mengi meyo. Kwanza mimi nina mambo mne tu ya kuweka mukaso kwa yale yamesemwa kwa sababu mengi yamesemwa.

Kwanza mimi naanza na Executive. Executive mimi kwa maoni yangu kwa Katiba ile tunaenda kutengenze nataka Executive hasiwe na nguvu yote kama vile ya upande wa mahakama. Iwe separate free na Commission yake ile itafanya kazi ya mahakama kusiwe kukawa na uoga wowote wa mambo ya macase ama kutafuta uhaki, bila ya uoga mtu kufikira mambo ya mwinigine.

Haya, upande wa Legislature, nayo iwe kando kabisa na Executive. Ningetaka kusema bunge iwe extreme kabisa. Upande huu mwingine wa serekali tuseme administration nawe iwe mbali kwa vile watu wasi interfere na wengine.

Pande ya Auditor General iwe kwa upande hiyo ya administration. Nirudi kwa upande wa mashamba. Upande wa mashamba maoni yangu, hakuna mu-Kenya yoyote mimi naona hawezi kua na shamba. Everybody is entitled to a shamba ata kama ni point moja. Kulingana vile Kenya ilivyo sasa kwa sababu kuna buga nyingi ambazo hazina kazi na wanyama ndio wanakaa huko nasifikiri kama munyama anafaida zaidi ya binadamu.

Halafu, lipo ningenelea mambo ya mashamba case isiende courtini. Ziamuriwe na wazee kwa sababu ndio wanajua kiini ya ile shamba kama ni vile imewachwa kwa sababu ya kuigawanya mambo yote wale ndio wanajua. Inakua garama sana inapokwenda courtini na pengine ata wale wanapeleka courtini hawawezi kuigaramia.

Upande wa elimu. Elimu nayo imesemwa sana, mimi ningesema elimu kutoka pre-school sijui inaitwa pre-primary mpaka labda

kuna mwisho wamasomo kama kunaye. Hiyo nimemaliza.

Halafu mimi na kuja kwa---

Com. Lenaola: (interjection)

Philip Nkare: Mambo ya elimu nasema elimu iwe free kutoka msingi mpaka mwisho yake kama kuna mwisho kwetu hapa Kenya ili mtu asije kusema amenyimwa haki ya kusoma na labda pengine Mungu amemujalia.

Ningesema sasa upande wa matibabu, health, health nayo iwe free. Ata kama ni hospitali kubwa ama ndogo hiyo sisi taxpayers tutagaramia kwa sababu si mtu moja. Kwa hivyo tusije tukasema kuna mtu amekufa kwa sababu hakupata matibabu, iwe free bila ku-analyze ni aina ya ugonjwa gani ama vipi.

Basi nina hayo tu mimi sioni kama ninamengine, mengine yamesemwa.

Com. Lenaola: Goja kuna swali kidogo.

Com. Salome Muigai: Umesema..... wa kila mtu wa Kenya kua na shamba, je ungeonelea hawa mashamba, naukisema mashamba nyingine iko na wanyama badala ya kua na watu, what is your proposal, unapendekeza nini juu ya hayo kwani umeyaachilia hapo. Hiyo ni swali moja.

Swala ya pili umesema case ya mashamba zizungumuziwe na wazee, je, wazee ni wanaume ama ni wanawake? Hiyo ni swali lenye ninahaja

Philip Nkare: Ningependekeza upande wa mashamba hii inakaa na wanyama, haya mapori yakomakubwa sana kwahivyo yale yapunguzwe watu wapate mashamba na wale wanyama wawekwe kiasi fulani si ati kunamutali anakuja kuona ndovu ishirini na wale ishirini ni kama mmoja tuu, ata kama ni elfu moja ni ndovu ni yule yule kwa hivyo wapunguzwe yale mashamba watu wale hawana mashamba wapewe.

Yani kwa upande mwingine ata sioni kwa sababu ya mtu kua na acre elfu tano mia mbili, ni mu-Kenya na wengine hawana tulipigania mashamba na uhuru ndio ilikua kitu ya kwanza. Kwa hivyo kama tulipigania mashamba na wengine mpaka waleo wako hai wale walipigania, tusema kama mimi nilikua hai wakati hizo za kwanini nisiwe na shamba na mwingine kama labda ata kama alinunua asipewe nafasi hiyo ya kua na shamba kubwa ata kama ni pesa zake arudishiwe, asinyanganywe lakini there should be no landless at least until labdaziningine.

Upande wa macase ya mashamba, wazee, ninaposema wazee ata mwanamke ni mzee akifikisha umri ni mzee, ikiwa tu anaweza sema neno la busara ni mzee kwa sababu pia, na wanawake pia wanamawazo sawa, kwa hivyo mimi nachukua mzee ni yule amefikisha ule umri wa uzee ikiwa anabusara anpeana mawazo ya busara. Asante.

Com. Lenaola: Gitonga Justus halafu Emilio Marangu?.....

Geoffrey Gitonga Justus: Kwa majina mimi naitwa Geoffrey Gitonga Justus na hata kama mimi ni Chairman wa Gatundu Water Group hatukujadilia wa Gatundu Water Group lakini ni maoni yangu binafsi.

Vile mimi naonelea, kwanza kabisa nitaongea mambo ya elections. Kwa elections ningetaka hii Katiba mpya iweke mukazo kwamba hakuna kutakikana mtu awe registered voter kwa sababu tayari uko na kitambulisho na kitambulisho chako kinaonyesha wewe umetoka wapi na kwenyu ni wapi naunatikikana kupiga kura mahali pale. Kwa hivyo kama uko na kitambulisho unapaswa uruhusiwe upige kura atakama hujajiandikisha hapo.

Jambo la pili, ata kama huma kitambulisho uko na birth certificate ambayo inaonyesha wewe ni muzaliwa wa pale na unapaswa kupiga kura pale na nilazima upige kura ili kuchagua kwa sababu kama huja chagua ni kusema umechagua yule ambaye atachaguliwa.

The President should name a running mate. Kama kutakua na Prime Minister, kama kutakua na Vice President, kama kutakua na Deputy Prime Minister na Assistant Prime Minister, hawo wote kama mtu anasimama kua President awe ametaja wote na amewafanya nyarifa zao ili kwamba watu wale wanaenda kuchagua wasiwe wamendanganywa ati ninamuchagulia nani na nani kua Vice President namuchagulia nani na nani kua Prime Minister halafu munandanganywa mwisho kabisa munakua munamupigia kura na mwishowe munapata sivyo vile.

Halafu hakutakikani kua na by elections. Kama mtu ametoroka chama kile ambacho kili kua kimemudthamini kwa kuchaguliwa huyo mtu hapaswi atakuruhusiwa kugombea hicho kiti kwa wakati ule. Badala yake chama kile kilikua kina hiyo nafasi kinapasa ku-nominate mtu aingie mahali pale ili tusiwe tunatumia mamillioni ya pesa kama vile tumekua tukitumia miaka hii kumi tukiwa tuafund by elections. By elections hata iwe ya President, President akitoka mahali pale kama amekua hana uwezo wa kuendelea na kazi yake, kuwe Vice President yule ako hapo nide atashikilia kwakipindi mbacho kimezalia cha huyo President ambaye ametoka ili kwamba huyo ataendelea mpaka mwisho. Akiendelea mpaka mwisho ata yeye asiruhusiwe kugombea mara ingine, awe mahali yake imekwisha labda amalize miaka ingine tano ili angombea kutoka pale.

Presidential candidates should also garner more than 50%. We have got Presidents who are ruling Kenya even today with less than 40% of the voters. The creation of the districts should not be left arbitrary to whomever will be given the powers to do so by the President or by the Constitution. The districts should remain 74 the way they are and there should be no municipal

councils, sijui town councils, urban councils and the rest. Instead we should have the County s defined in the boundaries of the districts. This district will be allocated money for development instead of being channelled through the Central Government, should be given to those counties so that they know what is best or what is the priority in their own district.

Then from there, the Constitution that we are writing today, we are writing it today because we have subjected the previous Constitution to a lot of amendments. The Constitutional amendment should be supported by more than 90% of the parliamentarians and even when it is supported by the 90% it should also be supported by more than 50% of the electorate, that is, it should be subjected to a referendum.

On land issues, many people have talked about it but I see it wise that the Constitution that we are going to right now should limit the number or the amount of land each person is supposed to own. I do not see why one person should own seventy two thousand acres while others are staying without even a single point of land. I think that land should be taken because there is nobody who created land it is only God. Therefore, that land does not belong to him because I can not see how he acquired that land in a proper manner, it should be taken and should be redistributed to people. The maximum should be twenty acres for those people who are in upper areas or who are in high potential areas and not more than fifty acres in the low producing areas.

The constituencies should be defined by the number of inhabitants. Our MP's here represent more than four hundred thousand people in Parliament while there are some constituencies where people are representing only one hundred thousand people, why should we not have a Constitution which says the number of people to be represented in a constituency. In that way the people when they go pass things in Parliament I think we will be fairly represent in that way because if we say for example sixty thousand people to have a constituency ours would be having more than four constituencies by now but our MP says one voice another person in Mandera says one voice, it is one and ours is representing fifty thousand. The MP.....selected for theof land andthey are for people.

Then, about inheritance, I think women here have become alarmist. They have started talking about inheriting their fathers land they also want to be written in their husbands title deed. I think they should chose either one, when you have inherited land from your father you are not supposed to inherit land from you husband. If you have chosen to inherit the land from you husband you should not inherit the and from your husband because in that way if you have got your fathers land, I have got my fathers land then you also inherit mine what do you want to say there? You are going to double inherit.

Then for the purposes of natural resources distribution it should be given entirely to the local community. I do not see why the forest at Kionyo is at 2000 metres above sea level while here at Chuka it is at 1400 metres above sea level, what shouldn't it be at 2000 metres above sea level the whole of it. I think there must be a very big disparity in the way those people are doing those things that time and even the people who are there from this time must have given a very big leeway to them. It should be

defined by the community who are living there as at that time and even the resources which are got from there when they are sold they should be given or the people who are given there the people who are living there should be given a say in the way they are managed.

I think that is all what I have to say.

Com. Salome Muigai: Thank you very much Mr. Gitonga Justus Geoffrey. I have two questions for you.

One is when you say that when a Member of Parliament defects that party should have a chance to nominate somebody else but the Member of Parliament goes not only to represent their party they are also representing people. So what say do those people have on the Member of Parliament who is going to represent them and their interest?

This area and Mandera and you said that your Member of Parliament may be representing how many? A hundred thousand inhabitants of this area. That same Member of Parliament in three hours can go from one area of that, or in two days, from one side of that area that he represents to the other. The Member of Parliament in Mandra may need two months especially now that it is wet to go from one area where he represent to another, because we are writing a Constitution for the whole of Kenya. What are your thoughts on balancing this so that nobody feels discriminated when dealing with this kind of populacy. Do you get my question?

I am trying to ensure that every member that is represented has access to their MP and the ones in Mandera may take three months to reach their MP whereas the one here can take a day or two to reach their MP and that is talking about also other services. So what are your thoughts on finding our ways of balancing this Act so that every Kenyan is adequately represented?

Geoffrey JustusGitonga: Yes, I think about the balancing of representation, there is no Parliament in Mandera, there is no Parliament here in Chuka there is only one Parliament in Nairobi and that is where people are represented they are not represented in the villages. I think even this person who has got maybe four hundred square kilometres to cover, the Government should provide for their upkeep, they should give them travelling allowance and actually they give them, they should also be given funds to set up constituency offices where the people can now see them and even these other people who are in this area, if you want to see the MP and you are four hundred thousand people you also have a difficulty because when you go there supposing everybody wants to see the MP you are going to line up at number four hundred thousand. Therefore, you will also spend time there. What was the other question?

Com. Salome Muigai: The representation of a people, you said that when there is somebody who defects it is the party to nominate. What say do people have over their representative in this case?

Geoffrey Justus Gitonga: I think when we elect Members of Parliament we endorse the person plus the party that nominates them to contest. If the person has defected from maybe this party to the other party it then means he does not like the policies which made him to go there. Therefore, it means this person has seen some better policy somewhere but the electorate were actually voting for that person because he backed some policies which are favourable to them.

Therefore, it means this person or the people who are here are entitled to continue being governed by the policies contained in the manifestos of the party which they elected.

Com. Lenola: Gyson Njoka Machura halafu Daniel Muranga kua tayari.

Njoka Machra: Mimi naitwa Njoka Machura kwangu ni hapa Ndagani KK mweni. Nataka kushumisha mambo ya vile Police wanafanya kazi hapa.

Police wa hapa kufanya kazi yao wanalala. Maana kazi ya Police ni ya kufanyana patrol book. Inatiakiwa DC, Bwana DC we kweli ni Inspector wa Police au OCS anashindwa nikuangalia askari wake wafanye night.....mpaka raia wepewe nafasi ya kuona DC aangalie mambo ile OCS anafanya ofisini mwake.

Ya pili, mimi napinukia upande wa mashamba, mashamba hapa, mimi ni mzee niko na watoto, kijana sita na hawa kijana mimi niliandika hawa kijana, ningekufa sasa wa.....mali yangu. Na bado kufa, kijana moja ule nasomesha anakua mwerevu anaanza kupinduwa jina ya shamba inakua yake. Sasa mimi nauliza nitaenda wapi kustaki hii mtoto na ni yangu?

Mambo ingine, nyamba ya hiyo hiyo wa shamba, ningekufa na iko na shamba yangu na jina yangu iko kwa shamba, na mimi nakwisha kufa, hii watoto naambiwa aende kwa courti au kwa DC watoe pesa ya kulipa sijui ni nini sasa nauliza hii pesa inatolewa na Chief anajua shamba ni yangu kwa Sub-Chief anajua shamba ni yangu, Sub-Area anajua shamba ni yangu sasa hii nini watoto wangu wanasumbuliwa wanambiwa wapeleke pesa courtini ni ya nini?

Com. Lenaola: ungependa nini?

Njoka Machura: Ningependa shamba yangu ningekufa Chief na Sub-Chief na Sub-Area wakae na watoto yangu ndio wanajua mimi ni mutu mwenye shamba hile na watoto ile ni yangu.

Mambo ingine ya mwisho ni hii hapa Meru South zamani ilikua na courti ya kienyeji ya mwisho na ndio courti kubwa hapa nduniani naye inaitwa Thunthuri. Ukikua wewe unaiba mimi au unaiba ngombe yako au shamba yako nilikubaliwa nikipenda Commission hii ikubali kuweka hiyo courti ikuwe ni sheria ya kutumika watu wakifanya case wakija courtini washindane wapelekwe court kubwa hiyo ya kienyeji. Hayo ni ya mwisho. Ili akulakeyapo.

Com. Lenaola: Okay asante sana Bwana Machura kwa kutupatia maoni yako tafadhali ujiandikishe hapa kwamba umetoa maoni mbele ya tume.

Gitonga Muranga: Mimi ni Gitonga Muranga, napeana maoni kulingana na vile navyona, personal.

Kwanza nitaanza na Presidential powers. The President should not have extreme powers which presently he enjoys. We should empower the Parliament to matters of appointment of various Directors and Parastatal Heads that we have. This is in respect to the Controller and Auditor General, it should be the work of the Parliament not the President. The election of the Attorney General, the Electoral Commission the Commissioners who are elected by the President should be.....should be given to the Parliament. The Chief Justice and the Appeal Court judges, all these should be the work of the Parliament.

The point of human rights; Men and women are born free and equal in all rights. These rights depend or are particularly on liberty, property, security and all these have been violated because we do not have a strong human rights organization which is well entrenched in our Constitution so it is my appeal that we have a well entrenched human rights association which is past by the Parliament and not as a Commission which is set by the President because if the President is given those powers there is the tendency of manipulating the deliberation of such an association.

I would say the Parliament with its 210 seats today, 220 sorry, there is the reservation of the nominated Members of Parliament. The Constitution well says or rather these nominated should be the representatives or present the views of the.....groups of people that we have. Let us not have nominated Members who are nominated for personal gains in the Parliament. Let us have the bright having a reserved seat, let us have the disabled, let us have all those vulnerable groups well represented in the seats that are allocated for nomination of Members of Parliament.

I would come to issue of political parties. There has been a tendency of candidates switching parties when they lose in the nomination. This by itself as one of the contributors said show that person has no commitment to the electorate, he has some personal gain that is why when he loses from this political party switches to another political party which have very different manifesto and when he changes he creates confusion in that constituency because of thirsting for power. Instead, I would propose we have independent candidates because I may be having a feeling of contesting a Parliamentary seat and I find the party that...have no basic principles that a character may have but when we have independent candidates this provision will stop power struggles within a certain locality.

As one of the contributors said the issue of constituency boundaries should be well entrenched in the Constitution so that at least we have a number of inhabitants who a Member of Parliament represents because as one of our Commissioners said here, one Member of Parliament represents four thousand another represents eighty thousand but you see when that Member of

Parliament is handling the issues of those constituents he will be dealing with a hundred people a day while the one who has four hundred voters will be dealing with at least two people per day. So the divulge of those problems of the one with a high number of representatives will be very tedious for that particular Member of Parliament.

I would go to the issue of agriculture. Agriculture is a core bread that we people of Meru South particularly depend on. This industry seems to have died. Legislation should be put in line that protects the development of agriculture particularly to the cash crops that the wanainchi depend on may it be pastrolists, let us have legislation that supports that system of pastrolism so that when this one is maintained like for instance here with coffee, when coffee industry is live the Government will get tax from that coffee production, the mukulima will get money from that coffee or that cash crop and the consistency of those two the mukulima is able to educate his children, he is able to offer medical facilities to his children and the Government is able to get tax and this tax comes to develop the social amenities that we have but if legislation is not set----

Com. Lenaola: (interjection) Make a recommendation.

Gitonga Muranga: My recommendation is, we have the mukulima given powers and strict powers to have the nomination of the Directors of the cash crop that they have.

The other issue is on land. Land has been discussed here and I will stress that point again and give a recommendation that people are suffering because of lack of land, we have now the gazettement of forests, these forests are given to the landless but we find those who are land owners are still benefiting from this land which is being de-gazetted now.

I propose that the common mwanainchi should be used when Government has land to allocate not from top, that it is the DC it is the PC who determines who gets that, let the common mwanainchi be involved. Thank you very much.

Com. Salome Muigia: Thank you very much Mr. Muranga. My question is on the modality, what kind of modalities, the methods do we put in the Constitution that allows for the involvement of the common mwanainchi in allocation of land. If it is something you had thought about share with me if it is not maybe it is something that you would want to think a little bit on and maybe write to us on modality.

Gitonga Muranga: I was thinking when I say the common mwanainchi be involved, he will be involved as one of us said here we have the wazee's the Njuri Ncheke that we have not that when we are 90 years of age it automatic that you know about land issues of a certain region. There are those wazee's who for a long time have know these are the boundaries of a certain clan, these are other boundaries.

These are the common mwanainchi now I am saying should be involved if Government has land to issue. These are the people

who know this clan has no land, this individual has no land. So these are the people I am saying they should be involved in the occasion of any land that is available.

Com. Salome Muigai: Just.....of the same. If for example for the sake of thinking through we involved the Njuri Ncheke, how do we involve women in allocation of land?

Gitonga Muranga: Women now, I think when we say of wazee's we do not mean it is the beard wazee's even we have very talented old women who know issues pertaining to that. They are also inclusive when I talk of wazee's.

Com. Lenaola: Thank you Mr. Muranga.

Lucy Muriithi: Representing Mrs. Kathuni is Lucy Kagendo Muriithi. I will give the general introduction.

The Constitution needs to create an enabling environment where these issues of women could develop.....and become reality. First and foremost the new Constitution should have a very specific clearly worded well defined preamble that ensures that equality under the laws of Kenya is properly prescribed.....and filled with very specific models, guidelines for enforcement.

The first to equal protection and benefit of the law without any discrimination, gender should be thus.....in the Constitution. It should ensure freedom of conscious thought, religion expression, peaceful assembly and resolution and the right to settle and own property anywhere in the Republic of Kenya without any discrimination as to gender.

The Constitution should ensure use of concepts that are gender sensitive in order to bring about the required attitude changes. Whatever is intended should be clearly and should not be left to different types of interpretation that would invariably defeat the intentions of the laws by the court.

Cultural diversity, ethnic, regional and communal rights; It is granted that our society is still very cultural based and or are caught between conflicts, cultures on the above and that there are positive as well as negative aspects of culture. Notwithstanding, the Constitution should drive a balance whereby the negative do not harm and act as obstacles to people especially women and girls development. Traditional harmful practices that are harmful to health and well being of the person and especially those that are perpetuated, the oppression of womeninheritance of widows, the human rights and sexuality of women and girls just as female circumcision, genital mutilation among others should be outlawed. Widows and widowers should remarry out of choice and preference.

There should be a mandatory health insurance policy scheme subsidized by the state to ensure good health and to cater for

cover the whole population especially the elderly and low income families.

Good governance; The Constitution should ensure that the principles of gender equality and equity is applied in appointments of Sub-Chiefs, Chiefs, Councilors etc. There should be a set of criteria used to ensure that a certain percentage of elective posts go to women. The ratio of men to women in this locations, local authorities, one, should be looked at in order to come up with the appropriate criteria as it is. The political playing field in Kenya is hard enough for men to fairly participate, how about women? It is necessary that Constitution streamlines the election process in order to prescribe and seek elections based and about of money that can be spent on such elections. There should be clear prescribed and easily enforced rules to make these elections free and fair to dignify our country.

Girl Child Education; The Constitution needs to outlaw, criminalizefactors that are usually based on cultural, traditional practices that perpetuate discrimination against the girl child in education support and leads to early pregnancies force and or child marriage of the girls. The intention of the Constitution should be to ensure the existence of universal compulsory and mandatory Primary education for all children girls and boys alike. Funding should be provided and set aside in order to achieve the goals.

Land and property ownership, succession and inheritance rights; The Constitution must clearly address the concept of ownership and custody in matter of property control, access and management as well as the element of joint ownership. Where this is applicable as in marriage or co-habitation equity needs not only be seen in.....applied but should be ensured to occur. The rights of women as individuals should be recognized. The rights of the women should neither be left on the hands of their father, brother orand sons, the womens rights under this sub-headings should relate to a individual human right. Should the state happen to have a first lady in the State House her contributions must be spelt out and duly recognized.

The principles of gender equity should be applied on issues of inheritance, administration and management of estates and ownership of property. The recognized and protection to the inheritance rights should take into consideration on equitable basis. The rights of widows, their children, girls and on equal basis. The rights of orphans especially those relating to inheritance must be guarded and should apply to both girls and boys equally.

The Constitution should guard against male dominance and manipulation in ownership of property left to widows and orphans.

Com. Lenaola: The last one.

Lucy Muriithi: The Constitution should ensure the responsibility of percentage and the security of the defined family unit. Women must be accorded the protection and security to family benefit that can ensure their livelihood. The Constitution should establish a mechanism for social security welfare benefits for all.

Com. Lenaola: (inaudible)

Hon. Eustace Nturigha: Thank you very much Mr. Chairman. First of all I will start by welcoming you into this constituency it is the only constituency in the District, Meru South District, feel at home. Tomorrow you are going to Chogoria we shall be with you also and let me put it that this is a Constitution making by the people of Kenya and today you are in Nithithi and let me register the fact that there has not been enough of the civic education in this District although of course it is not very easy really to educate everybody on civic education but I am very happy at the calibre of my people the way they are representing their views, I am very happy with it and I am wondering where the ladies are because when we talk of affirmative action, ladies you must pull up your socks kidogo because you can see there are only two ladies in this kind of a gathering therefore when you are asking for this gender sensitivity you must be wherever there is this kind of a meeting otherwise as I am talking Mr. Chairman is that I may not intend to present the views at.....because I feel I should leave it to my people really to give their views because they know themselves better, they know how they want to be governed even better than me. Nikweli?

So, that is why I am talking generally rather than just giving my whatever because you are very capable really, I am very happy at the way you are presenting your views here and you keep it up really and another thing Mr. Commissioner is that we want to register also our gratitude in the manner that you are conducting this exercise and the fact that you have left infighting amongst yourselves we are very happy because once you fight in Nairobi there and we hear in the papers you are fighting then these people will lose confidence in you.

So far we are very happy you are not fighting and keep it up. We want a good Constitution drawn by you people without fighting. Nikweli? Si walikua wanapigana sana hawa wamewacha sasa, we are very happy.

Speaker: hawajawacha sana.

Hon. Eustace Nturigha: Hapana wamewacha kidogo, tunafurahia hiyo maneno kabisa. So I think you are going to give us a good Constitution from the people definitely not from you. Tunataka kusikia ile wanainchi wanapea hapa....watatengeneza hiyo sehria. Vile vile ningepomba wanainchi wa Kenyahapa nyinyi ya kwamba, make sure the next election, when going to the next election tafadhalini muendo na the new Constitution muimize hiyo kabisa because you know what, what is going to happen whoever becomes the President in the old Constitution akikalia hivi hatataka ichangiwe tena I am telling you the truth, because.....powers isn't it, nikweli? So make sure wherever you are talking mu-make sure ya kwamba Constitution ile direction, general direction ile tunaenda tuende na new Constitution nikweli?

So that you can have power sharing game you know, power sharing game you understand what I mean Mr. Commissioner, I am talking of power sharing in the sense that we have institutions with powers okay, so you should endeavour to that one

otherwise mukisema oh tunataka twende election haraka haraka ati kwa sababu hamutaki kuongeza sijui what not the period yao au ya Parliament, I am telling you the truth ile mtu atakalia hii kiti with the old Constitution ata awe Kibaki, awe Wamalwa, awe Ngilu amaatakaza hiyo Constitution the way it is na atakaa hivyo kwa sababu ata yeye anataka powers. Iko hivo. Hakuna mtu hataki powers akikalia anakatalia hapo. Kwa hivo muchunge hiyo kabisa wakati munapeana your whatever.

Second, ya mwisho because as I have said this is your Constitution really, it is yours it is you baby make it the way you want it, the way you want to be governed rather na ningetaka kusikia mtu anongea hapa na Kimeru ule haelewi hakuna ubaya there are interpreter here isn't it? So kama unasikia you are not able to talk fluently in English or Kiswahili come up with venacular na iko interpreters because iko vitu ingine mtu anashindwa kusema na kimombo hii. Sema na Kimeru ndio usikike sawa sawa nikweli? Akina Wanjiku.....I do not see akina Wanjiku here.(kimeru)lakini ni sawa sawa to.

So, next because I am just about to finish Mr. Chairman is that although I have said that I am not going to talk about my views as such but let me mention something which concerns me indirectly, that one of the constituency the number of representation in a Constituency. This one should be reviewed because the current Constitution says the the constituency boundaries will be reviewed after every 10 years, I would wish to mention that this should happen when need arises because like in this constituency Bwana Chairman, the need arose a long time ago to have several constituencies in this place.

It arose a long time ago we should be having three constituencies here but we have to wait for 10 years for review, this should happen as the population of a certain area grows because the current situation is that an MP should represent around a hundred people but here you have got over three hundred and fifty thousand population. So that should be entrenched in the current Consitution Bwana Chairman and that of the registration of voters because that is my area sana sana, registration of voters should be a continuous process Mr. Chairman, that is my feeling because wanainchi wanaumia sana, let it be like the ID card, when they are going for ID card let them register as voters at the same time to avoid a lot of wastage of human resource and that kind of a thing Mr. Chairman.

Kwa hivyo Mr. Chairman, I think I am very happy with it, feel at home and I think mupeane maoni yenu sawa sawa kabisa mukijua this is a Constitution you are making a Constitution not for Kanu not for Captain, si ati munafanya.....hii ni Constitution hile once it is adapted it will take this country in some other fifty years and above because you can see like now we had this old Constitution from the colonialist isn't it we have our few amendement here and there but now we want to do an overhaul of the whole Constitution ile itamupeleka tena miaka ile kama ile tumekaye naye tukiwa uhuru. So it is your Constitution it is yours and in fact it should be people of Kenya Constitution, Katiba ya wana Kenya not Kenya ya wana Kenya so that you people you can feel proud that this is your Constitution and it is you who has made it and that kind of thing. So, Bwana Chairman I beg to stop there.

Com. Lenaola: Thank you very much Mwehsimiwa na tunasikia maoni yako. Buri Njebiu, Kinyua Geti utamufuata hapo.

Buri Njebiu: Nita anza kwa majina langu. Jina langu naitwa Buri Njebiu kutoka Chuka Division,Location,.....Location na maoni yangu nataka kutoa hivi. Tukiwa sisi wana Kenya tufikirie neno moja tuu, hapa tuko, tuko na tabu kama mimi mwanainchi wa kawaida kwa sababu ata tukienda kwa Njuri Ncheke unasikia tukisema unaitishwa pesa ya kusimamia hayo mambo.

Ninaomba serekali isimamie hayo mambo.

Com. Lenaola: Mambo gani?

Buri Njebiu: Hile Njuri Ncheke ambayo, ebu ni ongee kwa kikwetu tuu.

Com. Lenaola: Ongea na Kimeru.

Buri Njebiu: Kankuuga atiri, kankuuga Njuri Ncheke,niu nimeenda twithirwa tukigambaga, igamba ria migunda na Njuri Ncheke.

Translator: He says that the issues of land should be dealt with by the Njuri Ncheke group.

Buri Njebiu: Riagamba, waigua thirikari itijiite kurutha Katiba ino nkuuga icinjue ni kuuga atiri, twachinjia Katiba iu, waigua ni mbeba cia njuri ncheke thirikari irungamirire ti muntu tani mwananchi kugitaga atia.

Translator: He says the Government should cater for expenses of the Njuri Ncheke group in disputes.

Buri Njebiu: Buungi nabu nkweenda kuromba thiini wa kenya, Katiba ino ithirwe iti na thiina, kenya turi athiini muno na riria bukwoona tuchinjie atiri, aa turi na cokora, hata ukienda Nairobi ni cokora.

Translator: He says the Constitution should look for ways to alleviate poverty.

Buri Njebi: Na riu nimeenda atiri waigua thirikari yathomithia, waigua ni cokora ikujukia kana whatever,

Com: Lenoala: Talk on another point.

Buri Njebi: Waigua cokora iri Nairobi niciyukue itengerwe pahali ikathomithirue.

Translator: He says the street people and the street boys should have a place to be catered at some place and they should be given attention by the Government.

Buri Njebi: Niuntu cokora niigututhiinia muno thiini wa town ino turi. Niibaterie kwiyukua ikathomithue.

Translator: He says because they give them problem so they should be taken to a place and be given education.

Buri Njebiu: Na nimeenda ugoro wa kithomo, Sukuru thirikari niirungamiire ithomo niuntu uthiini uthire bururini.

Translator: He says the Government should be responsible for education to eradicate poverty.

Buri Njebiu: ugoro wa health, antu ma kenya kamagukua riu turienda tucincie thirikari irungamiire ndawa.

Translator: Concerning health he says the Government should be responsible for provision of medical facilities and medicine.

Buri Njebiu: thiini wa thirikari, nitwenda thirikari ya kenya ithirwe iri na prime minister.

Translator: He says the Government should adopt a system of a Prime Minister.

Buri Njebiu: Na nienda thirikari ii icite weegua ni president arungame tuuge weegua ni miaka ikumi atikeethirwe ari ku kairi.

Translator: He says the President should have a limited term of ten years.

Buri Njebiu: Na nitweenda waigua ni ugoro wa police, kankuuga police niigututhiinia guku reserve niuntu yaagwata muntu utuku nika ivuraga muntu utuku na mauntu mau matiganwe namo.

Translator: He says they are being arrested by the Police and they should stop being harassed in the new Constitution.

Buri Njebiu: Ninkweenda mayor athuuragwe ni wananchi.

Translator: He says the Mayor should be elected by the people.

Buri Njebiu: Nimeenda ciana wegua niuntu twina thiina guku kenya, twona nii ninkugurana umuthi ndege mwari, kaana kau ri, Bantu thirikari irugamirira gakathii kuu.

Translator: He says children out of wedlock should be taken care of by the Government.

Buri Njebiu: Nimeenda ugoro wa migunda, antu moonthe matina migunda magarure migunda thiini wa guntu kuria gutigutuurwa niuntu tutiuga mageekare naa muthituni muno indi muthituni ni sawasawa. Lakini nimaigirwe Bantu baria bageekaraga tutikaagie na thiina kenya.

Translator: He says people with no land should be given land where there are no people living especially and for example he says in the forest.

Buri Njebiu: Ninkweenda wegua ni muntu taani arumwa ni njoka umunthi ri, na athii kwa ministry of wildlife iri na mbecha ri, na ndathi cibitari ntikwona muntu wa kudungamiira, igatwika nii itikundungamiira.

Translator: He says there should be channel of compensation where all wild animals create harm to the people.

Buri Njebiu: Gankuuga turi na thiina muno twiu twi wananchi wa kawaida niuntu naa Sukuru ri, nitutiinda gwitua mauntu matibo. Niki kigutuma weegua ni sukuri mauntu mau thirikari ireega kurungamiira.

Translator: He says the Government should cater for education facilities and services in schools to avoid operation.

Buri Njebiu: Hakuna ingine.

Com. Lenaola: Ame maliza.

Com. Salome Muigai: Asante sana Bwana Njebiu. Nina swali, mimi kwa Kikuyu changu.....kuzungumuzia habari ya watoto. Ulisema ukipata mtoto ukuwe wewe hunahaja naye serekali imusimamie. Jukumu ya baba huyo mwenye anapata mtoto nakufikira yeye hana haja, jukumu yake ni nini kwa Katiba mpya?

Buri Njebiu: (Kimeru)

Translator: Okay, anasema kwamba baba ambaye amemukata mtoto anafaa kuchukuliwa hatua za kisheria.

Com. Lenaola: Kinyua Ngeti halafu Jasper Njeru, David Mbogori.

Kinyua Ngeti: Thank you very much Chairman, my name is Kinyua Ngeti, I have a few points that I hope to present in about five minutes.

First it concerns the supremacy of the Constitution that we are formulating now. I would want that it becomes supreme as passe such that any amendments are not done by a section of Parliament or even the whole Parliament, that any amendments to the Constitution should be done through a National Referendum because the Constitution is the property of the nation and therefore the nation should be thoroughly consulted before any amendments are put in place.

Secondly, I would want to talk about the Legislature, that some changes are required in as far as requirement to contest an electoral post whether civic or Parliamentary is concerned more so as regards public servants. Currently public servants are required to resign their jobs before they can contest any parliamentary seat. I would like the current Constitution to create an opportunity that public servants or civil servants can have leave to go and contest and if they fail, if the lose in the elections they can go back to their jobs. When such people are elected that is if they win the election(end of Cass 2)

(Cass 3)

Also by this I mean that Parliamentarians or any holders of electoral positions should not be entitled to any pension, that any privileges and benefits of electoral positions should last for as long as the occupants are in those posts. Also, this one would enable those who are elected to these positions that if they are not elected in the subsequent elections they are able to go back to their jobs.

Number three Chairman, I would want to talk on some basic rights of individuals. First of all I wish to talk about employment that the Constitution should adequately protect public servants or employees against any irrational and impromptu termination of jobs in the name of retrenchment, downsizing or otherwise. That any employment on permanent or pensionable basis should be treated like so it should not be arbitrarily terminated without proper agreement between the employer and the employee like it happened a few years ago, that if the employer and in this case I have in mind the Government, if the employer terminates employment before the stipulated age or other procedures then he should be made, he should be compelled to pay all the benefits that are due to that employee if he had worked up to the retirement age and this includes all the annual increments that he would have got.

I would also want to talk about joblessness also tied with immigrations, the rules governing immigrations. That in the situation like the current one where young Kenyans, young educated Kenyans are faced with the problem of unemployment the Government should not close doors for young graduates to go and look for jobs in other countries where such jobs are available. I think Constitutionally it actually should be imperative for the Government to facilitate the possibility for such young graduates to get out to Kenya and look for jobs in those countries where jobs are available and I think a system can be formulated such that these people who go to work outside can remit taxes to their mother country and I think this one will also enable these young graduates to repay their University loans and that way the sustainability of a revolving fund for future generations.

I want to talk about accessibility to higher education and in particular to specific degree courses in our Universities. I think the Constitution should look into some requirements into joining University and taking some degree courses. For instance, I do not know, in the current system of 8-4-4 I do not know why somebody pursuing an LLB degree is subjected to high passes in Mathematics and Sciences. Then, when there is Education Commission that aims at overhauling the old system of education I think also all Kenyans must be consulted through referendums instead of few people sitting down and overhauling the system of education and it should be free of politics.

Then on health care and in particular I want to talk about the current problems of HIV/AIDS which has become a big problem in our country today. I feel the Constitution should take a brave step to protect the citizens against this menace of AIDS. I

have in mind that the medics should be fully empowered to effectively deal with this problem and any other similar problem that might arise in future, for instance I think that when the medics diagnose and are satisfied they established that somebody is HIV positive something should be done, say it should be made public, if it is public today that I am HIV positive it is difficult for me to infect others or they can be put in a quarantine somewhere they can be secluded and put somewhere and so on and so forth.

Then finally Mr. Chairman, it is when it becomes necessary that the Government or the Head of State creates a Commission of Inquiry because of an issue, to investigate an issue, I do feel that a lot of public funds are spent and finally it is good if the public is made aware of the findings of those investigations because they would help in averting such situations in future. Thank you Chairman.

Com. Salome Muigai: Thank you very much Mr. Kinyua, my question is on the public servants taking leave to go and contest and come back to their jobs. Do you see any conflict of interest, for example if I were contesting against you and you win and I come and be the DC in this place, do you see any conflict of interest between my performance of my public duty and the interest that I have in electoral post? That is just a question.

Then the other question is on quarantine of HIV/AIDS patients. Do you see any conflict in human rights because these people do not lose their human rights because they have become patients just the same way somebody else earlier said that prisoners do not lose their human rights because they have become prisoners, they are just a certain category of human beings so they still have human rights. How do we deal with this balance because the Constitution is a balance objective tool for our people and for everybody. Can I share your thoughts on these two aspects.

Kinyua Ngeti: Thank you Madam. On the first one let me say I see no conflict. Such a system used to be there earlier on and well I think such conflicts are not there and the current one is a bit oppressive because it denies a section of Kenyans rights to contest.

On the second one, I agree with you there is a bit of breach of human rights but I think right to life is paramount as compared to other rights and that is why I am thinking we can compromise on that. The Constitution should be able to compromise on that for the sake of peoples lives.

Com. Lenaola: Thank you Mr. Kinyua. Mr. Kithinji halafu Dickson Mwiti Nyaga kua tayari na Joyce Ariti mufuwate Dickson Mwiti Nyaga.

Gatisio Kithinji: Nitaanza na majina yangu. My name is Gatisio Kithinji I am a member of Kredo I have a few points to make.

On the Executive, I would prefer the Constitution which we are making now scrape the Provincial Administration and of course areas where the Chief is given a lot of powers of course will not be there because even those powers are ambiguous that a Chief is allowed to conserve maybe the environment when really he is not an expert. You can not cut you tree which you have planted and he does not help you to plant a tree so some of those things the Chief can not be able to control, control drugs, a Chief can not be able to control drugs that should be the work of Ministry of Public Health or a section of public health doing that type of job.

On Local Government, the Minister should not have powers, the Minister of Local Government should not have powers over the councils, the councils should be empowered because they are elected by the people and they know their people very well so the work which is supposed to done by the Chiefs and so on is supposed to be done by the councils. The Mayor and the Chairpersons should be elected directly and the term should remain exactly like that one of other elected members like the Parliamentarians and this will reduce of course senior officers in the councils bragging there and destroying the councils. Most of the mess you find in the councils is not from the councilors it is from the senior officers of the Government.

When we talk about Government protecting basic rights, for example rights like rights of property, you can not protect what you have not given somebody, for example you can not say you are protecting my property like that when you have really not given me so the Government should give some of these basic rights, if it is food, shelter and clothing then we can claim that we are going to protect. It is not just protecting what we have not given people.

Of course the area of land it has a lot of mess all the way through from demarcation to the way the land was surveyed because you find people do not have access to some of the facilities like water, there is no way, you can not reach the river because of the way the land was demarcated. So there should be a Review completely overhaul Review about the issues of land and how to use land, the utility, I think the utility is what matters it is not who gets land where and how much it is.

About workers, workers, if we are going to give freedom of association then we should not restrict workers from going on strike. You go on strike because it is the last weapon, there should be nothing like illegal strike all strikes should be legal because what you are trying for is what you have been unable.

About environment and natural resources I would like to say that for example like this region where we have Mount Kenya and all what is there in the forest of Mount Kenya the tropical forest. This forest should belong, and whatever is there and all the resources, must belong to the community and the community must be guided to protect. They have protected that forest for many years and when it was taken by the Government to protect, the Government has failed so we should take it away from KWS, away from Forest Department and give it to the community and let all those resources be shared by the community. Let what we get from the forest go to the development maybe of schools or hospitals only the cases which are around that region so that people will know that the forest is theirs and those other things which they can be able to do, iko tourism and many others,

harvesting of timber and so on that one can be done of course without destroying but going to the community. For sharing forest areas for farming that one now should be stopped immediately, nobody should tamper with forest resources unless the community decides on what to harvest.

Otherwise, as we continue I know this Commission has had problems with Parliamentarians trying to entrench the Act in Parliament and the Parliamentarians let us down by refusing to entrench what we are doing now. We are not sure whether this Parliament is capable of adopting our views but I think those who will be called to Ufungamano let them come there because we might end up by having our own Constitution and the Parliament having theirs.

The other thing is about this Constitution is that me I am not in a hurry in making this Constitution, I would prefer we continue with civic education, collecting views even if it is next year but for doing General Elections we must do General Elections and remove them because they are a stumbling block and then we have the Constitution which is permanent after the General Elections. Thank you.

Dickson Mwiti: I am Dickson Mwiti presenting my views to this Commission. Let us start with the preamble of the Constitution.

I feel that the Kenyan Constitution should have a preamble which should in other things include promotion of political, social and economic freedom as well as guarantee for justice and equality.

Constitutional Supremacy; Nobody should have powers and I repeat, nobody should have powers to amend the Constitution unless the people themselves through a Constitutional Referendum or peoples views through a Commission. New laws or bills in Parliament should at least get 75% of votes as opposed to the current 65% majority vote.

Defence and National Security; Only Parliament should have powers to declare a state of emergency, also several Army barracks should be decentralised to other unpopulated and dense bandit prone areas e.g North Eastern part of Kenya and also parts of Eastern.

Political Parties; The Government should offer financial support for existing and registered political parties. Political parties should present their constituents to the Registrar and Attorney General to check unconstitutionality.

Structures and Systems of Government; In the new Constitution we should have provisions for a Prime Minister who shall be the Head of Government and a ceremonial President as the Head of State. We should also retain the current unitary system of Government.

Legislature; Constituents should be given the right to recall their undoing MP through a vote of no confidence. Councilors should also face the same Act. MP salaries and allowances should be paid in respect to their powers of participation or presence in Parliament. Nomination of MP should be principally for the sake of special interest groups and the marginalized. There should also be provision for formation of a coalition Government. Nobody should have power to dissolve Parliament unless itself through a 75% majority win of votes.

The Executive; The Executive powers should be vested to the Prime Minister. The new Constitution should specify clearly qualifications for a Prime Minister, President or an MP, for example a President should at least have O'Level education, be 35 years and above. A Prime Minister, at least a Bachelors degree from a recognized University, also he should be 30 years and above. MP, at least Form Four level education then 18 years and above. A strong efficiency monitoring unit should be established to check civil servants code of conduct.

Local Government; The minimum qualifications for councilors should be O'Level education. Elevation of councils to municipalities should be based on peoples views, e.g through a referendum. Powerful figures e.g MP's and councilors who have grabbed peoples utilities in this land should be re-acquired regardless of whatever they have put up.

Electoral system and Process; A winning President in an election should get more than 50% of proper votes and at least 25% in at least 5 Provinces. If nobody attains this then a run off should be conducted between the winner and the second runner up. Issuing of ID's and electors vote should run concurrently.

Constitution Commissions and Institutions; Ombudsman office should be provided for to operate at basic levels and national levels as peoples watchdog. A salary Commission should also be formed to harmonize salaries of Government servants.

Education; The President should not be the Chancellor for public Universities. Primary education should be free and universal, Universities should present their position to the Attorney General and also justify the disciplinary measures against students.

Com. Lenaola: Okay just wind up please.

Dickson Mwiti: Thank you.

Com. Lenaola: Last point.

Dickson Mwiti: Universities should offer standardized units and courses for similar degrees offered at different Universities. Thank you.

Com. Lenaola: Thank you very much.will our last speaker this afternoon. Tutavunja kwenda lunch saa saba baada kumusikiza Mama Joyce halafu turudi saa nane. Kwa hivyo wale ambaye hamujasikizwa tutarudi kuwasikiza saa nane mpaka saa kumi na bili.

Wanjiru Muigai: I am Wanjiru Muigai Mrs. She is Joyce from the DO's Office here and in the years or whatever we call, educational assessment and resources services. We are presenting issues regarding children with disabilities and we begin, although my colleague Joyce will continue.

For a long time the Constitution of Kenya does not have anything to do with disabilities. The laws and regulations that are there are based on children and therefore we would like the new Constitution to look into persons with disabilities. These include children with mental impairment, physical impairment, health impairment, hearing impairment, visual impairment and any other impairment and the first one should be the Kenyan curriculum.

Our education curriculum does not state, for example children with mental impairment, when should they go to school? When should they leave? What is their criteria of graduation? It is just left to the teachers to adopt and to adopt the curriculum that is there and these teachers some of them do not know how to change the curriculum and when the curriculum is changed teachers are not consulted, somebody sits somewhere, drafts it and brings it back to the teachers. So we should like a curriculum that is catering for children with mental impairment and the others also should be included in. And this curriculum should include materials that are fit for these children, designed well and thought about.

When a child with mental impairment goes to school at age six he can not cope because that is chronological age we should look at the mental age of a child and our Kenyan curriculum looks at chronological age and therefore consider the chronological age. And with that, my colleague will continue as she is herself in that group.

Joyce Arthi: Okay, thank you very much. As we have talked about the disabled children and the disability they have we have a problem whereby we look at the exams, you find that when the exams are being set in the KIE or Kenya National Examination Council they do not consider the disability. So we are requesting at this Commission Review that the disability should be considered whenever the exams are being prepared and the taking of the exams it should be considered that they are taking the same curriculum with the norms or the children who have no problem. That one goes mostly to the HI or visually impaired and HI the hearing impaired whereby they are considered to be same with the regular child in the class.

Then on other head we can look at the health. The children with special needs or persons with special needs they surely lie under the people who are poor in the society because you find that in the families that they are born in sometimes they are neglected and even the community do not understand the kind of problems that they have so look at this during the Commission Review we request that the health, the treatment of these children in hospital we should be considered and let it be made free

because whatever we earn, those who are earning, we are not able really to cater for what we are supposed to have.

Then, let us look at the social recreation. You find that in social areas the handicapped conditions are not considered. You find that a blind person or a physically handicapped person has nowhere to go and recreate himself so in this area facilities, entertainment, these children with disability or persons with disability should really be considered.

Then at the same time, I go back to the education. We are talking of cost sharing. Surely, the earning or the income of these people with disability it is very limited. The education of the children with disability should be made free, free without any cost sharing so that we can be able to get educated like anybody else.

Then, let us look at the constructions and infrastructures. Wherever there are constructions let us also be included, the children with disability and persons with disability. The physically handicapped when attending the places where they are supposed to attend, for example toilets and so forth they need special toilets. They need special doors whereby they can enter with their wheelchairs and everything else and also somebody to assist them in these areas because we are looking at it that we are going to inclusion and we request to be included everywhere else.

Then, somebody like me who is an albino there are things that we use like lotions for sun protection, they are very, very expensive. We request that we should be considered for taxation, taxation should be free in areas like these because it is just part of medication. I can not be the way I am if I do not use such lotions. Most of you would not even like to see me in their presence when I do not apply them so we request these things to be considered. Then things like writing materials for the blind, the brailers, the braille papers they should be tax free for us to be able to afford and get learning with others.

Then the media, surely when you go to the newsellers you find there is nothing a blind person can read unless I listen at the radio, the TV I can not use it so we should also be considered during the Review of this.

Then job opportunities. Still the community do not understand that we have, we are able, in ability disability is not inability. We are taught in schools in a way that we can be able to work so job opportunities should be open to us to show what we can do, all the disabilities and we shall be ready to do it. Then industries, you find that, especially children with mental disability, for example if you visit their school in Nairobi they prepare very good materials like necklaces, earrings and all that so we should at least have an industry whereby we can expose our abilities.

Children that are born by disabled mothers and their fathers are not known, the Government should take care of these children because they have nowhere to go the mother is not able and maybe is not earning or she is not earning, we should be considered there and let the children be helped by our Government.

In courts, you find that a disabled person is collected on the road, for example emotionally disturbed, he is taken to court because he has done something which is wrong and we remember that the chronological age and the mental age of the disabled do not work the same as the norm child. So we request that in court whenever these children are taken or the persons with disability they should have a medical check-up before just as they work with the mentally healed they should work the same with the handicapped children or handicapped persons so that they are not intimidated where it is not their fault.

Com. Lenaola: (interjection inaudible)

Joyce Arthi: Yes, I am just winding up. Then we look at the teachers that work with these children, the teachers that work with these children they really do a lot of work and the kind of allowance that they are given is not enough they do a lot of work. Let this allowance be considered as the salaries are also being considered because this is extra work that they do.

Then, we also need an Act to protect the teachers that work with the handicapped, for example those who work with the emotionally maladjusted children. You find that at one time they can be injured by these children and a teacher has nobody to defend him, he has no Act that can help those ones. And with those few remarks I hope that you are going to consider us.

Com. Lenaola: Thank you very much.

Wanjiru Muigai: Bwana Commissioner Sir, allow me to add the last, one last.

Com. Lenaola: Okay.

Wanjiru Muigai: Persons with mental disabilities, physical or any other should be docked in one Ministry. Currently they are in three different Ministries and educational facilities can not be offered equally so for the future the Ministry of Education should take up all the educational facilities and whatever conditions regarding impaired children. Thank you.

Joyce Arthi: Excuse me please I add one more on institutions. The special institutions are very limited. The Government should think of adding special institutions, for example in Meru South we do not have any special institution and if we have they are just special units which are not able to cater for all disabilities and the most we have is only the mentally handicapped units, we have the HI one, we request that we have more institutions for disabled children to be able to cope with other people.

This is because it is very expensive to stage them and we can not make it as people from the education unless the Government comes in. Thank you very much.

Com. Salome Muigai: I have several questions. I would like to start with the last statement that Joyce just made. You are

talking about expanding of special units, special institutions and this is at an era when everybody is talking about intergration and ensuring that our children grow up with the others so that if they do not grow up and then we have to rehabilitate them in order to re-socialize them to work with other. So I would like you approach on this because it sounds contradictory, you know, building more special institutions when we are talking about integration and inclusivity. That is my first question.

Joyce Arthi: (interjection inaudible)

Com. Salome Muigia: No, let me ask several of them please take notes because I have a few more. The other thing that I would like your thoughts on is when you state that you need to be considered in the labour market. If you look at the labour laws now they would say that there was no discrimination, that the labour market is open for anybody who is qualified so when you say that the people should be considered, I would like to hear you make some very, very concrete proposal that will help us in the Constitution in order to make sure there are facilities, there are opportunities that cater for such constituencies that you are talking about.

Two, when you talk about allowance If teachers, again I would like some more concrete proposals because you are telling us who may not be teachers, we do not know whether they are being given 40 shillings or 20 shllings as allowances, so, if you gave us more concrete percentages if you said that these teachers should be given a certain percentage because of the work that they are doing that would be very helpful to us.

The things that I did not hear is the gender issues again on disability, are men and women affected by disability equally or are there some issues that we need to consider again in the Constitution to ensure that everybody is catered for. So, I do not want to put you on the spotlight, if some of these issues you had not thought this is not the end, you can think about them, you can give us your proposals because you are experts on this and you can write to us if there are any issue that you had not thought through about and please, the more concrete you are on you proposals the more helpful you are to the Commission. Thank you very much.

Com. Lenaola: You would like to answer or you will need some time?

Wanjiru Muigai: We can answer some, we can also make a write up. Special institutions versus integration. It is true that we need to integrate but it is not every child that can be integrated therefore there should be special institutions for severally handicapped persons. The normal, the mild, the moderate can be intergrated that is fine but severe in the special institutions and then they can come back later.

Labor market. It is true the rule goes like that but that is not what happens on the ground. There is attitude, when a person goes for an interview and he is disabled the normal people tend by attitude to discredit that, therefore all employing sectors

should have at least 10% of disabled persons being employed in any employing sector. There should be a given percentage of persons with disabilities.

Allowances, we should be considered or the teachers should be considered like the technical teachers, they have their own criteria and that is where the special teachers should also be. It is very clear in the Government policies where the technically trained teachers fall, that is where the special education teachers should go. Head teachers in the special institutions should also be considered, like the ratio of a special education teacher getting special allowance or hardship allowance should not be considered the same. That is to say, a teacher who is teaching 10 special children should be considered as the one teaching 50 because the ratio is the same. 50 is to one teacher, special is ten is to one but when it comes to allowances they are considered like 50 which is not actually very healthy. So the ratio should be looked at.

Gender issues, very right, when we go to our data, boys are more affected by disabilities than girls but when it comes to culture, boys are given more than girls. Therefore, our institutions have been left with boys tending to go more than girls and when it comes to sex frustration or sexual harassment, sexual assault children or girls with sexual needs are given more harassment by the same boys or the normal people actually than. So, there should be a law to help or to safeguard sexual harassment or sexual assault or rape of children with disabilities from the so called normal and any other person. Thank you.

Com. Lenaola: Thank you very much. I think (inaudible). Naomba sasa tuende break turudi saa nane tuendele mpaka saa kumi na mbili.

Afternoon session.

Com. Lenaola: Ningependa sasa kumuita Bwana Humphrey Nyaga, karibu halafu councilor Karume ukuwe tayari.

Humphrey Nyaga: Mimi kwa jina naitwa Humphrey Nyaga kutokadivision.location. Nafika kutengza katiba hii.

Ningeanza na mambo ya Rais. Rais anataka awe mtu ambaye amekuma kwa mtu ambaye ni mzima kabisa awe asiwe chini ya miaka 50 au 47 akiwa mdogo zaidi kuendelea mbele. Kumubkeni kitu cha Raiskina moto wakati ingine kina baridi ni mtu anaweza kugeuka sa yote. Mukikumbukamkuu ni mtu ya kutumbukiza hivi katikayote akiwa mtu mdogo. Akiwa kama kijana anaweza kutendeshwa uko kwa.....kesho usikie vita.

Nikikumbuka kama mwaka wa 78' Prime Minister of Ngerka walikua kazini wakaenda na bibi wa mtu lakini wazungu nao ni wazungu wanazungumza kikwao. Kama ni.....ingekua mambo ingine. Kwa hivyo Rais awe ni mtu ambaye ni mtu mzima kabisa si mtu ambayo akichukuliwa ni madogo madogo hivi na.....

Haya, tueleke pande ya election. Election naye nigeenda la kwanza hakuna mtu wa kupita bila kupingwa hiyo itupliwe mbali si kabila ya kupingwa, si kabila ya kupingwa. Lazima kuwe na kupingwa na watu wakuhamahama kutoka party hii kuenda hii ingine kuwe na independence. Mtu anaweza ku simama akiwa hana chama bora hanakika na wanainchi.

Hapo pengine nikingilia upande wa education, education serekali isimamie education kutoka Standard 1 mpaka University. Kwa upane wa agriculture naye, serekal ichunge wakulima wale wakipewa bolea na sehemu za kupande. Na kama hapo unaona vita yoyote inatoka huko ndio inavidika yote kutoka inje it was notfor nothing. Ifanyiwe ingine ilipie uko watu wawe wakifanya irrigation huko. Tunaweza kuona huko kamahuko sehemu arid areas yuko watoto uko hawasomi kwa sababu ya kukosa chakula na hapo kunaeza fanywo irrigation na watoto na wakasoma huko na ma-boarding school ianziwe uko na kila watoto wasome. Ni bure kua na Minister of Education na Education officer hapa lakini ukiteremuka kwa 40 kilometers kuenda hapa chini watoto wanachunga mbuzi.

Upande mwingine ni wa health. Health nayo serekali igaramie madawa yote, for example mujengo kama hiyo hospitali ya Chuka imejengwa na pesa ya wanainchi tu na kwa hivyo hakuna haja ya serekali kusema haina na pesa ya kuweka madawa huko na inalipa tuu madaktari kwa charges tuu si ati ni wewe. Isiwe kama hii na nini inaweza kondeshwa. Kila organization mahospitali pale wale wakubwa kama wa nation wawe maprivate wanaweza kukondeshwa hiyo masipitali bora watu wawe wankunywa dawa kama serekali haina uwezo, tumepeana hiyo constituency iwe serekali iwe serekali inaweza kondesha mahospitali hiyo imejengwa na public money. Hiyo...si ya serekali ni harambee tulikuja hapa tukajenga.Ni afadhali ipatiwe mtu anaweza kuweka dawa huko watu wanenda na kukunywa na wanakua wazima.

Haya, nigigilie upande wa rates. Na hayo serekali iangalie ione hii kiosk yote iwe kama iko town kubwa au town ndogo iwe free hakuna rateshiyo kiosk siyo permanent ni ya bao, hiyo ni kidogo ni ya watu wale hawana nguvu hiyo iwe free hakuna kukata licence hiyo.

Upande wa transport and communication; Naye serekali iangalie hiinayote iko juu sana iangaliwe vile inawezwo kufanywa.....mzuri. Juu kutoka hapa kuenda pale.....unaona conductor anakuitisha shilingi ata akitaka ishirini na forty utamupatia tuu manake hakuna mahali utamupeleka atasema ulipanda gari yake. Naye hiyo ikuwe na controlfare mupate.

Haya tuje hii haya pande ingine ya bank. Governor mkuu ywa Bank, Central Bank, achunge hakuna mtu ya kuweka pesa inje ata Rais wenyewe hakuna mtu.....hii Katiba hii isikubali mtu kuweka zaidi ya two million inje, banki za inje. Ukitaka kuweka inje not over two million. Hi Commission ningependelea isiwaruhuse wawo wenye mapesa mingi ya kuweka inje waweke million mbili pekee yake waifanye marifa wakitoroka aende akakula hiyo.

Hapo pengine naona ningesema habari ya wafanyikazi wa serekali. Wafanykazi wa serkali, mtu asifanye kazi mpaka apitishie miaka hamsini na tano ati apate retire. Ningependelea kuona mufanyikazi wote wa serekali akifanya kazi miaka ishirini bila

kuvunja anaweza kupata retire after twenty year service he can retire. Na akimaliza miaka kumi anawza patiwakidogo kutokana na ile pension yake ya kujifanyia preparation halafumwexi, watu wa miaka ya ishirin na sita akitoka atoke na pesa yake si ati agoje, kama sasa iko watu wali retire five years ago na ata sasa hawaja pata marupurupu yao. Hiyo mambo ya serekali hiyo hapana takikana tena katika hii Katiba tunatengza sasa. Ni kama nimemaliza.(end of side A)

Over six months waendelea na kugoma, wakagoma six months akasema ako na askari wa kutosha. After six month akaandiaka walimu kutoka inje lakini atahao wakashindwa mpaka mwishowe akakubali ile mshahara walimu walikua wakitaka.

Hatutaki mambo kama hiyo Kenya, tunataka kila kitu iwe ikiangaliwa vizuri sasa. Walimu wanfanya kazi muhumi sana anasomesha watu hapa sana.

Com. Lenaola: Humphrey Nyaga

Com. Salome Muigai: (interjection inaudible)na tumeweka hiyo kwenye Katiba kutafanyikani kama hakuna mupinzani wambiye yoyote na umesema hakuna mtu mwenye anaweza kuchaguliwa bila kupingwa.

Swali yangu ya pili ni kuhusu habari ya ukotishaji wa mahospitali yetu kwa watu binafsi. Shida yenye iko sasa ni kua watu wengi hawana pesa ya kulipa kwa hivyo kunaweza kua sio dawaukienda Nairobi Hospital utapata dawa, ukienda Aga Khan utapata dawa na hapa kwenu sijui kuna private facilites kuna madawa. Shida ya watu wetu ni malipo kwa hivyo ata hizo hospital za serekali kukondisha watu wengine, watu wengi watwezaje kulipa?

Humphrey Nyaga: Swali ya kwanza uliniuliza? Hiyo ya kupigwa kwa uchaguzi. Kwa kufika kwa katika democarcia kweli kuna mtu anaweza kusimama na agoje mtu kumpige ata akiwa amefanyanamnagani asipokua awe na grade, lakini kama iko mtu anaweza kusema hiyo atakupiga huyo ataona hiki na hiki na hiki unjua watu wataogapa lakini katika free state huwezi kusema huwezi kosa mtu wa kupiga ata kwa kanisa watu wanapigana na nikuomba Mungu ata wanaenda kuomba.

Com. Salome Muigai: (interjection inaudible)

Humphrey Nyaga: Hapa tuko na mahospitali ya mission hapa na wale watu wanalipa natunaenda kwa hivyo jioni ata ikipoteza kama watu watashindwa kulipa. Kwa hivyo jinisi ya kulipa hiyo si sana bora iwe si zaidi sana kwamabei kama ya Nairobi. Sasa unaona inaonekana kama.....kama hospitali ya serekali, mtu akienda huko ile dakatari ako pale hai.....uta fanya upasiwaji hiyo daktari anataka pesa. Pay your money kwa hiyo kazi ya operation na hiyo...wanatumisha kwa kukupasuwa ni hiyo ya serekali ni zile mimi nimekaa kwa.....dawa yangu inunuliwe halafu naye apewe hizo atumie na ni mulipe na ni ile mali mimi nime nunua. Hapo si kitu mzuri hiyo.

Com. Lenaola: Sawa Bwana Nyaga asante sana, basi Councilor Kaurme.

Councilor Karume: My names are Councilor Elias Karume from Meru South County council, Mokoni Location. My things are like this.

Like Office of the President. The Office of the President, he should not represent any constituency he should represent Kenya as a whole so if he made it to the Presidency he does not move to Parliament so who went to the seat he should be a Kenyan of the age that is required, 35 years, and he should, only that I do not see the need of him to represent a constituency, he should represent Kenya because he is representing Kenya as the President.

About the councils, I would like to have a county of the district itself, that means all town councils, all municipals, all councils to have only one council, a district county council. That council should elect representatives from the areas which are known that means which are electoral areas then after electing councilors those councilors those who would like to be the Mayor or the Chairman of the main council then they should go back to the people to look for votes so that they can be the Mayor.

Then, I would like to touch on the Provincial Administration. I would see that the council that has elected a man or a very powerful person in the district, we should do away with the administration so that we can be electing that person to live in that council for five years. Then, we have the funding of the political parties

Like Office of the President. The Office of the President he should represent any constituency he should represent Kenya as a whole so if he made it to the Presidency he does not move to Parliament so whoever has the seat he should be a Kenyan of the age that is required, 35, and only that I do not see the need of him to represent a constituency he should represent Kenya because he representing Kenya as the President.

About the councils, we would like to have a County of the district itself, that means all Town Councils, all Municipals, all Councils to have only one Council a District County Council. That Council should elect representative from the areas which are known, that means which are electoral areas shown. Then, after electing Councillors those Councillors those who would like to be the Mayor or the Chairman of the main Council then they should go first to the people to look for votes so that they can be the Mayor.

Then, I would like to touch on the Provincial Administration. I would see that the Council that has elected a very powerful person in the District he should do away with the administration so that we can be electing that person to lead that Council for five years. Then, we have the funding of the political parties, I would like as to the percentage of the electorate those three main parties to be apportioned a certain amount of money from the consolidated funds so that they can be healthy.

I would like the Commission to be set by the Parliament because we have very many Commissions of which mostly even we do not find the findings because some are useless. Liberalisation of airwaves, we have seen that in Nairobi it is getting advantage because we see as if there is something fishy because here in the countryside we are not getting the correct news at the correct time we are getting only abroad and the KBC so we would like the airwaves to be liberalised so that we can be well with the other areas.

Office of the Attorney General; We would like the Attorney General not to have powers not to prosecute, let there be powers even if.....your private prosecution against any civil servant or anybody let it be honored through the court. The Review Commission should not be attached to the elections. Let the elections go as they are, Review Commission it should go ahead until it finishes its work. Let us have an office of the Ombudsman who can check the excesses or we can present our views to him.

Electoral Commission should have teeth it should not be a bull or a dog without teeth so that the elections can be held in a conducive manner and the correct way. I think that is all I have for today.

Com. Salome Muigai: Thank you very much Bwana Diwani. I have on question for you and it is on making the County Council into a District Country Council. I have been.....a District like Kadjiado which is the size of Central Province, so if it was one district and where maybe transport is very difficult, how will the people ever be able to reach theand meet their representatives?

Councillor Karume: As to that one I think with the services we have the offices, the offices can be as they are now strategically where they are now. We have the...or what we can put them there and they give the people services but the elected should be just one to minimize the contact list.

Com. Lenaola: (inaudible)

Mr. Mugo: Bwana Chairman, ladies and gentlemen. I would like to speak on two issues on this Constitution of ours. One, those people of my age who saw.....who are here will please.....that we have a very, very, what do you call it?Kenya very much. We havefor a long time and havethe President which is three terms and him havingfrom other countries.

Now, the things the Constitution that has been said here.....is only for.....appointment it is not....the Kenyans. Any Constitution of 2(a) should sit so that any party who is able.....even if you put up to end through the country otherwise.....and.....that anybody will be able because we can see now the present term the people.....

Com. Lenaola: Mr. Mugo, first of all..... Do not, can you listen to me, do not make political statements please make recommendations to us.

Mr. Mugo: Recommendations is that they change 2(a) and we have a President who can run any times towards that.

On.....we have a tribe here which should be protected by the Constitution. This tribe was living in the mountain, this tribe was pushed by that other..this tribe was pushed down it came up to here. It is now 110 kms from the mountain in the prefix of.....watu Wameru they say slope. Watu Waembu they say sope, this tribe is called Chuka it should be protected by the Constitution that we be given back our land. Thank you.

Francis M'Abwita: Bwana Chairman, jina yangu naitwa Francis Mbandi ama Francis M'Abwita. Mimi maoni yangu iko namna hii. Naguza upande wa masomo ya watoto. Mimi naomba maoni yangu ni hii.

Ile vitabu ambavyo tunaendela ndani ya watoto ikiwa ni ya Primary,Kankuuga atiri, ugaaca kwi nimbaria uvoro wa kithomo kia ciana. Katiba iria ithiite kuthondekwa riu ni mbaria uvoro wa mabuku. Mabuku maria makathondekwa,

Translator: He is talking about the school equipment schemes of books.

Francis M'Abwita: Ituike ti mbuku ikuthirira gatagati ni mbuku ikuuma waigwa ni cia primary ikaumba kuuma primary kuuma std.1 nginya std. 8 nikenda ciana icio ciumbe kwambata ugi nkuruki ya irengagirwa gatagati.

Translator: He says that he wants books to be in a curriculum from std. 1 up to std. 8 **Francis M'Abwita:** Ona weegua nario no cia secondary ona cio ituike ta bu.

Translator: He says that the same should apply even in secondary schools.

Francis: Nikeenda tuumbe kwambata ta antu mari na kithomo kitikurengerwa gatagati ni mbuku ino cia biashara, riu nitukuuria thirikari riria Katiba ino ikibaangwa ibangwe mbuku cia gwikara na period iyo mbaange nikenda tugie na andu augi makugwatana kithomo gutikio makurengerwa gatagati anga twi tutathoomire ino anga tutaari ino tugie na antu mari na ugi kugwatana.

Translator: This is to avoid cutting short people in a curriculum so that at the end we have people who are qualified and experienced.

Francis M'Abwita: Gitumi niuntu mwana uyu uri std. 3 aneerwa ni muntu uri std. 4 mbuku ino nooyo ukaewa wathooma wacha, riria ukeethirwa yachinjirwe na baria ni arare na wirigiro niakugwa nayo agaciuka atikumenya buria akarakari, nirio nkuuga atiri constitution ino ikithondekwa, minister wa education kana thirikari niithungire untu uyu nikeenda tugie na antu mari na theme imwe thiini wa kenya.

Translator: Urienda books and the curriculum imentinwe nikeenda twithirwe turi na ant mari na untu umwe. He says that we have the flow of the curriculum to be maintained so that we have a people with a common idea because people especially in

Standard three when you buy a book the curriculum changes for people with specialized interests and a child who is behind that one let us say he is the third born or the second born, the book was bought for the first born, the second born can not use the same book because of the curriculum changes.

Francis M'Abwita: Bau nkuthiria riu kanthuungire Bantu baangi kwa ...

Com. Salome Muigai: (interjection): Ungetaka kumuomba mtu mwenye tafsiri wewe mwenyewe utuwambie vile anavyosema, akisema mimi wewe unasema mimi. Yours is to translate for us word for word as much as you can, please do not change it into reported speech so that you tell us he is saying, then you have to change it. Try and say it the way he says it and then, excuse me, and then do not edit it for us because for me who is a Kikuyu and can understand Kimeru it becomes very difficult when I listen to you translations and you have left out some of the things. So, please can you make sure that you are just translating the way he is saying it, in fact put yourself in his shoes, all you are doing is speaking a different language from what he is saying. You get what I mean? Yes, so listen to him and then start where he starts, thanks. But we do appreciate the services very much.

Francis M'Abwita: Nikipitia habari ingine, untu ungi, thiini wa kenya Katiba igiikirwa Njuri Ncheke iria ira na akuru ithirwe iiri ku niuntu niyo igwete kithaka.

Translator: Something else, when the new Consitution is being made Nchuri Ncheke should be put inside.

Francis M'Abwita: Ona ningi kiri kenya Katiba igiikirwa antu maria akuru ma migoongo ya kenya ona mariku, antu mau akuru nimeekirwe Katibani niuntu nimo maumba kuuga ukuru wa kenya thiini wa mauntu makuria mankiurua makiiragwa meekirwe maanani.

Translator: Let the new Constitution...also, the people who are old, the aged should also be put inside because they are the ones with the old knowledge which they know it can be put inside.

Francis M'Abwita: Antu mau akuru ma kenya meeukua mari antu ma bata, kenya itikaariganirwa ni mwikarire wao niuntu makeethirwa makitaaranaga jia aba na ajiarwa.

Translator: He says when that will be put Kenya, the old people will be giving them the knowledge.

Francis M'Abwita: Baria baangi kuuga thiini wa president ninkuuga akaaca uria tugacaagura president ethirwe niwe ugacaaguraga munini wawe uria agatigaga kuu riria athiite guntu uria ungiumba kumwira gwekara uu kana akaura kana akaura niuntu nibu mutugo ona riria mukuthi mujii kuri mwana uria atigaga ari we no tika acaguragirwa ni antu, augaga ni uu niwe ukambira bana na ninkuona bau tukathuungiria bau twateetha.

Translator: The President we shall elect should appoint the Vice President the one he shall be leaving in office when he leaves

for another business.

Francis M'Abwita: Nkuthiria bwana chairman.

Translator: I have finished Mr. Chairman.

Com. Lenaola: Ngoja aulize swali.

Com. Salome Muigai: I am going to ask a question that was not translated because he talked about leaving even a child, at the home you have a child whom you leave when you go, was that said or is that my Kikuyu?

Translator: Uriura atiri, uugire muntu uumukuru ona akiuma niatigaga mwana wawe, riu ni kiuria ukwenda kuurua uriugaga atia.

Com. Salome Muigai: Did he say that? Okay. So I was going to ask the role of the women in the home because that is for me when you leave a child in the home what is the child's mother doing?

Translator: Wira wa mundu muka ri, na twana mucii ni uriku?

Francis M'Abwita: Ni kumenyaga maundu ma mucii mari bamwe magwatanirite.

Translator: To cater for the affairs of the home in unity.

Com. Lenaola: Asante sana Mzee, njoo ujiandikishe hapa. Thank you very much. Mugendi Mwirichia. Karibu halafu Tabitha Ciakuthii karibia.

Mugendi Mwirichia: Mimi naitwa Mugendi Mwirichia. Mimi na sema hi vitu inaitwa watu wa Kenya na tuko na forest yetu hapa lakini tuko na forest yetu lakini miti ile tumepanda huku tumegaiwa kiwanja tunataka Parliament. Forest inakatiwa ni serekali na kwetu huko huko makatuingilia kukatia Government hiyo. Gankuuga ati thirikari iri na forest yao....

Com. Lenaola: Ngoja, ngoja, why are you stopping him from speaking Swahili and it is very good swahili? Can he speak the language he likes best. Endelea.

Mugendi Mwirichia: Mimi na sema kuko na forest hii na mashamba tuligawa huko inje lakini tukifanyiwa mashamba ukipanda miti unakata permit. Ukikata permit unitishwa pesa ya kukata hiyo miti na serekali iko na permit yao iko na miti kwanini inatumiza huko.....tumepewa mashamba, kwanini wana tumiza?

Tena nimesema mukienda kufanya Katiba ya Kenya muuliza forest imejenguwa kwanini. Serekali imetumia hiyo forest na sasa

inarudi huku kutuumia kwa miti ukipana wakati wakukata, ukate permit.

Sasa mimi na sema hapa Chuka mahospitali, wale wote wamewekuwa hapa wakuchanga pesa kwa watu. Makifanyiwa mahospitali dawa ukaambiwa kwenda kwa mtu huko madukani ununuwe.....ata madawa ununuwe. Tumejenga mahospitali ya kufanya nini? Kama tumejenga tumejengea watu.

Com. Lenaola: Kwa hivyo Mzee ungepena nini? Ungependekeza jambo gani?

Mugendi Mwirichia: Mimi nataka hospitali kutoka zamani wacard.....inaatumiwa barabara lakini hatutumie, wengine wanataka pesa.....mambo yale wanafanyiwa. Mimi naona tumeumia. Sisi tumeumia.

Com. Lenaola: Ungependa nini? Ungependa nini infanyike?

Mugendi Mwirichia: Sisi tunataka hii mahospitali, tumefanya kuuza mbuzi, ngombe, ichukuliwe dawa na ya kaliwe ukwelikweli. Iangaliwe kweli kweli. Sina la kusema.

Com. Lenaola: Asante Bwana Mwirichia. Asante, basi njoo hapa ujiandikishe. Tabitha Ciakuthii. David Mogori amefika? David Mogori? Ethaniel Mutegi? Tabitha.

Tabitha Ciakuthii: Jina yangu ni Tabitha Ciakuthii. In the Constitution I want to say this. Free education and Government to provide job opportunities.

Two, free education meaning better health. Three, husband and wife should in future in their title deed. Four, technical jobs should create also to women. Five, big jobs in the service should be given also to women, e.g. Police Force, Army, Managing Director and etc. That is all.

Com. Lenaola: Thank you very much, just wait a minute. Thank you very much Tabitha karibu njoo ujiandikishe hapa. Sawa sawa. Sasa tutamusikiza Ephanuel Mutegi, Julius Githinji iko? Julius Githinji? Elizaphant Kinyua Njoka? James Kirimo? Samuel Ndeke? Julius Mugo? Alfas Njoka? Endelea Bwana.

Ephanuel Mutegi: Yes, I am Ephanuel Mutegi from.....location Chuka Division. Maoni yangu ambayo ninapatiyana ni ambayo imeadikwa na iko mengine nina sema.

Com. Lenaola: Ningependa uchukuwe dakika tano kufanya highlight kwa hayo mambo umeandika. Thank you.

Ephanuel Mutegi: Kweli, kutoka na point zile ambazo nimeandika, ya kwanza ni, nobody should be above the law in Kenya.

Ya pili, Provincial administration should be claimed leaving Chief's, DC's and Permanent Secretaries. They should be elected by the people and subject to transfer. On the side of education, 8-4-4 system of education should be totally scrapped and retain the old system of 7-4-2-3.

The other point is, no Kenyan people should be landless while others hold the whole district as their land. The other point is that elderly people should be taken like the civil servant once he reaches 70 years and above should be re-enumerated montly by the Government of Kenya for the work that he has done for all those years.

The other point is that on the side of security, arrested people should be sent to court within the 24 hour limit time and they should not be tortured. The other one is, in the Government there should be no private sectors like Nyayo Tea Zone, Nyayo Buses and the private taxis. The other point is that Central Government should be separated with the Local Authority.

The other one is, there should be an independent Commission with offices indivision where people will be sending there grievances pertaining to anybody or organization or politician or civil servant. The other point is that on the side of elections, once people have voted, votes should be counted at the polling station.

Electoral Commission; Electoral Commission should be elected by the Parliamentarians but not by somebody in particular. Lastly, in the occasion of Councillors will be a decision of the people of that area. Those proposals are done by two people that is Mutahi and Mutiga and I would like to add a few point.

Com. Lenaola: Before you do that Mr. Mutiga, why are you deciding to have the same memorandum with him and he has taken it? Are you from an organization or are you an individual?

Mr. Mutiga: We are not two.

Com. Lenaola: Thank you very much, you wait you turn as a partner, come and wait. Shall we now here, Julius Mugo yuko? Fransisco Maina? Endelea.

Fransisco Maina: My names are Fransisco Kaburi Maina a coordinator, Credo Kenya, Meru South. Mr. Chairman, I would like to say the following, that you know in our history, modern history, we have been faced with the prospect of creating our own Constitution, we would like to bring to the attention of every Kenyan that we can not change the Constitution without first changing our hearts. Our views are that our new Constitution should have a short introduction which will explain for whom it is meant and it should also make clear who has supreme power in the society, the leaders or the people. It should have

Constitutional protection to safeguard the rights of independent society groups.

Civil Society; This can organize the people and put pressure on Government. The citizen groups will act as democracy watchdogs, this will prevent leaders and officials from over stepping the powers of the people hence the need to have the provision on the rights of civil disobedience in our new Constitution. It should be accessible to the people, for the people at the.....and they should be able to understand what their Constitution says and also feel that it is theirs.

Therefore, our new Constitution should be written in the clear straightfoward style which any person can understand not only a lawyer or those academicians and it should be available in every mother tongue spoken by the citizens. It should have a section of directive principles. These principles will make it clear what the people want from their Constitution. These basic political principles will elect the state, such directives are better equality and protection of minorities, are the key elements of just society.

Children, young people and elderly and other vunerable groups must be protected. Natural resources should belong to all the citizens, the natural environment must be protected, all geographical regions of the country are entitled to equal development. In our present Constitution the category of human rights protected by it are only the grassroot, these are civil and political rights. The right to life, property, freedom and assembly of association, movement and conciense.

There also should be, and these are the first generation rights, our new Constitution should have the so called second generations rights, these are economic, social and cultural rights and include such things as the right to employment, land and rights to do business. Also to be included is the third generation of human rights called development rights. These include rights to such things as peace, environmental protection, sustainable development and freedom from unfair debts and unfair trade.

Death penalty should explicitly outlawed by the new Constitution. It should protect the freedom of press, citizens should have the right to passport. The separation of powers which need to exist between the Executive, the Legislature and the Judiciary is not transparent in our current Constitution. In our new one, this institution should be seen to be operating independently.

And finally, our new Constitution should establish the institution of Ombundsman to cap the problems of corruption and mis-use of power by the public servants. Thank you.

Com. Lenaola: Thank you Bwana Maina.

Com. Salome Muigai: Thank you very much Bwana Maina, I have just a question of clarification between the primary rights, second generation and the third generation. How do you define the differentials between the first, second and third generation?

Fransisco Maina: Mostly in the first one we have the basic rights but in the other one the secondary rights of the individual

person. That is what I can say.

Com. Lenaola: Thank you Bwana Maina, please come and register. Betty Kathomi? Collins Otieno, follow---Takikius Ikenda?

Betty Kathomi: My names are Betty Kathomi and first I want to to say I am a civic education provider with the Chuka Youth Information Center. First let me start by thanking the Chairman for this chance.

I have to start with my(inaudible) Okay, the first one is about job opportunities. First as youth we are not given any of these opportuinites of jobs. You see especially the gradutes, the post graduates. After completing their education they do not get any job, they start tarmarking and the education kind of becomes.....

Secondly, I want to talk about the free maternal health care. It was currently abolished from the Government. I think this health care, the maternal health care it should be free to the expectant women. Thirdly I want to talk about the polygamy. This thing it concerns many especially it is about polygamy. I do not think men should marry more than one wife. In the new Constitution it should emphasis that men they marry only one wife. It should be completely discouraged in the new Constitution.

The last point is about free education for disabled. Most institutions which were started then for these disabled they were neglected. I think in the new Constitution it should be emphasised about the free education for the disabled. The last one. It is about the rights of inheritance for women and not only for the men. I think in the current Constitution that we are using before there was not any rights of inheritance for women, it was not so much followed. I think in the new Constitution the right of inheritance for women, it should be emphasised and it should be strictly followed.

Com. Lenaola: Thank you very much any questions? None. Thank you very much Betty please come and register. Collins Otieno? P.F. Mundisone? Ngoja Collins kidogo. Suleiman Njeru? Humphrey Nyaga? Amesama huyo. Eliphaz Kithimi? Elias Rami? John Mugambi? Utamufwata Collins halafu Chuka High School muwe tayari.

Collins Otieno: Asante sana Bwana Chairman, mimi kwa jina naitwa Collins Otieno kutoka kule sehemu ya Siaya. Nitaongea kwa hile lugha ambapo kila mtu anasikia. Sasa vile mimi ninavyojua ningependa hii Katiba ambapo inataka kutengenezwa ya kua iangalia maslahi ya watu wa jamuhuri ya Kenya kwa sababu twaona ya kua atahawa maviongozi huwa tunwachaguwa saa zingine huwa tunawachagua kwenda kucheza kule bungeni. Ningependa ya kuwa hii Katiba ikitengenezwa tungetaka ile Katiba ambapo inapatia wanainchi mamlaka ambao saa yote wakitaka kutoa ule kiongozi ambaye ndiye waliemuchagua kama hafanyi kazi vile alikuwa ahidi inafaa wapewe hiyo nafasi ya kumutoa ata kabla ile chama amepewa haijafika.

Na tena ya pili. Hii Katiba ambapo inatengenezwa tungependelea kua ikirudi upande wa elimu ama idhara zingine, ikifika

ambapo kama kuna shida imetokea idhara plani kama ya walimu kama hizi Ministries ingine inafaa serikali ambapo ya tawala itafute njia nzuri ya kushirikiana na wananchi ama wafanyikazi ili watatue hilo jambo bila ya kutisha wananchi kwa sababu wananchi hao wenyewe nido wamewapatia hiyo kazi ili wawafanyie ambapo juzi ukiangalia mambo ya walimu ni shida kutishwa tishwa ambapo lazima hii Katiba inatengenezwa tutafute.....ambapo shida kama hizo zitatuliwe.

Na ya tatu, nkirudi upande wa security. Unajuwa wananchi pia sisi wenyewe tusije tukajiranganyishe kwa sababu unapata huko tuwalaumu wale watu wamesimamia hii security na upande ingine tena unapate sisi wenyewe ndio tunashirikiana na walifu ambapo niseme wale tumewachaguwa kama Chief, Sub-Chief---

Com. Lenaola: Collins, order kidogo. Toa mapenedekezo tafadhali, toa maoni, mapendekezo, recommendations.

Collins Otieno: Ndio mimi nasema hii Katiba tunatengeneza ya kuwa.

Com. Lenaola: Basi endelea hivo.

Collins Otieno: Tuwe na ile Katiba ambapo tukipata ule ambapo ameteuliwa illi atufanyie kazi haitimizi kama ni Chief, kama ni nani hiyo sheria ipabane naye.

Na tukiangalia tumekuwa na mashida mingi sisi mavijana ama sisi youth. Munapata wengi wetu wamesoma na hawana pahali pakufanyia kazi na tungeomba serikali ya kuwa hii mambo ya retrenchment, wangetengenza ile Katiba ambapo wale wanakuwa retrenched Wazee, wasiwe retrenched waende nyumbani kabisa na wasahao ama waende nyumbani na hile akili walikuwa wanafanya nayo nchi iendele vizuri. Inafaa hao mavijana hawana kazi serikali itengeneze Katiba ingine ambapo inawaruhusu wawe na mabiashara ndogo ndogo ama wafunguliwe projects to be initiated for them.

Sasa, ikisha kua initiated for them wale Wazee wamekua retrenched wawe wakawasimamie na hile marifa wamekua nazo wasaidie wavijana kama hao ili kazi iwe rahisi kwa upande wa kazi. Sina mengi ya kusema lakini hayo ndio tumeona kama inatungaisha sana.

Com. Lenaola: Asante Collins. Any questions?

Com. Salome Muigia: Asante sana Collins. Nataka kujua vile ungetaka kwenye Katiba utaratibu ya kumutoa kiongozi kama umefikiria, tunawezaje kumutoa? In other words, what are the modalities? How do we do it? Tunfaya hivyo kwa utaratibu upi?

Collins Otieno: Nafikiria, hiyo ifanyike, nafikiria kwa mji pale tunaotokea kuna Wazee ambao wanaweza kaa na wavijana

chini kwa sababu hao ndio walimuchagua, hao nido walimupatia hiyo wathima ili awafanyie kazi. Wakiona kama ni mbaya wana-raise hiyo mambo kwa ile offisi kuu kwa ule sasa amesimamia nchi wanasema wantaka kuka chini na huyo viongozi. Akikata wapewe ruhusa ya kumutoa.

Com. Lenaola: Asante sana Collins, njoo ujiandikishe. John Mugambi. Joseph Mukiria hayuko? Joseph Mukiria? Timothy Kirimo Lugendo? Mwenda Mutegi?

John Mugambi: My names are John Mugambi and I have a memorandum to present to the Commission but I will just go through—

Com. Lenaola: (Interjection) As usual please highlight in five minutes.

John Mugambi: Yes. First I would recommend the President to be elected at an age of 35 and not beyond 75 years. Again, the power of the President be reduced that he or she should not be above the law. To be elected or nominated to the National Assembly he or she must have in writing and speaking Kiswahili and English and must have reached Form Four class.

This is because our present Consitution says that the one to be nominated or elected one has to be knowing how to speak English and Kiswahili and not writing. The power of appointing be reduced and let there be a body or a special body of checking the person being appointed before they take over the office. The President to be elected at a separate day other than the day the other members of National Assembly are being elected.

The President should not be a member of any party because he or she will use the Government revenues to the party he or she is elected by. The President be elected by the majority and not minority as the present Constitution which says that the President be elected by 25% in five Provinces other than 75% because the rest, the 75% seems as if they are not for him. Therefore I would propose the president be elected by the majority that is 75%, in five Provinces and not 25%.

Women to have 30% seats in Parliament because the present Constitution does not cater for women in the Parliament. Women should be arrested by other policewomen and not policemen. This is because the men torture the women and later force them into sex. I would propose no pregnant or expectant mother or abe taken to the police custody. This is because they will torture either the baby or the baby to come. Instead let them be given a police bond.

In amending the Constitution the amendement to go through the Parliament, let us have 90% votes instead of 65% of the present Constitution. I would propose the present Constitution to reflect the freedom fighters, that is the Mau Mau in the new Constitution.

The private sectors, the schools and the cooperative societies be audited by the Government auditors instead of private auditors. Let there be limit of land policy, that is I would propose no one is supposed to have over 100 acres of land while others do not have even a piece. In appointing Ministers to a certain Ministry let he or she be having a knowledge of the Ministry he or she is being given so that he can know how to cater for the Ministry. This is because we have found that some Ministers are given the Ministries they do not even know about it.

In education I would propose the new Constitution to make it clearer the Primary education be compulsory and free. Thank you.

Com. Lenaola: Thank you very much you were very clear, please come and sign. Chuka High School. Do we have Patrick Mbuba here? Patrick Mbuba? Albert Nyoka? Jamlik Mutua? Martin Mugambi? Henry Borana? Patrick Max Mongera? Wilfred Karitu? Endelea.

Washington Riungu: I am Washington Riungu Ndwarimi, a member of staff for Chuka High School. We are about 43 teachers in that staff. We have four recommendations to the Review Commission.

It our agreed opinion that the Constitution of Kenya should have a preamble. A preamble should state---

Com. Lenaola: Mwalimu just a minute. For the rules you have a memorandum, do not read through it just highlight the most important points in five minutes. Thank you.

Washington Riungu: I know that. We have said it must have a preamble, we have said a Constitution should contain the objectives in this.....objectives, cultural objectives, political objectives. We have said that the Constitution should have two....of citizens, for example citizens who pay taxes, respects to fight corruption,law and order etc. We have said that in accordance with the other democracies elsewhere once a year the President should report to Parliament and the mission on the state of the nation.

We have talked about human rights, basic human rights which are currently recognized in Chapter 5 of the present Constitution, we have said in addition to those rights in Chapter 5 other rights to be included should be academic freedom, right to marry on attainment of age of 18 years and have children, rights of....., rights to employment and we have said fundamental rights and freedom are inherent and natural and the state can not grant those rights it can always protect the rights.

And we have said there has to be a Commission to enforce the rights. We have talked about rights ofgroups which include women, children, the aged and the terminally ill and persons challenged in various ways. They say those have Aids etc. We have said it is important that the laws andthe rights of women e.g. female genital mutilation be declared illegal. We

have said every child should have an.....and the aged and the infirm be assisted within the family set up.

We went ahead and talked about local Government. It was our feeling that Mayors of local Government be elected on universal, on adult universal suffrage through a secret ballot. We have said that the Councillors be.....free of criminal records for the previous ten years. There shall be a local Government charged with the recruitment of senior council officers, once recruited and appointed they shall be answerable to the council.

Mayors, county Chairmen and Councillors shall have a term the same as that of Parliament. We have said that residents have the right to re-call Mayors, council Chairpersons and Councillors by petitioning the Electoral Commission. The petition is to be signed by a third of the residents of that particular jurisdiction. We have said that the Mayors, county Chairpersons and councils being elected by residents and universal adults suffrage, the Minister for local Government has no authority whatsoever to dissolve a council.

We talked about our environment and natural resources and we emphasised the flora and fauna existing in Kenya is the heritage of all Kenyans therefore, Kenyans should enjoy clean environment a....should be struck between development and environmental conservation. It is the sacred duty of the people and the Government to conserve environment. In cases where development injures or interferes with the development, development should give way to the environmental conservation. Note the current devastation of the rains, land.....or forest cover, the people in the Government shall jealously guard the remaining forests.forest be protected. This should extend to.....on each side of the river bank.

The supplement of the Constitution in the list of.....say, the Constitution belongs to the people.....the Constitution belongs to the people of Kenya and all authority comes from the people. Where the Parliament.....to amend the Constitution, three quarters of parliamentarians must support the amendments and then that amendment is referred to a people in a Referendum.

We talked about the Executive. We have accepted that there be an impeachment of a sitting President and Presidential elections be held differently from National Assembly elections and various appointments, the AG, the Attorney General, the Ministers, the Director of Public Prosecutions and others be appointed by the President but with approval of Parliament and the President hold office for two terms of five years each. We have several.....and he will sit that.....tenure and our judges must be approved by Parliament on appointment.

System of election. The President should name a running mate as a Vice president and should garner 25% of votes in five Provinces but 51 majority not only percents of the votes cast nationwide. The.....of land about recommendations we have, any Commission with.....should be established by Parliament and answerable to the same, the Permanent Secretaries be appointed by the President on approval of Parliament. There shall be compulsory, free and available Primary education up to

Standard eight or end of Primary because it seems it is changing from the seven to eight.

There should be a provision to review.....of senior citizens when other.....reviews are being done. Those are some of our views and thank you very much for according us this opportunity.

Com. Lenaola: Thank you very much mwalimu, inform your colleagues that we have received the memo and we shall read it and we thank you very much. Any question my colleagues? No, thank you very much mwalimu please come and sign here. Now Chuka High School students. You also have memo's so you take five minutes to highlight the most important parts of you memorandum.

Edwin Mackenzie: My name is Edwin Mackenzie, I am here as a student of Chuka High School and I thank you Mr. Chairman Sir for giving me this opportunity to present what we have for the Election Commission this year.

We have divided our points in specific grounds. As the youth we have seen that there should free and compulsory education for everybody and the Chiefs should be responsible to ensure that people in areas attend school strictly. The admission in educational institutions should not follow the quota system, it should be according to the qualifications. Bright students from poor families should be given free Secondary education by the Government.

The Government should expand educational institutions for the disabled members of the society. The government should constantly expand educational facilities, e.g. building more schools and technical schools. Adults education should be expanded. After completion of Form Four the time to stay at home should be cut from 18 months to 6 months to join a public University.

In health, the education should provide free medical services and ban private clinics operated by Government doctors. The Ministry of Health and medical service should be made one. Health facilities should be extended to rural areas that every sub-location should have a dispensary.

Insecurity; Each location should have at least one Police post. Police training course should be increased from 6 months to at least 2 years. In corruption, corrupt individuals should be vacated from their offices and receive a jail term not less than ten years. The Kenya Anti-Corruption Authority should be restored. Money given to each department during the National Budget should be followed up to ensure they have been used properly. The development fund should be channeled through the local Government in every district according to the need of that district.

Employment; The Government should start more industries in rural areas to create employment. Those who are retrenched should be given their dues promptly. Taxation should be reduced to a reasonable rate to allow these who are self employed to

succeed in their ventures. The employment should be strictly to the qualification. All civil servants should retire at strictly 50 years.

In politics, Members of Parliament should serve for only two terms in Parliament. The President should have an age limit of between 35 to 65 years. Executive should not interfere with the Judiciary. Mayors should be graduates and elected by the public. Councillors should have a qualification of at least Form Four. The post of a Prime Minister should be created to be the Head of the Government. Nobody should be above the law. Those were my points. Thank you.

Com. Lenaola: Thank you very much Edwin and thank you for keeping time. Any questions? Thank you very much, tell you colleagues we have received your memo and we thank you very much for your thoughts. Karibu, just sign there and just sign there plus your colleague. Jamleck Mutua. Justus Mutegi yuko? Justus Mutegi? Albert Njeru? Telestiono Mbare? Patrick Gitonga. Endelea Bwana Mtua.

Jamleck Mutua: Bwana Chairman, I am Jamleck Mutua from Mugirierwa Location, Chuka Division. I have given my memorandum already but I have about three points which are not included in the memorandum and I would like to emphasize on them.

One Bwana Chairman, is on the Members of Parliament, that I think being a Member of Parliament should be a full time occupation. My reasons, the main one is because it has almost become a joke in Parliament the question of no quorum. I am sure today it is a very sticky issue even with the Speaker that lack of quorum is a disease. I consider it as indirect theft of public funds by Members of Parliament not being there to do what they are supposed to do. I think we are cheating the public when we say the law is made by Members of Parliament with only a quorum of thirty persons. Thirty percent is very small that MP's in a house of 210 is very small to pass anything so I think that should be raised to 65% instead of 30% quorum.

My second point Bwana Chairman, and still on that issue of no quorum the Parliament must have a way of registering the attendance of MP's so that at the end of each year we know how many people really have caused that problem of absence in Parliament. My second point Bwana Chairman, is on the local Government. I think the qualification of a Councillor and that of an MP should not differ, Form Four standard but I would go further and say a qualification be set either 3rd Division or D+ because saying Form Four standard we can have a Form four who does not know how to read and write so it must be very specific what Form Four standard we are talking about.

That Chairman or Mayor of a council Bwana Chairman, must serve the full five years. There is no need of removing a good leader in two years otherwise we shall not have good measure for his efficiency so they should remain for five years. I think this quorum of Councillors of putting out the Chairman any time they want is encouraging corruption and inefficiency within our councils.

The third one Bwana Chairman, is on the defection of MP's. I think this should be discouraged completely by our Constitution because in other words it is very high political corruption. As we discourage corruption in Kenya Bwana Chairman, parties are buying MP's and that is corruption. I think it should be completely done away with and it also disrupts the learning of Parliament. Where somebody defects I think those people should stay without an MP throughout. There is no need of that spending millions to do the by-election, let Councillors or somebody be given that division and that will discourage defection. When we allow somebody to be re-elected is to encourage that defection. I think it should be discouraged.

My fourth point Bwana Chairman, is on the Provincial administration. I was about to say we scrape it all but I would love a call for reduction of the money power within the Provincial administration so that if we have a PC apparently who are referred in Kenya as moral Governors and we do not have Governors in Kenya, I think let us have him with---

As we separate the powers of the Executive and our Armed Forces I think we should not corrupt our Armed Forces because their humble duty is to defend, to keep security in this country Bwana Chairman, when the DO commands the Police here either to beat people he is not doing the correct job I think they should be rested their commanders.

And finally Bwana Chairman, on the succession, I would rather think when it comes to elections that we are giving the office of the Executive should be given to a qualified judge of the High Court to sit on that area until elections are over and when they are over let the results be declared by the Chairman of the Electoral Commission assisted by qualified judges and the results be withheld for about a week or two, I do not mind whether it is a week or two before the President assumes the office. That will give time for any appeals and settlement of any dispute and consequently after the two weeks let the President be sworn publicly in a public stadium in day light not at night.

Bwana Chairman, with that I want to plead with you Commissioners that we do away with 25% of the Provinces and say are we now the Presidential election is that who acquires over 50%? Simple majority, and if one scores 50% let there be a run off between number one and two. My plea to you was, Commissioners we have a lot of hope in you, please hurry up things but do not.....but let us not hear of the quarrels. We are disappointed and we are happy about your work. Thank you very much.

Com. Lenaola: Thank you very much Mr. Mutua, I am for your views. Any questions?

Com. Nunow: Mr. Mutua, I would say clarification on the last point that you mentioned, would you like the President to be the one who gets the absolute majority or 51%? And if that is not attainable then the run off puts you in the top two? But you mentioned doing away with the 25% in five Provinces, then what would you say about the possibility of the President for instance who gets the 51% coming from one region through out? Because Kenya consists of 8 regions so you may have one President elected from one region and getting the 25% from one region and the other several regions having a problem.

Jamleck Mutua: Bwana Chairman, I think that is not a problem because, it is not a problem because even if he got 25% from five Provinces who knows the remaining three do not have higher population than where you got 25%? After all, saying we get from five, this is almost creating another type of tribalism where I group only five Provinces and I treat them very well, we have seen it here, so that I acquire 25, so let us leave it free, maybe the 50% came from two Provinces and since we are all Kenyans we live mixed up there must have been a Luo, a Kikuyu, a Giriama in the same Province so I do not see a problem.

Com. Salome Muigai: Mr. Mutua, I have one question for you. You said that when a MP defects then those people should stay without a representative where now the punishment is going to the people rather than to the person who defects, so I want to see whom do we give that responsibility to, are we giving the responsibility to the MP or to the people who have been let down, they have been let down by their MP whom they elected under a certain party leaving them and now you want to punish them twice by their issues not being represented in Parliament for a period that is remaining?

Jamleck Mutua: Well Madam I thought it was a way of discouraging defections where somebody defects and if he knows there will be no elections in that area they will not try it because I think politically some people are driven by ideology, what they are convinced of. People who are defecting have no ideology so I do not know whether the same will be repeated tomorrow. It is a way of discouraging and I think if we do that we shall not have a second one defecting.

Com. Salome Muigai: Mr. Mutua, I do not want to seem as if I am engaging you in an argument because that is not my role, my role is for clarification and the reason why I am asking this is because if an MP is bought for example, so he has gotten his million, yes, and the people have been left without an MP, the MP has still gained, yes? So how do we deal with the people who have been left without representation in Parliament?

Jamleck Mutua: Now, I think Madam, even what happens in this constituency for example, may not have been as a result of our own MP, we have the Councillors and we have other administrators. I thinkwill still come. The MP from Embu will talk something about coffee which will help me as a coffee farmer here so I think those who are left it is like prodigal sons, they will gain from those others. I think we should discourage that one. Thank you.

Com. Lenaola: Thank you very much Mr. Mutua, please come and register. Patrick Gitonga? Joseph Muturi? Mzee.....? Councillor Shadrik Murugu. Utamufuata.

Patrick Gitonga: My names are Patrick Gitonga and I have two points here. One is concerning education. I agree with my friends who have been here before that education should be free but me I feel it should be free up to Form Four instead of up to Standard Seven or Eight. In Form One to Form Four I feel this Constitution can provide for these schools where students can be learning from home, they can be going to school from home, reading from home and then the parents can only maybe be

buying books and I believe that way almost all our sons and daughters can be able to complete up to Form Four.

Then, those who are able, the parents who are able they can take their sons and daughters to boarding schools, boarding Secondary Schools then those who are not able can learn as day scholars. Then, on the same education, I have something concerning public property especially pertaining to education. Many times we have public property or property belonging to institutions being stolen. The Constitution should provide so that something like that does not happen. I have two cases here to mention.

One concerns a school in Nakuru called This school was constructed by Republic but later it was grabbed by private developers. There is another school which is very well known called Kabarak High School, this school was constructed by the Government, ran by the Government but all of a sudden it is converted to a private University. So I feel that the Constitution should safe guard against the property of institutions.

Medical I feel that the Constitution should provide for free medical facilities. The national hospital insurance fund contributors should have a lot of say in the running of the hospitals especially in their district, so that even when the ambulances are being bought we contributors we should be involved in the planning.

Then on the retirement, I feel strongly every civil servant in this country should retire exactly at 55 and there should be no recycling so that those who complete school can also have a chance of getting employed but what we are seeing in this country, somebody works for 60 years, he retires briefly for 2 months then he is again back in job. I feel the Constitution should take care of this. There should also be equitable distribution of land, this one has been mentioned severally.

Then on the local government, the Councillor should have at least a grade B because if you talk of Form Four you will have something like what happened in Mombasa, somebody sat for the examination he got all the E's and now he qualifies. So I believe we should have the Constitution providing for a certain grade and I would recommend a grade B. Then there should also be equitable job distribution.

Jobs whenever a vacancy arises they should not be seen to rotate on a few people. Like in this constituency when we have elections, it seems as if it is only a few families who are given to run as maybe returning officers, presiding officers, I feel this one should be discouraged and the Constitution should always provide for equitable job distribution. If you are a returning officer this year next election you should not be a returning officer even if you did it so well, let another person have an opportunity.

Land Board; I feel very strongly that the Land Board should be scrapped and the DC, DO's should not be members. Instead we should have the Chief being the Chairperson of the Land Board and we should have Councillors being members. The reason why I am saying this is because very many cases of land, we have very many cases of land because the DC who maybe

comes from Baringo or comes from Kericho does not know this land belongs to who. So when he is given money he sanctions the sale of a given land and that one we have a lot of problems but if the Chief was the Chairman of the Land Board, the Chief is supposed to know most of the people within his location and he will live with those people for a long time so I think he would not want to have those ugly cases.

Then MP's; MP's now they are being paid a lot of money and I feel this is the time they should stop keeping kiosks and canteens in their small towns. If they want to keep businesses let them keep multi million or these big businesses, let them not keep kiosks, canteens, hotels because this is unfavourable business because they have a lot of money which they are not paying back and they are competing unfavourably with those people who have maybe borrowed for the banks.

Public servants who want to vie to become MP's should be given leave, I am almost through, they should not be forced to resign. They should be given leave they should be allowed to compete and if they lose they go back to their jobs and Mr. Chairman, I do not have anything more to add. Thank you.

Com. Lenaola: Thank you very much Mr. Gitonga. Any questions?

Com. Salome Muigai: Thank you very much Mr. Gitonga. A lot of the speakers before have also talked about Chiefs not being from the local area and being transferable. Now you are using the fact that they are from the local area and they are more permanently there as a point to allow them to Chair the Land Boards. What are your thoughts on the fact that a lot of people feel that they should be transferable just like any other civil servants and they should not necessarily be from the area?

Patrick Gitonga: Thank you Madam. If they are transferable then we have Assistant Chiefs who I believe if the Chief comes from that location or from that area I believe strongly the Assistant Chiefs should come from the area and also I have said in the same Land Board we should have Councillors. Councillors they are very near to people, they are closer to people and they would not want to antagonize their people because they know from the same people they will go to look for votes.

Com. Lenaola: Thank you very much, please come and register. Councillor Murugu, Amos Mutegi? Mugeria Mbogo for Mau Mau? Wewe ndio Mugeria Mbogo? Okay karibu hapo. Councillor Elias Karume, ameongea. Okay basi sema jina lako halafu tuendele.

Shadwin Nyaga: Thank you Bwana Chairman. First I will start with the free education. I am Shadwin Murugo Nyaga.

Free Primary education and University; Bwana Chairman, I would like the University education to be free so that the poor people may be able to get their children to the Universities and reduce the parallel degree educators because you will find that most of the parallel degree pupils in the University are having a qualification of a D+ or a C+ and a B+ is left behind so I do not

see why we should be having so many parallel degrees in the University while we have some children who are left here with a better mark.

Bwana Chairman, I would also like to have the new Constitution for the new Government before any election. I also would like to have all the projects of the Government to be run from grassroot level. And an example is the el nino money which was brought in Meru South which was 39 million shillings. 29 million shillings was to rehabilitate Karingani Location Water Project and if you go to the rehabilitation area where it was done not even 2 million was spent out of 29 million.

The common man should be allowed to sell his products direct to the buyer instead of having brokers who buy those items for their own benefits to sell them later. The local brew, the local brew was stopped in the whole of Kenya but you find that the local brew is all over in the rural areas so it would be better for it to be brought back to town instead of having it being brewed in the local areas so it should be legalized and be given permits.

The majimboism type of Government should not be allowed in Kenya, majimboism. Retired personell who have already retired should not be re-employed again but can be allowed in a Constitution like this one of yours to give advice but not be re-employed again. You find that some people retired but have been taken back to work when we have so many graduates from the University and Form Four who are jobless.

The Government should abolish the 999 years lease which was given and especially in the Coast Province where we find that somebody owns a million acres with a lot of squatters in that land. Alternatively that land should be given to those squatters.

Devil worshipping; this is well know in Kenya and we have also observed it. It should be scrutinized and appraised, the devil worshipping. We have so many people who know about this devil worshipping even within us and it is well know there is, so it is good for the new Constitution to have the right way of worshipping but not through devil worshipping.

All married couples, customary, common law or Christian law should be given a certificate. Nominated parliamentary candidates should not head any Ministry. These are rejected people from the people and should not be given Ministries to head while there are some people who have been elected by the people. The President and Vice President should win with a mark of 50% elected. We should have a national unity Government where we have a coalition Government, not having the ruling party having all the parliamentary seats in all the Ministries so we should have a coalition Government and the Presidential powers should be reduced and not interfere in other Ministries. The Ministries should be left alone to work in their Ministries. Thank you Bwana Chairman.

Com. Lenaola: Thank you very much Councillor, just a minute.

Com. Salome Muigai: Thank you very much Councillor those were very direct proposals. My one question is on marriages and certification. What modalities do we use especially for the what you call the traditional marriages? Is it a period of time that we use in order to certificate them or what kind of modalities would you propose?

Shadwin Nyaga: It is my feeling that once they have married and they feel that they need a certificate they should be given because we have a customary law which allows us to marry customarily.

Com. Salome Muigai: Yes, I understand that, I am just looking for a concrete proposition from you. Is it the time that we decide on, they have been married for two years or is it some rituals that they will have gone through so that we give certificates? Because if we are going to put something in the Constitution we need a concrete proposition.

Shadwin Nyaga: I think, we have so many people who have been marrying customary and have stayed for even thirty years or forty years and it is my feeling that these people are their to live and should be given a certificate.

Com. Lenaola: Thank you very much Councillor. Njoo ujiandikishe hapa. Mzee Mogere Mbogoh. Halafu kabla hajaanza kuongea, Justin Njoka Ndwigi. Justin Njoka, utamufuata huyo Mzee.

Mogere Mbogoh: My names are Mogere Mbogoh, Mau Mau original Secretary General. My names are Mogere Mbogoh, Secretary General, Mau Mau Original Trust. I am representing the views in this Constitution as follows.

The Constitution should clearly separate the officials of the party and the officials of the Government. In the present set up of the Constitution you can not know the Government officers and the party officers. This has created a lot of confusion to most Kenyans. You can not know what rules you. By this I state any Member of Parliament shall be supported by the party to enter Parliament. Once you are elected you are no more a member of the party but a member of the public. Neither the Head of State nor anybody who qualifies to the Government or to Parliament who should be talking of the party during the public occasions, only when he is in his own party.

Number two. This churches.....has been corrupt because most of us do not know how it was rescued from the imperialist Government..... I propose the primary education and Secondary education should containand this.....to be compulsory in Standard eight or in Form Four and whoever fails to qualify with his constitution should not be let to lead any public office in this country.

I propose anybody from Standard eight can lead this Kenya even for a President because leadership is God given. After this Constitution anybody who does not qualify with the Constitution of this country in the testing either in Form Four or in Standard eight should not be elected in any office even to head a nursery school. The younger generation should be taught now, from

now, how the people known as Mau Mau, Mijikenda, Nandi people, Wakamba and other tribes fought for this country to expel Europeans from this country of ours and that is why there are so many corruption because people do not know how this country was rescued.

I go on leases now. There are so many leases in this country now, however you get your leases is not our bother but should be kept in this country so that when the public wants loans could get from the accounts in this country and anybody who has over 25% of leases.....the country should not be elected to any public office. Anyones property should be protected by the Government and be taxed according to law of taxation in this country.

The societies Act, the societies Act where even Christians in this house do not whether there are.....and anybody who fought for independence who fought Europeans in this country is regarded as a criminal that is Cap. 108 Section 4(2) should be scrapped to legalize these bodies as legal bodies.

Political parties should not be so many in our country. We should have at least four political parties not so many this creates a lot of confusion and I do not know what is so interesting in it because if you are not satisfied in this party or that party you might.....any other party. If you can not be satisfied in four parties or three whether you form yours you can not be satisfied it is only that you were elected. So, political parties should be limited to four parties, political parties on our country.

Education should be free from Standard one to Standard Eight or Seven up to Form Four and Constitutional subjects must be a compulsory subject to qualify. Thank you.

Com. Lenaola: Thank you very much Bwana Mbogoh. Any questions Salome? Asante sana Mzee point yako imeingia direct, kuja ujiandikishe hapa. Haya, nilikuwa nimemuita nani amufwate? Na tuko Reba Nguri? Utamufuata huyu mwenzako.

Justin Njoka: Kwa majina, I am Justin Njoka Rwingi Mburia from Oiro location, Chuka Division. My memorandum is basically of Primary teachers. I start this way.

We know normally Primary teachers are paid by the Government but still we have one very important class called Pre-Primary class. That one when the Primary teachers are paid by the Government the teachers of that class are left floating. When it is left floating there are the parents who really try to conduct that class and those parents are not able to update that class so that they can bring up to date the children for that class. Therefore I am appealing to this Commission that they recommend the Pre-Primary teachers to be in the package of the TSC package for paying their salaries.

Point number two on the same. I am appealing for the Government to care for their training for those Pre-Primary teachers so that they can be adequate teachers who can be teaching the Pre-Primary children properly. Then point number three of the

same, I say when these teachers, Pre-Primary teachers retire let the Government give them pension like any other teacher who is paid by the Government. I have reasons for saying this. One, this is because the school parents are not able to pay for the Primary teachers because the parents are weak and you find that in some schools where there are nursery schools there are no Pre-Primary teachers because the parents there are not able.

Then as a result the children from that school they do not join Standard One because there is a rule that there is no pupil that can join Standard One if he has not undergone training in Pre-Primary school. Then what comes later is what? Those children will go away when they go home they do not find a good place at home they are the people you meet here in the town called chokora. Therefore to avoid that, to avoid many chokora's in the town the Government has to take that initiative point to train the Pre-Primary teachers to handle the children in Pre-Primary classes so that we can have adequate classes in Primary schools.

Thank you very much.

Com. Lenaola: Thank you very much Mwalimu. Any questions? Thank you Mwalimu just come and register here. Halafu Mzee M'riba Nkuri, halafu Mama Rosemary Ngai ukuwe tayari.

M'riba Nkuri: Jina langu M'riba Nkuri kutokalocation, Magumoni Division, South Meru District. Maoni yangu kuhusu waliopigania uhuru kwa Kenya.

Hapo awali Katiba ya Kenya ilisahao waliopigania uhuru na watu hao ndio walifanya kazi nyingie. Wali.....kiwanja cha ubagazi Kisumu, Kapenguria na kupigania uhuru kwa Kenya. Watu hawo walisahulika na serikali yetu ya wakati huu. Tunapofanya Katiba ya wakati huu watu hao wakumbukwe na sisi wapigania uhuru hatutaki majimbo Kenya tunataka Kenya moja. Asante.

Com. Lenaola: Asante sana Mzee. Ngoja kidogo.

Com. Salome Muigia: Asante sana Bwana M'riba Nkuri. Swali langu ni hili, ungependa Katiba ikumbuke mashuja hawa wakupigania uhuru kwa kivipi?

M'riba Nkuri: Kuwakumbuka hawakuwapatia chochote na kazi nyingi walioifanya.

Com. Lenaola: Asante Mzee, njoo hapa ujiandikishe. Mama Rosemary Ngai. Raini yuko? Pastromi Ngumba Nandi? Yuko? Karibia. Councillor Justin Gitari? Dorothy Mbungu? Endelea Mama.

Rosemary Ngai: My name is Rosemary C. Ngai na kwetu ni hapa Chuka. Maoni yangu ni kidogo tuu sina mengi.

Ya kwanza, the first one is that the men should be marrying one woman to avoid divorces and sexual diseases. Once a man marries a woman, very honest woman she remains with him, he goes another time and gets another woman the home is broken, the divorce is there and also sexual diseases are there. That is one.

Qualified members of Parliament should be appointed, Cabinet Ministers regardless which party they are except they are qualified people who can lead the country no matter they are from which party provided that they are learned. Only that, I have got no more than that. Thank you.

Com. Lenaola: Thank you sana Mama, ngoja kidogo. Any questions? Asante sana Mama yako ni direct, clear, kuja ujiandikishe hapa. Bwana Mbuba Nandi. Karibu. Joram Somisheni yuko? Didishas.....? Morris Muturi? John Nyaga Marete? Ngari Mwathi? Douglas Mutegi? Gitonga Richard? Arnold Mugambi? Endelea Mzee.

Mbuba Nandi: Asante sana Bwana Chairman. I am Mbuba Nandi from Meru South District, Eastern Province, I am a pure Kenyan.

Yangu ni machache tu. Mimi ningeonelea wakati tunafanya uchaguzi either wa Bunge ama Councillors, wakati wa kupiga kura kila mugombeaji awe na debe yake bila kuweka kura zetu kwa debe moja tukichagua watu hawa. Kila mtu awe na debe yake kama ni mimi Mbuba niwe na debe yangu kama ni Njoka awe na debe yake, ikija inafungwa inawekwa. Wakati wa kuhesabu inahesabiwa ya individuals.

Yangu ya pili ni kuhusu ukimwi. Ukimwi, some of our people are encouraging this HIV, for example mavazi ya siku hizi hakuna tafauti ya mwanamume na mwanamke, tuna vaa long trousers, mabwana na mabibi, wengine hawana matiti huwezi jua kama ni mwamamke ama ni mwanaume na ingine kupasuwa nguo mapaka pacha ya mtu inaonekana. Hii ni ku-encourage prostitutes na mimi ningeonelea Kenya iwe na law ya mavazi. Wanaume wavaye kiume wanawake wavaye kike bila kuonyesha mapacha maana vijana wakiona mapacha haya ndio wana encourage adultery na ndio ukimwi inaendelea katika nchi yetu. Mimi sina mengine ya kusema Bwana Chairman. Thank you so much.

Com. Lenaola: Asante Mzee. Ngoja kidogo Mama anataka kukuliza swali kali.

Com. Salome Muigai: Asante Mwenyekiti lakini nafikiri unanionea unatarajia swali langu kua kali kabla hajijaulizwa, lakini Mzee Mbuba mimi nina swali kwako. Nakuona kama unafikiria jukumu ya kutoeneza HIV ni jukumu ya wakina mama pekee yake kwa hivyo tukibadilisha mavazi basi. Je, jukumu ya wakina baba nayo itakuwa gani? Kwani Katiba ni pahali ya kuangalia masilai ya kila mtu, ya kina baba na ya kina mama. Jukumu ya kina baba ili kukosa kueneza HIV/Aids itakuwa ipi?

Mbuba Nandi: Asante sana Madam. Mimi nigeifikiria mavazi yetu wanaume kwa wanawake iwe ya kinithamu isiwe mavazi

ile ambaye inafanya kuona siri ya watu. Asante sana mama.

Com. Lenaola: Asante sana Mzee, njoo ujiandikishe. Mathilda Kari? Hayuko. Adonila Mutegi? Francis Mbita? Johson Kiambi? Makanga Riungu? Njoo. Charles Njeru? Eustace Nguruwe? Silas Mutegi Mwendwa? Reverend Julius Nderi?

Makanga Riungu: Jina langu naitwa mundu wa Kanga wa Riungu, yaani naitwa Makanga Riungu kutoka..... Mimi nikiwa hapa mimi ni mmoja Mzee ambao alikuweco mwaka hamsini na bili hata kuanzia.....

Kwa hii kupigania uhuru wetu mimi nilikuwa mwanchama wa chama cha Mau Mau lakini tulikua tunaficha hiyo jina tukaita Cha Cha War Council yani watu wenye kupanga mupango wa kumungoa Mungereza aondoke hapa aende kwao.

Lakini mbele ya kuzungumuza ningeliza swali moja kwenyu. Sisi wapigania uhuru tulipanga vile tutamungoa Mzungu natuka mungoa, tulifanya vibaya?

Com. Lenaola: Mulifanya vizuri sana.

Makanga Riungu: Ikiwa tulifanya vizuri sana, wakati huo tulikuwa na chama tulikuwa tukiita kwa chama chetu Kenya Parliamentary Group. Hiyo ndio ilikuwa inapanga vile nchi yetu itakua. Watoto wale ambao wanazungumuza hapa wanzungumuza wanamwambia mambo mengi yale ambao yangewahusu ili waendele ili wawe wakijipatia angalao.....

Langu ninaona ya kwamba tulipopanga vile tutamungoa Mzungu tulikuwa tunatoa watu kila pembe ya Kenya. Kwa upande wa juu tulikuwa na Mr. Jaramogi Oginga akiwa lawyer wetu, tulikuwa na Mr. Achieng Anoko, tulikuwa na, ule tulikuwa tunamuita Odede, Alter Odede. Upande wa Umasaii tulikuwa na mwananchi wetu tulikuwa tunamuita Ntimama. Halafu upande wa Baluya tulikua na wakina Mboya. Kila pembe tulikuwa tunatoa watu ili tupange vile tutamufukuza Mzungu ili Kenya yetu iwe ikijitawala yenyewe.

Kwa sababu ya kujitawala kwetu ile tulikuwa tunataka tulikuwa tukitaka Bwana Kubwa asiwe Mzungu, Bwana Mkubwa awe mwana Kenya. Tulipo pigania uhuru Mzee wetu na wengine tuseme Bwana Jomo Kenyatta,Kalumba,.....,Achieng....., Paul Ngei walitiwa mahakamani wakafungwa. Hapo ndipo tuliamba tukasema tutafanya njama ya kuunda chama ambacho itapigania uhuru tukakita chama hicho chama cha kumungoa Mzungu. Wale wengine walikuwa wanasimama hapa walikuwa askari ya War Council, hiyo chama chetu. Wakati Mzungu alisema alitaka kujua hiyo chama chetu kinaitwa nini---

Com. Lenaola: (interjection) Mzee unisame kidogo tuu. Tungependa kusikia maoni yangu tafadhali. Tumeshukuru kwa hayo lakini tungependa kusikia maoni yaku.

Makanga Riungu: Maoni yangu. Nilikuwa nataka kwanza kumuonyesha hile mujuwe ndini yetu Mau Mau ilikuwa nini.

Com. Lenaola: Asante Mzee kwa heshimu lakini.....

Makanga Riungu: Okay asante. Maoni yangu niyakwamba mimi niliopigania uhuru nikaenda mistuni, nikaenda jela, nikaenda detainee nifanyiwe kiwango, nifanywe kama mtu alikuwa anafanya kazi ya serikali ambaye anstahabu nipatiwe kitu angalao cha kunisaidia niwe nikienda kuchukuwa kile mwezi maana nilifanya kazi ambao wewe wakati huu tuliopo hapa na wewe unajivunia serikali yako na mimi nipate kitu hapo ili (kimeru) yani mukulima havunji mkono. Si hiyo ni kweli?

Ya pili, vile ningetaka serikali yetu iwe. Hakuna nchi ambayo inaweza kuendelea bila ma-millionaire wake. Upende usipende ata nymbani kwako ukiwa hauna chochote hiyo nyumba yako itafarakana. Ninaonelea ya kwamba ma-millionaire wetu ambao wanajaliwa kupata pesa wakazihamisha wakazipeleka ngambo. Kuwe na sheria ambayo inasimamia hiyo huo utajiri wao urudishwe hapa Kenya ukiwa wao wasiulizwe walitoa wapi maana wakiulizwo walitoa wapi kutakuwa na farakano. Ili huo utajiri ukiingia katika Kenya serikali yetu tukufu itakuwa ikienda kukopa kwa account zile ya matajiri wale na kuwalipa faida halafu wao nao kutosha uzuru wakulingana na mapato yako ili huo uzuru uwe ukisimamia mwananchi wa kawaida yule ambaye hajafadilika.

Jambo lingine, hiyo ikifanywa namna hiyo mimi naonelea, na hiyo ndio tulikuwa tunataka, tulikuwa tunasema tukijitawala katika nchi yetu hakuna mtu yoyote ambaye atakubaliwa kuchukuwa pesa kuziweka nje ya nchi yetu kwa sababu ni kama vile wewe ungemuo msichana halafu uchukuwe mbuzi upeleke ngambo ile mwanamke wako awe hana mbuzi hana ngombe. Hiyo nyumba itakuwa namnagani? Itakuwa imekauka.

Com. Lenaola: (interjection inaudible)

Makanga Riungu: Hiyo point imekwisha. Ingingine ile kifungo imetajwa hapa na Secretary wa Mau Mau hata hiyo inaniumiza. 108, hiyo kifungo ndiye inatufinya sana kwa sababu huwezi kuenda ngambo ile vile kibarua, uwezi kufanya mukutano bila kitu, inatufinya maana Bwana Kubwa akishasema amesema. Ninaomba hiyo kifungo iondolewe. Iwekwe kifungo ambacho inaenda pamoja na mimi.

Kwa walimu;wa kika mtu katika nchi yoyote ni mwalimu maana mwalimu kukiwa hakuna mwalimu hakuna daktari hakuna officer. Huyu mwalimu apatiwe kiwango ambacho kinamuwezesha kufanya lolote ambalo yeye anataka. Apatiwe mushahara munono. Kuna watu wengine hapa, watu wengine wa chama ya polisi wanatufinya, AP wanatufinya. Ni kwa sababu gani? Ni kwa sababu hii, mushara wao ni kidogo sana. Mimi naomba Katiba iwekwe kila mtu ambaye anahudumia serikali anahudumia uma apatiwe mushahara mzuri kwa sababu kama hawa AP mushahara wao ni mdogo sana ni kama elfu nne

na mapato yao ni kuanzia elfu kumi, ishirini kuendelea mbele. Hawa waangaliliwe.

Com. Lenaola: Sema jambo la mwisho sasa. Sema la mwisho ndio tupatie mwingine nafasi. Tafadhali maliza sasa.

Makanga Riungu: Hapana, iko kifungo mbili, tatu inabakia. Usinikate. Kwa nini unanikata? Kama hii yetu district hii yetu iko na mujumbe mmoja na ni distict nzima. Ninaomba kuwe na, tuongezewe mujumbe wa pili. Kitu kingine nilisikia kina semwo hapa ni chokora. Chokora, mtu sio kama kuku, kuku ndiye inataka mayayi ya upepo. Mtu anazaa mtoto kwa lady and gentlemen. Hapa kwetu kulikuwa na sheria moja na ni katika Kenya yote. Muvulana wakisha zungumuza na madame wapatane, sheria yetu ilikuwa inasema namna hii. Pakitoka kitu watu wao wawili apende asipende hiyo ni jukumu yake kumulea yule mtoto. Madam aliuliza hiyo swali hapa nilikuwa hapa nahalikujiliwa.

Sheria hiyo ninataka ifanywe namna hii. Kama muschana wa mtu anapata mtoto na wewe kijana kama tulio hapa na wewe.

Com. Lenaola: Ndio.

Makanga Riungu: Huyu mtoto ni wako. Umutunge, umsomeshe hata mukikosana na bibi yule ambaye, hiyo ni juu yenu maana yale yalikuwa mapenzi yenu.

Kitu kingine Bwana Chairman---

Com. Lenaola: Maliza Mzee tafadhali.

Makanga Riungu: Ni chama. Chama. Kenya inakosa muelekeo kwa sababu ya chama. Chama cha Kanu, chama cha DP, every chama, chama chochote. Wakati tulipanga hii serikali sisi tulikuwa nakujuwa kusoma. Ngingekuwa na kisomo kama hiyo yako hii serikali ngingepanga vizuri sana kwa sababu ni yangu.

Com. Lenaola: Haya panga.

Makanga Riungu: Nipange sasa. Kila chama kiwe ni chama changu cha Kanu ama ni chama cha DP, chama chochote, kitenganishwe na serikali. Kama vile tulikuwa tunajitenganisha chama na serikali tukamuweka Ole Tipis kuwa National Chairman. Kama Bunge inafungwa sisi zote kuanzia President mpaka Councillor tunaenda kupiga magoti kwa Chairman kwa chama, mimi nilifanya mzuri nichaguliwe nikiwe ninafanya mzuri munirudishe. Hivyo chama kipewe chama nakitengenishwe na serikali. Kusiwe wewe ndiye chama, wewe ndiye serikali, wewe ndiye MP, wewe ndiye chama. Hapo ndipo mahali mambo yetu inaharibikia.

Kwa mwisho, mwisho sasa, mwisho, wakati tulikuwa tunapigania uhuru tulikuwa tunataja mambo mawili, Madam sikia, mambo mawili tulikuwa tuna.....na tukaamba tuka...hapo. Tunataka uhuru na mashamba. Hatukuwa tukisema mashamba yale yako huko Kisii ati nitoke hapa nikalime ama nikalime acre. Hata sisi tulikuwa tunapokonywo shamba letu hapa na Mzungu hapa juu tunayaita magondo ya Chuka, hata Mtukufu wetu Rais alitu.....hapa tukapata. Kwa hivyo naomba angalao hata ikiwa namnagani tupatiwe hiyo. Sababu yake ni nini? Hata yeye analima huko inaitwa Nyayo Tea Zone. Ngoja, Ngoja kwa nini? Ukisikia uchungu. Hata tulikuwa tunaomba na akatukubalia wakati wa Mjumbe Mutua, Joel Mutua. Mtukufu Rais alikuja hapa akasema nitawapatia hata akasema alijua hii mashamba yetu mwaka wa hamsini na saba niliopokuwa Manyani mimi, basi akaamba hiyo kutupatia.

Na tena, na tulipatiwa hiyo mwaka sabini na tano na Omamo, sikia, na Omamo na tukafiyeka huko, sijui ilikuwa namna gani lakini hata maana Mutukufu analima pale atasisi tuende hapo kidogo tu. Kati yangu kidogo. Yangu imekwisha. Swali?

Com. Lenaola: Asante sana Mzee Riungu. Iko swali? Hamuna swali? Unajua mambo yako ni barabara hakuna swali, asante sana. Njoo ujiandikishe. Haya asante sana. Rail Gacheri Silas? Erastus Njeu? Benson Nyaga? Mzee, wewe ulikuwa next? Nani? Ingia.

Albert Njoka: Kwa majina mimi naitwa Albert Njoka kutoka Kiamandu location. Maoni yangu ni kama hii masomo ya msingi. Masomo ya msingi nataka iwe kutoka nursery iwe ya free.

Na ingine ni ya hiyo ya hospitali. Mimi nataka hospitali hii garama ya hospitali, watu wanlipa hiyo ya free na serikali. Na ingine, kwa sababu mimi ni mukulima wa kahawa ningetaka hii Katiba isimamie kahawa, mukulima wa kahawa afanyiwe kiyango, kiyango fulani kama ya majani. Kiango ya pesa wakati kahawa inauzwa afanyiwe kiango ya pesa. Kama Minister wa Agriculture afanye kiango ya pesa ya hiyo kahawa. Ni hayo tu.

Com. Lenaola: Asante sana, any question? No, asante sana. Thank you Bwana Njoka. John Mati? Thiri Nanuwa? Vitalis Njeru? Joseph Kanampiu? Sila Njoka Ileri? Ephraim Magana? Matteus Babu? Samuel Njagi?

Jotham K'anampiu: Mimi ni Jotham K'anampiu kutoka Chera. Ya kwanza na rudishia hii Katiba asante kwa kusikiza vile watu wanaongea ili waende watimisha hiyo habari yote kama inawezekana. Kwa vile sisi tuko hapa kwa kusema vile mtu anataka, vile anafikiria au vile angependa Katiba iendelee kwangu mimi nasema turudishiwe sheria ya kusema ati tupewe nafasi ya kutimisha sheria ya kimila. Hii sheria ya kimila tuwe tume pewa sababu tusifuwate sheria ya wageni wengine, tuwe tunafuata sheria hiyo.

Na kwa hivyo, sasa wakati sasa tuko hapa tunasikia ati pombe, pombe ilifungwa lakini pombe hiyo ilifungwa, kumbe haikufungwa isipokuwa pombe ya kiwenyeji ilifungwa. Pombe yote ni pombe na hii ya kiwenyeji ilifungwa ilikuwa ya kuota kitu

tukamuchango kidogo uchumi wa Kenya kwa sababu tunauza miwaa, asali, lakini sasa sisi tunapewa pembe ile yenye dawa na tena inaogeza pengine afya, inaharibu afya ya watu kwa sababu ya dawa.

Com. Lenaola: (interjection inaudible)

Jotham K'anampiu: Ningependa tupewe hii ya kizamani asali na hii ya miwa isiwe na dawa, ni nzuri sana kuliko kupewa dawa hiyo ya madawa.

Com. Lenaola: (interjection inaudible)

Jotham K'anampiu: Haya, na hiyo nafasi tena mini ningezungumuza kidogo niseme hii pombe ilifanywo biashara kidogo na Chief, wanaibu wao, askari, hii pombe ndio inapiga sasa biashara ya hawa. Sasa, kumbe kama ilifungwa, haikufungwo isipokuwa ili peanwa biashara kwa chini chini iwe sababu tunatahabishwa, tunatahabihwa hapo sana kwa hivyo hio kifungwo nauliza tupate nafasi ya ipewe pombe licence kama tunaweza kupewa tena. Siendelei sana kwa nafasi hiyo wacha niende kwa kodi. Tunaitishwa kodi katika mipaka. Mipakani kwende kidogo ununuwe kitu katika Tanzania, mahali pengine huko kama gari. Ukinunua huko uje mipakani kodi inayotoshwa heri upatie watu hawa wa mu.....uje ununuwe gari ingine badaaye ya utoe kodi kwa hivyo ipunguzwe hiyo kodi kidogo kwa sababu saa ingine mimi nakwenda huko na nanuwa kwa bei rahisi halau nikija Kenya inakuwa zaidi sana juu, juu sana kwa hivyo irekebishwe hiyo sheria.

Sasa hiyo nimeacha. Katiba pengine mufanye vile mutafanye. Haya, sasa kwa ajili kwa hawa watu ningewaunga mikono hawa watu wa Mau Mau. Wakati wa Mau Mau watu hao walifanya kazi kama askari na walipofanya kama askari wengine wao walikufa wakaacha watoto na watoto hawa ni maskini sasa kwa sababu hawakupelekwa schooli. Hao baadaye ya serikali isiize ni kitu gani inaweza kusaidia hawo watoto miji hiyo haikufanya hivyo kwa hivyo, Katiba wakati itakaye tengenezwa ifikirie waliyo piganie uhuru wapewe kitu kidogo.....kidogo tuu kama Jane wa mugongo haizulu. Asante mimi nime maliza.

Com. Lenaola: Asante sana. Njoo ujiandikishe. Sila Njoka Irei? Ephrim Magana? Mathias Babu? Endelea na Samuel Njaga? Okay.

Mathias Babu: My names are Mathias Benedict Babu, I come from this town. My proposals are few.

One; Local government, I would propose that Local Government systems be strengthened, that is that they be given more powers than they have today. They be given powers to run Primary education, primary health care, feeder loans and also they could also be given powers to give Secondary School Bursaries to the needy pupils. At the same time the resources of income must be increased. The resources for local authorities should be increased, they should be given vehicle licences within their area of jurisdiction, a share of income tax and the Government should also pay for the deficit from the consolidated funds so

that they could run those services.

The other area which should be examined is for the Mayors and chairmen of the councils, these are very important people but they have been known to be ceremonial either Mayors or Chairmen, I propose that the Chairmen or the Mayors be given Executive powers other than calling them ceremonial. Although in practice in theory it has been said that they are ceremonial, in practice these people have had their own Executive powers and it has been very difficult for the Town Clerk to control them.

An example of Executive Mayor or Chairman, I will refer to a place like Netherlands or a Holland where the Mayors are called Burger Masters, these Burger Masters they are similar to Mayors or Chairmen of the Councils they have Executive powers they organize marriages, conduct marriages in their fathers and some other powers as Executive examined so that they can also have some Executive powers.

The other point I would like to mention on the same people, the Mayor's the Chairman, should be elected within the electoral area and they will be in the office for five years, there should be no question of removing them unnecessarily, if there is any need of removing them it should be taken to the High Court. The judges in the High Court could perhaps rule that one be removed otherwise they should not be removed by the Minister or by other Councillors. The Minister for Local Government should also not have a lot of powers over local authority. The local authorities should be independent to a certain extent, one, they have prepared their budget and approved by the Councils they should go ahead and implement their budget.

The other area I would perhaps touch is on provincial administration. I would propose that we do away wholly with provincial administration because they have no role, they have no functions other than interfering with what is being done by other departments. And another point on local government I have just forgotten is the role of nominated Councillors. We should not have the nominated Councillors, there was a need for nominated Councillors before independence but today that role has been abused because they do not go for expertise, to be nominated is political sympathy, those are the people who are nominated. We should do away with nominated Councillors and we should do away with nominated MP's. With those few remarks, thank you very much.

Com. Lenaola: Okay Bwana Babu, she has a question.

Com. Salome Muigai: Thank you very much Bwana Babu. A lot of people have talked about giving the nominated seats to the vulnerable groups and people who would never find their way into these elected positions but have something to contribute towards that system. What are your thoughts on this?

Mathias Babu: Well, there was a purpose for nominated Councillors or nominated MP's but this has now been abused.

They no longer go for expertise, they go for those who can support them in the political system and it does not serve any purpose. For that reason me I propose that we do away with the nomination of either Councillors or Members of Parliament.

Com. Lenaola: Thank you very much Bwana Babu please come and register. Bwana Njagi you are next but before you come can I call Patrick Mbuba Muga? F.W. Mwebia? Kimathi Joseph? Mbatia Karibu. Patrick Gitonga? Erastus Raini? Mukindia K.P.? Karibia. Endelea.

Samuel Njagi: Thank you. My names are Samuel Njagi. I have about three points. The first one, in our Constitution I would wish a place for referendums, say for example whenever any major changes in the Constitution or in the laws of this country are made or before they are made, the wananchi should be asked about their views. Say for example in 1992 when the Constitution was changed so that we have only one party the wananchi maybe should have been asked about their opinion so that later on we do not have one person coming in and then playing around like a football game. Today it is one party tomorrow it is another party or it is two parties.

And again, the mwananchi should also have powers to recall our elected members either in the Parliament or in the local authorities because sometimes politicians spend a lot of money when they are campaigning and when they go to Parliament they turn it as their shamba where they go and start recouping what they had spent and then spend very little time looking after the mwananchi so it would be very good if we had some provision where if the constituents, the wananchi in the constituency are not happy with their MP, say the MP goes to Parliament and then spends a lot of time boozing around or dozing, we can always recall him so that we have another person going in without waiting for the five years period to come. The same applies to the Councillors.

Another point is on the leadership. I would wish the leadership, by the leadership I mean from the top to the bottom, from the President, Ministers, Permanent Secretaries, DC's, Councillors, anybody who has a role in leading should not get absolute powers of sharing or dishing the resources of this country because sometimes we have say for example, Councillors, when they go in their meeting we have heard of places where all the pieces of land, all the plots including public toilets and graveyards have been allocated to individuals. So, we should not have that absolute power, unquestionable power, without asking the wananchi what they want because I believe this land is not for those Councillors. We did not elect the Councillors or the MP's to go and benefit themselves. They are only going to, they go there to oversee the land on our behalf. If it is a case of dishing out then it should be dished in an orderly manner without doing it at night.

And then another one on the local authority, I would also like to add on what my colleague has done. The local authority should be independent, they should be able to go about with their businesses without interference from the central government. They can for example, establish schools, hospitals and so on as they used to do in the seventies and maybe after the independence. They had powers to choose or to employ their employees, town clerks and so on and if they are dissatisfied with their work but

now a days from the 1980's during the Mudavadi era these powers were snatched and then the central government can always appoint the head of the civil service in the local authority.

I think to add on that, they could also, the local authority could also collect the funds, the revenues they collect should also be used in their local areas without referring to the central government. They can get money and then use it in roads, maybe in schools or anything else that they think the public in their area will benefit from the local resources. And another thing, the Trust Land that are there in their jurisdiction should be left to the local authorities alone and maybe they can refer to the central government in case of difficulties when sharing this or when dividing these pieces of land, maybe there are some businesses or some industries or maybe other big projects like power stations and so on required so these pieces of land can be given to such companies or individuals to work upon them for the benefit of many and not one person. I think that is all.

Com. Salome Muigai: Thank you very much Mr. Njagi. I have go two questions for you. One is on the recalling systems. What are the modalities? How would you like this to be done? And the next one is, you have said that all the revenue collected in a local situation be left there, how do we find our central Government? You have said that all the revenues that are collected in a local place or system to stay there and be utilized. How do we find our central government? What would be the relationship between revenue collection, between our local government and funding of our central government?

Samuel Njagi: I think the majority of the funds would possibly remain in the local authority and since not all of them are the same, there are some which will have excess funds and some will not even collect much to pay even a few of their employees, the central government will come in. I did not say that these funds will remain there and nothing will come in or nothing goes out, the central government and the local authority should cooperate where they can help, the central government can help where there is excess funds the local authorities can help other areas because we are Kenyans where the rich should also help the poor. Can you remind me of the other question?

(reply inaudible)

Samuel Njagi: When recalling the MP's and the Councillors. I think we could have motions of no confidence or something could be formed where maybe when an MP or a Councillor fails to perform well there are standards that would be put there to measure and then maybe someone could write or could raise something and then you can recall him if he is not fit.

Com. Lenaola: Thank you very much Mr. Njagi, please come and register. Mr. Mukindia, and then is Peter Nguru here? He has gone? Okay. Julius Gitonga? Johnathan Rurie? Eliphaz Mbaka? Duncan Mugo? Julius Kariuki? Erastus Mutegi Mukunga? Washington Riungu? John Kirungi?

Peter M'Mkindia: I am Peter M'Mkindia, I have a memorandum. I request to start with what is not in my memorandum for

record purpose.

Com. Lenaola: Five minutes for highlights of your memorandum. Choose as you wish but five minutes.

Peter M'Mkindia: Okay thank you. So, what is in my memorandum is professional or education administration. This is where I request the Commission to enable education Ministry as a whole to be managed by the professionals and not politicians because politicians have very little knowledge on education lines. Starting from the Minister, the PS, PD, all of them to be professionals. Next, I request that the powers of the school sponsors should be limited to appointing the DOG's and advice on the spiritual and moral growth of the institution and avoid areas of transferring teachers, headmasters and deputies.

The next issue now not in the memorandum is, I wish the provincial administration is either abolished because it has been abused to serve the individual purposes or it be appointed and be answerable to the Parliament. Next, the Commission of inquiry should be appointed, in all the Commissions of inquiry, should be appointed and be answerable to the Parliament and not to any individual. Next, the Judiciary should appoint all its personell and nobody else should be given those powers.

Fourth, party that elected the President, any party that has elected the President should be abolished forthwith so that, that President shall be neutral in the service of his country. The other issue is, the former President, somebody who has served as a President should be forced to retire politically because he can be a continuous disturbance to his country and the leadership of the next Government to ensure that, that Government failed at at all costs.

The other thing is that no public servant should be allowed to decide or vet his own salary and allowances like our MP's are doing at present. They are giving themselves so much money and allowances yet they are claiming on a daily basis but the economy is wanting. We wonder how long they will go after the next two years, how far they will be in increasing their own salaries. Thank you.

Com. Lenaola: Thank you Mwalimu. Any questions? Thank you Mwalimu, please give your memorandum. Julius Gitonga? Jonathan Rurii? Mzee, ulikuwa nani wewe? What was your name? Wacha aendele tu. You are who Sir?

Jonathan Rurii: Jonathan Rurii.

Com. Lenaola: What is your name?

Jonathan Rurii: Ndirauga antu kamarathirira reserve niundu wa kwaga mbia, matiguteethererua mirimo na cibitari niciucire cia utethio. Niki?

Translator: I am asking the reason why people are dying in hospitals, they are dying and the hospitals are there.

Jonathan Rurii: Ningweenda kumenya ni kwa meetho maria tuthuuraga ma kumurikira nyamwiria, bururi kamathiire kuu.

Translator: That is why I want to know that the eyes that we elect where did he go?

Com Lenaola: Ungetaka tufanye nini?

Translator: Uriurua ungienda kuruthwe atia?

Jonathan Rurii: Kutuikie thibitari iria cia utethio cia gutethia cionje itige gwitia mbia.

Translator: Ningependa hospitali za kusaidia watu kama wasiojiweza zisikuwe na pesa nyingi sana.

Jonathan Rurii: Kiu nikio gitumi makiite bururi-ini. Ngauria ka tutithirua ni mirimu nio keeratuthiria.

Com. Lenaola: (inaudible)

Duncan Mugo: Kwa majina yangu naitwa Duncan Mugo kutoka.....location, Magumoni Division. Maoni yangu ya kwanza ni mambo ya kilimo. Kilimosawa sawa na serikali yetu. Soko ikianguka madawa na mabolea imepanda, sasa naonelea serikali iwe ikiangalia sana mambo ya kilimo kwa sababu ndio itapunguza umaskini hapa kwetu Kenya hata mambo ya kuombewa mahindi hizi za inje Kenya inaonekana ni ya kilimo siyo ya kuombewo mahindi.

Hiyo Katiba yetu naomba iwe ikiangalia sana mambo ya kilimo. Number two, ni mambo ya machokora. Machokora wanaendelea kua wengie sana katika mitani na vijijini au ma-town na kila mtoto ako na wazazi wawili. Hapo serikali napo iangalie sana kwa sababu kunaonekana miaka ingine kutakuwa na mikora mingi sana, wale matajiri watakuwa kwa hatari kwa sababu manyumba zao itkuwa ikingolewa, milango kila wakati, kwa hivyo serikali iangalie sana mambo ya watoto wale, mambo ya masomo hata chakula nakuwatunza hata ikiwa ni mashamba, waangaliwe.

Kuna watu wanamashamba kam mtu anakuwa na acre mia moja na kitu, acre elfu moja na hiyo inataka ikatiwe hata ikiwa ni machokora. Kwa hivyo wale wako na mashamba makubwa makubwa hata hapo ninaonelea Katiba iangalie kwa sababu kuna wengine wanalala nje wanala barabarani. Mambo ya tatu, ni mambo ya kodi. Ile kodi tunapea serikali tunachangia sisi zote Kenya lakini wakati wakugawanywa wengine wanayimwa, wengine hawaangaliwe sawa sawa wakati tunagawa hile kodi na wale wengine ndio wamechanga sana, wengine wametoa, wame....kahawa, majani chai, wana mambo mingi ma...mingi, mafuta inatumika kwo zaidi kwa sababu kuna matumizi mingi lakini wakati wakugawa hile kodi unaona zinapelekwa upande mwingine kuliko upande hule zinatoaka sana. Kwa hivyo Katiba inataka inangalie mambo ya kugawa vitu vile vinapatikana kama utajiri.

Mambo ya nne ni majimbo. Naonelea nchi yetu ikiwekwa majimbo vile wengine wanasema sema, kutakua na vita kwa sababu tutaanza kusema mibaka, yetu inafika hapa, tunasema kabila itakua mambo ya ukabila itaingia, sisi jimbo hili tunataka kabila hili na lile lingine. Sasa hapo tutaanza kupigania kila kitu. Na mambo ingine ya wale wanataka mambo ya majimbo ni wale wamenyakua. Kwao ni mabaraba, ma-University na mambo mengine ya juu juu. Wale wanachukuwa mambo ya serikali na kuweka kwao. Yaani, utajiri wa Kenya na kuweka kwao sasa ndio wanageuka kusema tuweke majimbo.

Kwa hivyo naonelea Kenya upande ikiwa balanced kuna wengine wako nyuma sana kwa hivyo hakuna kitu kama majimbo isiwekwe katika Katiba ya nchi hii. Ni hayo tu. Sina mengi.

Com. Lenaola: Kirindi you are next. Sema jina halafu uendele.

John Kirindi: I am John Kirindi from My points are mainly concerned with poverty eradication.

To begin with, farmers are very oppressed in making their decisions and dictating their prices of their products. Mainly coffee farmers, coffee farmers do not know the price of their commodities and if their money is embezzled they do not know where to complain, so in this regard people who tamper with the farmers pay out and money should be molested.

Number two, education; due to inflation and poverty not so many people are able to take their children to school up to Secondary and University level, so in this regard what can we do? Much has been talked regarding free education, where do you get the funds? I am proposing we increase the taxes of every commodity and asset at 30% to cater for free education.

Thirdly, job security; some of the employees in the civil and Parastatal and NGO's have secured their appointment through dubious means either through Godfathers or fake qualifications, eg, securing Primary certificates and Secondary certificates and courses from other people. All employees should be scrutinized by producing all their academic certificates and testimonials to be searched by the employers so if he does this we shall be able to detect the forgers and much vacancy will be created. I do not have more. I do not have more than that. Thank you very much.

Com. Lenaola: Thank you John. Thank you very much, please come and register. Bwana Mutegi Okellos.

Julius Mukuru: Asante sana Bwana Chairman. Na yangu ni machache kidogo. Kwa majina naitwa Julius Mbaka Mukuru, Julius M.S. Mukuru.

Com. Lenaola: (interjection inaudible)

Julius Mukuru: Yangu ni machache sana sio mingi lakini ninataka.....hii maoni ya kahawa. Kahawa, nataka kusema ya kwamba ile salie ya kahawa ilwekwa na mupepero ile Bwana Ben ndio ata sasa inafanya kazi. Na nataka kusema ya kwamba hiyo Mzungu wakati aliweka hiyo sheria alikuwa akiwka kwa nyamba yake sio kwa nyamba ya sisi na wakati tunafanya kazi na hiyo sheria yake hi sector yetu ya kahawa imeanguka na hata watoto wametoka kwa shule na ndiyo ilikuwa ikitusaida zaidi.

Sasa nataka kusema ya kwamba ile maneno tulisema hapa hata Tume ilikuja hapa tukamwambia, tukatumana na hiyo maneno sijui ilifika au namna gani na tulisema ya kwamba inataka hii kahawa member mwenyewe ajulikane huko, ajulikane huko kwa KPCU ama—unajua hii maneno inaharibiwa na hii wakamati. Kamati asifwati, wana pewa pesa wamupe wamukulima, hawamupei.

Jina ya mukulima yenyewe iende huko halafu wakati wa kulipwa walipwe kama wale wengine wanalipwa na serikali. Kwa sababu mtu akiambiwa alipe mwingine na yeye ako na tabu sasa atamusaidia na nini? Hiyo ni ya kwanza.

Ya ingine, ingine ile nataka kusema ni hii ya shule. Shule kwanza imeharibiwa na pia na hawa wakamiti, kamati ambaye hawako shuleni walimu wana-depend na kamati. Wakati wanaitisha pesa wanasema kamati wanasema, wazazi wanasema lakini si wazazi ni wale walimu pamoja na wale kamati.

Com. Lenaola: Kwa hivyo ungependa nini?

Julius Mukuru: Na prepare iwe ya kwanza wakati tulikuwa tukisoma, kama mimi, ilikuwa hakuna kamati ilikuwa supervisor mwenyewe, supervisor wa serikali, anaenda ku-supervise mahali mazuru aone namna gani, aone vile imendelea na watu wa hapi zamani wanjua hiyo sio kamati. Kamati ni kitu ya kurudisha hiyo maneno nyuma na kufanya maneno ambaye haifai.

Com. Lenaola: Kwa hivyo ungependa hii mutindo?

Julius Mukuru: Ningependa hiyo mutindo supervisor awe ni supervisor pekee yake. Aende, hata walimu wakati wanaona supervisor nilikuwa nikisoma nikiona wakiogopa sana maana hiyo supervisor amekuja na amkuja ku-inspect school, school iwe na supervisor na supervisor wa serikali, sio wa kamati, kamati waondolewe halafu shule iwe itaendelea na walimu watakua wakiogopa maana walimu wanafanya defence na hawa kamati. Na hawa wa kamati wanaendelea namna hiyo.

Sasa, vile vingine, nasikilia hata kwa bunge nasikia wanasema watoto wasipunguzwe wa shule kama watoto wakikosa kari wasipunguzwe na hii napendelea ya kwamba, nataka kusema ya kwamba, wakati sasa nyinyi muko hapa watoto wanatakiwa wakituongozea nyumbani wakikuliza munasema nini ama munafanya nini. Ikiwa masomo iendele free iwe wale watoto wasipungushwe kwa sababu ya kukosa kari. Ninajua kule shuleni watot wanasoma, kuna wamasikini na wale wengine halafu wale watoto kila mara wanapelekwa nyumbani wanapunguzwa, wanapunguzwa na serikal inasema hii masomo ni ya bure.

Kwanza nataka kuuliza, itanza lini, iwe ni free watoto wapumuzike.

Kile kingine nataka kusema ni kama male ma-certificate, watoto wakimaliza shule walimu na hawa wa-kamati wanaitwa board, board wa kamati, wanakata na hile certificate hata kama mtoto anaitwa, hata kama anapata kibarua kama hii kibarua sasa inonekana ya vote ya kuandika majina, ya kufanya nini, ankataliwa na ma-certificate.

Com. Lenaola: Ungependekeza nama gani?

Julius Mukuru: Ningependa nipende hao walimu hata wawe wa board waondolewe, iwe ni kama hiyo ma-supervisors kwa sababu wakiwa pale wana leta hiyo maneno mengi hii shule si ya serekali ni yetu na serekali inaonekana haina kazi huko maana mtoto akikataliwa na certificate na serekali iko na hitamusaidia, wana musaidia na nini?

Com. Lenaola: Jambo la mwisho.

Julius Mukuru: Jambo la mwisho, nataka kusema ningependelea hii upande wa President, President amechaguliwa na watu na.....ni watu makam. Napendelea, naonelea kwa maoni yangu awe amechaguliwa na watu. Sio mtu kama President anachaguliwa na yeye anaenda kuchagulia mtu sasa hiyo mtu atakua kwa appointment yake na atakuwa akifanya maneno kwake.

Ile ingine maana inaweza kua ni mara tatu yale ya officials kama huyu Mkuu wa sheria wanawake, hule ni mtu wa kuandikwa na yeye anasimamia sheria ya waKenya wote. Kwa upendekezo wangu, kwa mapendekezo yangu naonelea hata yeye awe akicahaguliwa ili awe wakati anashuka sheria anogopa wenyewe maana sio awe ni mtu awe wa kuandikwa lakini anakaa pale afanywe sheria na hiyo sheria, naonela kama hiyo mazuri inafanywa namna hiyo maana hiyo sheria ---

Com. Lenaola: (interjection inaudible)

Julius Mukuru: Yangu ni hiyo machache. Asante.

Com. Lenaola: Kuna swali?

Com. Salome Muigai: Asante sana Bwana Mkuu kwa maoni yako. Mimi nina swali moja kwako, untueleza kuwa Mkuu wa sheria achaguliwe na watu ili akichunga sheria anajua kuwa anaogopa watu wenye walimuchagua na wenye hicho sheria, lakini kwa mara hiyo hiyo, unatuwambia wale kamiti wenye wamchaguliwa na watu kwa ma-shule waondolewe kuletwe supervisor wa serikali? Na huyo ni mtu mwenye ameajiliwa kama vile yule mkuu wa sheria wakati huu ameajiliwa. Unanielewa?

Kwani naona unasema ule mwenye amechaguliwa atasikiza watu na atawaogopa, lakini ile kamiti ya shule yenye imechaguliwa na nyinyi kama wazazi unatuambia haiwaogopi, ina sema mulete pesa zenye wamekubaliana na walimu, hata inawakataza watoto wenu certificates zao wakati wamefanya nini? Wamefanya mitihani. Na wale ni watu wenye mumechagua nyinyi.

Julius Mukuru: Vile ilivyo wanafanya namna hiyo lakini tunaitwa tukiwa wazazi tunawafukuza, tukiwafukuza wake watachaguliwa watakuwa wakiogopa na wakiona tukifanya maneno tutafukuzwa. Hiyo ndio nilisema kama mtu akiwa ameandikwa akaye hapo, akaye hao mpakea a-retire amalize miaka 55, 55 years atakua ameangusha watu.

Okellos Mutegi: Kwanza jina yangu ni Okellos Mutegi Kanga. Sasa mimi nimekuja tuu nimekuta ya kwamba kunaendelea ndio nimetoka shule, mimi ni mwalimu na ni mtoto ya yule Mzee alikua anongea hapa. Kanga.

Sasa nilikua na memorandum yangu nilikua nimeandika lakini nilipofika hapa nikakuta ya kwamba muna....huko hapa and I thought that I should come. So I have written it urgently, I will give you just some short of, but I have a few things which I can remember from the memorandum I had made, it is quite long. I will be very brief.

One, I know the Constitution of Kenya when it started as the elders are saying, was speculating that one, there are things which were very basic, these were health and education. I would find it rather good if we go back to where we started that is, free health care for all regardless of the type of disease that person has. So, this is in case, because no, there are very, very dangerous diseases, some of them are some millions, hundred thousands of money and we Kenyans are dying because we have no money so I would find it rather good because our Government is taxing us highly, we get at least free medical care and free education.

Education has got to wait a bit more deeply. Education; I am for the opinion that Primary education from nursery level, pre-Primary, should be free. I will not elaborate the reasons because they are very open and in this area nitaingila upande wa machokora. They are also young and uncared for, they are not cared for. It should be felt by our Government that these are our future citizens who will have no direction and for that reason, everybody who thinks he is either rich, very learned or so should feel that this children should be cared for because they might become a problem instead of what they feel that they will be better than them/

So, I will go in the next area. Little money should be paid and this money because teachers are paid by the Government and for that reason to keep the child in school the local community could make arrangements through the PTA, and in this area I will remove a little word that the Board of Governors should be scrapped and the Chairman of PTA should be the Chairman of the school and the headmaster of that school should relate well with this Chairman who is answerable to the parents.

Point number two, Security; When we achieved independence this area was left as a gap and especially our security in the local areas where the Police are very important. The local community in every place should be in the fore front of the security of that area and therefore I remove the Chief to be in the fore front of the security of an area or so in the urban areas. Even in the urban areas. The national security where the army is concerned should be left for the central government to care for us but in the area where people make a meeting and the meeting is said either to be not official the Chief should say if it is official or not official and not the Police. The Chief can help us. I have a few points.

Com. Lenaola: (interjection inaudible)

Okellos Mutegi: Two minutes? Me I rush then. Politics should not interfere with the Executive and I will go to first, election of the President. The Presidential election, the person to be elected as a President should not be of any party he should be a person, a Kenyan so that he will not play the party politics when he becomes the President.

I will go to the Vice President. I feel we should not have a Vice President but a Deputy President who can do the functions of the President when he is not there as in South Africa and within that I find that no President should be elected at less than 51% of the total votes of the electorate.

I will go to cooperatives because I may go out of time. The cooperatives where the farming and other activities are concerned all the products which we do especially in farming. People are talking coffee, tea, pyrethrum or whatever, people should sell their produce to whoever wants to buy and then pay the Government tax, if it processing or the auctions we should be allowed to negotiate the amount of money to be charged. For that reason we should elect the Chairmen directly and not be elected by delegates. The delegates should be taken off.

The law courts, there should be a language which everybody understands in the law courts and the law to be used in Kenya should be African. African in that they are laws that you can understand not those which were brought to us and so I find it that in Africa if you say sorry you are forgiven so even our courts should forgive those people who apologize for the first offences if it is felt that these people have not done a very great crime.

Please allow me to say another point. Lands; The land should be owned by those people who have developed it. To do this those who are nearest to this area which has been developed especially the Chiefs, the DO's, should witness in an area where someone wants to grab another persons property. May I say one other point? The elders—

Com. Lenaola: (interjection inaudible)

Okellos Mutegi: It is only one please Sir. Just one Sir

Com. Lenaola: Thank you very much we have heard you. Any questions? One question.

Com. Salome Muigai: Thank you Mr. Okellos, two questions for you. One, you have said the Chiefs and DO's should be able to find out who is grabbing somebody else's land, what do we do when the Chiefs and the DO's are the ones grabbing the land themselves?

And my other question is on, did you talk about, yes you did, about children in the streets to be cared for by the Government. If the Government is those who are there how do we deal with it on a long term? That is a short term way of dealing with it, in the long term how do we ensure that the rest of us just do not keep on taking children to the streets for the Government to keep on taking care of them because the Government is you and me, so how do we make sure that you and me take care of our children where we should rather than be taking care of them indirectly through the Government?

Okellos Mutegi: Thank you very much. I have stayed in town for a time and I know some of these street boys. Most of these street boys when they see their mothers they run away and so their mothers.....to go for them they may not be able to get them. Some are taken far and wide, a child will be taken to Nairobi so I find it this way.

Whenever we find street boys they should be taken and then they are sent somewhere far where they are taught as if it is in a school, so they should not be taught and get left to go back to town. They are taken to a school, either a boarding school and forced to learn because if they do not learn they will not know anything they will be empty headed and it will be a problem because they have no brains, so they should be forced to understand.

That other question can you remind me?

Com. Salome Muigai: It is about.....are the one who are doing the grabbing. You said that the Chiefs and DO's because they are close to the land they can tell us and protect maybe the land from being grabbed, when the protectors become the grabber what do we do with that kind of a situation? What does a Constitution do to protect land-----

Okellos Mutegi: Thank you I understand your question. This area has been encouraged because nobody, one person should not be allowed to have too much power in making a decision. There should be a panel in every place where a decision should be done especially elders and women should be put in that elderly group because they are always set aside when decisions are made on property, they should be involved.

Com. Lenaola: Thank you very much Mr. Mutegi, please come and register this way. Who was next on my list? Sebastian Miriti?

Sebastian Miriti: Naitwa Sebastian Miriti. Thank you Chairman, I am from Ndagani, Karigiani location, but I work down there in the arid areas of I have a few points to put across so I am going to be very brief.

One of my points is on donors, donor funds. The donor funds in this country of ours, on my side I see that it is not being utilized properly so as my seeing it should be utilized well that is the NGO and those who are giving the donor I think these donors should give what they have to the Parliament then it is decided, if it is the.....which is going to be assisted then we know it is discussed.

Therefore, on the side of the donor, they come to serve all the people in the country and this money should not be given to the Government because we can see that it is not coming to us so we are left by that development. On the other side I come to the side of the Police Administration, Administration Police, the Police and GSU and the like. On my view I just see as if this force is not trained to get professional duties properly. As such they should go for training for a longer period. Let us say for a year, where by, one year or one year and a half where by they learn all the ethics of the police so that we can be able to track them. I was trained as a teacher for two years and if I was trained for two years and a Policeman has been trained for only six months and he has a lot of work to do for the public so he should be given a lot more so that he can be able to serve the public adequately. That is my seeing.

On the other side, and their duties should be clearly given so that he can understand and we know them and we be told exactly, we are able to get exactly what he says the public so that he can be able to at least assist the Police. If I understand my role and the other people we should be able to assist them because they are doing a lot of noble work. The other one is on the side of civil servants rights.

In our country there is no stipulation of the civil servants. We seem to be misused, we seem to be a board which is swinging this way and that way. I think the civil servants should be, every Ministry should give the clarification of what he should do and the politicians should not interfere with the Ministry of Education so that he can be able to go professional on that line. The Ministry of Works will go professional on that line and those people employed on that line they know that they can obey their bosses because they know their duties and their rights. So, when everybody is interfering with everybodys law we do not know where we are heading to. So that is my seeing could be somebody else will say more.

On the retirement, there is pension. One thing is the retirees are taking to long to be paid their dues, they have worked for 55 years, they have been in the work for 30 years, 20 years. I do not see the reason why somebody should stay for a year without getting his dues and the children go out of school and he has been having the same Government. The same Government is telling him to wait. And at the same time there is somebody who has retired, I think some people have retired earlier, they have not been given, this is a financial conflict time and everybody is feeling the economy, somebody was employed 200 shillings, he

retires, old times or 3000 shillings, now he is getting a thousand or 500 shillings as the pension. My recommendation is that every time there be salary increment, they be considered for adjustment.

Com. Lenaola: Make you last point.

Sebastian Miriti: The other one, on the same line, those old people who have become 75 years and above, the Government of this country should look for a place where these people are going to be collected and be fed by the public or the Government. They look for the funds to feed these people because they are helpless, they can not be able to be cared for by some of their people because they are old. At least 70 or 80 years and they are not very many, they be cared for like the other countries whereby these people are considered and they can see they have done something good for the country. Their grandchildren and so forth.

Otherwise, the other one is on harambees. The harambees in the country, before the harambees were started very well but this time the harambees have been abused. Why do you hear some places harambees being contributed 18 million, 20 million when we go to a place like where I stay the harambee is called for just 500 shillings, 300 shillings, can we give the comparison. My recommendation is that if the harambee is to be done let it be done by those people who think that they can do.....the MP's, the civil servants who are high then they are allocated to do the same....in the country so that if it is 1 million here another million somewhere else, another million somewhere so some people have got resources others do not have resources, you take.....they do not get anybody doing harambee there so they will not improve anything.

On the other side is education. I am going very fast here----

Com. Lenaola: (interjection) I think you have done your seven minutes so you will have to finish, you have done your seven minutes so do the last statement. Jambo la mwisho, hapana story mingi, jambo la mwisho.

Sebastian Miriti: Education; Our education system is not running smoothly because after Form Four our boys and girls, they are staying home for two years doing nothing wasting their energy. So I would prefer from ECD to Standard 8 the learning, after that they do the examination to Form Four. When they come to Form Four they either go the Form Five and Six rather than staying at home or they go straight after the results they go to the University because they are wasting our resources, the parents even time, the structure of the parent who was trying to budget for these children, two years they are at home so he is going to retire even without educating them.

Com. Lenaola: Please come and register that you have given views because you have over abused my generosity. Thank you very much. Asante sana. Who was next on my list? Frasia Wangechi.

Frasia Wangechi: Thank you Mr. Chairman, my name is Frasia Wangechi from Chuka division. I want to start by saying that the powers of the President should be reduced. I feel it is not good for everything, every Government arm to be answerable directly to the President.

The Executive, the Judiciary and the Parliament should be empowered equally and should be allowed to be independent to carry out the functions. I will say something on the public resources, public finances, that Parliament should approve all public expenditure. What is being done is not enough. The Controller and Auditor General should be made more independent than that office is right now and should have security of tenure. The same office should have powers to prosecute all misappropriators of public funds and no offenders of the same should be made to make their pay up and when this office is allowed to prosecute I would recommend that the Attorney General should not be allowed to interfere with the proceedings of that office.

There should be an establishment of an independent Anti Corruption Unit better than it is right now. Right now it is answerable to the President, I feel it should not be so. I also feel that the reports of the Public Accounts Committee and Public Investment Committee should be disclosed and any offences from the same should be automatically prosecuted by the Anti Corruption Authority or the Auditor or Controller General. The public funds should also be used for the intended purposes there should not be diversion of the same under any circumstances and in case there is any need the same should be referred to the tax payers. It should be discussed and the public should give approval also through the Parliament.

I would also say on the same that the Government should make public quarterly reports of all revenues collected. Right now it is not transparent and anyone that should be convicted of corruption or any related offence should be barred from holding any public office within our country. I would also recommend on the same that any past corruption related offences should be prosecuted.

On natural resources I would recommend that all natural resources should be entrusted to the people and not the Government of Kenya. The Parliament should be able to formulate a policy on management of the same. This policy should mandate the local authorities to manage the resources within their areas and these resources part of it or a certain percentage should go back to the locals within that area. In this case, the law courts should also be given chance to protect and conserve the natural resources within their area and they should also be direct beneficiaries of the same.

On land; Public land should be privatised only in public interest and any irregular allocation of public land should be retraced and recovered back to the public and the principal health of the environment should be clearly embodied in our Constitution. Last but not least, I wish the present Constitution will come out very clearly that it should be an agreement or a covenant between the people of Kenya and their governing Government.

Com. Lenaola: Thank you very much Frasia. Any question? One question, two, three?

Com. Salome Muigai: Thank you Frasia, I have one question on the management of the natural resources by the local government. Is that the local government that we have at present and is it meeting that need and can it be entrusted to give good stewardship to our natural resources and the money that is accrued from the same?

Frasia Wangechi: No, in our present state the local government is not empowered enough to carry out this. I would wish that the local government is empowered and independent so that they are able to carry out this mandate without fear and without being vetted.

Com. Lenaola: Thank you Frasia please come and register here. Let me just confirm who I am left with. Is Julius Mwebe here? Julius Mwendwa Gitonga? Jessica Nikuni Njere? So I am left with Mr Mutegi. Okay Bwana Patrick Mutegi endelea. Then you follow, then you follow, then you are last. Each of you I am giving you three minutes please be brief, be precise and be to the point. Okay anza nauseme jina.

Patrick Mutegi: Kwa jina langu naitwa Patrick Mutegi Njue from Ndagani sub-location, Karingano location, Chuka Division. Kwa upande wangu, matatizo yangu ya hospitali.

Hospitali imsha kuwa kitu kingine kinaitwa ubiashara siku hizi. Kama hospitali hizi zetu za serikali. Ukienda pale ukilala pale week moja, bili, tatu, utashindwa nikulipa ile pesa ambazo utaitishwa pale kwa maana ili hospitali ni sisi tulijenga sisi wenyewe, wananchi na sasa ile bill unalipa pale au madawa yale umetumia pale---

Com. Lenaola: Bwana Mutegi, nilisema toa mapendekezo. Mambo ya hospitali tumeja sisi ni Wakenya pia tunaelewa vile shida iko sema tungetaka hivi ifanyike tafadhali.

Patrick Mutegi: Mapendekezo yangu ni hivi, tungetaka madawa ya serikali ikingia pale isitolewe nje. Wananchi wapate hizo dawa kwa maana ukienda pale unambiwa nenda ukanunuwe dukani na dawa ziko ndani pale. Sasa pendekezo langu ni hizo dawa hazitolewe nje wananchi wapatiwe.

Kwa upande mwingine. Upande wa shule ni vile vile. Shule mapendekezo yangu, kutoka nusery mpaka Standard 8 iwe free of charge na vitabu vile vile, vitabu zinaleta taabu sana. Ukinunua vitabu zinakuwa kali sana. Mwananchi aweze kununua na kwa serikali inunuwe hiyo vitabu.

Upande mwingine wa Mau Mau. Mau Mau naye ndio walianza hii vita ya mupeperu tangu 50, 51, 52, walikuako Mau Mau na sasa mimi napendekeza hivi. Mimi nataka hao Mau Mau wote wapigania ushujaa wao. Ni kama askari wale wako pale

wanaandikwa, wapatiwe zawadi yao au vile vile watoto wao.

Upande wa murder cases. Courti siku hizi, sasa nikuwa mtu huy mini na uwa nasikuwa na pelekwa pale courtini nafungwa miezi mitatu, minne na wachiliwa na sivo kitabu ya Mungu inasema. Mimi napendekeza murder cases iwe inafwatiwe katika ile Katiba ya Mungu aliweka mwenyewe. Inasema wewe ukiuwa mtu hata wewe uwawe. Full stop. Sina mengi.

Erastus Mukunga: My name is Erastus Mutegi Mukunga from Magumoni Division, Monge location. I will be too brief also and I think a lot of what I was to contribute has been said by many.

One is the Executive. Executive, Judiciary and Parliamentary should be separate body. Absolutely. Now I go to the natural resources. Natural resources should be managed by the public, should be involved in their management because what we have seen is when the public is not involved and then it is given to other powers, those powers are the ones who benefit from the natural resources and leave the local people just wondering and looking at it.

We do not want, I personally do not feel I want a federal government. Central Government but all what should go to districts should go straight untouched, the finances and be managed in the district. Education for all. Let this Constitution if possible make it compulsory or mandatory that every child receives education wherever they are, even some of the arid areas where nobody can build a school there, there must be a system of making sure that they go to school.

No one should be above the law in Kenya. Mayors and Chairmen should be elected by people directly and should have a qualification, not anybody, preferably O' Level or maybe people who have reputed experience and can be called back by people.

Succession of land; Women are discriminated in succession of land. The Constitution should provide that any child regardless, a female or a male should have succession rights. Commissioner of lands should not have absolute powers, the Parliament should not decide their salaries. Only that. The aged group should have, the Constitution should provide a way of taking care of their welfare including these Mau Mau people who lost their lives and children became poor and went out of school because they were actually fighting for the country. Their should be a thing to remunerate them and find out exactly their suffering. Thank you.

Com. Lenaola: Hebu tusikize huyu mama sasa. Ngoja Bwana Patrick, ngoja kidogo Tusikize mama. Jessica Nkonyi endelea halafu utamufwata.

Jessica Nkonyi: Niu mbitagwa Jessica Nkonyi Njeru

Translator: Mimi naitwa Jessica Nkonyi Njeru.

Jessica Nkonyi: Na niu gitumi gia gutuma mbuca guku niu ninduta wiira nkiuragirwa ni mbura niuntu mbeendagia macuyia na nimburagirwa ni mbura muno na nkaaga bandu aria ndingikara.

Translator: Sababu yangu ya kuja huko ni kwa sababu mimi huuza majani, nilikuwa na nyeshewa sana.

Jessica Nkonyi: Ntina mangi ni mau ninkwenda kubwira ona ti twi ba biashara ino ya macuui itwagiri kwona andu a gwikara.

Translator: Sina mengi ya kusema, ni hiyo nilikuwa nataka kusema...sisi tulikuwa wauzaji wa hiyo chumvi tuna nafasi, chumvi ya kienyeji.

Jessica Nkonyi: Na ni ndutaga biashara ya kwendia macuui mau ma ng'ombe manyunyagwa ni ng'ombe niuntu ni cuumbi ya ng'ombe ithiragia thiina cia ng'ombe.

Translator: Na mimi na fanya biashara ya kuuza hiyo chumvi ya kienyeji kwa sababu inasaidia ngombe, kumaliza shida ya ngombe.

Jessica Nkonyi: Ntiina mangi niu no mau.

Translator: Sina mengine mimi ni hayo.

Patrick Mbaka: Jina langu naitwa Patrick Mbaka..... Mimi nakuja kutoa maoni hapa kwa Katiba.(Kimeru) Mimi nataka mwananchi wa kawaida wa Kenya awe juu ya sheria ya Katiba hiyo. Sasa tunataka tuwe na serikali, tuwe na President, makamu wa Rais na Prime Minister. Na kama hao viongozi tunataka tupatie Bunge power ya kumachaguwa.

President, Makamu wa Rais, Prime Minister. Na kama tunachagua President tumechaguwe kipindi ya pili miaka tano. Kama anafanya vizuri tumurudishe tena amalize miaka kumi, kama anafanya mzuri aondoke kwa miaka kumi. Mimi nataka kuongeza kitu kingine hapal

Kama tunachagua President kipindi ya bele kama si Katiba mpya tuweke sheria kama kwa miaka tano, au kama anakua.....mbele amalize kipindi cha miaka tano tumuweke courtini mara moja na tumuondoe tuchague mwingine.

Mambo ingine, hii Katiba mpya tunafanya itoke lugha tatu, lugha ya mbele ya Kimeru au Kisii hata Kibaluyha kwa sababu Kenya inakuwa na kugha mingi na hiyo ingine iwe ya Kingereza, ya English. Hiyo ingine, mimi nasema kama kwa wakati huu tunaingia kwa uchaguzi, bele ya kuchapa kura tuhesabiwa kwa ituo. Mambo ingine ya mwisho kabisa, mambo ingine mimi nazungumuza ya hile.....lakini kwa makanisa tulikuwa na kiwango tunafika kwa Bible lakini mbeleni huko tulikuwa na chapel tunatumia tukipambana kwa mambo ya mashamba tulikuwa na chapel kingine tunatumia....mimi naomba Katiba mpya turudishiwe hile.....ya.....hiyo mashamba tupatiwe hio....ya zamani kama tunakosana kwamipaka kwa hii tuende kwa.....

Julius Mwebia: Thank you Bwana Chairman, my name is Julius Mwebia I come from Magumoni Division. The first thing I want to point out is the fact that there has been an abuse of the Provincial Administration, I would want it scrapped and replaced by elected leaders. Possibly we could have the local government empowered to play their role.

On Presidential appointments, I would comment that all appointments by the President be vetted by the Parliament and then on the Head of State I would wish to see a country where we have a Head of State and a head of Government who is the Prime Minister. The Prime Minister could be elected by the ruling party and the Head of State could be elected by the people.

Parliament should be given powers to impeach the President. I would also want to see a situation where the Executive, the Parliament and the Judiciary have independent and equal powers. The Head of State in our country should be elected by 51% of the population of the electorate and I would recommend the Head of State and the whole of the Executive should declare their wealth and the Head of the State should be somebody of integrity, a role model family person and the Head of the State I would recommend should be 50 years and above, somebody with an education of Form Four and above and the Prime Minister could be a degree holder and 35 years and above.

On education, the issue of the 85% of students being, 85% ethical locals to schools, I feel this should be scrapped it is encouraging tribalism, it should be scrapped and all schools made free to all children. Utilization of public resources, the decision on utilization of public resources and especially land and plots should never be left to one person to make a decision on. We see cases where the President or other people in power dish out land, it should never be the case.

Recommendation? There has to be, any.....of the public land it should be done by the people, by the public. I would recommend also direct election of the Mayors and the mayor should be somebody with a Form Four education and above and the Councillors should be people who are literate. Thank you.

Com. Lenaola: Any questions? Yes we have one question.

Com. Salome Muigai: Two questions. One on the Presidential Head of State being a role model family person. Supposing a Catholic priest or Bishop Ndingi tomorrow decided he wanted to be President, do we disqualify him on the fact that he is not what would fit into role model family person?

And I also wanted your thoughts on the President, you spent a lot of time telling us how the President should be but the person who is going to manage our Government you tell us should be Prime Minister so where do we want to put our microscope, is it on the President or on the person who is going to run the Government of this country?

