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**VERBATIM REPORT OF**

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**CONSTITUENCY PUBLIC HEARINGS, TIGANIA EAST  
CONSTITUENCY HELD AT MUTHARA POLYTECHNIC**

[REDACTED]

[REDACTED]

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**CONSTITUENCY PUBLIC HEARING , TIGANIA EAST CONSTITUENCY HELD AT MUTHARA  
POLYTECHNIC ON 20<sup>TH</sup> MAY 2002**

**Present:**

1. Com. Domiziano Ratanya
2. Com. Abubakar Zein

**Secretariat In Attendance**

1. Roselyn Nyamato - Programme Officer
2. George Kariuki - Asst. Programme Officer
3. Zipporah Wambua - Verbatim

**George Kimanthi:** Tulikuja mapema hapa kama saa mbili. Kwa majina mimi naitwa George Kimanthi kwa wale ambao hatujawahi kukutana tena, mimi ni co-ordinator hapa (inaudible) Constitution hapa Nyambene. Leo tuna Commissioners from the Constitution of Kenya Review Commission. Na kama mjuavyo leo ndiyo siku kuu hapa Muthara, ndiyo siku tulisema Commissioners watakuja hapa kupokea maoni yenu kama wananchi, ili nyinyi mhusishwe katika kurekebisha Katiba ya Kenya.

Kabla sijafanya introduction na ningependa mmoja wenu atuongoze kwa maombi, kisha tuendeleee kwasababu tunaona muda umekimbia sana. Kwa hivyo nitamuomba mmoja wenu atuongoze kwa maombi. Tuko na Pastor ama Imaam? Pastor Gikamati, tuongoze kwa maombi.

**Pastor Gikamati:** Na tuombe. Baba katika jina la Yesu Kristo, ni asubuhi njema tuko mbele yako Bwana hapa Bwana sehemu za Muthara. Tumekutana hapa ili Bwana tukapate kutoa maoni yetu Bwana, ili Bwana tukaweze kutengeneza Katiba ambayo itatufaa siku za usoni. Tunaomba Mwenyezi Mungu, wakati huu tunapoanza tuanze na wewe na tukimaliza, tumalize pamoja na wewe. Baba ukatusaidie Bwana ili Bwana tukapate kuongea kwa umoja Bwana na kwa pamoja. Na ni katika jina la Yesu Kristo tumeomba na kuamini. Amen.

**George Kimanthi:** Asante sana Pastor Gikamati. Ningetaka tuanze kwa kutambuliza wale wanakamati wale tuko nao hapa. Naona tuko na wawili. Tuko na Isaiah Mwiraria. Hawa ni wanakamati ambao wamekuwa wakitusaidia katika kazi ya Katiba hapa Tigania East na sana sana hapa Muthara na sehemu zingine. Halafu tuko na Florah Kanini. Florah Kanini amekuwa akishughulikia upande wa Kalama pande hizo juu. Kuna wengine hawajafika lakini bado watakuja baadaye lakini hawa tu ndio tuko nao wawili hapa. Na kama nilivyosema leo tuko na MaCommissioners, tuko na Com. Zein Abubakar, halafu tuna Com. Domiziano Ratanya wengi wenyu wanamjua, tuko na programme officer Zipporah Ndunge, tuko na George Kariuki, yule mwingine alikuwa ameketi pale anaitwa Roselyn Nyamato. Huyu ndiye anatafsiri kuna wale watajieleza kwa Kimeru na yeye ndiye atakuwa anatafsiri atakuwa

“akabutaurira uu bukuu”. Kwa hivyo mimi sina mengi ya kusema nitamuomba Com. Ratanya amueleze vile mtafanya mkija hapa. Kwasababu tunatarajia mtakuja hapa, kuna wale wameandika miswanda yao, wameandika maoni yao atawaeleza vile mtafanya. Kuna wengine ambao hawajaandika maoni yao lakini wako na ya kusema. Kwa hivyo hata yeye atamueleza ule utaratibu tutakaefuata. Kwa hivyo nitamuomba Commissioner amueleze aina hiyo ya kufanya na nafikiri tutafuata kwa makini vile mtaamBiwa kwasababu tunatarajia watu hawa wengi kuanzia saa sita huko. Kwa hivyo Commissioner.

**Com. Ratanya:** Asante sana Co-ordinator, Bwana Kimanthi, wananchi wa Tigania East Constituency upande huu wa Muthara, hamjamboni nyote? Vile mumesikia mimi naitwa Domiziano Ratanya. Sihitaji kuwajuulisha sana kwasababu mimi najulikana hapa lakini wale hawanijui naitwa Ratanya na natoka katika Tigania upande ule wa (inaudible). Na tuna mwenzangu

hapa Com. Abubakar Zein ambaye atazungumza na nyinyi badaye.

Kwanza, ningetaka kuwajulisha mpango ambao tutakuwa nao kwa kuendesha kusikiliza maoni ya wananchi. Kitu cha kwanza ningependa tusikilizane juu ya lugha. Pahali popote tumekuwa katika district hii tulikuwa tukitumia Kiswahili, Kingereza na mtu akiwa hajui Kiswahili ama Kingereza hata yeye anapatiwa nafasi anazungumza Kimeru tuna mtu wa kutafsiri Kimeru kwa hivyo hapa hakuna taabu. Lakini tunapendekeza sana wale ambao wanajua Kiswahili wahimize sana Kiswahili ili wengine waweze kusikia.

Tena, mtakuwa mnakuja na mambo yenu ambao mmeandika ambayo tunaita memorandum ama wengine hawana. Kuna hizo njia mBili, unaweza kuwa na maandishi ama huna. Kama una maandishi, hayo utatuachia baadaye baada ya kueleza machache ambayo yako katika memorandum. Kwa hivyo hutasoma memorandum yote, utasoma tu point zile ziko kwa memorandum na utatuachia memorandum badaye tutasoma na tutajua maoni yako. Na hio utapewa dakika tano kwasababu kutakuwa na watu wengi kufika jioni tunataka tuwe tumemaliza hatutaki kupoteza wakati mwingi. Hiyo dakika tano uweze kumaliza yale yote unataka kusema. Kama huna memorandum, utasema mambo ambayo yako katika kichwa chako na useme kwa ufupi kwa hiyo dakika tano na umalize. Wakati mwingine utaona kuna mambo mengi yamesemwa na wengine, kwa hivyo utaona hakuna haja ya kurudia rudia kila wakati. Utasema yale ya muhimu. Na kwa hivyo hapo tungetaka tuanze na wale ambao tumeandika na njia yetu itakuwa tu ni kutumia list ambao tunayo na tutakuwa tukisema yule anakuwa wa kwanza yeye atahitajika kuwa wa kwanza na kuendelea namna hio. Kama itakuwa sababu yeyote ya kutofuata list kama vile Com. Abubakar ataeleza kidogo, hapo tutaona itakuwa sababu na sisi wenyewe tutatumia kwenda kwetu kutokana na ruhusa yenu kumuita mtu yeyote hata kama yuko number one.

Na kwa hayo ningetaka sasa kumuachia Commissioner mwenzangu, Com. Zein Abubakar awasalimie na halafu aseme machache hata kuongeza yale ambayo nimesema na halafu tuanze kikao hiki. Na hapo ningetaka kutangaza tumeanza kikao hiki cha kurekebisha Katiba rasmi.

**Com. Abubakar:** Habari ya asubuhi? Kama mlivyoelezwa mimi naitwa Abubakar Zein na mimi ni mmoja ya maCommissioners kutoka Tume ya Kurekebisha Katiba ya Kenya. Kama alivyosema mwenzangu kwamba mimi nakumbaliana na yale yote aliyosema ni kuongezea tu kwamba la kwanza la muhimu ni kukumbuka kwamba maneno yote unayosema hapa umelindwa kisheria. Hakuna mtu anaweza kukuchukulia hatua yeyote maanake tunmenda kwingine tukaulizwa swali kwamba, pengine nikisema maneno haya yakikasi lisha mtu fulani au chama fulani au kampuni fulani au watu fulani, si ninaweza nikachukuliwa hatua? Hauwezi kuchukuliwa hatua yeyote unalindwa kwa sheria iliounda Tume hii. Ulinzi tulionao sisi maCommissioners ndio ulinzi mlionao nyinyi.

La pili, kwamba juu ya kusema kwamba tumelindwa kisheria kutoa maoni yeyote tunayopenda ni vizuri tunapozungumza tutumie kule kwetu Mombasa tunasema lugha ya muruwa. Lugha ambayo unaweza kutumia mbele ya wazee, lugha ambayo

unaweza kutumia mbele ya dada zetu na mama zetu, lugha ambayo unaweza kutumia mbele ya watoto mbila mtu yeyote kuona kwamba pengine umemtukana au umemkosea heshima. Na la zaidi ya hayo ni kwamba tunahitajika pia kutokukashafiana. Tusije tukachukua fursa hii kumtukana mtu au kumhariBia mtu jina. Kitu ambacho tungependa sisi ni mapendekezo yenu kuhusu ubadilishaji wa Katiba na vipi tunaweza kubalisha Katiba.

La mwisho kabisa pengine ningesema kwamba aliyoyasema Commissioner mwenzangu ni kweli, itafika wakati pengine hatutaweza kutumia list hii, tumuite mtu ambaye pengine mmemuona amekuja baada ya wengine. Kwa kawaida sisi kama Tume la Kurekebisha Katiba huwa tunawaomba mtupe ruhusa hio. Na ni kwasababu za hali ya maisha na hali walizonazo wananchi tofauti. Kwa mfano, akaja bibi ambaye ni mja mzito na hawezi kukaa kwa muda mrefu, tutawaomba mtupe ruhusa tumpe bibi kama huyo nafasi azungumze na aende. Au hamtupi ruhusa hiyo? Mmetupa ruhusa hio. Akaja Mzee sana pia namna hiyo, akaja mlemavu namna hiyo, akaja mtoto pengine kama hawa wanafunzi ataka navyeye kuja kuzungumza halafu arudi ndarasani, tutaomba ruhusa hizo, hizo. Lakini tutawaeleza kabla ya hatujaruka kutoka kwenye orodha hii tunaeleza tunafanya hii kwasababu fulani. Sijui kuna mtu yeyote ana swali kabla hatujaanza rasmi. Nadhani haya mambo yameeleweka vizuri. Na jambo ambalo ningetaka kusesitiza kwa Mzee wangu zaidi ni kwamba ukiwa unatoa maoni kuhusu jambo sababu nyingi sisi tunazifahamu. Kwa hivyo usipoteze dhawabu mwingi ukitoa sababu kuhusu jambo hilo. Tueleze jambo hilo halafu tuendelee mbele. Asanteni sana.

**Com. Ratanya:** Sasa jambo lingine la mwisho kabla ya tuanze. Mnaona hiki kiti? Kuna kiti hapo na microphone, hapo ndiyo mtu atakuwa anaketi yule atapeana maoni yake. Na unaona kiti kinawekwa vizuri, hiki kiti ni cha mtu ambaye ni mwenye heshima kaBisa. Mnajua huyu ndiye mrekeBishaji wa Katiba yule anaketi hapa. Ndiye anatueleza tutaweka nini kwa hii Katiba. Ndiyo unaona tumemuwekea vizuri apate nafasi nzuri ya kuzungumza vizuri. Kwa hivyo utaketi hapo na utazungumzia kwa hiyo machine, hiyo microphone kwa njia nzuri itakuwa inanasa sauti kwasababu tuna kinasa sauti pale. Hebu muonyeshe hizo, kiko hapo na hata ukizungumza sasa mambo yako yataingia hapo dani. Na mengine yatakuwa yanakuwa recorded na hata sisi Commissioners tutakuwa tunaandika. Lakini ukiona kuna wakati mimi siandiki, usiseme ya kwamba hatuchukui mambo yako, kwasababu mambo yako yanachukuliwa usijali hapo. Kufika hapo ningetaka kumpatia Commissioner mwenzangu Abubakar Zein aanze awe Chairman wa session hii. Haya Bwana Commissioner.

**Com. Abubakar:** Mzee wa (inaudible) huwa ananipa heshima kubwa kwanza na mimi nakubali hayo, Mzee akitoa amri, mimi naendelea. Ningependa kumuomba ndugu yetu James Mwenda awe wa kwanza kutoa maoni yake. Na Ndugu James karibu ukae uanze kutoa maoni yako.

**James Mwenda:** Thank you Commissioners. Mimi naitwa James Mwenda. Mimi ni mtu wa kutoka (inaudible)

**Com. Abubakar:** Weka microphone karibu na mdomo tafadhali, yah namna hiyo.

**James Mwenda:** Kama sisi wakati tunakwenda kwa police haishughuliki na sisi kwasababu hatuna pesa ambayo ni ya kuhonga hawa. Tunataka hii Tume iwe sisi kunashughulikiwa tukiwa sisi ni walemavu. Sisi hata hatuna nguvu kitu ya kuweka kwa banki yenyewe hatuwezi kukubaliwa kuchukua loan tuendeze hii Biashara ambayo tuko nayo tupate kulinda maisha yetu.

Sisi walemavu kote, serikali haishughuliki na sisi hata kutoka wale wanasimamia sisi hapa wakubwa wa serikali kama machief na wale wengine hata msaada yeyote ukija. Sisi kama Tigania East, hata hatupatiwi tunakufa tu na njaa huko. Kwasababu hawataki kupatia mtu hata tukikosa kwasababu hatuwezi kwenda kusimama kwa msabala kwa laini ambayo inapangwa kuchukua ile msaada yule mlemavu hawezi kupata. Kwasababu hana faida yeyote kwasababu sifahamu kama ni yeye tulipendelea kuwa ni kiwete. Wakati huu unaona mimi nabeba hizi clutches sio kupenda kwangu na sio mimi wa mwisho kuwa kiwete wataendelea kuwa namna hio. Kwa hivyo hio ndio nataka kama hii Katiba itakuwa inashughulikia walemavu.

Sheria zingine ambayo nataka itolewe kabisa. Wakati huu sisi kama mtu anapanda mti wake, lazma aende akaleta barua. Tulipata uhuru wa aina gani? Kama sisi mtu ambaye kama mtu kama mimi nilinunua mti napanda na pengine wakati naenda kukata naamBiwa kwenda chukua barua. Sasa hii mimi nilipanda ya nini, haiwezi kunisaidia kweli. Wakati ambao napanda mahindi yangu, nikibeba kwa gari, County Council ikinipata mimi nakatishwa kodi. Ni serikali gani kama mimi nakata kodi? Wakati huu sasa mimi ni mshonaji wa viatu na mimi ile napata nisimamie miti yangu nife na njaa kwasababu siwezi hata kwenda kulima na jembe au kukata makaa. Sasa hii Tume lazima serikali iseme ya kwamba, huyu mlemavu hawezi kulima shamba, kulima hata na jembe asimame mzuri. Mimi naenda nikianguka huko. Sasa wakati huu tunasimama hapa Commissioners naitiswa kodi na County Council wakati huu, sasa siku ingine walikuwa wanataka kuandika mimi board niende kwa police. Nikienda kwa police sasa wanataka nikufe na njaa. Wakati huu kama mimi naitishwa license. Ni serikali gani inasimamia mimi kama hapatiwi barua ni kuwe mimi ni mlemavu huko wanataka nikufe na mimi lazma nitakuwa ni mtu serikali inasimamia mzuri. Mara ingine mimi nazaa. Sasa wale watoto ni wa kusaidia. Hii crutches ikivungika kwa barabara, mimi nakaa huko. Nikiwa na watoto nikipiga kama wewe Commissioner nikiwambia kwenda ita watoto wangu wakuje wanibebbe, wanakuja haraka kwasababu nilizaa. Na sasa hata shule hawaendi, sasa wakati huu mimi ukiniona hapa. Serikali haiwezi kujulia mimi hata nikienda kwa Chief, hawezi kuona kama mimi ni mtu kwasababu mimi ni kiwete. Sasa hio nataka Tume pakikosa sheria lazma pakuwe panetegemea mlemavu kwasababu ni mtu hata yeye anajenga nchi.

Kwa hivyo Commissioners, swali lingine lile muhimu sana, mtu kama mimi hata akienda kwa DC siwezi kubaliwa kuingia huko kwasababu mimi ni kiwete. Nakaa kama mtu hana maana. Sheria wakati huu itolewe iwekwe sheria mzuri ile ambayo mimi nakwenda kwa DC wakati nataka kumuona, nimweleze tabu yangu kama hii ya watoto animalizie naenda straight. Lakini wakati huu nikienda siwezi kukubaliwa kuingia kwa ofisi. NaamBiwa kaa huko, askari ananiamBia kaa huko wewe hauna faida yeyote. Sasa nataka hii sheria igeuzwe ikuwe ya kwamba mimi naingia Bila wasiwasi wowote kwasababu yule ni msimamizi wangu na ndiye ananipatia maneno yangu hata kutoka huko national.

Kwa hivyo ma Commissioners hiyo ndiyo nilikuwa nataka kutoa kwa kugeuza Katiba, muwe mnasimamia mlemavu kote katika

Kenya yote. Uchumi juu huwezi kuwa uchumi mzuri kama sisi walemavu tunahangaika huku ni njaa. Kwasababu ndio sisi wakati huu tunakufa na njaa kwasababu serikali haijali walemavu. Na ni watu wanaweza kutengeneza hata kama machine kama hii. Lakini ile ndovu wanatoa hata watu wa kusimamia kama ndovu wakati huu iko na askari wa kusimamia. Kwa hivyo wakati huu inasimamia ndovu vizuri na sisi walemavu tukisimamiwa tunataka hata tukitaka hata hii machine yenyewe, tunaweza kutengeneza na tukafikisha mahali popote na tukakuwa watu wazuri. Kwa hivyo mimi nasema asante, mimi nilikuwa nataka kutoa hayo maoni wakati mnageuza Katiba ikuwe inakuwa (inaudible)

**Com. Abubakar:** Asante Bwana James Mwenda. Asante pia kwa kuchunga wakati, umetumia dakika tano ulizopewa. Tafadhali keti tu ujaze hio register yetu. Bwana Mwenda ameanza vizuri kwasababu alipoanza, alipokaa chini alitaja jina lake. Na hivyo tunataka watu ukikaa chini utaje jina lako, useme mimi ni fulani wa fulani kwasababu tuna-record kila kitu turecord wewe pia ukitaja jina lako. Halafu kama unaona anavyofanya sasa, ukimaliza kuzungumza hapa utakwenda kwenye ile meza pale kwa huyu Binti uandike hio register yetu kwamba umetoa maoni. Pale ukiandika, unaandika kwamba umeingia ndani ya kikao hiki. Kuna wengine wanasema wanataka kutoa maoni kwa mazungumzo, wengine wanasema wanataka kutoa maoni kwa mazungumzo na memorandum au mswada, na kuna wengine wanaandika pale yeye amekuja kuangalia tu pia hio inaruhusiwa. Unaweza kuja ukaangalia tu vile mambo yanaenda halafu ukaenda zako. Lakini hapa hii register ni kuonyesha umezungumza, umetoa maoni yako ndiyo unatia right kidole chako kuwa wewe umejiandikisha ati nimetoa maoni.

**Com. Abubakar:** Sasa ningependa kumuita mtu wa pili ajitayarisha Bwana Mwenda akimaliza tu ku-sign register, tutamuita Gilbert Ikunyia. Inaonekana labda ametoka kidogo hilo ni jambo lingine ambalo tunafaa kufahamishana. Mtu akiitwa jina lake mara mbili, mara tatu akiwa hayuko, tutamuacha tutaenda kwa yule anayefuatia akirudi badaye anaweza kwenda pale akasema nimerudi halafu tuendele. Asante sana Bwana Mwenda. Gilbert Ayuko, sasa nimeona Priscillah Ncheke. Na Bi Priscillah wewe ndiye utakuwa wa kwanza kukueleza kwamba na furaha kwamba ni mwanamke wa kwanza kuja kutoa maoni. Lakini nitawaomba radhi ikiwa nitataja majina lugha itetereke kidogo au nisindwe kunyambua lugha vile inavyotakikana, najifunza kila siku majina bado najifunza. Mzee wangu bado ananifundisha taratibu kwa hivyo usikasirike ikiwa nimetaja jina vibaya. Haya Bibi Pricillah endelea.

**Priscilla Ncheke:** Our Commissioners, our co-ordinator, other members of this constituency, my names are Pricillah Ncheke Gitire. I am a parent of disabled group here in Muthara, Tigania East. I am here to complain about parents at home. Those who are disabled, the disabled parent is not able to care for the family or to keep the family in the standard of other families and therefore the children of this parent they don't have chances even to be in school. Some of them when they go to school they are expelled by the headmasters and therefore I would like the Government of Kenya to consider this child. I particularly I am a teacher and I feel very bad when I see this child being expelled from school. So it is my opinion that the child be taken care of. If possible they get enough food, they get clothing like any other child of a minister or even of a president. I don't have much to say but the problem is the child today. Thank you.

**Com. Abubakar:** Asante sana Bi Priscillah. Unaweza kuletewa hapo register, unaweza ku-sign tu pale. Asante. Bi Priscillah ametumiwa muda wake sawasawa ametaja anayotaka amemaliza kuwapa fursa wengine. Douglas Muthui, karibu Mzee.

**Douglas Muthui:** Commissioners, jina langu ni Douglas Muthui. Na mimi ni mtu kutoka Tigania East tena mimi ni member wa Muthara (inaudible). Yangu kuna sheria nyingi sana zimetungwa katika Parliament zetu. Sana sana sheria za watoto na hio ni mzuri sana kwasababu sheria hizo za watoto zinamlazimisha mzazi amsomeshe mtoto na hio ni kweli. Lakini Katiba tulionayo sasa haitambui mzazi kwasababu ya kusema hivyo, tumeshasomesha watoto wengi, kutoka nursery hadi university. Huyu mtoto akishasoma aende kule university ahitimu ma-degree zake anaona sasa hawezi rudi reserve, anapotelea kule. Na aliwacha mzazi na taabu sababu mali nyingi alitumia akimsomesha zote zilikwisha na mzazi akawachwa Bila mali yoyote. Watoto wengi wamepotelea town. Kwa hivi naomba Commission hii ya Katiba, itafutie mzazi sheria ili aweze kumustaki huyo mtoto arudi hata nyumbani aje amsaidie sababu wengi wetu tumeshaumizhwa na hawa watoto ambaye tumeshasomesha na tukatumia mali nyingi. Kusema ukweli wazee wengi hapa wamekufa na njaa na angali watoto wao ni ma-boss. Wamepotelea Nairobi, wananunua manyumba makubwa huko Lavington Green na Kahawa Sukari. Kufika hapa hawajaonekana hata mimi ni mmoja wao kwasababu nimesomesha wangu ako hapa hapa. Lakini niko na miaka tatu na hajafika nyumbani na ako Nyambene. Kwa hivi Commissioners naomba hata wazee nao wazazi watambuliwe na Katiba, kama vile Katiba inawatambua watoto. Asante sina mengi.

**Com. Abubakar:** Asante sana Mzee, nimesikia hayo, tusha record. Tafadhali andika jina lako kwenye register kwamba umeandika, wapatie hawa wata-file. File kubwa wanaiweka ndani mara moja. Isaiah K. Mwiraria huyu ni observer, Florah ni observer, Priscillah Mithika.

**Priscillah Mithika:** Okay, thank you very much Commissioners, Co-ordinator, Committee and the rest. I am called Priscillah Mithika na natoka (inaudible) Kathama location. Maoni yangu ni kwamba nitaanza na kuongea upande wa akina mama. Mimi ni mama na najua shida za akina mama. Upande wa akina mama sisi tunanyanyaswa sana. Hii Katiba ya kusimamia akina mama ni very weak. Ningesema ati afadhali ibadilishwe sababu upande wa akina mama wakati wingine hatuna say, wakati mwingine we are never considered in any institution. Sababu ukiwa mama ukiwa umeachwa nyumbani na Mzee amenda pengine kutafuta customer ako mbali na wewe, hata ukienda tuseme upande wa lands ukienda kuakilisha case yako ya land utaambiwa utakaa mpaka ungojee Bwana wako akuje. Sasa ndio mimi nauliza na mtu ama Mzee akiwa mbali kabisa utakaa mpaka hio land yako ama hio sehemu yako ya land iende na watu kwasababu bwanako hayuko karibu. Hapo tunaona tunawezwa kabisa.

Upande mwingine ni akina mama wanaitwa single mothers. Single mothers wakati mwingine wanapata shida sana really. Wako na watoto lakini wakati wa kulea watoto wanakuwa peke yao. Yule baba watoto wakati mwingine hata anakana hawa watoto hata anasahau watoto mpaka mama anawezwa na hawa watoto kuwa close kuwafanyia chochote, na hakuna any consideration kwa hawa watu. Kwa hivyo single mothers mpaka wawe-considered at least wajisikie hata wao wako katika nchi inasimamia

kila mtu. Sababu wakati mwingine wanashindwa hata kusomesha, wakati mwingine wanashindwa hata kulea lakini baba ako kando anakaa tu, amekaa tu. Wakati mwingine anasema watoto ni wangu. Anaendelea kusema watoto ni wake, sasa watoto watakuwa ni wake namna gani na hakuna mahitaji anafanya. Kwa hivyo single mothers tafadhali waangaliwe vizuri.

Point yangu ingine ni kusema, upande wa leaders tuseme President, MP, councillor, chief and the rest all the leaders. Wakati wanachaguliwa wapatiwe just one year kukaa kwa ofisi. Yaani wananchi wakiangalia mienendo yao ikiwa sio sawa sawa tuwe ni President, tuwe ni nani ikiwa mienendo yao sio sawa sawa ama hawatimizi yale mahitaji walitumwa na wananchi wakafanye. Wakishindwa kufanya hayo after one year watolewe kwa ofisi halafu wengine wawekwe. Sababu hii Katiba ya kusema kama mtu amechaguliwa akae for five years, hio kukaa five years mtu anajijua yeye mwenyewe na familia yake lakini hio Katiba inasema mtu tujonjee mpaka five years iishe halafu tuanze kuchaguliwa tena. No, hio ndio sasa nasema ibadilishwe mtu apewe one year or six months aangaliwe tunamtoa. Kwa hio machache nasema asante.

**Com. Abubakar:** Asante Priscilla kwa maoni yako tafadhali andika kwenye registar pale. John Munjuri. John Munjuri hayuko? Muikindia Mwinjuri, Zipporah Kathwana.

**Zipporah Kathwana:** Commissioners, uuni untu bura nkweenda kuua.

**Com. Abubakar:** Tafadhali taja jina lako.

**Zipporah Kathwana:** Riiitwa riakwa mbitawa Zipporah Kathwana.

**Translator:** My name is Zipporah Kathwana

**Zipporah Kathwana:** Kuuma Tigania East.

**Translator:** from Tigania East

**Zipporah Kathwana:** Untu bura mbeenda kuuga uni ndi mlemavu.

**Translator:** What I would suggest as a handicap person

**Zipporah Kathwana:** Kankuua thirikari kwina alemavu, ontu ya uuni eendi ndi mlemavu, itukwinyilika ni aana niuntu bwa kwithira eendi muntu kwina alemavu batii batina kinya akuru. **Translator:** I am suggesting and proposing that we as handicapped we are being oppressed because you find some of us have children and don't have any assistance because we might not even be having a husband

**Zipporah Kathwana:** Na twina aana, aana bau itukwenda thirikari itwileele,

**Translator:** our wish is that we would like the Government to oversee the issue of our children to assist us

**Zipporah Kathwana:** keenda aana bau beetu bathooma batutethia.

**Translator:** so that our children can get education and help us. I didn't have much, thank you so much.

**Com. Abubakar:** Dada asante sana andika jina kwenye register. Na Roselyn ikiwa kuna mtu nilikuwa nimeita watu kadhaa ambao hawakuwako sijui kama washa kuja Gilbert Ikunyua, hajarudi. John Munjuri, Mukindia Minjori, Pius Kobia, karibu.

**Pius Kobia:** Commissioners, our co-ordinators and my fellow constituents. My name is Pius Kobia I come from Tigania East, Tharama location. Ningetaka kuongea kuhusu vijana kwasababu mara ingine unaona ya kwamba sisi vijana tumefinyiliwa sana. Tungetaka hawa Commissioners ambao wanachukua maoni ya Katiba Kurekebishwa (inaudible) wawe waki-consider vijana sana especially on the side of employment. You may see that many of the young people are unemployed. And actually the Government is taking no issue serious issues about the young people and soon they see the presence of many graduates those who come from the universities, from other colleges, they have nothing to help themselves. Especially this time when we have economic problems like now our economy has gone actually it is in a critical condition. So you may see that many of the young people they have nothing to do, they are just loitering around because they have no capital to start may be their businesses. They have nothing actually to feed themselves and we see that that's why we have high rate of crime.

Another thing as concerns the young people. The Government should try to find a way in such a way that they find means, of creating job opportunities to these young people. So on the side of that I may say that as we move, let's try to make our way in which when may be a certain group is moving and graduating at a certain point, they should try to help so that we can at least have a job afterwards because very soon these people are going to have families. And you may realize they may want to be like any other and now we should have at least a destiny torment to decide on the side of the where we are going to get our employment.

The other thing I would like to talk about local authorities. On the side of local authorities you may realize that we have councillors, these civic education and the civic leaders. On this issue they would like the Government to try and look to have no, to have at least direct control. Because currently the local authorities, we have the civic leaders who are elected by the people and others are nominated. We would like the Government to consider this issue because we would like that seat of nomination scrapped out because those people they represent nobody. So we would like the Government to be on alert on these, these are the same people bringing many problems at the local authority that is why we have so many may be like the service charge that goes straight to the local authorities. It is of no use because this money is squandered and we would now like the Government to take control over that issue.

And the other side of the local authorities (inaudible) we would like the Government to have at least a way that you should try to

help the common mwananchi at the side of mayoral electoral. We would like the seats for the mayors and other council leaders like the Chairman and the rest to at least common mwananchi to have a say, that one of election may be we can have us electing the mayor or the council chairmen or other leaders in fact. So with those few remarks.

**Com. Abubakar:** Thank you very much Pius, please sign your name on the register. Julius Kobia. Karibu Mzee.

**Julius Kobia:** Ma-Commissioners, wazazi wenzangu mimi naitwa Julius Kobia. Maoni yangu ni kuhusu usalama. Mimi nimezaliwa katika area hii ya Muthara lakini tunahangaishwa sana na wakora ambao hufungulia watu usiku na kuwanyang'anya ng'ombe zao. Hata njirani huwezi kupita kwa shauri ya wakora hawa hunyemelea hata watajiri na kuwavujia nyumba zao. Kwa hivyo katika area hii sisi tunakaa kwa kuogopa sana kupita kwa njia au kama usiku wakati umelala. Maoni yangu ni kuhusu serikali tuweze vile ingeweza kusaidia ili tukae kwa usalama tusije kukaa kwa uoga. Hayo ndio maoni yangu nilikuwa nayo.

**Com. Abubakar:** Asante sana Bwana KoBia, tafadhali andika jina lako katika register yetu. Bwana KoBia Julius, tafadhali andika jina lako pale kwenye register umetoa maoni. Raphael Kaluku. Karibu.

**Kaluru Raphael:** My name is Raphael Kaluru. Haya basi yangu ni niko na memorandum na sijui kama niikaBidhi ama kwanza niongee yale niko nayo kabla ya...

**Com. Abubakar:** Vile tulikuwa tumeeleza watu kwamba una written memorandum you will at the end of your submissions hand in your memorandum which will be filed but we would like you to just highlight. Usisome utoe tu maoni yale muhimu katika memorandum sisi tutasoma wenyewe. We have a way of processing the memorandum. Thank you.

**Kaluru Raphael:** Thank you very much let me take the opportunity of addressing the Commission and give my opinion as regards how the Constitution should look like. Thank you very much the Commissioners for coming to visit us here to give us time to democratically give our views as regards to the Constitution. Mine is to say we should have an outlook of what the Government of Kenya wants to look like or according to the people of Kenya needs. We are now like I have said is that I have got a memorandum which contains a lot of things but now I am going to highlight a little Bit of it to say exactly my interest should be based on what.

Like now let's say the Judiciary part of the Constitution when we come to Judiciary we have problem and right now I have problem of so many cases that take time to be complete. We have advocates, those also take a lot of time in representing of a case when they have been employed to do so and at the end of it you find that the case has been flopped. You do not understand the cause so now we would like a Constitution that is a Bit stronger to guide them to guide the judiciary to be a very autonomous body that should not be interfered with and to guide the advocates who are members of the Judiciary as well. They

should have constituted against what they want to do for wananchi because they are given money to do that job. So something must be done or should be done.

On the part of the land issue. We hear Muthara and Kalama we have problems of land that issue where we do not have even title deeds. As far as the independence of this country is concerned we are people who should be having title deeds by now. It is very unfortunate to find that a person like me and somebody else does not have a title deed. And I am expected to develop Bwana I don't understand how it can happen without some support of a title deed, and when it comes to title deeds it is not a very easy exercise as well. You would like to have a title deed which will also take a lot of time to be given that title to you. One thing it is a Bit very expensive. It also takes time to be delivered to the farmer. Then the Government to step in and do something to land issue where it is really a backbone of Kenyans in developing the country.

And the other thing is about the security of this place. We in this location and as a whole Kenya we have had menace of bank robberies, burglaries. This year we have had that problem for a very long time. Our cattle have been taken away by thieves nothing has happened. We have not been able to track down any herd of cattle which have been taken thousands of them without exactly knowing what is happening and nobody is to follow it. I suggest here we should have a system that is a Bit stronger than now like having a minister fully concerned about how to track down the cattle that have been stolen. And I even call upon those who have guns or arms without license something should be done to stop them having guns because stealing cattle is really a very serious crime. We people from Tigania depend on the cattle, coffee and other small things like farming so when we are not given time or good security to our property then we are in for a problem.

And another thing I would not like to forget is about the local authority, County Council. The County Council is a second Government as far as it is concerned and the utilities are very minimal as far as the budgetary given to them is concerned because there is no activities in a road to be done. Like for example the employees of the council are not paid in time we can see it although I am not a councillor. They take a lot of time to get paid and they are working you cannot understand the system now so unless something is done by the Constitution to put more law into it people have problems.

Coffee industry here is as if people have stopped cultivating that crop because the payment is poor. They are intermediaries from where it is being sold I am calling upon the Government to intervene to see that farmers who go for coffee who just reap their coffee should take it to KPCU for milling and directly pays to the farmers. Not to go to corporative offices or intermediaries or Coffee Board of Kenya we have got nothing to do with those areas.

When I come back to the Executive office. I take issue of provincial administration. I really do not understand what a PC is supposed to do, me I have a feeling that we should away with the administration as a block as it is and as Big as it is. A PC is somebody who is reported matters by the DC all the time. A DC is also reported things by the DO which goes through and nobody I should think that block should be streamed because it should be either the PS in the provincial administration, then

DC follows then chief because there shouldn't be any.

**Com. Abubakar:** So your recommendation is to remove the office of the PC.

**Kaluru Raphael:** Yes to remove the PC, the DO, and sub-chief and leave chief, the DC and the provincial level I mean the headquarters level.

Another thing is security as I said it I am going to repeat it a little bit. Could we have patrols down the villages and in small trading centre say by the administration police possibly because of the regular police who are not able to reach areas where they are expected to go. So there is always a need for AP police to go round to be posted to the chiefs camp for patrolling the area.

**Com. Abubakar:** Once you have indicated that the problem here is in security, we will look into the details of it. That fine. Thank you very much Bwana Kobia. Please sign our register, please sign.

That was Bwana Raphael the following person is David Mbatia, nasema wewe ndiwe umemaliza namuita the following person. David Mbatia hayuko. Charles MugamBi, Charles MugamBi hayuko? Lucy Iranja.

**Lucy Iranja:** Ma-Commissioners (inaudible) mine is just to say I am a parent of a disabled child and I want to say disabled children should get free education and taken care of. We as the DSW disability support works, I want to inform you that you should take care of the disabled children because they are like any other children. Because if we look at our homes we see that disabled children are like just dogs. They are not taken care of some of them are even hidden when the visitors are coming you hide your child because he is a disabled, you don't even want visitors to see. So the the disabled children should be like any other children. Thank you.

**Com. Abubakar:** Asante sana Dada, tafadhali nenda uandike jina lako kwenye register pale. Helen Kalitu. Karibu Helen.

**Helen Kalitu:** Thank you Commissioner, Co-ordinator na wenzangu wote. My views are due to disabled persons are from. My name

**Com. Abubakar:** Helen just hold on. Could we have silence please. Excuse me, naomba kimya kabisa anapozungumza Dada ndio wote tusikilizane vizuri na tum-record vizuri. Ikiwa kuna mambo ungetaka kuzungumza na rafiki yako tafadhali muende kando pale, ndiyo mzungumze mambo hayo. Helen you need to give your name first because we are recording the session. Thank you.

**Helen Kalitu:** My names are Helen Kaliku I am born in Muthara, Tigania East. I will give my views as a side of disabled person. Mine is to say that in our constituency also disabled persons can be considered in many things because disabled persons are being forgotten here. Like in our group the Tigania North disabled persons during the time when the constituency is looking for teachers for civic education we couldn't be informed earlier. When we heard, many of the majority of our leaders say that they don't know if they are such groups existing of disabled. So, mine is to say that also it must be reviewed that also disabled are capable or able to build the nation. Also that is the end of educating people about the Constitution Review.

Another thing is that in the community also disabled people are learned for example many people are not born with disabilities. Some joined the group of disabled when they have already finished their education system. It doesn't mean that they are not, let me state the way it can be so that people with disabilities are capable of building the nation. So because they have education they must be remembered, considered in the field of being given work or employed so that they can also cater for themselves.

Another thing is that disabled persons who are capable of holding a kiosk or any kind of business should not pay back under the constituency. So they can be given freedom because the don't have materials or money to pay such taxes. Another thing is that disabled persons can seak strongly for disability Bill to be included in the Constitution so that they can be helped by the Government.

Another thing is that when the Government are sending this money for helping disabled persons they can help individuals because we are hearing that the Government has contributed some amount of money for disabled. But me being a witness of a group of disabled people we have not gotten even a coin so they can consider and be helping individuals in such money so that they can be helped.

Another thing is that disabled children can be given compulsory and free education. Because their parents cannot cater for the disabled child and then get money or fees to educate the child. So the education can be made compulsory and free.

Another thing is that disabled persons have formed their group which can be helped by our Government, but they know nothing on the way they will follow to be helped. So, I beg our leaders to be seeing the group and educate them on how the process they will follow to be helped by our Government.

**Com. Abubakar:** Thank you very much Helen, please sign our register. Those who have just come in let me just recap some of the rules for giving views. We are giving everybody five minutes and if you have a written memorandum we are requesting you to give the highlights only, and then you will submit the memorandum at the end of your presentation. We have ways to process those memorandums, each and every memorandum will be read by the Commission and your submissions taken down.

Those who are giving oral presentation we ask them to focused, precise and to the point. And when you come you require to give your name because we are recording verbatim the proceeding.

Ningependa tu kuwakumbusha wale waliokuja baada ya sisi kuanza kwamba, tunampa kila mtu dakika tano na wale ambao wana mswada memorandum wameandika maandishi, tunawaomba wasije wakayasoma yale maandishi watuchambulie tu. Watuchagulie mambo machache katika yale maandishi kutuambia kwasababu sisi tutayasoma maandishi yote hayo. Na kuyafanyia kazi na kama unakuja kutoa maneno bila maandishi utoe maneno hayo kwa kutaja yale mambo unayotaka mapendekezo yako ambao unataka tuyaingize kwenye Katiba bila kuzungumzia mambo mengi.

Kwa mfano ukiwa kama wale waliokuja, mmoja amekuja amezungumzia habari ya usalama, usha zungumzia juu ya usalama lakini usichukue dakika tatu kuzungumzia taabu ilioko ya usalama sisi tunayafahamu mambo kama haya. Na pia mtu anaruhusiwa kutumia Kiswahili, Kiingereza na kama anataka kutumia Kimeru, huyu kijana alieko hapa kazi yake ni kutafsiri mtu akizungumza kwa Kimeru.

Na ningependa kuwakariBisha wanafunzi waliofika hapa katika kazi hii muhimu ya kurekebisha Katiba yetu. Ni kazi ya kihistoria na wao pia wana haki ya kuja hapa na wale waliokuja mapema walisikia nikisema kwamba, nitakuwa nikiomba mnipe fursa na haki ya kubandilisha watu wanavyoitwa kama wanafunzi tutawapa fursa ya mbele wazungumze ndio ikiwa wanataka kurudi madarsani waweze kufanya hivyo.

Na la mwisho kukumbushana ningesema ni kwamba, nilisema Commissioner mwenzangu alipokuwa hapa kabla hajatoka kwamba hiki ni kikao rasimi cha Tume la Kurekebisha Katiba. Na tunahitaji watu wawe kimya kabisa hapa wakati mazungumzo yanaendelea hapa mtu anapotoa maoni yake, tunatakiwa tuwe kimya kabisa bila mazungumzo yeyote. Ikiwa unataka usaidizi wowote unakwenda unauliza usaidizi pale katika meza yetu ya kujiandikisha au wakiwa wameshindwa kukutatulia tatizo lako, unaweza kuelekezwa hapa kwenye meza hii ingine. Lakini ikiwa unataka kuzungumza na mwenzako kwa vile Kenya ni huru na tuna demokrasia katika kurekebisha Katiba unatoka unakwenda kado pale mnazungumza maneno yenu bila kupita kelele halafu tunarudi kimya kimya. Asante sana. Anayefuatia ni Esther Johnson. Karibu Bi Esther.

**Esther Johnson:** Tume ya Kurekebisha Katiba, wasikilisaji wenzangu. Jina langu ni Esther Johnson nimekuja ku-represent (inaudible) kwa Tume. Opinion yangu ya kwanza ni ofisi ya chief. Nisingetaka hio ofisi iondolewe kama maoni yangu. Ningetaka iendelee ikiwa chini ya uajiri chief awe ateuliwe na wananchi kwa kurekebisha yeye shauri wanajiwekea kazi nyingi zao na kukosa ku-serve wananchi vile vilivyo kwa kuwa na ulinzi wa godfather huko mbele wameajiriwa. Tumepata matatizo mingi sana hata ingawa ma-chiefs ndio wanaweza kumaliza ufisadi kama maneno ya ufisadi wa kazi na huu wingine ufisadi wa aina yeyote ni machiefs wanaweza kumaliza. Sasa ningependelea chiefs awe mkuu wa ofisi watumizi. Shauri ndiye yuko mazinani anaweza hata kusimamia police shauri upande wa police tunapata matatizo mengi zaidi zaidi. Tuseme wewe uchapwe hapa hata msichana achapwe hapa na mlevi njiani aende chief, chief anasema enda kwa police, police ukienda naye wanakuitisha pesa. Huu ufisadi umeenea sana kwa police na huwezi ukamalizwa na mtu yeyote isipokuwa chief apewe mamlaka ya ku-govern hawa police ili ufisadi wa ofisi za police uishe shauri ukiripoti kwa chief na chief akijua amekuwa elected

na wananchi hatakuwa ignorant.

Halafu niko na maoni ingine ya local Government. Hawa wawe wakifanya kazi under central Government. Shauri mara ingine unaona serikali ya local Government hawana hata pesa, hawana hata mawasiliano mazuri. Sasa hata pesa zao unaribiwa tu bila kufanya kazi yoyote na hakuna hata service inaendelea, hata mishahara, hata bursaries, hakuna kitu inaendelea hapo na wawe wakichanguliwa na viwango vya elimu, form iv level na five years.

Ingingine niko na anti-corruption office. Hii office iwe ijengwe kwa kila district, shauri hapa tumesikia kuna anti-corruption offices, lakini hatujui hata tunaweza endea nani, hatujui ni wapi saa ingine unaweza kujua lakini huna gharama ya kuendea. Kama ni Nairobi huwezi ukaenda sasa tusaidiwe na serikali na hizo offices.

Ingingine ni hii corruption ya employment. Hata hii naonelea iwe under chiefs. Chief apewe mamlaka ya advertisement shauri sehemu zingine za nchi yetu unaweza sikia employment zinaendelea. Sasa kama hapa ni Muthara hakuna hata daktari anachukuliwa. Hakuna hata health amechukuliwa, hakuna yeyote shauri hutoka na watu wao juu huko kuja na kuandika. Na chief hapa anajua wale wamefanya mtihani na wako na grade nzuri location yake ni yao na hawa. Sasa akiwa amekuwa elected na wananchi atachukua yule kijana amefanya vizuri na ako na grade zake na kama hatachukua hawa wananchi wenyewe wanaenda wanaona huyu hafai wanaondoa yeye kabla hio miaka tano haijaisha. Sasa employment corruption iwe ofisi ya chief apewe mamlaka. Hayo ni maoni yangu.

**Com. Abubakar:** Asante sana Bi Esther tafadhali sign register yetu pale kwamba umetoa maoni. Kama mliponipa mimi haki ile ya kutumia uwezo kuita mtu mbele tungependa kuwaita wakilishi wa wanafunzi watatu. Nitamuita mmoja halafu nirudi kwenye list halafu mwingine namna hio, sawa? Kimanthi Charles, mwakilishi wa wanafunzi.

**Kimanthi Charles:** Commission Review and the entire entourage. I am Charles Kimanthi from Mathara High School. I am airing out my views as pertaining the Constitution Review. My first thing is about the presidential powers must be cut down or be reduced. This is whereby a president appoints ministers, the Chief Justice, the judges. You see it brings a lot of inconveniences whereby the president make any mistake and if asked to be prosecuted and these judges are the ones who have to prosecute that case, consequently he is going to win because they are not going to fail him because he is the one who chose them or he is the one who appointed them.

Another issue is about distribution of our economic resources.

**Com. Abubakar:** Charles, you made the point that the President should not appoint judges, who should appoint them?

**Charles Kimanthi:** I guess the Commission should be set to look these matters. Another thing is about economic resources

should be distributed well in our country since some places they seem as if they are isolated from our resources. Some parts don't have some social amenities, this even universities, schools as we are restricted to certain place or certain areas of the country.

Another issue is about education. As matters pertaining education, should be made may be compulsory for all or at least should be subsidized by the government, so that everybody will have education. Whereby you see sometimes people are very clever but they cannot continue with their education because of lack of school fees or such a thing.

Another issue is about the kind of job people are being issued with. Each and every Kenyan citizen should be issued with a job according to his education capacity. You see sometimes it is depicts no logic whereby somebody is being given a very big job where he can earn a lot of salary, whereas somebody eg a doctor is earning a little and may be he has struggled in his education.

Another issue is about the MPs should not be repeating their salary increment. You see if they will have the debate on their salary increment they are going favour themselves.

**Com. Abubakar:** What are you proposing Charles by saying MPs should not set their own salaries, who should set it?

**Kimanthi Charles:** A commission should be set. You see if it continues like this they are going to earn a lot of money by the time to come. That is what I had.

**Com. Abubakar:** Thank you very much Charles, please sign our register. Charles ameenda vizuri ametumia muda wake dakika mne narudi kwenye list, Johnson Kilingu. Karibu Mzee.

**Esther Johnson:** Thank you Commissioners here I will start with the Executive. I will start with the Executive and this one I start with the president. The president of this country should really be elected to the office when he is over 35 years old and he should take only two tenures of office of five terms each tenure.

The president should not be the Commander of the Armed Forces or the Vice Chancellor, he should leave those seats to some others.

The president again I ask the Commission that I recommend that he should not be above the law. And by this becoming above the law is it becomes really bad to this country when he just goes on sacking people who have gone on strike because of asking for their rights.

The President should be removed in the office if he goes against anything that is found by the Constitution is not right.

The president should always adhere and work with the Parliament and work according to the Parliament advice not just to come up with his own advice.

He should also not be a member of Parliament where he comes from should have its own MP because if he becomes a member of Parliament of that area the people who are under him will be giving that constituency a big share of let's say of money for development because they are fearing him and they also want to be uplifted.

On Provincial Administration – This one we require it and it should continue but with a chief who should be there for only five years and elected or chosen by people of his area. The Government should also have a Prime Minister who is answerable to the President and the Prime Minister who appoints the ministers. And by appointing the ministers this one it means that you just know that he is having a watch dog behind.

The Judiciary. This one the judges should be employed or be elected to be in those seats by a supreme court or a constitutional court.

On Local Government. The mayor or the Chairman of the local Government or of the County Council should be elected by the people. And the councillors should be of form four standard who are versed with Kiswahili and English.

This one we should also not have nominated councillors because this one they work as psychofans for their person who elects or who promotes them to those seat. He will always be voting to favour his master.

The local Government minister should dissolve the council if he finds that these ones are mismanaging the office.

When we come to land – We know that in this country there are some of us who are landless, they don't have a portion of land. And there are others with more than 6,000 acres we know of some.

**Com. Abubakar:** What is your proposal then?

**Johnson Kilingu:** Sorry?

**Com. Abubakar:** What are you proposing? Saying some people have a lot of land some people are landless.

**Johnson Kilingu:** The Constitution should provide that those people who are landless they should really be given some part to live. This is why we are having some street children everywhere and these street children they don't just come from nowhere

they come from our home. And these homes where they come from they are the homes of the people who are born in this country who are the citizens of this country. So, because the mother or the parents they don't have money to rent a place for them to sleep they have the children have to go out and walk out into the street.

**Com. Abubakar:** Mzee Kilingu muda wako umekwisha nimeshaa kuongezea nusu dakika sasa na kuongezea dakika moja ya mwisho umalizie.

**Johnson Kilingu:** With that one asante sana Bwana Commissioner. I think if we get those ones that is those people who are having a very big acres of land or many acres of land, they be taken a few points from them and then they be given to those people without anything, we can just live happily in this country. Thank you.

**Com. Abubakar:** Thank you very much sir, please go to the register and sign your name. I am going back to the students, Joy Newton.

**Joy Newton:** My names are Joy Newton and I am in front of you to represent Muthara High School. And I am here to say like this, first of all I want to start with education. Education should be made free of charge so that each and every Kenyan citizen will be educated.

And the next view is about the salary. The salary should be given as pertains ones education level, that thing should not be debated on matters pertaining their salary increment but the Commission should be set.

The third one is that the President should not be given all the powers in the country. That is the President should not be electing let's say may be the ministers, the ambassadors that they should be elected by the citizens or they should be elected by the state. That is all.

**Com. Abubakar:** Thank you very much Joy, please sign our register that you have given views to the Constitution of Kenya Review Commission. Narudi kwenye list yetu, Simon Mutana karibu Mzee.

**Simon Mukaya:** Tume ya Katiba na wenzangu, mimi naanza na rais.

**Com. Abubakar:** Mzee wangu ningekuomba sana uanze na jina lako ndio tu-record jina lako pia. Anze kutaja jina lako.

**Simon Mukaya:** Jina langu naitwa Simon Mutana. Naanza na rais. Rais akiwa anaongoza kama vile tuko saa hii hakuna mtu yuko na pesa. Akiwa anaongoza wakati ujao na watu wawe hawana pesa apelekwe kotini na aondolewe aende nyumbani kwasababu watu wako bankrupt.

Ya pili ni koti hawa ma-judges – Ma-judges unajua judge hapa tukiangalia hapa Bwana Mwenyekiti tunaona mko watu wengi, hapo zamani wakati wa beberu kulikuwa na baraza. Mtu akifanya makosa anapelekwa kwa barasa anaangaliwa na watu tano au sita hivi halafu hawa wote hawakosi mtu ambaye ana huruma na yule anastakiwa. Lakini judge akiwa ni mmoja lazma awe anasumbuliwa na matajiri, apelekewe pesa na afanye vile atapenda yeye mwenyewe, lakini akiwa ana watu wengi mtu apelekwe pale hakutakosa mtu ambaye ana huruma na huyu mshtakiwa.

Ya tatu Mwenyekiti, wakati ujao unajua Parliament kujitengenezea mishahara yao. Tunataka hii Tume itume strong sana ya kuangalia mishahara ya hawa Parliament kwasababu wajiwekea mishahara minono na wafanyikazi wengine wanapata kitu hakuna. Sasa kuwe na Tume ya kuangalia mishahara ya Parliament.

Ya nne, unajua hapa mbeleni kulikuwa na land lease. Hii land lease ilikuwa ya miaka 99 na kwa hivyo, hata sasa kuna wale waliwachwa na wabeberu na ingali iko. Hio land lease iwe ikiangaliwa kwasababu watu wengine hawana land ya kuishi. Iwe ikiangaliwa vizuri kwasababu hio ni makosa kuwa na land lease ya miaka 99.

Ya tano hio ilisemwa na mwenzangu ya kuchagua chief wawe wakichaguliwa na milolongo si ati ni interview. Milolongo kwasababu atakuwa na imani na watu wake.

Ingingine ni unaona pesa, sasa pesa hatutaki ziwe zikipigwa picha ya rais, ziwe zinawekwa kitu ingine kama mlima, iangaliwe kitu ingine ya kupigwa picha kwa pesa si Rais. Na hizi pesa ukisiangalia siku hizi kicrown iko chini ya pesa, hio ni kuonyesha ya kwamba pesa ndio kubwa kuliko crown. Ukitoa shilingi 10 au 20 hapa uangalie utaona hio kitu iko juu, sasa pesa ziwe na picha sio picha ya rais.

Ingingine ni, kuna watu wanafanya kazi sana kwa watu hawa watu wa simu, ma sub-areas na serikali haiwajui. Tunataka hawa watu wawe wakipatiwa kitu kwasababu hawa ndio wanafanya kazi ile muhimu kaBisa na kazi muhimu kaBisa ni hawa watu. Wawe wakipatiwa kitu kwasababu waonekana kama watu hakuna isipokuwa chief au sub-chief anaweza kumpatia kikombe ya chai lakini serikali haimjui huyu mtu.

Ya mwisho ni kuwe sisi mabwana tunakosea mabibi zetu kwasababu ukimuo a bibi wa kwanza, na upate kale kadogo ile kidogo uwe naye unamuacha yule mkubwa upande ule unapatiwa huyu mdogo vitu vyako vyote. Hio sheria ilekebishwe bibi mkubwa awe akipatiwa kila kitu na yule amekuja agawie na yule bibi mkubwa. Kwa hayo machache Bwana Mwenye kiti, shukrani.

**Com. Abubakar:** Asante sana Bwana Simon Mutana. Iko mambo mawili kwa kuweka muda sawa sawa na pili kuna mambo mengine yametajwa akasema mimi naunga mkono tu hivi hakuanza tena kurudia kwanza mwanzo akasema mimi naunga mkono

machief wachaguliwe, akamalizia hapo. Asante sana. Ningependa kurudi kwa wanafunzi, Munanu Cyprian.

**Munanu Cyprian:** Asante Tume ya Urekebishaji wa Katiba na wakilishi wa vikundi mbalimbali. Mimi nachukua nafasi hii kutoa hoja zangu au maoni yangu kuhusu malekebisho ya Katiba.

**Com. Abubakar:** Kwanza ungeanza na jina lako ndio tu-record jina lako.

**Munanu Cyprian:** Sorry. Jina langu naitwa Munanu Cyprian na niko hapa nikiwakilisha shule ya Upili ya Muthara. Kwa maoni yangu ningependa kuongea kuhusu misaada, hasa misaada inayotelewa na serikali kwa wale wanafunzi au watoto kutoka jamii ambazo hazijiwezi au zile maskini. Ninajua ya kwamba kuna pesa ambazo serikali inatoa na kupeana katika shule mbali mbali hasa shule za serikali. Basi ninasema ya kwamba ingekuwa vizuri pia hizo pesa ziwe zinagawia shule za ubinafsi pia. Kwasababu shule zingine za kibinafsi kuna zile ambazo zinafadhili watoto kutoka familia maskini. Na ingekuwa vizuri ikiwa watapata msaada pia kutoka kwa serikali. Pia tunapata kuona watu wengine wanaweza kuwa wanasomesha watoto katika hizo shule. Halafu tukio linatokea kama ni la ajali, kifo ama magojwa wale watoto sasa hawatakuwa na uwezo wa kuendelea katika ile hali walikuwa wakiendelea nayo. Kwa hivyo kukiwa na msaada kama huo watapata kuendelea.

Halafu hoja ingine yangu ningependa pia kusema ni kuhusu mamlaka ya chief. Hapa ningependa kusema kwamba chief apewe mamlaka ya kusimamia kila mradi wa maendeleo katika location sana sana nikigusia elimu, inaonekana kwamba kuna watoto wengi hasa wale ambao hawaendi shuleni kwasababu either ni mayatima, wengine pia familia zao hazina uwezo. Hata kama hawajajaa mitaani, kuna wengine ni wengi zaidi kuliko wale wako mitaani. Kwa hivyo machief wakiwa na mamlaka ya kuongoza kila mradi wa maendeleo, Katiba ikikubali kuwe kuna muungano wa maendeleo ama mradi wa maendeleo hasa kwa kusaidia watoto wasio jiweza katika elimu, chief ndiye ako nafasi ya kujua shida na mahitaji ya wananchi wake wale anaongoza. Na kwa hivyo basi hapo sasa anaweza kupatiana msaada kwa wale wanaohitaji Bila ufisadi.

Halafu tena hoja yangu ingine ningesema ni kwamba ni kuhusu wabunge. Ningependa kusema wabunge wawe wote wameelimika at least mpaka kiwango cha university. kwasababu kiongozi akiwa amesoma atakuwa na ufahamu kuhusu matatizo na shida zile ambazo zinazowakabili wananchi na pia atakuwa katika hali ya kuweza kutatua shida zile ambazo zinazowakabili.

Pia ningependa ministers wale wanaochaguliwa, mtu awe amehitimu mzuri katika taaluma ile ambayo anasimamia. Tuseme kama minister ni wa health, awe amefuzu vizuri na kufaulu katika taaluma ya medicine ya dawa. Kama ni kwa elimu, pia vivyo hivyo. Na wakati huo sasa itapata kuona taifa letu ikiinuka.

Pia ningependa kusema kwa katika mhula wa kuongoza wa rais, ningependa aongoze for two terms. Halafu akimaliza vipindi viwili anaondoka mwingine anachukua nafasi. Kwasababu hio sasa tutapata kuona hata wale wengine ambao wako na uwezo

wa kuongoza huenda ikawa watahinda kwasababu ya katika vipindi vilivyopita wawe wameshinda kwasababu kutokuwa na uwezo au ule mwingine. Lakini, ikiwa kuna nafasi wao pia ile ambayo watachukua ili kuongoza, baada ya yule alikuwa anaongoza kwa vipindi viwili kuondoka, sasa hapo tutapata kupata kutoka kwa viongozi mbali mbali wakipata nafasi pia.

Halafu pia ningependa kusema ingekuwa vizuri wabunge wapunguze. Ninajua ya kwamba wako wengi kwa vile ambavyo constituencies pia zimegawanywa na zimekuwa nyingi. Vile nataka kusema ni kwamba ingekuwa vizuri kama ilivyokuwa mbeleni wabunge wawe wachache kwasababu tuseme kama ni ile mishahara wanachukua mingi serikali inatumia mingi kuwalipa wengi. Vile vile na ninafikiri kama ni Tigania yote vile ilivyo, mbunge akiwa mmoja anaweza kutoa hoja za kuwakilisha Tigania vile ilivyokuwa na wakati huo hakutakuwa na mgawanyiko.

**Com. Abubakar:** Pendekezo lako ni wabunge wapunguzwe?

**Munanu Cyprian:** Na ni hayo tu asante.

**Com. Abubakar:** Asante sana Johnson. Neenda pale uandike sorry naangalia the wrong list. Cyprian, asante Cyprian andika jina lako halafu narudi kwenye list. Ningependa kumuita Charles Mugambi maanake tulimuita mapema na akawa ametoka kidogo.

**Charles Mugambi:** Tume ya kubadilisha Katiba na wazalendo wenzangu mimi niko mbele yenu hapa naitwa kwa majina Charles Mugambi.

Point yangu ya kwanza, nataka Katiba ya sasa iwe inasimamia mwananchi awe tajiri au maskini wote wawe sawa, awe mtoto au mtu mzima.

Jambo lingine ni katika uongozi. Tunataka uongozi thabiti ambao sio uongozi wa kiukatili na tunalazimishwa mambo mengine ambaye hayafai na kuongozwa na ubaguzi. Ukiona hata wakati huu kuna sehemu zinaitwa KANU zone, ndizo zinakula matunda ya nchi na wale wengine wako taabani wataaBika bure.

Jambo lingine naweza toa mbele hapa ni tuwe na uhuru sisi wazalendo tukimteua mbunge wetu, na awe hafanyi kazi lolote sio ati tungojee miaka mitano ati tukuje tumuondoe. Tupewe ruhusa ya sisi wenyewe kuamua kama ni bi-election tufanye kama hafanyi kazi yetu vizuri vile tunataka. Sio ati tulazimizwe kungojea miaka mitano ama ahame chama hiki aende kwa kingine ndio tuletewe by-election, apana hatutaki hio.

Tunataka mjumbe awe na ofisi katika constituency yake ili sio ati tukimteua anaenda kukaa huko Nairobi na sisi wenyewe tunatabiika huku. Kuwe na wakati ule atakuwa kwa ofisi ya wananchi na kuwe na wakati ule atakuwa huko Nairobi katika

Bunge huko. Hapo tuwe tunapewa kwa maana tukitaka kumuona siku hizi hatumuoni hata tukisema hivyo na ni gharama kubwa kwenda kumuona huko Nairobi.

Jambo lingine tunataka rais awe ni mtu wa kusikiza maoni ya watu wengi si ati anafavour ama anamuua yeye mwenyewe ama anaenda anaona wale watu maluum ndio wampe mawaidha no! Hatutaki kitu kama hio sisi tukisema wananchi tuwe tunasikizwa.

Jambo lingine ni, tunataka President sio ati awe Commander in Chief of the Armed Forces, hakuna kitu kama hio. Tunataka Commander in Chief of Armed Forces awe akitoka katika majeshi na awe na experience hio ya majeshi si ati rais ndiyo Commadner in Chief of the Armed Forces. Yeye mwenyewe anaweza tauliwa na hajui hata kukamata hata bunduki.

Kitu ingine tunataka rais si awe ati ni mbunge kwa maana unaweza ona akiwa mbunge ana-favour sehemu zake sana. Kwa hivyo tunataka rais awe sio mbunge awe anaweza chukua Kenya na kuhudumia na usawa. Lakini akiwa mbunge kutoka sehemu fulani utaona utakuta hakuana usawa uko hapo.

**Com. Abubakar:** Charles, unajirudia, umesema hutaki Rais awe mbunge kwasababu asipendeleo area yake. Sawa.

**Charles MugamBi:** Tunataka mabunge kuwe na Tume ya kuangalia mishahara ya wabunge sio ati wawe wakijiongezea wenyewe.

Hatutaki President awe juu ya sheria, hio hatutaki.

Tena Kenya hii hatutaki uongozi wa majimbo, tunataka tuongozwe kama Wakenya.

Tunataka upande wa wanawake wawe na haki zao akitaka hata kugombea ubunge awe ni sawa. Hata akigombea viti fulani vile anataka. Tuwe na usawa. Kwa haya machache mimi nasema asante.

**Com. Abubakar:** Asante sana Bwana Mugambi tafadhali andika jina lako kwenye register yetu. Ningependa kutambua kuwasili kwa mwenyekiti wa baraza, karibu sana Bwana Mwenyekiti. Narudi kwenye list, Simon alikuwa hapa sasa namuita Alice Mwari. Karibu Alice.

**Alice Mwari:** Kwa majina naitwa Alice Mwari. Tume ya Kurekebisha Katiba na wazalendo wenzangu. Mimi ni mwakilishi ni mmoja wapo wa wakiilishi wa walemavu. Ningeweza kusema ya kwamba sisi kama walemavu tumetupwa nje. Serikali haikuchukua hatua ya kuangalia watu hawa ili waweze kuonekana.

Jambo la pili. Sisi kama walelavu na katika nchi yetu ya Kenya kuna wanyama wengi na hawa wanyama hata wakiwa huko wanaangaliwa na wanajulikana ni wanyama wangapi. Lakini sisi kama walelavu hatujulikani. Asante.

**Com. Abubakar:** Asante sana. Narudi kwenye list ya kuwaita wanafunzi. Boniface Kairethia.

**Boniface Kairethia:** The Electoral Commission of Kenya my names are Boniface Kairethia I am from Muthara High School and I am airing my views individually.

First and foremost I start by citizenship. A citizen of Kenya is a person who has full rights in a state and my first point is automatic citizens. I think somebody should be regarded as automatic citizen if he belongs to any of the 42 tribes of Kenya or either if the marriage of parents from any of those tribes.

Second thing – Registration – In matters of registering citizens of Kenya I think there should be or the registration department should consider the motives and intentions of the person intending to be registered. I think as per my views a person can just come to this country, and pretend to be a Kenyan citizen because he has been an outcast from his country of origin. Second he should give good reason as to why he has moved from his country of origin and intending to be a Kenyan citizen. For example a person can be just an outcast in terms of political exile, he can just be somebody who has been expelled from his country of origin and can just decide to come to Kenya and just be a Kenyan citizen. The side effects of these people or intruders who have been registered is that you can just take for example a person from Afghanistan you can just come to Kenya to get Kenyan citizen and can just transfer the effects from his country of origin and bring them to Kenya and that one harm the public and the Government.

The third point is on job opportunities. Some members of the other countries can just be (inaudible) the most learned people who can just decide to come to Kenya. Being learned or qualified, they will just come and compete they will enter the market of seeking jobs in Kenya. Whereby they will just outlaw the indigenous people of Kenya or original Kenyans who should be having the right to be employed by the Government because the Government is there for the people they will not get it since the intruders have high education standards than the indigenous people.

There is the matter pertaining the refugees. I think they are the people who run from their place of origin and come to Kenya just to stay or to seek security. I think their offsprings should not be given free or just automatic citizenship because they have just been brought to Kenya. They should consider the third generation not the first or the second because the second might be having the effect of their place of their origin if it were fight or other things.

The other thing is the dual-citizenship – I think in Kenya we should not entertain the dual-citizenship because a person might be having ill motives. For example, he can just even come to explore Kenya as a bombing target as the one which occurred and

just as he had done it, he can just flee to his country of origin if at all he has two ID cards of two different countries.

The other thing is one parent being a Kenyan and the other one being a foreigner. In that case I think the offsprings of those two parents one is a Kenyan and the other one is not a Kenyan he should not be a Kenyan citizen. Because if he or she was a Kenyan citizen, he will just be increasing the number of maybe the street children or the hopeless and helpless people around. Therefore for example if the father is just a white he can just decide to bear many children as possible and he can just leave them.

**Com. Abubakar:** Boniface, the current Constitution allows a man, a Kenyan man who marries a foreigner their child becomes automatically a Kenyan citizen. But a Kenyan woman who is married to a non-Kenyan their child does not automatically become a Kenyan. You are suggesting that anybody who is a Kenyan married to a foreigner their child should not become a Kenyan?

**Boniface Kairethia:** That one depends on may be if the bread winner of those spouses, for example if that person is the woman and is just a foreigner the child should not be given the citizenship of Kenya.

The next thing is the powers of the president. I think the president should not be the Chancellor of the public universities. A Chancellor of the public universities there should be a Commission which is mainly composed of the Vice Chancellors or other graduates to elect their own Chancellors in public universities.

The President should not also be the Chief Justice, he should not elect or nominate the Chief Justice or the Attorney General. This is because if may be the President has done something ill or may be something bad, nominees themselves will not get the mistakes of his because, may be acts as the chief post of the house therefore one laughter of the king of the house does not separate itself.

**Com. Abubakar:** It is okay we understand. Go on.

**Boniface Kairethia:** In terms of the Vice President I think also the President should not nominate the Vice President. The Vice President as per my views should be the second person in the general elections. This is because he is the second equal person or the second best person in the republic who has may be many followers, hence he has more powers of leadership because he has attained that second position in the election.

The other thing is about job opportunities. I think in Kenya a person should not hold more than two jobs. This is whereby you see somebody for example the President is the head of state, he is the Commander in Chief, he is the Chancellor of all the universities and some other jobs. For example, one person can just be attending more than three jobs whereas we have jobless

opportunities in Kenya.

**Com. Abubakar:** Charles, you are recommending that one person should have one job, then that's all.

**Boniface Kairethia:** We have the appointing of ministers – I think ministers should be appointed by a Commission apart from the President himself so that they can have their views those (inaudible) President himself. That's all.

**Com. Abubakar:** Thank you Charles, please go to our register and sign our register. Now I would like to call the Chairman of the County Council Bwana Stephen Mucheke to give his views.

**Stephen Mucheke:** Thank you very much members. Yangu ni kupeana maoni ambaye nitaenda kwa point by point. My name is Stephen Mucheke Chairman Nyambene County Council. Kilioko ni vizuri tuende point by point kwasababu tukianza kuongea mengi, wengi watakosa na fasi. Yangu nikiwa Chairman wa Nyambene County Council, mahali yangu ya kwanza ingekuwa bora sana when electing a councillor kwa experience ile nimekuwa naye siku ile ambaye nimekaa huko ni vizuri councillor awe from 35 years. Kwasababu ya kuwa awe amekomaa ya kutosha ikiwa anapeana maoni yale ya uzee.

Ya pili, ningeonelea mimi hata kama mimi Chairman wa County Council, Chairman wa County Council awe anakuwa elected na wananchi sio councillors wenyewe. Kwasababu utakuwa ukibabaishwa kila wakati ukikosa kufanya hii ama hii tutaweka motion wa kuondoa wewe na kwa hivyo huwezi kufanya kazi vile inatakikana.

Ya tatu, maoni yangu ni ya kwamba County Council zote in the republic wapewe autonomy ya kuongoza mambo yao kibinafsi. Isiwe tukisha pitisha kitu kinahusu wananchi kwasababu hii ni local authority ama ni local government. Na kama ni local Government the Chairman of the council yeye ndio mkuu wa wilaya hio na kama ni sheria inatungwa ya area hio isiende kuwa tampered na minister kwasababu sheria singine kupea minister too much powers ndiye inaleta shida. Kwasababu resources nyingi zile ambazo zingefaa tusaidie nayo wananchi zao tukiweka sheria unasikia kuna minister anasema hayo yasifanyike namna hii, na kwa hivyo tunakuwa na shida nyingi. Kwasababu tuseme for example miraa ile ambaye ndio income yetu hapa in Nyambene district. Unaona wageni wengi wanatoa bila kulipa hio ushuru inaenda bila kusaidia watu wa Nyambene na hio ni makosa makubwa.

Ile ingine ningeomba ya kwamba chiefs na assistant chiefs wawe-elected na wananchi. Kwasababu wakikosa kufanya kazi miaka tano kile inatakikana ikiwa wameachilia changaa imekuwa nyingi, watoto hawaendi shule, mambo mengi wawe wanajua watarudi kwa wananchi kuwaambia ile kazi walikuwa wakifanya. Sababu nasema hivi ni ya kwamba machief na assistant chiefs wengi hakuna kazi wanafanyia wananchi. Sababu hata hawezi kujulikana ako wapi hata akitaka kusema nilikuwa (inaudible) ama nilikuwa kwa mama fulani walikuwa wakipigana huko, programme ya kikazi inakuwa shida. Kwa hivyo ningeomba sheria ibadilishwe kuwe chiefs na assistant chiefs ni watu wa kuwa elected na watu.

Ile ingine ni ya kwamba ingekuwa bora kaBisa sheria iwe iko ya kila mbunge ambaye atachaguliwa awe na ofisi ya kuona watu wake katika constituency yake. Sio mambo kuenda kuona mtu Nairobi kila wakati.

Ile ingine kwa kifupi ni ya kwamba traffic act iwe amended. Kuwe na ma-judges ama court kwa kila barabara mtu akifanya makosa. Sio kwenda kungojea kunakuwa na uongo mingi nini na nini, kuwe kama nchi zile zingine Wingereza ambapo mtu akiharibu akiwa anabeba zaidi watu, akifika pale Meru tayari ameshtakiwa. Ndio tuweze kukuba hii mambo ya kuua watu na magari ku-overload na mambo mengine.

Ile ingine, ni kitu inaitwa urithi. Mungu anaweza kuwa amepatia wewe watoto wa kike peke yake. Lakini ukiwa umeaga dunia inakuwa ati mali inaenda kutafutiwa watu wa kwenda kurithi. Sheria iwe hakuna mtoto, mtoto akiwa niwa kike ndiye mrithi wa vitu vya baba yake. Ikiwa ni vile vile mama akiwa yeye ndiye amebaki kwa hio mji sheria iwe ya kulinda mama sio lazma awe atachukuliwa na mtu kwa hio mji, awe free kukaa na watoto wake bila kutangwa na wengine.

Ile ingine nikimalizia ni kwamba sheria iundwe ya kuangalia makanisa. Kwasababu makanisa nyingi zile ambaye serikali imekubalia wakisema freedom of worship imekuwa sio ile pengine serikali ilikuwa na nia yake. Nyingi hata zinaomba shetani, nyingi zinapiga kelele usiku mzima, watoto hata hawasomi vizuri shule na kwa hivyo sio kukubalia kila dini Bila kukagua ijulikane kweli hii sio waizi wameunda dini yao. I am saying this because recently there were people who were preaching very well in Meru town and they had killed a lot of people. Na kwa hivyo kuwe na sheria kabla ya wewe kupewa kibali ya kuwa na dini yako ijulikane ni sababu gani unatafikana kuwa na dini yako kando kama ni kuokota pesa utafute njia ingine.

Ingingine ni ya kwamba kimila yetu ya Wameru, kuna kitu inaitwa mashamba na kama hata ulikuwa umeua mtu, umeimba mtu ikawa ati hata saa ingine unaenda unasema uongo huko kotini na wewe unaenda unawachiliwa huru sababu ya pesa na mambo mengi. Ningeomba katika kimila yetu wazee haswa (inaudible), wakubaliwe hata hawa kufuata kuwe na mila kama ni mtu akipewa oath ya mbuzi iwe inakubaliwa sababu area hio yao yote huwezi kubali mtu huyo aende na kitu free. Lazima kule na wale ambaye wanajua ukweli na waweze kura hio kiapo. Kwa hivyo hio oath ya mbuzi nilikuwa naomba kwa kimila yetu iangaliwe.

Mimi ningeonelea vile vile ikiwezekana na sio ingewezekana ningeomba wakati Bunge imechaguliwa, kuwe na mtu mlemavu kwa kuwa counted kuangalia maslahi au kutetea maslahi ya walemavu. Kama ni Bungeni huko kuwe wakati watu wanakuwa co-opted, kuwe na co-option ya walemavu ndio itete walemavu.

Nikimalizia powers nyingi ile ambaye imepewa President iwe reduced asiwe yeye ndiye ata-appoint the Vice President, asiwe yeye ndiye vile vile ana-appoint Judge Mkuu ama a-appoint Attorney General kwasababu hawa wote ikiwa yeye ndiye ana-appoint akitaka kumwambBia fanya hii ndio atafanya sababu anaweza futwa any time. Mimi sitasema mengi isipokuwa kila

mtu katika Kenya ikiwezekana awe na kazi moja. Sio wewe kuwa ni director wa area hio ya kahawa, wewe ndiye director wa majani chai na mambo ingine. Kwa hayo machache very sorry kwa kuongea kwa kirefu. Thank you.

**Com. Abubakar:** Asante sana mstahiki Mayor imstahiki Chairman, Mwenyekiti wa barasa umetumia dakika moja tu zaidi kwa vile ulifuata point kwa point nashukuru kwa kufanya hivyo. Lakini nimekupa dakika moja zaidi kwa kwamba wewe ni mstahiki wa hapa. Nasema ningependa kumuita Dennis Kobia.

**Dennis Kobia:** Asante wenzangu nawasalimia na tena na wengine. Nataka kusema naitwa Dennis Kobia kutoka Muthara. Nataka kusema kitu kimoja cha type of disability. Another one the disability – disability nataka kusema hata Rais angalie walemavu wale wote unaona nchi wale wote wa serikali, ile kama Rais angalie mwananchi wote, lazma angalie walemavu wote wale wamekaa nchi hii yetu. Wangaaliwe na wapewe kazi kama wengine wale wamesoma vizuri. Nasema hata wale wote ama watoto walemavu ni lazma wapelekwe shule kama watoto wengine ili wasome vizuri, hata watoto watafute nyumbani kwa wazazi. Nasema hio kitu ni lazma watoto na wazazi wapatie watoto wale hawezi kufanya walemavu wapelekwe kwa shule wasome na kusaidiwa.

Nasema kitu ingine, hata wale walemavu wale hawawezi kufanya kitu, hawawezi kutembea nataka wasaidiwe ama waangaliwe na serikali ama ni Rais wapewe wheel chair wale hawezi kutembea na miguu. Nasema kitu ingine kama wale wengine wote hawezi kusikia wapelekwe mashule yale inasomwa ya hawasikii na wengine hawaoni wapelekwe shule kama hio. Naomba hata wale watu kama DC ama DO wote wanalie ile nchi ya walemavu na wote wafikilie walemavu zaidi ya kusema kitu hio ni lazima asiseme kitu ya kukosa ni lazma wachukue ile hatua nzuri ya kuwachukua. Naomba hata wenzangu ama wananchi wote wachukue wale walemavu zaidi kuangalia wale hawezi kufanya kazi, ama wengine hawawezi kulima lazma wasaidiwe kufanya kila kitu yote wapewe. Ninaomba hayo yote ninasema katika jina la Yesu.

**Com. Abubakar:** Asante sana Bwana Kobia, subiri hapo, keti tu hapo atakuletea register uandikishe halafu tutaendelea. Thank you very much Dennis Kobia. Justine Nthuranira.

**Justine Nthuranira:** My names are Justin Nthuranira from (inaudible) and these are my recommendations. The first is that the powers of the President should be reduced to avoid an all powerful individual. So he or she should be left with powers to allow him to govern the country. He should still be head or rather the Chief of the General Staff to avoid a situation where we go into military chaos or rather military rule.

The Constitution should allow for the Government with a President and no Prime Minister so that we wont be paying a President who is not doing anything.

The Constitution should provide for branches of Government that are independent, separate and autonomous so as to guarantee

the required principles of check and balances. That is to avoid duplication of laws and interference by other branches of Government.

The parliamentarians like all the other civil servants should not be left to decide on their salary. A Committee should be elected to be deciding on the salaries.

There should be no age limit for the President.

Along with other Bill of Rights. The rights to services such as education, clean water, health be clearly stated in the Constitution and they should be free to all Kenyan citizens.

The Constitution should clearly state that it shall never be amended without permission or without consultation of the Kenyan people.

The Constitution should clearly state that one man holds one job so as to avoid wastage of manpower and man resource.

The Constitution should state ways of mobilizing resources eg through tax without exploitation of Kenyans and guarantee equal re-distribution in form of social amenities to all Kenyans equally.

The Constitution should include a clause with a strict mechanism of curbing and punishing corrupt individuals for example the KACA.

The Constitution should provide for equity among the gender.

The rights of the disabled should be included in the Constitution with equal job opportunities and promotion.

The Constitution should include clauses which guarantee democratic free and fair informed election to avoid vote thuggery by corrupt individuals. This can be done by empowering the press and the media groups rather we have freedom of press and the media.

The Government should be constitutionally urged to caution small scale farmers from exploitation by greedy middlemen in the sale of the produce. This is a situation where the Government will be cautioning the farmers so that they won't be selling their products at a throwaway price.

The Constitution should direct the Executive or rather the President to make appointment from people nominated by other

groups for example the women, the disabled, or rather not individual appointment, but appointment with a back up of group of people.

The Constitution should set aside constitutionally forests and other environmental sites free from any human interference and make sure that they are not grabbed.

The Constitution should clearly state that the freedom of worship is only for the true God. Thank you.

**Com. Abubakar:** Thank you very much please sign our register. Nilikuwa nimewaeleza kwamba ile ruhusa mtakayo mkinipa niwe naita mtu akiwa na sababu ya kutosha kuitwa. Sasa ningependa kutumia fursa hio kumuita Father Dominic Mwiti from the Catholic church kwasababu yeye yuko safarini atoe maoni yake halafu aende safari. Mnani ruhusu kufanya hivyo. Sawa.

**Rev. Domiziano Mwiti:** Thank you very much the Commissioner and my dear citizens. My names are Rev. Father Domiziano Mwiti from Tigania Parish and I am presenting my views on my behalf and on behalf of the flock that which I pastor.

As a pastor I will start by stating the freedom of worship in the current Constitution. We have a provision that the freedom of worship but it does not state to who. In the Constitution which we are preparing I am suggesting that all those who intend to start their churches, must do it by application and also the levels of education especially to the pastors must also be well stated and also as to why they are intending to do so. There should be freedom of worship to the stated God not to Satan.

The review of the common destiny appreciating our diversity, we the people of Kenya and I in particular the people of Tigania, considering the mistakes we have made in the past (inaudible) Constitution. In the Constitution which we intend to make through these views, we should have a Constitution directed by certain principles. All those presented with powers by the Constitution (inaudible) the mandate to be guided by these principles. That all the resources of our nation be put to the best use possible for the welfare of the people with this human natural. That the principle of equity of persons and regions be guided throughout the Constitution. That the people concerned of the state machinery should be the security of the citizen. That any state department concerns the security should do their utmost.

Constitution supremacy. Any amendment of the Constitution which appears to go against the spirit of the Constitution as captured the preamble and further stated the guided principles should only be done only after the approval by the people through a referendum. Such referendum should be conducted by an independent directed Commission. Any other amendment may make by 75% majority vote in Parliament.

Defense and national security – The current situation in our Constitution where national security is the responsibility of the

President, subject to certain Constitutional provision has compromised the security of many Kenyans. It is also put the whole important issues in the hands of a single office and possibly a single individual thus afen not giving the value of the life of citizen the highest premium possible.

All top offices dealing with defense and natural security should be established by the Constitution.

The armed forces should have their own disciplinary council.

The President may continue to be Commander in Chief of the Armed Forces but he may do so through a council of joint chiefs of staffs of various security disciplines. In times of peace detachment of displied forces be served in assignment of the civil nature such as dam building, building of bridges, road construction etc. to give them necessary experience of military operations.

Borders and volatile areas should be manned by military. The Constitution should commit the use of extraordinary powers to declare war in cases of national disaster by the Commander in Chief of the Armed Forces at the advice of joint chief of staffs. However Parliament should ractify this decision of involving emergency extraordinary power with 75% majority within 72 hours.

Political party – There should be a maximum of only three political parties which should be religious based and as much as possible national in outlook. Political parties must be financially supported in the democratisation mobilisation programmes.

Structures and systems of Government – A high brid system of what Kenya should have. We should have a Prime Minister appointed from the majority party in Parliament. The Prime Minister be head of Government and should appoint ministers who are not MPs but also who would be approved by simple majority in Parliament. The President should also have some excessive powers such as those of being Commander of the Armed Forces and also of opening Parliament. It is important that in this transistory time in our political development, we still maintain the unitary system of Government. However, some powers should be brought to the regions in form of district which directed regional representatives.

Legislature – Parliament should elect all appointed to Constitutional offices, ministrial office and Government appointment. Parliament controls its own procedure but subject to the Constitution. There should be legally Constitutional set-up body to review salaries of Government workers and even those of Parliament.

**Com. Abubakar:** Father Domiziano, the reason why I ask people not to read the memorandum but just give us the highlights because we know that you can't do that in five minutes. We will have time to read that memorandum ourselves that is why we are saying, just give us the highlights. I have already given you one extra minute other than other people. So I will give you one more minute to sum up the rest of the memorandum.

**Rev. Domiziano Mwiti:** The age limit of the President must be above 18 years and the powers of the President should be minimized such that he should not be above the law.

The Judiciary should be left free to do their own work without any interference with either the Executive or the Legislature.

The Electoral Commission should also be independent that they should declare if there were irregularities, should declare the election null and void through the in our powers without necessarily going to seek the powers from the Executive.

The land property – The individual should have ultimate land ownership and there should be equal distribution of land. Not some having none where whereas are having more than 100 acres or more. With this in mind I wish to end there thank you very much.

**Com. Abubakar:** Thank you very much Father Domiziano, please hand in your memorandum and sign our register. I would like to go back to the list of students. Veronicah Mbururo. Veronicah did you have something to say?

**Veronicah Mbururo:** The Constitution Review I am Veronicah Mbururo and I am here to represent Muthara High School. I will talk particularly in the rights of vulnerable groups. I focus my ideas particularly in women. Women battering should be made a crime like any other offence and the culprits involved in scandle be subjected to severe disciplinary action. Here I mean that the men who batter their women, that one should be made like an offence like any other and the case should be forwarded in the court of law.

Another point is that educational status and values should not be alienated in the country for equality. This is to mean that even though we can take an example two children of the same parent have completed the class eight education and bearing in mind that one is a boy and another one is a girl, therefore even if the boy is having few marks than that of a girl the boy proceeds with education and the girl stops. This one should be stopped so that we can have gender equity for prosperity of our country.

Another point is that in a family women should be allowed to give Birth or bring up the number of children they feel like but not only men to decide on the issue. This is the order we can see that mostly men dominate the airing views of how many children one can bear. Now as I air my views I want to say that even women should be left to decide if they want to bear maybe two or three children because they know themselves better.

Another point is that women should accorded equal responsibilities as men in the society. Eg chiefs and their assistants. As we can see many of the chiefs and assistant chiefs we have around we have no woman who appear there. Now the responsibilities should be distributed equally so that we can make or have gender equality.

Another point is that women or girl clitoridectomy should be done to the client's will. This is to mean that, in most cases some families force their girls to undergo this process of genital mutilation. This one should be left to the client to decide on herself not to be forced. And on that I don't have many points Sir.

**Com. Abubakar:** Thank you very much Veronicah. Pastor Mbirithu of the SDA church.

**Pastor Julius Mbirithu:** Thank you Constitutional Review Committee and the citizens. Following is the memorandum from the SDA church in Tigania West and Tigania East constituencies. My name is Pastor Julius Mbirithu kutoka (inaudible). I am in charge of over 2,200 SDA members in Tigania West and East constituency with congregation in Khalama, (inaudible), Muthara town, Karachiene, Cheruru, Michimigulu, Nthuria, Kiajai town, Mandi, Kimasia, Kithangari, Kiajai, Nmiabere, Mikinduri town, Mkono, Kiguchwa, Kiggio, Amboga, (inaudible).

**Com. Abubakar:** Father Mbirithu, it will be useful for you first of all can I just remind those who are coming in late that there is a code of silence in these proceedings, and in this sense that if you are in the hall you are to remain completely silent. If you want to talk to the person next to you, please walk away from the hall stay very far and talk there when you finish your talking business you come back into the hall.

Nawambia wale wanaokuja wamechelewa kwamba, tunataka watu wakiwa hapa wawe kimya kimya kaBisa, hio ndio sheria tumeweka katika kikao hiki rasmi cha Tume ya Kurekebisha Katiba. Ikiwa una mazungumzo na jirani yako au rafiki yako uende mbali kule kado kabisa mzungumzie kule ili tuheshimu mtu anaetoa maoni. Na wewe ikifika zamu yako utaheshimiwa vile vile tunavyoheshimu wengine.

Lakini nakuelezea Bwana Mbirithu kwasababu nilikuwa nataka kukulinda na kelele kwamba itakusaidia wewe ikiwa utachambua yale muhimu tu uyataje. If you can highlight from the.. because you have five minutes but if you can highlight then we will read in details what your memorandum says.

**Pastor Julius Mbirithu:** Thank you. Our citizens of the Republic of Kenya, we are asked by the word of God, Bible to do the following;

Pray for our country and pray for the leadership in this country that is 1 Tim. 2:1,2.

To be loyal to the civil authority Rom. 13:1,2. To respect and honour the leadership of the Government that is 1Pet.2:1,17.

To be patriotic to our country 1Kings 11:21. To warn or to rebuke the leadership when it goes contrary to the will of God as

reviewed in the scripture 2 Sam. 12:7-9.

To pay taxes to the Government revenue Math. 22:21.

The problems we face in this country as SDA church members:

Denial of job opportunities both in public and private sectors as SDA members due to their observance Sabbath.

The denial of the minority right in the name of democracy for example;

When election are held or conducted on Saturdays,

School fund raising and other church function,

Religious persecution to Adventist students in school, colleges and institutions of higher learning when they are denied permission to worship on Saturday and are forced to do the following.

Attend classes on Sabbath.

Parent's day on Sabbath day,

Graduation on Sabbath days, participate in games on Sabbath days,

Participate in work programmes on Sabbath, sit for an exam on Sabbath,

Attend other functions like prize giving day on Sabbath day and so on.

What the law should guarantee the religious liberty as members of SDA, we would want our right to religious liberty which is a right as it provides for our relationship with our God and other people. The freedom of worship is a God given right. God created us to make our own free choice, therefore the law should guarantee the Sabbath observance Saturday from Friday sunset to sunset on Saturday as the day of rest as the Bible had admonishes, Ex. 20:8-11.

That SDA pupils in primary schools should not be forced to go for coaching on Sabbath day.

That SDA students in secondary schools, colleges and other institutions of higher learning shall not be forced to work or sit for

examination on the holy hours of the Sabbath.

That SDA students in all institutions of learning will not be forced to go to games or tours on Sabbath.

That harambees, prize giving days, parents day, graduation days to be scheduled on week-days for the sake of SDA parents and students.

That by-election will not be conducted on weekends.

The job opportunities being guaranteed to SDA members even if it means working on Sunday because Sunday is a working day according to the Bible.

The law should guarantee right to profess or not to profess a religion.

Right to receive or not to receive religious instruction or teaching.

Right to participate in any form of worship.

Right to refuse to take oath contrary to personal conviction.

Right to express openly personal belief.

While we are fighting for our right to worship on Sabbath we respect the equal rights of others worship on the day of their choice.

As members of the SDA church, we are against the femal genital mutilation. We would like the law to be strict on those who practice these rituals.

**Com. Abubakar:** Thank you very much Pastor, tafadhali andika jina lako u-sign register yetu.. Gatirau Munya. Una dakika tano tafadhali chambua yale...

**Gatirau Munya:** Thank you Mr. Chairman, my name is Gatirau Munya, mimi ni wakili wa mkufunzi katika chuo kikuu cha Moi huko Eldoret.

First of all I want to comment on the structure of the new Constitution. Many people have supported the creation of a post of

Prime Minister but I am opposed to the creation of that post and my opposition is based on the constitutional experience in the third world. When the African countries became independent most of them started with that system but that system never worked. We reverted to presidential system which has worked to some extent so we cannot throw out our constitutional experience and come out with a new experience from other countries and try to plant it here.

A prime ministerial system where the powers of the Executive are shared is not likely to work in this country. The political parties are supporting this system because of their vested interests. People are eyeing positions and they want to take those positions and that is not why we are writing this Constitution.

**Com. Abubakar:** Bwana Gatirau you are allowed to make your submissions including the justifications why you are proposing particular positions. I think you will be wasting your time to subscribe and interpret other peoples actions concerning those particular proposals. I would request you kindly to restrict yourself to the submissions you are making and propose.

**Gatirau Munya:** Mr. Chairman I think giving my views I am not precluded on the system within which I have to think. I feel that as a constitutional lawyer I have to warn Kenyans because the political parties have a lot of power and are likely to bull-doze their views to us and that is why we have a right to warn, but that is not a system that is likely to work. I am doing it in good faith Mr. Chairman.

**Com. Abubakar:** Mr. Gatirau the reason why I give you that advice is because you only have five minutes. You do not want me to cut you when you are making your important points because you wasted time interpreting actions by other people who are not here. I will not count the seconds we had an exchange. Thank you.

**Mr. Gatirau Munya:** Thank you Mr. Chairman. I also propose Mr. Chairman that the incumbent President dies. He should not be succeeded by the Vice President because most of the time the Vice President is a candidate for the Presidency and they can influence the elections. Let the President be succeeded by the speaker of the National Assembly who should be prevented from running so that he can be able to manage the transition properly.

Many people have proposed their abolition of provincial administration and I support that. And I support the election of elected representatives who are intergreted into the local councils to be part of the local Government. Not independent chiefs but part of the local administration so that the local councils can be really the local Government including even having administrative duties.

I also propose the creation of a national land Commission that can manage the national resources that are abundant in this country.

I also propose the preservation of our cultural institutions and traditional holy sites especially those forests that our people have been worshipping there, they should be preserved.

We have to integrate the traditional management of natural resources and ecological management so that we can be able to manage our environment properly.

I propose also at the local level, school boards and PTAs to be elected by the parents.

There is some informal arrangement where they are elected but we would like that to be put in an act of Parliament so that, that is done because there is a lot of corruption. Parents pay a lot of fees but most of that money is mismanaged by the appointed boards of governors. We need elected boards of governor.

We also need recognition of certain crimes. The economic crimes and we also made serious two serious measures against those who commit economic crimes. Crimes like Goldenberg that monumental crime that can bring the economy of a country down. We need the Commissioners to sit down and write them properly so that we can be able to bring those enemies of the people under control.

We also need tax on idle land. We have a lot of idle land in this country and we have many people who are landless, many people who cannot be able to earn a living because they don't even have places which they can build their homes. If we have tax on idle land that will be able to deal with that problem.

We also have seen this situation of liberalisation and we have seen situations where major Big jobs in our country are being given to foreigners. If we look at the major companies in this country now the top management is foreigners yet we have qualified Kenyans who can be able to take these jobs.

I propose also that we have a legislation that says unless there is a need for an expatriate, there is no qualified Kenyan, then those jobs must be preserved by Kenyans because most of these companies are very important to this country but also at the same time they are also national interest that we have to defend. That is why we have to have Kenyans heading these institutions. That is what happens in other countries and I don't see why it shouldn't happen to this country.

The problem of corruption, the infrastructure of corruption. We have to have a structure of a constitution that can be able to deal with the infrastructure of corruption effectively. And here we are not just talking about setting up of an anti-corruption authority that is important, but the establishment of checks and balances where Parliament has its powers as the Executive is not interfering with those powers of Parliament. Where Parliament has a say on the appointment of constitutional office bearers. Where Parliament has a say for example the appointment of a Police Commissioner because a Police Commissioner is very

important if he has his authority only loyalty to the President, he is likely to work and do his job listening to what the President is saying and not towards the interests and the security interest of the country are. So those very important positions the Parliament has to say and of course I don't even have to say appointment of the Judiciary.

Parliament has again to have a say on those who are appointed to the high court and the court of appeal and we also propose the establishment of a constitutional court which is above the court of appeal that interprets the Constitution.

The other important area which we have to deal with is the protection of the informal sector. Not only the economic informal sector, but also the informal settlement sector. We have seen a situation where in the urban areas, the poor people who live in slums are being pushed out and thrown outside. There are people who walk to work and then they are thrown outside the city they cannot be able to pay bus fare to reach their places of work. We need those settlement recognized, okay, as a right. The informal sector both economic, kiosks are being demolished and peoples' livelihood are being interfered with. That is why in relation to that I propose the recognition of social economic rights in the Constitution not just the political and civil rights. Those rights do not make sense if the social economic right of the citizen are not recognized.

**Com. Abubakar:** We have heard that Mr. Munya you are recommending the third generation rights. You have 30 seconds to sum up your time is up, I had given you 40 seconds extra.

**Gatirau Munya:** Thank you Mr. Chairman. I wanted to talk the issue of security Mr. Chairman especially in the rural areas we have seen the surge of crime rate in the rural areas. Infact like the region where we are now, our cattle are stolen almost every three months and we don't see anything happening. I think we need to also establish a law where Government compensate because it is the responsibility of the Government to protect peoples' property and peoples lives. So it is not enough for the Government to be saying that we have not been able to arrest those raids we were pursuing the cattle etc. We need a recognition where peoples property are destroyed the Government compensates. If the Government cannot arrest cattle rustlers Government compensates people. That way the Government will realize it's responsibility to protect peoples' property.  
Thank you Mr. Chairman.

**Com. Abubakar:** Thank you Mr. Munya please sign our register that you have given views to the Constitution of Kenya Review Commission. James Nthuranira.

**James Nthuranira:** Thank you Mr. Commissioner and the fellow citizens. These are my views in brief. First of all I would like us

**Com. Abubakar:** Please say your name for the recording.

**James Nthuranira:** Sorry. My name is James Nthuranira. My recommendations are that the Government should offer free primary education to all Kenyan children.

Number two after primary education they should also offer a very cheap secondary education.

The other point is that there should be freedom of worship and nobody should be victimised for his beliefs. But I would also like the Constitution to provide that there some sect or groups that make many noises at night and disturbing maybe peoples sleep and their peace. I think those ones should be cancelled or denied their registration.

The other thing is that the Government should come up with strategy to eradicate poverty. Because we can say the greatest percentage of Kenyans they are just the poor people the poor majority while most of the wealth is just in the hands of very few people and they are not willing to help.

Another thing is that I would propose that the Presidential powers be trimmed but not in a way that will not enable him to do his work. But also he should not be the overall dictator sort of just putting you away because you can't agree with him and appointing somebody else who pleases him the most.

Another thing is that MPs should not be left to decide on their salaries and if so then all other workers in the Government of Kenya should also be allowed to decide on their salaries. And I would recommend that their salaries be reviewed immediately.

The other thing is on gender – I would like to say that about gender the law should be careful not to victimize men because of battering their women because some women may have attracted that battering so they should at least try to look at it very carefully. I don't mean they should be battered anyway but there should be a good looking at that issue.

The other thing is on insecurity and police brutality – In the Kenyan police, the police should not be allowed to beat or torture somebody even before the person has been proved guilty. Any police officer who tortures somebody should also be sentenced to may be a certain period in prison or be punished in brief.

The other thing is that I would also say that the female genital mutilation should be enforced. I mean that people should not be allowed to subject our girls to that bad thing is not good so whoever does that thing should be dealt with with the law.

And the last thing that I would say is that the Government especially the Local Government should not collect any revenue from people of whom it has offered no service may be like the council. It is not repairing like the potholes and some road around the markets and then it is just asking for levies. So it should not be asking for such things if it is not offering no service. And thank you Mr. Commissioner.

**Com. Abubakar:** Thank you very much Mr. Nthuranira. I would like to go back to the list of students and call Makena Mercy.

**Mercy Makena:** I want to air my views on the kind of women. My names are Mercy Makena representing Muthara High School. I will start with on the side of women. Women should be allowed to inherit their father's property for the sake of security. This is where we can see that if a girl is married and then they separate with her husband you just get a place to settle because you don't have any property from her father. And that is why we can see even in our country now prostitution is very high.

Secondly. Women should be given an equal education as boys. We can see that in most of our families, some parents deny the girls education so that they can be married and the dowry they get they can be used to educate their brothers.

Thirdly. Women should be given freedom to select their partners. This is where we can see that many parents are forcing their girls to discontinue with their education so that they can be married. Whereas, they are not considering the important things like behaviour, age or even education. They are just considering the wealth that they will get so women should be allowed to select their partners themselves.

On the part of the children, children should not be tortured. This is where we can see that most of our children are being employed in the family. This we can say and Government take steps on those people. Both the employer and the parent of the children because they have denied children's right.

Secondly in the cases of where the parents will not be able to educate the children, the Government should offer at least even up to standard 8 only so that the child can grow both mentally and physically and he or she can be able to have his or her living.

On the disabled people. Here we can see that these people are denied their rights. They must be employed as the same as any other member of our community. We can see that we are talented in different grounds so those people may be talented in leading, they can lead us and we can prosper in our lives.

Secondly we can see that in our country, their schools are very high. That is we can ask the Government at least make sure two or three schools for them are situated in our district. Or even offering some equipment for them so that they can be able even to continue with their lives. Thank you.

**Com. Abubakar:** Thank you very much Mercy write your name in our register. Japheth Nabea. Dorcas Mworira. Linus Kimanthi.

**Linus Kimanthi:** The Commissioners and my fellow citizens my names are Linus Kimanthi a resident of Imenti South district. In the new Constitution I would like to propose the following.

One, that the new Constitution should be translated into all local languages in Kenya and be made available to all citizens of this

**Com. Abubakar:** Use the microphone please because we are recording the session. You should start by repeating your name please.

**Linus Kimanthi:** Okay I will start. In the new Constitution I would like to propose the following.

1. That the new Constitution should be translated into all local languages in Kenya and be made available to all citizens of Kenya.
2. That the new Constitution should entail or provide equal human rights to every Kenyan citizen. There should be nobody above the Constitution as it is the supreme law of the land.
3. Some parts of the provincial administration in Kenya should be scrapped and replaced with a system whereby leaders are elected directly by the locals. That is the head of sub-location and location should be elected so that they can be directly responsible and accountable to the people.
4. That the new Constitution should provide for a Government of national unity whereby various groups are represented and catered for.
5. I also propose that the new Constitution should provide for a unitary system of Government.
6. The new Constitution also should provide for a provision group at the local level to deal with the land related problems at the village level.
7. That every Kenyan should be entitled to at least some basic level of education, let's say class eight this should be made compulsory and free.
8. Currently our National Assembly consists of 188 elected MPs, 12 nominated members and 2 officials. I propose that the elected MPs should also elect the nominated members in the Parliament.
9. In the new Constitution I propose that any person vying for the post of Presidency should have attained an age of 25 years

and above.

10. I also propose that in the new Constitution it should provide for a commission of body or an institution to look into salaries or use of all civil servants.

11. I also propose that any person vieing for the post of a councillor should have attained at least a form four level of education.

12. I also propose that if the National Assembly has to amend any clause of a Constitution then the MPs should vote and this should be passed by at least 75% of the majority vote.

13. I also propose that the President should not be the Chancellor of all public universities.

Last but not the least, I also propose that the Electoral Commission should be made autonomous. Thank you.

**Com. Abubakar:** Thank you very much Mr. Kimanthi. Mr. Kimanthi, please sign the register and give your memorandum. Bwana Kimanthi amekuwa na mfano mzuri sana. Amezungumza mambo mengi lakini ametaja kwa point, point namna hio na amechukua dakika tatu tu. Sijui kama watu wanaweza kufuata mfano kama wake ndio kazi iende haraka na kila mtu apate fursa ya kuzungumza. Joseph Mberia. Karibu Joseph.

**Joseph Mberia:** The Commission, the Kenya Constitution Commission Review and my fellow Kenyans. I am Joseph Mberia from Muthara and here are my views which I would like to be addressed in the new Constitution of Kenya.

First I will start with the rights of the vulnerable groups and the first one is women.

The Constitution should provide adequately the rights of women in the society in the following ways.

- They should be provided with education as any other member of the family.
- Secondly I also support what my colleagues have said that they should have a share in their parents' property.
- Third I propose that young ladies should be protected against marrying partners that has been said and I highly support that.
- Also young ladies should be given freedom to choose if to undergo female genital mutilation or not out of their own consent.

I would also like to say something about physically disabled people. Also I would like the Constitution to take care of the disabled people in the following ways.

- The Government should provide free of charge the walking aid like wheel chair because we understand even other

Kenyan who have their legs they don't pay for that.

- Secondly, the Government should come up with more and better machinery should be laid on how blind person, or how blind people in case of rape offense can be able to identify the person who has done the act.
- Also the Government should ensure that there is equitable distribution of education facilities to the disabled.
- Also the Government should open up more avenues for employment especially for the blind.

Children – Also I would like the Constitution to recognize and protect the right of children in the following ways.

- Children should not undergo the initiation rights unless for medical reason before completing primary education level.
- Children should not also be overburdened with so many subjects in school, they should be let to be children that to play with others.

Aged and those who are hit by natural calamities – The Government, the Constitution should also recognise aged people and those who are hit by the natural calamities and be subjected to all freedom and rights of any other citizen eg provide them with basic requirements of life.

Environmental and natural resources – The following environmental issues should be addressed. The industries should come up with mechanism to prevent the release of various gases during their production. The Constitution should also ensure that the local communities are also involved in protection of environment through proper farming and other methods of like grazing.

Also I would like to air my general views. First the elected MPs of Parliament should be allowed to hold meeting with their constituents at any time to discuss matters affecting them without necessarily applying for the license. They should only inform authorities for security purposes and not for license.

Secondly the constituents should be allowed to pass a vote of no confidence to the elected MPs if they feel that they are not performing the duties effectively and also to their councillors.

Thirdly the copies of the Constitution should be translated in vernacular. All vernaculars in the country and be made available to national libraries in order to ensure that citizens are aware about the rules governing them.

Also the powers of the parent to punish their children should as a collective measures should be streamlined to avoid child battering. Also the Government should come up or should set laws to govern other non formal employment such as houseboys and the maids. You see these people the law does not recognize them and they are employed, so the Constitution should recognize that.

**Com. Abubakar:** Your time is up and you should be summing up now.

**Joseph Mberia:** Okay. Lastly I would like the Constitution to recognize more higher learning institution and fund their theoretical enterprenueral project, which are written in course of studies and that can assist in form of creating employment to citizens.

**Com. Abubakar:** Thank you very much Mr. Mberia, please hand in your memorandum we will read it and sign the register.  
James Mwiraria.

**James Mwiraria:** The Commissioners and the Chairman, the entire citizens I am James Mwiraria Muringi I am presenting my views to the Commission for the sake of better Constitution.

First of all I will start with the basic human rights. The fundamental human rights that are provided by the current Constitution are by no means adequate and therefore the following changes are supposed to be effected.

First of all the death sentence – The death penalty or hanging act should stripped off in the Constitution because this has a lot of adverse effect to the people. For instance passing such a punishment to the culprit is denying the life of that person yet we know nobody should take life of any other person as provided in the Bible.

Secondly the magistrate or even those people who prosecute or secure that punishment are themselves killers they are no better from the person convicted. Again it is against the Biblical teachings to kill somebody. Finally you don't give the culprit an opportunity to correct his character and that was his intention of imprisoning one. So alternatively we can have life imprisonment because changes may occur in the character of a person convicted.

Thirdly I would talk about the employment as a basic right – We know there is a lot of problem in employment in Kenya or unemployment in Kenya and therefore changes are supposed to be effected in the Constitution in order to allow for the equal decision of employment opportunity in the country.

First of all it should start with instituting in the Constitution one man, one job policy. Secondly we should not or the President should not appoint as sometimes he does the retirees to own or to take employment in various sectors because unless or not unless we have a people lacking that profession in the country.

Thirdly we understand the Government does not offer the visas and passport freely for the people who want to seek employment in foreign countries and therefore I would recommend the Constitution provides for such a clause where by the people who want to go out of the country for employment can be able to be awarded that.

Finally I would like to talk about employment of minors – There is a problem in private and individual sectors especially whereby we get the children under 18 getting employment as maids and as houseboys and this has caused a lot of problem. That has brought about the living of schools and sometimes of battering of those people because as has been said are not recognized in the Constitution. Therefore there should be no employment of such people and if anybody is caught employing such people then there should be a prerequisite of required punishment. Similarly the parents who take their children to those kind of employments are supposed to face the law.

Then I will talk about employment of the disabled – These people are overlooked by the Government or they are looked down by the Government. And therefore I proposed that they also be employed as any other person because we have never gotten any advertisement that calls disabled people to get employment in different sectors. Therefore I recommend that the Constitution provides that we should have this kind of employment going to every other citizen.

Generally about education – This should be freely provided by the Government up to ‘O’ levels or form four level so that we allow every other citizen to get this education. Similarly, I would recommend that all those disabled people to get education freely, they should not be charged anything by the Government up to that level as well.

Finally I will talk about the children – We have to look at the families who do not care for their children in terms of education. There are some parents who do not give them this opportunity. Therefore, the parent who fails to support such children emotionally, financially or even materially to continue with education should face the law.

Also I would like to talk about the universities – This one should be set in different regions, we should not have universities concentrated in one side of the country whereas we get places like the North Eastern Province, the Coastal Province lacking these public amenities. Therefore they should be evenly distributed and they should be provided in the law.

Then on Presidential powers – I would like to reiterate that the President has a lot of powers currently has made him to look like a dictator from many peoples views. Therefore the following powers should be trimmed or they should be just cut down.

First the President should not be the Chancellor of state universities, instead we should get kind of Commission of academicians elected by a caucus of a state university lecturers who alternatively, can elect their Chancellor for the public universities. And at the same time we should have that person having the right organizational leadership qualities because he might have the academic qualities yet lacking those other academic and organizational qualities that are very important.

**Com. Abubakar:** Mr. Mwiraria I have counted six finally and your time is up so finally, finally.

**James Mwiraria:** Affirmatively I will talk about the other basic right inclusively the Government should include land as right to

every other citizen by trying to make sure that these resources are evenly distributed. Thank you very much.

**Com. Abubakar:** Thank you very much Mr. Mwiraria, please sign our register and hand in your memorandum. Thank you very much. I would like to go back to the list of students and call upon Damaris Kanaru. You have something to say Damaris, please come. State your name and go straight to your points.

**Damaris Kanaru:** The Constitution of Kenya Review Commission, my names are Damaris Kanaru, Muthara High School. I would like to air my views on women. This is to say that earlier the Constitution had not guaranteed the right of women. This is where we see that women have not been given the equal education as men. So, I would like the Constitution state that women and men should be equal. They should be given the equal level of education because we can see that even some women do better than men. So, the levels of education should be the same. Some women can do as better as they can professionals they can become also lecturers and journalists.

The other thing is about the land inheritance – You can see that earlier the women are not allowed to inherit any property from their parent. So, what in a case whereby a family does not have female as such in that home who would inherit that land if there is no sons. So it means this parents property will be inherited by other people maybe from the clan or even from other community whereas he has children. So for me I can say that it is better we be inheriting land so that we can be equal.

Another thing is like when some women are not allowed to select even their future partners that is even a student in school and then someone has intended to marry, that woman can be got out of school and then she is forced to be married even at an early age. So women should be allowed to choose their partner.

The other thing is about children – This is to say that children should be given education as we can see that some parents deny their children the right to education and this is not to mean that they are not able to educate them. Just because of ignorance. As we can see that children can be considered as not clever and then they are not taken to school. Whereas, as those children have not been taken and yet they have not done well in the school.

The other thing is that the Constitution should review that the orphans should be given free education at least at primary level so that they can be self reliant.

Another thing is the way the parents are punishing their children. We can see that in the process of punishing a child, the parent even threaten even to kill the child as we can see that there is right to life. So, the children should be given the right sort of punishment by their parents and any case which is reported by a child that he has been molested by the parent strict measures should be taken to that particular parent. Thank you.

**Com. Abubakar:** Thank you very much Damaris, please sign our register and give in your memorandum. I would like now to call another student Abraham Mwenda she is going to speak on behalf of St. Cyprian students. Abraham Mwenda.

**Abraham Mwenda:** My names are Abraham Mwenda. I am presenting the views of St. Cyprian High School.

Up to my first point. The district education board should not be under the District Commissioner because we have DEO, that is the district education officer.

Two. The President should not be the Vice Chancellor of universities in Kenya where as we have some professors who can be given such seats.

Three. The same case applies to the provincial levels where we have the Provincial Commissioner being the head of provincial education board.

Four. The students should be treated equally that is the boys and girls because currently the admission of girls and boys in our universities and colleges have taken according to the sex. That is to say for a boy to qualify should have a mean grade of either B and above while as for girls you should have a B- and above and we are taught by the same teachers and we do the same number of subjects.

Five. The Provincial Commissioner and District Commissioner should be elected by people. This is a question whereby many of the civil servants encourage many happenings in either provincial level or district level. So people should have somebody who they are contented with.

Six. Councillors should have a high degree of education at least up to form four.

Seven. The PTA also should be recognized by the Government as we know the parents and teachers are part of the stake holders in all the teaching institutions in Kenya.

Eight. The President should not be a member of BoG in any school, this might bring about favourism. The BoG members should be literate, this should regard the current state where many of the BoGs are taken as somebody who must be financially stable even though he is not educated.

Ten. Children should be protecte against brutality acts – This is to say that you can see a parent beating or punishing his or her child up to an extent of a child being mentally handicapped. Thank you.

**Com. Abubakar:** Thank you very much, please sign our register and give in your memorandum. Back to our list Ntongaruthi Mtuatarure. Mzee karibu sana, karibu Mzee.

**Ntongaruthi Mtuatarure:** Mimi ndio naitwa Ntongaruthi Mtuatarure.

**Com. Abubakar:** Weka tu karibu na mdomo halafu uendelee Mzee.

**Ntongaruthi Mtuatarure:** Sasa mimi nasema na Kiswahili ama niseme Kimeru.

**Com. Abubakar:** Wapenda vipi Mzee wangu? Wapenda Kiswahili au Kimeru.

**Ntongaruthi Mtuatarure:** Wacha niseme Kiswahili tu.

**Com. Abubakar:** Vile unavyopenda wewe, ukitaka kusema kwa Kimeru ni sawa huyu kijana atatafsiri, ukitaka kusema Kiswahili pia ni sawa. Na kama nikujulishe huyu Mzee wangu ni Commissioner mwenzangu na yeye ni Mzee wa huku ni Mzee wa Njirincheke yeye anaitwa Mzee Domiziano Ratanya. Sasa ukisema lugha yeyote ungetaka kusema tutakusikia.

**Ntongaruthi Mtuatarure:** Sasa mimi nitasema Kiswahili, kama nashindwa nitasema na Kimeru. Hivi mimi nasema mambo ya kwanza sisi tuko hapa sawa sawa mimi mtu wa kale kaBisa. Mambo mimi naona ile Katiba sisi nataka fanya hata ikiwa mimi ni Mzee mtoto anachukua kitu yangu hata kwa nguvu kama anaenda kwa kesi yeye iko na pesa mingi yeye anashinda mimi. Yeye atapata madaraka.

Ya pili. Tukiwa unafanya case hata ya shamba hata ya nini ukiwa hakuna pesa tajiri anachukua hio shamba yako.

Ya tatu. Ukiwa wewe mtoto unaweza kuzaliwa kama baba yake anakufa, halafu yeye anazaliwa akiwa anakua atamwambia sitaki kitu ya baba yako. Na yeye bado kuona baba apana pata shamba na baba yake iko na shamba. Kwa hivyo, nataka kusema ni vizuri mtoto asikie mambo ya baba yake apana piga yeye kama anapiga hata kupiga anaenda kufanya case yeye anasinda baba yake. Si yeye yuko na mali anachukua mali hata ile ya baba yake sababu baba yake yuko na watoto wengine yeye anataka kuchukua ile ya watoto wote. Sababu yeye anasema ni wa mbele na yeye anapata usaidizi kwa watu wetu kwa committee anapata kulingana Mzee yuko na pesa. Mzee anaambiwa wewe kwenda wewe maskini. Sasa mimi niko na hio tu.

**Com. Abubakar:** Asante sana Mzee, asante sana. Tafadhali uende pale uandikishe jina kwamba umetoa maoni katika mabadiliko ya Katiba. Asante sana. Jeremiah Mbundi, Joseph Baithili, Gilbert Mitheu karibu Mzee.

**Gilbert Mitheu:** Waheshimiwa Commissioners, ma-officers wale mmeandamana nao, wananchi wazalendo wa Kenya kwa

majina naitwa Gilbert Mitheu kutoka upande wa Karama. Basi mimi ningetaka kuchangia Katiba yetu mpya nikijua ya kwamba mimi nilikuwa hapa asubuhi lakini mengi yametajwa kwa hivyo sitarudia kuchokesha Commissioners. Lakini kuna few points that I am going to mention.

Kwanza tuna memorandum yetu kama kikundi cha leaders, iko hapa nitapeana and then over that nina presentation here. Kwanza ni mambo ya institutions au departments ambazo ni muhimu Katiba kuangalia kama wakati wa kutenga vote. Ministry hizi ziwe zikiangaliwa sana. Kwanza ni medical kwasababu medical ni facilities nzuri na ndiyo itaweza kuona sisi tumejitosheleza katika mambo ya medical facilities. Sio wakati mwingine tunakwenda South Africa au tunakwenda mgojwa anakwenda mahali fulani. Pengine tunakwenda huko kwasababu ya lack of facilities in our national hospitals. Kwa hivyo kuwe na vote ili tuseme hata kama district hospital inaitwa district lakini ukienda ni bure hakuna kitu. Lakini in general mambo ya health yawe yakitazamwa na Katiba yetu.

Mambo mengine mambo ya security – Our Commissioners security ni kitu kizuri kuangaliwa na tukiwa na experience ambayo tumekuwa na insecurity hapa na pale, Katiba yetu mpya ifanye mechanism ya kuona wananchi wana security yao wenyewe pamoja na mali zao.

Ile ingine our Commisioners ni mambo ya masomo – Kumetajwa free education nami naonelea free education iwe equally distributed, kwa girls and boys. Na iwe ni free education mpaka kiwango cha form six maanake kuna-report ambayo ilikuwa na Commission ilifanya mambo ya kuangalia mambo ya present 8-4-4 pengine Commission hio ika-recommend kuwe mpaka form six ili watoto wawe wamekomaa. Basi kama ile itakuwa imetekelezwa na Katiba yetu basi nafikiri iwe free education up to form six.

Ile ingine our Commissioners ni mambo ya agriculture – Agriculture inaitwa ni backbone of our country yaani (inaudible). Lakini tukiangalia upande wa agriculture kuna wasted land, wasted land ile inaitwa land trustee kama huko NGA ni arable areas kunaweza kulimwa na watu wanakwenda huko. Lakini they are consisting around areas kama karibu na misitu. Lakini the biggest land ni huko chini. Na kila kabila yetu hapa Kenya nina pori yao na kwa hivyo ukiwa na utafiti sawa sawa kwingine kunaweza kuwa na ukulima and provision for water for irrigation purposes.

Waisraeli tunasikia ni watu ambao wako katika nchi baya sana lakini wame-reclaim nchi yao inakuwa productive. Kwa hivyo hapo ni mambo ya agriculture kuwe na vote sawa na utalamu ufanywe kule kuna big ranches kuwe huko. Na kule kwingine hakuwezi kulimwa nafikiri Katiba i-address point hii nasema. Kuwe na agriculture directed ranches huko kuchunga maanake hata kukiwa ni kwa mawe kuna kitu kingine cha manufaa kinaweza kufanywa cha kuwafaidi wananchi. We don't want to see land lying idle because it is this and that feasibility study should be done by Kenyans they are qualified Bila kuwa kuangalia jambo tunaweza kutumia kila nchi badala ya kusema hakuna nchi, hakuna pahali pa kukaa.

Ile ingine Bwana Commissioner ni mambo ya elections – Councillors na MPs wakati wa siasa campaign wana-make promises na hakuna kitu abacho wanakataa. Wanasema kila kitu twafanya, kila kitu twafanya. Lakini wakichaguliwa kwenda Bunge au kwenda kwa council hatuoni maendeleo. Mimi naungana na wale ambao wanasema wazalendo waliohapa wanasema waitwe pasipo kukaa huko mpaka wanamaliza miaka mitano wakikaa huko Nairobi au pahali pengine wakifanya kazi zao, warudi basi tutafute wengine.

Na pia councils ziwe autonomous kama vile Bwana Chairman alikuwa hapa akisema ili waweze ku-exercise powers zao wakitumia local resources, including human beings, ikiwa ni njia moja ya kupata revenue.

**Com. Abubakar:** Mzee wangu

**Gilbert Mitheu:** Sir

**Com. Abubakar:** Kwa heshima ya umri wako, nimekupa dakika mBili zaidi zimeisha hizo mBili nimekuongezea sasa nakuongezea sekunde 30.

**Gilbert Mitheu:** Okay. Ile ingine Bwana Commissioner thank you very much for your generosity. Ile ingine ni kuwe na five year development plan ya kila council ili wale wakifuata na mwananchi anaona. See that is to commit the councillor, waone vile kazi inafanyika.

Ile ingine iko mambo ya disability. Job opportunities zipatikane kwa hawa watu manaake kuwa kiwete au kuwa pengine una disability sio kusema ubongo umeharibika. Watu wanaweza kuwa wanapewa kazi pengine ni security hawezi kwenda. Lakini ikiwa ni kazi ya ofisi anakuwa the most efficient person manake hata mambo ya social nini, nini hapati kwenda huko. Akiingia huko kwa computer anafanya kazi maalum tena watu wa aina hii ni watulivu. Kwa hivyo wapatiwe job opportunity consideration.

Ile ingine ilitajwa kwa ardhi tuseme hakuna ardhi ya watu ikiwa watu wengine wana acres 100 wawe na at least 50 acres sio zaidi mpaka 2,000 ya kupeleka wapi. Na ukifa hakuna kitu utaenda nacho na wengine wanataaBika na ndivyo mwenzangu hapa alisema wengine wanakweda street because there is nowhere they can go and tilth. My Commissioner hapa kuna memorandum nitapeana huko which has got all the details kutoka Kalama mimi ni mmoja wao.

**Com. Abubakar:** Asante sana, toa hio memorandum na u-sign register yetu. Asante sana Mzee. Joseph Mongera mara ya pili hayuko. Joy Mwitari, Michael Kubai, Michael Kubai hayuko. Sasa ningemuomba Mzee Ratanya aendelee kutuongoza katika mambo haya ya kutoa maoni. Asante.

**Com. Ratanya:** Okay. Asante sana Commissioner Abubakar Zein. Sasa ni wakati wangu kuendelea hapo umeacha na ningetaka kuwakumbusha wananchi ambao hawakuwa hapa wakati tulifungua. Nilipofungua kikao hiki cha Constitution of Kenya Review Commission, kwanza tulisema kwanza ukiwa una memorandum, unaweza kuleta memorandum yako, u-highlight zile points, si kusoma yote ni kueleza points zile za muhimu na halafu upeane memorandum yako hapo. Na tena kama huna memorandum, kama una memorandum na hutaki kuongea, kwasababu umeandika, you can hand in your memorandum and stay to listen what others are saying or you leave you are free. So it is not a must that you have to speak if you have a memorandum, although you can highlight a few points on your own memorandum.

The other point we agreed is the time, 5 minutes so do not exceed that time. If you find that you have a lot of points may be we can give you 30 seconds or something like that and you know we have others who would like to contribute and we know the day is not too long, we have to leave by the evening. So keep that time. Na hapo sasa tutaendelea pale Commissioner mwenzangu ameachia nina mtu anaitwa Ntanjinu Taratinju. Huyu mtu yuko? Kama hayuko tutaendelea kwa mwingine Joshua Njati. Hayuko. Diba Nchila. Huyu ameandika vibaya lakini endelea utuambie majina yako Bwana Nura, keti hapo utuambie maneno yako na uendelee.

**Didi Nura Adiba:** Tume ya Marekebisho ya Katiba, Wakenya wenzangu kwa majina naitwa Diba Nura Abduba, Imaam ya miskiti wa Muthara. Niko hapa mbele yenu kutoa maoni kwa niaba ya Waislamu waliopo katika Tigania East na West.

Maoni yetu ya kwanza ni kuhusu mambo ya mahakama.

Point ya kwanza tungependa ma-officer wa mahakama ya Kiislam kama vile Kadhi na wengineo wateuliwe na Waislam.

- Jambo la pili tungependa Kadhi awe ni msomi wa Kiislam wa kiwango ya juu kwa mfano kama vile chuo kikuu ya Kiislam.
- Jambo la tatu tungependa mahakama ya Kadhi yaruhusiwe ukataji rufani.
- Jambo la nne tungependa Waislamu wahukumwiwe kulingana na sheria ya Kislam.
- Ya tano tungependa mahakama ya Kadhi yashughulike maswala yote ya Waislam kulingana na sheria ya Kiislam licha ya ndoa, tabaka na urithi.
- Jambo la sita kama vile mwenzangu alivyosema pia tunaunga mkono mamlaka ya Rais yapunguzwe. Pia tunaunga mkono chief na manaibu wao wateuliwe na wananchi.
- Ya nane pia tunaunga mkono ya kwamba Bunge au wabunge wote wawe na ofisi katika sehemu ya wakilishi Bungeni. Pia tunaunga mkono makamu wa Rais awe ni mwenye kufuata Rais katika uchaguzi mkuu. Asante.

**Com. Ratanya:** Asante sana Nura Diba, huyu amefanya mzuri kwasababu amesema mengi ya muhimu lakini amesema na dakika tatu tu. Kwa hivyo tutumie mtindo kama huyo ili tusipoteze wakati. Okay. Asante. Asante sana Bwana Nura na sasa tutaenda kwa mwingine anayemfuata ni Tom Twarachu huyo ni observer, tena tuna Chokera Kaura.

**Chokera Kaura:** Asante Bwana Commissioner kwa majina naitwa Chokera Solomon Kahura na I will just highlight a few points.

On education I support all what has been said by the students and insist that the admission system should be clearly stipulated so that after university admission then the next thing should be diploma, certificate downward up to C+ otherwise right now there is no system of admission.

Now I also propose that all the task forces and reports that have been done on education be recognized like the Koech report.

On Board of Governors, girls schools at least the chairlady should be a woman and not a man.

Our Constitution should have a preamble and at least recognizing the history of our people and the struggle of our independence.

Mr. Chairman, on the Constitutional supremacy the people should be empowered to amend some major issues of the Constitution through a referendum. For example issues related to human rights, political systems and etc. Parliament should not have that power to amend such issues. The CKRC should be a permanent office where some of these laws should be overseeing the referendum. The Constitution should also be many languages and should be available to schools and to national libraries.

On citizenship – Mr Chairman the Kenyan child born abroad by a Kenyan parent should be recognized as a citizen. Also the street children should also be Kenyan citizen regardless of their gender, their parent's gender.

The dual citizenship should also be recognized in our Constitution. I am also proposing that we have what we call senior citizenship so that anyone who is beyond 60 years of age is recognized as a senior citizen and the state set some fund to take care and upkeep. And they should not be allowed to vote because their interests will be taken care by the state.

On defense and security –

All the forces should be established in the Constitution and the recruitment of forces be by merit at least 'O' level and above.

The height physical body or disability should never be a criteria for recruitment.

All the forces should be uniformed so that the citizens are able to recognize. Mr. Chairman the holders of the illegal arms shall

be imprisoned for life

And I am proposing that the death penalty be removed from our Constitution to be replaced by life imprisonment.

Political parties should be sponsored by the Government.

We should at least have three major political parties and the formation, the number and management and conduct and dissolution of political parties be the Constitution.

Defections, mergers and co-operations and marriages should be clearly stipulated in the Constitution.

On the Legislative. The appointment of senior civil servants should be done by the Parliament not the President. The people should also have the powers to recall the MPs if they are not performing and to avoid by-election incase an MP is removed, I am proposing that whoever was second be declared the MP of that area.

**Com. Ratanya:** Bwana Chokera try to summarise.

**Chokera Kaura:** I am summarizing Bwana Chairman. On the Judiciary we are proposing the establishment of supreme court jury check should also be recognized in the Constitution and they should be given the responsibility pertaining to land issues, family issues and forests and so on.

Lastly Mr. Chairman, on the management of resource. The Tigania East people have been disadvantaged and we are proposing that these resources should be distributed equitably and the central Government should not be the sole executor of Government resources. At the moment we are very disadvantaged because we might not be correct in the correct books of the Government.

Lastly Mr. Chairman, the currency, our currency should not have a picture of any person rather we can have the picture of our natural resources or our culture in the currency because this influences the thinking of the people. Thank you very much.

**Com. Ratanya:** Okay thank you Bwana Chokera just hand in your memorandum and sign in our register. Thank you very much. Now the next one is Edward Kubai. Sema jina lako Kubai na uendelee.

**Edward Kubai:** Kwa jina langu naitwa Edward Kubai na maoni yangu ningetaka mamlaka ya Rais ipunguzwe.

Tuwe jambo lingine la pili tuwe na watoto wetu wa Kenya wapewe elimu ya bure kutoka darasa la kwanza hadi la nane.

Na la tatu tuwe tukipewa matibabu ya bure katika mahospitali yetu ya Kenya kwa kila mwananchi wa Kenya.

La nne tuwe utamaduni wetu uwe unakuwa unatiliwa maanani kwa kama utamaduni wa Njirinjeke uwe wa mstari wa mbele na ile ingine sherehe zile zingine ya kiutamaduni tunakuwa naye tuwe ndani ya utamaduni wetu.

Na ya tano kuwe na kipindi vipindi viwili vya mamlaka ya Rais.

**Com. Ratanya:** Okay, asante sana Kubai enda hapo uandike jina lako na uweke sign, umetumia wakati mfupi kaBisa minutes kama tatu. Twende kwa Chokera Erokugua. Chokera endelea. Yuko? Mwingine hapa ni Jackson Wamatu.

**Jackson Wamatu:** Asante sana. Mimi nataka kutoa maoni yangu hapa mbele ya hii Tume. Nataka kusema ya kwamba sisi kama wananchi, mwananchi wa kawaida hapa Kenya, sheria ile tunataka kutunga wakati huu iwe ikifikiria mwananchi wa kawaida kaBisa sababu anaonekana ni kama kitu hakina maana. Kwasababu mwananchi wa kawaida anapatilia kitu yake tuseme kitu yake kama shamba. Mwananchi wa kawaida akifuatilia sababu yeye hana elimu ama pesa, anapotelea hapa hapa na maneno yake yanapotea kabisa. Kwa hivyo tunaomba serikali ile tutapanga na hii sheria iangalie mwananchi wa kawaida.

Ya pili. Elimu iwe ni ya bure kwa sheria sio kwa mdomo. Kwasababu sasa kama wakati huu taifa hii yetu iko vita wazazi na walimu. TuliamBiwa elimu ni ya bure na saa hii ni vita iko shule wengine wanapeleka watoto shule hakuna chalk hakuna kila kitu. Hio ni vita na hatutaki serikali inasema maneno kugeuka kama kinyonga. Tunataka serikali iko na msimamo.

Ya tatu. Tunaomba serikali iangalie wale watu hawakupata kuandikwa ama kupata kazi, waangalie mahali iko na mchanga mzuri ama mahali kule kunaweza kulimwa. Wawekee watu maji watu wako na nguvu na watu wajisaidie huko. Tuache maneno ya kasuku kuimba maneno hii sasa tunaomba hio iangaliwe hii sheria isiwe ya kwenda kuwekwa kwa kabati. Tunaomba hata Tume ziwe zikiangalia serikali iwe inaangalia ile Tume inaunda sababu tunaona serikali ile iko sasa inaunda Tume na hatusikii ile report imerudi kwa hio Tume na kwanza naombea hii Tume isije ikawekwa maneno makaratasi huko iwe kama zile zingine.

Ya nne, mimi naomba serikali iwe ikiangalia mwananchi sababu kama tuseme pande hii ya kwetu, mimi natoka hapa Kalama. Sasa watu wengi wale wamebaki wamemaliza mashamba na hii hospitali kwa mfano hii iko Tigania hapa. Tumemaliza mashamba, mtu akienda hospitali anaitishwa 20,000, 10,000 kwa wiki moja na hakuna wakati itafanya mgojwa ipotee.

Kwa hivyo tuangaliwe hii tumeshindwa kama tuko na serikali. Mimi naomba sheria iwe kama nimeonelea iko na huruma kabisa hata officer kama wewe Chairman unapea mtu na unyenyekevu. Kwa hivyo tunaomba serikali ile inaangalia mtu akiwa na elimu, akiwa na mali au akiangaliwa vile nyinyi tunaona mnafanyia sisi hapa hakuna yule anachaguliwa ati ni mwenye mamlaka

apite yule mwingine. Kwa hivyo tunaomba serikali iwe na mila hiyo.

Ya sita, mimi naomba mamlaka ya Rais yapunguzwe awe akiwa ni Rais.

Ingingine ya saba naomba kama ni councillor, akichaguliwa hata Chairman au mayor. Chairman wawe wakichaguliwa na wananchi na hata makamu wa Rais achaguliwe na wananchi. Asiwe anachaguliwa na Rais hata akitaka kusema ukweli anaogopa Rais sababu anajua akisema ataondolewa. Tunaomba hiyo mimi nikiwa mwananchi wa Kenya.

Ingingine ya nane, mimi naona hapa barabara sisi hatuhudumiwi. Iko mahali ingine kama ni reserve dani kama hii mvua imenyeshwa watu wanaendelea tu kufa wengine wanakufa Nairobi, wengine mahospitali hakuna watu wanakufa saa hii tuseme ni nyumbani sababu mtu akigojeka anapelekwa hospitali. Maiti haiwezi ikapelekwa, saa hii watu wengine wanabeba maiti na kwa bega na wanapeleka nini. sijui hio news iko na Rais. Kwa hivyo hapo iangaliwe na sijui kama tuko na serikali.

Ingingine tunataka kuambia serikali iwache kuambia wananchi ati wang'ang'ane na security. Mimi mwananchi wa kawaida sijui naweza ng'ang'ana na mwizi namna gani? Sababu nikimshika alikuwa na nia ya kuiba na atanipiga. Sasa tukung'ang'ana nitampiga nitamuua mob ikiingia itamuua na ndio hio mtaambiwa mmechukua sheria mikononi yenu. Tumeshindwa sasa, tumechanganyikiwa na serikali inaendelea.

**Com. Ratanya:** Jackson, jaribu kusema ya mwisho sasa.

**Jackson Wamatu:** Ndio, asante sana Chairman. Kwa hivyo ya mwisho mimi nasema kwa hiyo sekunde nimeongezwa. Mimi naomba tupewe hata security ya kutosha na ufisadi tuwache kuambiwa sisi twapandisha ufisadi na mimi nafikiri mwananchi wa kawaida hakuna ufisadi anafanya. Sababu anaondoka anaeda ananunua unga ya shilingi kumi, hakuna ufisadi. Ufisadi iko kwa wale wameandikwa wale wako juu kwa serikali ndio wako na ufisadi. Tunaomba sheria iangalie hayo maneno. Asante sana.

**Com. Ratanya:** Okay, asante sana Jackson na hapo tutaenda kwa Councillor Baglus Imburi. Councillor wewe yuko? Hayuko karibu. Unataka kusema chochote Councillor? Okay wameandika hapa Councillor lakini unaitwa Baglus Imburi. Kwa hio hio dakika tano tumekupatia hata less than five.

**Buglus Imburi:** Asante Mwenyekiti. My names are Buglus Imburi. I would like to propose in the Kenya new Constitution in my summary about security.

I would like in the new Constitution all the small fire arms should be removed from citizen.

We go to health – In the Ministry of Health we be given free health not cost sharing.

Education – I would like we have free education from standard one to eight then university.

Agriculture – I would like in the new Constitution the wananchi to be helped with piped water.

**Com. Ratanya:** Baglus sasa unapoteza wakati wako mwingi, ulipewa nafasi uendelee na useme yote. Tunaendelea kuna machine ina-record pale na inaendelea kuchukua sauti yako. Tuna-record wanaendelea sisi zote kwa hivyo kazi yako ni kuendelea useme mambo yako kwa njia fupi.

**Baglus Imburi:** About corruption I would like where a normal citizen will be allowed or the Constitution will allow him or her sorry. In the corruption I would like anybody who will be caught taking bribes should be prosecuted.

**Com. Ratanya:** Asante sana Bwana Baglus kwa hayo yako machache na enda u-sign register. Sasa tuna Councillor Mukira. Yuko kama huyo hayuko kuna councillor mwingine anaitwa Atanashio ameandikiwa huyu ni observer. Pau Kilema. Paul hayuko, twende kwa Josephat Kinyua. Josephat hayuko, Stanley Lenyiro. Endelea Stanley.

**Stanley Lenyiro:** Asante sana ile ningechangia mimi

**Com. Ratanya:** Anza kwa kusema jina lako Bwana Lenyiro.

**Stanley Lenyiro:** Kwa majina naitwa Stanley Lenyiro. Ile ningechangia katika Katiba hii mpya ni kuhusu security.

Kila division iandikiwe security ya kutosha kwa upande wa vijana.

Pili kila chief na sub-chief achaguliwe na wananchi.

Tatu, elimu iwe ya bure kwa watoto kutoka darasa la kwanza hadi form four.

Tano councillor awe wa kutoka miaka 18 hadi 45 ndio akifika miaka 50 apatie wengine nafasi nao wafanye kazi. Asante sana.

**Com. Ratanya:** Okay asante sana Stanley kwa hayo machache, twende kwa huyu mwingine ni Stephen MugamBi. Endelea Stephen.

**Stephen Mugambi:** Asante sana Commissioner na wananchi wenzangu. My names are Stephen MugamBi Muthari representing Endwano Catholic Men Association.

Yale tu ningetaka kuchangia one it is on education (school management). Tunaomba wakati wa kuchaguliwa kwa watu wale wa Board of Governors, wachaguliwe watu ambao ni wazazi ama wako na wanafunzi katika hayo mashule. Kwasababu wengine wanachaguliwa na wanakuwa wengine ni urban dwellers so they are misusing the school management and smooth running of the schools. Because their children are not there hence children from poor family are losing education and poor

performances because of the wars between Board of Governors, members and school administration.

Ya pili on provincial administration (chiefs and assistant chiefs) – People or the local community of a particular area should be given mandate to elect their chiefs and assistant chiefs because they know those people better and their moral behaviours.

Ya tatu on employment – Employment should be done through qualification but not through corruption. eg. someone has a C- will ask employment and one with D- and D get employment because of the same corruption.

Ya nne on local authorities – Councillors should be elected who have ‘O’ level certificate holders so as to be able to deliver and read and understand council policies because most are written in English. Chairman of council should be elected by people, local council should not interfere with own land premises eg. village kiosk and canteen.

Ya tano ni office of the President (ministerial duties) – Ministers should be appointed to various ministries through academic capabilities so as to be able to deliver and implement those ministerial policies without interpreters who may mislead the ministers.

Halafu ya mwisho ni freedom of worship – This one should be specified to whom to worship in order to eradicate the upcoming devil worshipping practices. Thank you.

**Com. Ratanya:** Okay, asante sana Mugambi, tuna Stanley Njara. Sasa ni wakati wako Bwana Stanley, hio hio tu dakika tano. Chukua hio microphone Bwana Stanley na useme vizuri hapo jina lako. Ukiweka huko nyuma haiwezi kusema shika vizuri Bwana Stanley. Panga vizuri kwa upole.

**Stanley Njara:** My name is Stanley Njara. I am addressing the Commissioners in a very brief time.

This is in police corruption. My recommendation is this I know there is motor vehicle act but in this act, deaths are occurring every now and then because of traffic on the ways. The police on the way in the traffic duties are always carrying the money they are not doing the duty allowed by the law. They are always there to collect the money, to collect hundred shillings they don't take the action of speeding. They don't take any action on somebody who is having a unvalid license, they are only there to collect the money. In a matatu you can see a vehicle registered to carry only 18 to have 20. In a bus to have 70 you can fit with 100. That is why accidents in Kenya happen now and then.

We would like I would recommend myself in new Constitution, if it is a law that our traffic is there on the road to collect money should be amended or should be considered by this new Constitution. We should not loose our people now because of carelessness or corruption of taking money on the way.

Two in the ministry of the President – In appointing the ministers we don't see the reason why the ministry having ministers, assistant minister, another one and another one up to four. We should in the new Constitution have ministers, assistant ministers and the permanent secretary. Other officers are there that is wastage of money completely. We should have those two, one to three.

Number three Mr. Commissioner I would recommend our customary law we Merians we have something we fear this is Njuriinjeke oath. This is feared by everybody in our Meru people. This Njuriinjeke court should be respected in our new Constitution because should be respected, this law should be respected it is really feared by every Merian.

Number four . Any candidate in councillor, any councillor should be a form four leaver who understands any language clearly not an illiterate man who doesn't know anything.

Number five free education – We wonder if this Government today free education in activities nobody will pay activities tomorrow we see the children are sent home please bring money. They should not be there, we recommend free education everywhere.

Number six. Board of governors should be elected by the parents not somebody from Megembe, not somebody from Nyeri, not somebody from Imenti to come and govern our Board of Governors. They are there only to be a board of governor but he does not take the interest of the school. That is my end.

**Com. Ratanya:** Okay thank you very much Stanley so sign your name there and hand in your memorandum if you have any. Tukitoka hapo sasa tutaenda kwa anayefuata kuna David Mongera. Kaberia Julius ni observer nimeona lakini David yuko? Kama David hayuko, Jackson Nthuranira, not there. Andrew Kibaya, Kibaya endelea sasa ni wakati wako.

**Andrew Kibaya:** Mr. Chairman and the audience, may I take this opportunity thank you. My name is Andrew Kabaya Munoru from Muthara. I am only taking chances of speaking on six points.

The first point is the trade unionism protection – At the past times we have seen that trade unions have been banned for no apparent reason and I hear ask the Constitution protection that whenever any trade union is being banned, there must be a panel of Commissioners. And the findings of the Commission should be forwarded to Parliament for more exposure.

I go to number two – Land ownership. There is the question how much the size of the land one should possess. Knowing that Kenya is widely growing in birth rate I feel that every person in Kenya should have land as a livelihood. Mr. Chairman I believe that a person should only possess 50 acres and if more than that, the rest he should be paying the Government at the gazetted

rate.

Thirdly Mr. Chairman, political margins – Of recent, we have seen so much political migration from one party to the other joining the Government side. I propose the Constitution that any merging, the merging party which is joining the Government should resign and go back for election to the electorate.

The fourth one Mr. Chairman is personal land repossession – In the Constitution the Government have got right to repossess the land from any person but at the present time they do not show the person the alternative site, they only pay for development and tell him to go. I propose that in the Constitution there must be provided an alternative site and the development in the repossessing land should be paid three times at the valued rate.

Fifth Election – We have seen in Kenya that we hold election of President alongside with Parliament I mean with MPs. I propose that we have a separate election for only President. And this election should be done for five years, two terms.

I go to the sixth point the Constitution being a “Bible” in the society to guide the people in the country. I believe this should be put into education curriculum. That it should be taught from standard six to form four. Thank you sir.

**Com. Ratanya:** Thank you very much Andrew you just go there you hand in your memorandum if you have any and sign our register. Then we go to Cheremy Inyingi. Onesmus Kinyua. Kairutha Mberia. Kairutha just say your name.

**Kairutha Mberia:** I acknowledge the presence of the Commissioners and the members present. My recommendation are as follows.

First I would recommend

**Com. Ratanya:** First say your name Bwana Kairutha.

**Kairutha Mberia:** I am Kairutha Mberia and my first recommendation is that the Constitution provides for universal primary education. I will just site a case study and I get my case study from Uganda. It is only Uganda, Botswana in Africa who have really they are about to achieve universal primary education.

My second point is that I would recommend for universal health care and to support my point, I will just refer to the master plan of national poverty education plan which was drafted on 11<sup>th</sup> March 1989 at Mbagathi. So, I would recommend that the Constitution caters for that.

At the same time I would also recommend that the random changes of Permanent Secretaries and ministers be stopped, because for any performing economy it is the work of the Permanent Secretaries and not the ministers.

And at the same time, the bureaucrats of the groups in the different groups should be given a say indevelopment issues.

At the same time I would recommend that each university should have its own Chancellors and the Chancellor should be a qualified Chancellor and not a political chancellor.

My fifth point is that I would recommend for the abolishment of non-professional courses at the university level because, these non-professional courses have led to what many people are offering its diploma business and brain drain and as you witnessed last year many Kenyans are going out in masses in search of greener pastures. Thank Mr. Chairman.

**Com. Ratanya:** Okay, thank you very much Kairutha. We go to George Mwongera, Jeremiah Mburugu. Ni wewe Jeremiah, okay keti hapo na uendelee sema jina lako Bwana Jeremiah.

**Jeremiah Mburugu:** Ibubwega, I bwega sana niuntu bwa antu beetu mwene kiti wetu, chairman wetu niuntu bwa maoni kutuita twinthe mwanya mwanya o haria muntu ena thiina ewe ira oonaa. Mbitawa Jeremiah Mburugu.

**Translator:** My name is Jeremiah Mbururu

**Jeremiah Mburugu:** Na mbiyite unto bwa Katiba yetu ii aa, muntu kuua thiina yawe yawe, mwananchi o kenya.

**Translator:** I have come to contribute to the Constitution making

**Jeremiah Mburugu:** kuonthe oo aa ari. Ndawirua muno ndauma kuraya ndaau indi murungu atatethie aatutethia nontu ituriyaa thiina inyingi sana, tukaacia uu tukuua, kana twaua ikarea kuthithika.

**Translator:** I come from very far and I am very happy because I came to contribute.

**Jeremiah Mburugu:** Thiina imwe twatirimaa akuru beetu, ba akurukuru kiri batwi, o muntu akaewa ni ungi mwanka, aewa mwanka, njuri ncheke, Kimeru iciaruyaa na antu bau na nthenge.

**Translator:** The issue I would like to contribute is concerning the Njuringeje

**Jeremiah Mburugu:** Rii, ndianda itumaa muundo okwa Muntu aakila mwanka na akacunwa kithaka kionthe kinya nkierree akaita nakio niuntu bwa mbeba, nthenge ikaua.

**Translator:** You find that like in my case somebody came and took away my land and because there was no issue of customary that is Njuringeje customary law there was nobody to follow my case

**Jeremiah Mburugu:** Kankweenda sheria yetu ya Katiba ii ya baa ndiroona antu beetu batue hinya ya tene, muntu kinya eethirwa ena mbeeca ikari kana ikari akacuna muntu kethir kinya keena mburi.

**Translator:** I am recommending that we use the institution of Njuringe so that in most cases where there is bribery and somebody can use bribery to take your land we refer these cases to institutional njuri ncheke and then the case is followed from there.

**Jeremiah Mburugu:** niuntu mburi utituura mburi, gitonga na nkia boothe ni mburi yaanancia ibuo kuua bwakire njuri sifa twinthe muntu akicunana kithaka ya tene aacunana mburi riu nende riu ikuo kwonania ura murungu aanantie antu boonthe.

**Translator:** You find like in the use of the institution of Njuringe to follow cases you find there will be a lot of fairness because the issue is just in court and then because everybody can afford this he goat it will be a Bit fair in application of this justice.

**Jeremiah Mburugu:** Bwa yaili baatwi kuuma tene, kinya riu riteeya itwarithacia muntu mali niuntu niyo yatutethacia tutarimaa muno niuntu tuinto tuniini / iciari iria, iciareraa aana. Itwarithacia o muntu akaria ya aa ikaita karama kana mbere bere muntu kinya amaami, ng'ombe itari waamba.

**Translator:** Another issue is about insecurity as you find these days a lot of insecurity as compared to the first time

**Jeremiah Mburugu:** Riirua kinya ukauna meetho ukathikwa ni ikaamba utimiona ringi. **Translator:** You find that stock theft in this area is so rampant and we are recommending that that part should be considered in the Constitution

**Jeremiah Mburugu:** Na ti imwe nanga twingwa twiciyaa lakini mwamba wa ng'ombe kaukuura ng'ombe cionthe na akatia ooroa mwene.

**Translator:** You find that stock theft is rampant and people actually taking our cows are coming and killing people so let's have this one considered in the Constitution that you are coming up with

**Jeremiah Mburugu:** baatwi ruteere ruu uu, rwa meru kuuma kaciuru, kulamawe kweit mwanka isiolo tukiita nthi mwanka bwathu, twi muntu akuyaa naau acacia kinya wa kumenya akeeta kuuria ng'ombe akatirima naakuire na mali yaake yakaita. Tuiita kiri thirikari beeya bwatwonera twathiata mukinyo ywayura aantu kinya kweta ywayura antu au muntu au ywayura naabikiriw ningi muntu uu naatiriwa baatiwa bakawa utheri.

**Translator:** You find that insecurity of our cows is rampant in this place and I am still emphasising that the Government should look upon these issues that is from here to Isiolo actually our cows are being taken. So, we are actually proposing the Government should look upon this issue.

**Jeremiah Mburugu:** Bwa yathatu, baatwi kuri kintu kiri aa kiendakua kikari ya mwaamba, rwaai. Rwaai batwi na ruui nikio turi kuuma aa, kathu ka kuuma njaambene kamwe kidogo kaniini niuntu nduui cia njaambene cionthe iborokaa njireera kwa

mbiti kamwe katinukaa uu, katikinya no ku. Katikinya aiti kuu na ng'ombe na antu tukuyaa I nyonta.

**Translator:** Another problem on my third point is concerning the water problem in this area, you find that actually they are in the place that is dry and there is no water so as we come up with this new constitution let us look upon this one. Let us have a provision to address the issue of water in this place.

**Translator:** Another problem my third point is concerning the water problem in this area you find that the place is dry there is no water so as we come up with this Constitution, let's look upon this one let's have a provision to address the problem of water in this place.

**Com. Ratanya:** Jeremiah kethira ukuthiria ibwega muno kana thiria buru. Ngukua nusu ndaika.

**Jeremiah Mburugu:** Buu ibuo nkwiraa antu beetu atethia baria bakutumwa I murungu butwilele kuonthe niuntu ibukwibua tukworowa kinya I nyota e ruui. Tukanyua rwa ruko ya gaiti ya aa kwina gikundi kia aka kiakite ruui rugakinya aa ruti itangi, ruti antu a kuhuruka, turikirwa ndawa tunyunyaa rukari bwo tukaacia, o tukeekirwa kinya itangi tukeekirwa ndawa ni antu ba / batiyaa nau, ba cibitari itwi tunyunyaa ruui / tutoonua uria twikira ndawa. Au nao tukari ya antu, twateerwe. Au butwilelere antu au niuntu itwaremwa niyo, niuntu kethira ituliungarwa tukeekirwa hinya turi na hinya ya kuruta lakini katukari yaaka twateerwe na aana beetu ibathoomete nabo bathooma, batikuturatura. Ni yaka bwiitaa bukiileelaa kuuma Nairobi kwita njaambene na aiti uu butionaa noo ii kana bwona ungi. Au ni yakwa ni bwileele au na nkuwirua muno niuntu bwa kuua maoni yau.

**Translator:** My final emphasis is concerning the same water, we are saying that the place is dry let's have a provision law that will address the problem of water in this area as concern and give safety water that is the water that is around is not safe so let the Government also look upon this issue. Thank you.

**Com. Ratanya:** Asante sana Jeremiah Mburugu umemaliza. Sasa kuna watoto wetu wa shule wangetaka kurudi shuleni kusoma na pengine tuwapatie nafasi hapo wamalize. We have Johnson Muthuri aendelee hapo akimaliza apatie Sebastian Baariu. Start by saying your name.

**Johnson Muthuri:** I believe my names are James Muthuri I am from St.Cyprian and I am presenting the views of law club and the entire membership of St. Cyprian and will dwell much on education Act I will start with the first point.

Primary education must be free for each and every child irrespective of their sex and it should have no levies as it is now. Government should intervene and help students or pupils who pass primary education and are unable to pay secondary school fees that is through bursaries thus they can get access to secondary education.

The Government should expand the public universities and other training institution so as to cater for many secondary leavers who have passed well. If Government falls in legal agreement with any civil service workers on basis of salaries e.g. teacher it

should be implemented but not laid down orally or in written basis.

Parents Teachers Association that is PTA in secondary schools should be legalised because they deal with education and students or pupils in secondary and primary schools directly.

In case of abroad vacancies for certain workers for example teaching professions in foreign countries, the Government should intervene and the individuals with the required qualifications should be sent in those countries for working with us our country economy can be uplifted.

On the usage of the Government money some money should be set on learning institutions so as to enhance the reduction of school fees. That is the secondary school fees thus many parents can be able to afford and educate their children.

On the teaching or selection of subjects, it should start in form two as it is now but each student should be allowed to take few subjects. That is compulsory mathematics and two languages then two or three other subjects to sum up to five or four subjects according to one's carrier or profession in life.

The Constitution should be analysed into different local languages and be available to each and every Kenyan. Thus, the creation of awareness of ones laws and rights in the community. In the plead for job opportunities for Kenyans the entire community of St. Cyprian would like to pledge that the prominent people in the Government should not occupy many posts of working in this they had in mind social individuals like Presidents, ministers and other people of the kind. Corporal punishment must be abolished in schools. The punishment should dwell of performing other calls at the expense of class (inaudible).

The academic qualifications of local Government officers based on languages is inefficient and other subjects should be considered and passing should be valued.

To go out a little I would like to show the electoral term for electing our members of Parliament and President should be three years and in case of any by-election or in case of any Vice President candidate it should be the one who seconded the first candidate.

**Com. Ratanya:** Muthuri, I will give you 30 seconds please.

**Johnson Muthuri:** I believe the one who seconded the President must be the Vice President. Thank you.

**Com. Ratanya:** Thank you very much Muthuri, sign our register we have Sebastian and try to keep time also.

**Baariu Sabastian:** The Constitution of Kenya Review Commission and my fellow citizens. Here I am Baariu Sebastian and we contribute to the Constitution of Kenya Review. I am going to dwell my points on children rights.

I will start with rights of education – This issue is about primary education where we are told that the primary education should be free and compulsory to all children. And after the primary education, the Government should also introduce the secondary school which are going to cater for the bereaved children and the bright ones, who pass their primary education and they have no people to take them to school because they are orphans or the rest.

The second one is about the child labour – I would like to urge the law to take an action and a serious one against those who oppress the children by overworking them and less pay.

The other one is medical care – This goes for example to street children, they should also be considered as other children who we have at home. So the Government should have to build the hospitals and health centers to rehabilitate those children who go in the streets.

The other one is about the right of inheritance – I would like also to propose the law to take a serious action against the parent who refuses give their children their right of inheritance.

The other one is the right of expression and speech for the children – The children should be given their right to express themselves and their views should be considered highly as they are also people like others.

The other one is about the right of protection – Children should be protected against brutality and torture eg. child battering and the action should be taken against those who violate that law.

The other one is the right of employment – The Government should provide employment for those who complete their education and, after their education as they are not employed there would be no means of education. Thank you.

**Com. Ratanya:** Thank you Baariu. Now the next one, mwingine anafuata hapa kwa list yangu ni Japheth K. Chokera. Domiziano

Mukiri. Domiziano Mukiri endelea.

**Domiziano Mukiri:** Asante sana Commissioners wa Tume ya Kurekebisha Katiba. Jina langu naitwa Domiziano Mukiri Mwenda and I would like to air my views.

1. The term of MPs should be five years and should not be allowed to contest again and if liked much should not exceed ten years in Parliament.
2. The vote of President should be conducted in its own day and not mixed with others. And for MPs should be conducted in another day. And for councillors also should be conducted in another day. Either, they should be conducted in one month or after two months. This is to avoid inconveniences.
3. I also propose the votes should be counted straight at the polling stations and be signed by the agent by the presiding officer and also the security officers.
4. I also propose there should be one man one job in our country and not one owning many posts in our Government.
5. I also would like to propose there should be freedom of worship, that is worshipping a true and living God.
6. I would like to propose civil servants should retire at 45 years and not 50 or 60 and also you can see somebody retiring at 70 years.
7. I would like to propose that President's powers should be reduced and not to be above the law.
8. The Government should also offer free education and free medical.
9. The law should not allow the President to appoint High Court judges, Central Bank governors. And to appoint anyone instead one should be elected on merit and not electing illiterate one who don't know how to write or read. And that is what I had.

**Com. Ratanya:** Okay, nakushukuru sana Domiziano Mukiri na sasa twende kwa, Domiziano enda pale. Joseph Mwika.

**Joseph Mwika:** Thank you Mr. Chairman, I am here to represent Tigania Cultural Development Association. My name is Joseph Mwika. I will only go through the highlight of my memorandum.

I propose that our Constitution have a preamble that we also have what we call directive principles of state policies. Here we are going to state why we have the Government.

And mainly I would like to propose that the Government spend at least two thirds of its resources on these basic facilities which we see as security, education, health and water. If the Government spends less than this we should be given leave to go to

court and say it is not following the directive principles that we have set.

Mr. Chairman on the issue of security – We do not have good security. I propose that we have community police. In an area like Meru North, we only have the police stations. We know in North Eastern people have home guards. In Nairobi we even have plain clothes police officers who stay in the streets. I propose that to avoid this problem we have security officers who live among the people.

I also propose that the laws on licensing of guns. Any normal and good citizen should be licensed to get a gun so that he can take care of the property. The security agent who just stay in one place ensuring security is very remote.

Mr. Chairman, the other issue I would like to say something about is the age requirement for Parliament that is MPs they should not be more than 75 years old if you reach there you retire.

Mr. Chairman, I would also like to say the President should be between 35 and 75 if he is above 75 he has no business being there.

The issue of nominated MPs although we should have MPs elected the nominated MPs should be nominated from professional groups such as we should have the Law Society of Kenya person there, we should have somebody from Kenya Association of Manufacturers, NCKK, Catholic church etc. So that these people are there to advocate our views right from the house.

If the nominations are done this way and we have the eminent persons here works with these groups in the past. If the nominations are not done according to the way we write in the Constitution we can go to court and challenge those nominations.

Mr. Chairman, we do not need the provincial administration. It may be retained and then we elect the DC, we elect the chief, we don't need a DO and those people can work with civil servants and security agent.

**Com. Ratanya:** Jaribu kumaliza. Mwika najua hutaendelea kusoma memorandum yako, just highlight the points and you have only a minute remaining.

**Joseph Mwika:** I am just highlighting. Mr. Chairman, the miraa should not be criminalised, there is no evidence that miraa is a drug so it should be taken like any agricultural product.

Mr. Chairman, I would like to have the remuneration of public servants. They should have a Commission, we are tired of every group demanding its own pay and some carrying Billions and the others having a (inaudible).

Mr. Chairman, we should have a transitional authority – The same Government seeking votes cannot remain in power while the elections are going on. So we should have a group which will oversee the elections. This may include the Speaker, the Chief Justice, the Attorney General even the (inaudible).

Finally Mr. Chairman, civil servants should be given leave to go and contest for election but not to be asked to resign. We need competitiveness in politics. Thank you Mr. Chairman.

**Com. Ratanya:** Okay thank you very much Mwika, if you have a memorandum you just hand in. Then we have Bernard Muriki.

**Bernard Muriki:** The Commission Review and mwananchi my name is Muriki Bernard. I wish to present my views.

First I would wish to say that freedom of worship is good but most of the religions that have come up and our dear brothers and sisters have lost a lot of time and money with those religions. So I would wish to suggest that the Government should ensure that there is a balance sheet in every religion and there should be a team, which will investigate any religion, which will want to be registered so that they can see whether it is a good religion.

Also I would like to suggest that the money used during drought time can be used to take water in those areas so that people can do irrigation and other things so that we can eradicate poverty. Also I would like to say that like in our area Kalama we are demarcating our area and I have not seen anywhere whereby we have cemetery area. So I would suggest that the Committee should set cemetery areas whereby those people who have no land can be buried there.

Also I would like to suggest that harambees are good but I would like to say that somehow they are part of corruption. So I would suggest that the money collected for harambee should all be forwarded and it should be used for the intended purpose.

Also I would like to say that the Government should ensure that the youth who are trained should be employed. This is why we have a lot of peoples things going on because we have the youth who have got energy, they are not employed and so even the spreading of Aids is caused due to lack of employment. So I would suggest that all those who have been trained, universities and colleges the Government should ensure that they are employed.

Also I would like to say that the MPs and councillors should have offices in the areas they represent. Also the wananchi should be allowed to call back their MP or councillor if they are not doing what the wananchi intended that they should be doing.

I would also propose that the Attorney General, the Judges, Police Commissioner be elected by the Parliament.

Also I would like to suggest that the disabled people should be considered in employment in all fields because it was not their wish that they are cripples.

Also I would suggest that the MP should not defect from one party to another until five years are over. So if one defects, he should lose the post and should not campaign again so that he can be an MP in another party. So they should wait until five years are over.

Also I would suggest that the Government should ensure that the national cake is shared equally even in opposition areas.

Also I would suggest that there should be at least three parties in Kenya because there so many tribal parties and people are not sure which party they should join. So there should be at least three parties in our country.

Also I would like to say that employment should be offered by how one has qualified and not on corruption basis. For example like recently when teachers were being employed those school boards and the AEOs they were so discriminative and many of them took their relatives. So I would request that in future, the TSC should employ teachers so that they can get the right characters.

Also I would request that the school bursaries for secondary schools – When they are distributed to schools there should be a list for the public to see so that the wananchi can see the people who have been considered for those bursaries because most of the time the rich occupy those areas, they get the bursaries yet they are not in need.

Also I would like to request that the provincial administration be abolished and be replaced by elected people.

And lastly I would like to say that women should have the qualities to lead and not be favoured in leadership. Thank you.

**Com. Ratanya:** Okay thank you very much Bernard. Bernard rudi hapa, then tuna Mugambi Mwaine.

**Mugambi Mwaine:** Nkuua ibwea niuntu bwa witikiirua kaanya kau. Riitwa riakwa ni Mugambi Mwaine. Kaanya kau ndaewa kaakui ikwenda kwonania bubwega mantu ya nthi iyi niuntu bwa thirikari ii njaru iria tukwenda kucaala, turienda thirikari iria tukacaala iinjuru, iithirwe iri thirikari ya kiao na thirikari itikwenda utonga.

**Translator:** I am proposing that the Government or the Government has to be made by the Constitution be a Government that has the heart of the people and the concern of the people.

**Mugambi Mwaine:** Au ni kiri thirikari na nkiariria ndeene e community kithomo ndeene ya kenya university kana Sukuru iinene iria cii ndeene ya kenya ciaramue niuntu bwa aana kuwua Ngui ndeene ya Africa yoonthe niuntu kithoomo ikiarikie

kwinyangua tubwithirue reform ni thirikari iinjara.

**Translator:** I am proposing there should be a system of education in Kenya so that there is job creation that we have so many people out of colleges, there are no jobs so let there be a reform in education system whereby job will be created for the people.

**Mugambi Mwaine:** Untu buungi bwa kuua I thirikari ya mukoloni riria yaari kuu yathithitie waatho bweetawa divided rule ni thirikari iinjara iria tukweenda kuthithia eendi kwithire kutiina waatho buu niuntu ibuo butumite tuthangikua na njira ya mpukumo na maantu yangi yamathuuku yara yakwoneka thirikarine niuntu niyo sheria ii itwathaa kinya nendi kuuma kiri mukoloni.

**Com. Ratanya:** Geria kuthiria neendi.

**Translator:** I am also proposing that the pre-colonial or colonial rules that we inherited should be done away with so that, the issue of corruption that is actually related to this colonial rules should be done away with.

**Mugambi Mwaine:** Buungi muntu uria ukeenda gwita bunge kuuma nendi akari ya MP acoore map ya nthi iria eetite kwatha amwe na constituencies ciawe iria iri kuo keenda aumbe kwonancia Miradi iria abwithitie igita ria miaka itano ira agakara kuo.

**Translator:** My final point is concerning the MP who is elected he should be conversant with his area of representation so that you know how to represent the people to have their development in their heart and be a person of the people.

**Mugambi Mwaine:** Buungi, muntu ura ukeethira akiendaga giti kia chairman wa council athuurwe ni wananchi niuntu ma-chairman yaria yathuurawa ni kiama kiri kio ikio kiuyuritie ufisadi kuu na mantu yaangi ya mpukumo bakieyanaa viwanja na njira ya kuunkumwa.

**Com. Ratanya:** Mugambi thaa ciaku ikuthira, geeria kuuga bwa muico neendi.

**Translator:** Finally I am suggesting that the chairman of the County Council be elected directly by the people so that so that he will be responsible for the same people.

**Mugambi Mwaine:** Buungi nkithiria, thirikaari yauire bathiithie cost sharing lakini buu ni urongo wananchi ibathangikite muno kiri mathoomo yaa ya primary kuuma class one mwanka eight bageerie kuuga untu buu na mathithio niuntu muciaru niainyili muno na aana bara bawiita kiunu thirikari itekeleze untu buu niuntu aana ba aari ibaagite nthoni babuune antu ba kubaeyaa ikanukia. Na buungi, thirikari ibuune mahakama niuntu bwa antu baria batina mapato nio baaete kintu kia kuceetherwa ni itonga na aneene niuntu batina mbeeca cia guunkumana ibubwega.

**Translator:** Lastly I am suggesting that the policy of Government of cost sharing should be implemented so that it can assist the people and also the level of poverty between the poor and the rich should also be reduced. Thank you.

**Com. Ratanya:** Asante sana Mugambi, anayefuata ni John Miriti. Miriti is not around, Isaiah Mbatia, endelea Isaiah, rudi kama atahitaji mtafsiri.

**Isaiah Mbatia:** Mimi nitaongea kwa Kiswahili. Asante sana Tume ya Kurekebisha Katiba. Yangu mimi nachangia hivi. Ikiwa mikopo ile inakopwa katika Kenya hii itaendelea pande moja pahali Rais peke yake anachaguliwa, tunaomba Tume hii sasa ama Katiba inaenda kubadilika iwe ikiwa mikopo inaombwa Kenya, ya Kenya yote. Hiyo mikopo iwe inaendelea kwa kila district na iwe inaendelea ikiwa wananchi wenyewe wanaona na wanafanyiwa hio kazi.

Ya pili. Mvua inanyesha kutoka mBinguni kwa Mungu na tuna mito hapa Kenya hii yote hata Lake Victoria iko, tunaomba Katiba hii ibadilishe badala ya Kenya kuombewa mikopo, tuna ardhi nzuri ambayo inaweza kutusaidia natusaidie njia ingine. Tusiwe watu wa Kenya ni watu wa kuombaomba ama tuwe watu wa kuombewa vitu.

Ya tatu. Ikiwa mikopo itaombwa na changia Katiba ile itaendelea, tuwe kaBisa mikopo iwe inakuja kama ni mifereji ya maji na ile vitu yenyewe iwekwe maji watu waendeleo kulima mashamba yao kwa irrigation. Badala ya mikopo ikuliwe barabarani kama vile mahindi, ma-DC wale, ma-PC wale halafu mahitaji kufikia wananchi hakuna hayo sasa tuombewe kitu kinaonekana kama ni mfereji hata ukila wakati watu wako na irrigation. Huwezi kumaliza kwa maana vitu vinalimwa na vinakuja unakura na havimaliziki. Hio tuombewa kitu ya kudumu si ya kumalizika.

Ya nne. Kutoka hapa kwenda Garissa sijui wapi Manderu hata Lokichogio huko tunatumia ng'ombe kutoka kwa hii barabara. Sasa ninaomba hii Katiba ifanye mpango ama iweke sheria, mtu yeyote akitoka Samburu na (inaudible) Borana, Somalia, Pokot akuje hapa Tigania ama aende Pokot, Mtigania aende Pokot ambe ng'ombe ikifuatwa ni hawa ifike mahali yao hio ng'ombe ichukuliwe nchi hio na zipelekwe kwa wale waliibiwa.

**Com. Ratanya:** Hio ndiyo unamaliza nayo Bwana Isaiah. Maliza ya mwisho kabisa.

**Isaiah Mbatia:** Ya tano mimi nasema hivi. Watoto tumesomesha na tukashindwa ni kitu gani kinafanya watoto wasipate kazi. Naomba hivi upande wa masomo ama upande wa sheria hii kuwe kunawekwa sheria upande wa kuchukua watoto mashuleni ama vyo vikuu ama pande ingine, kusiwe na kitu ingine ya kuibiwa hapa ama mtu aliye na standard kubwa ule yuko na standard ya chini achukuliwe badala ya yule wa standard. Mimi nasema hio kwa maana inaonekana kuna ufisadi upande wa kuandikisha watoto ama kuandikisha hata kazi yenyewe. Hatuwezi sasa sisi wazee kusomesha na kutoa pesa ingine ya kuhongana. Mimi nasema asante.

**Com. Ratanya:** Okay Mbatia asante. Sasa tuendeleo kwa mwingine anaefuata ni Mbaringu. TwamBie majina yako vizuri.

**Mbaringu Muchamula:** Asante kwa Tume na wananchi wale wenzangu wale wako hapa. Kwa jina naitwa Mbaringu

Muchamula. Ningetaka kuchangia hii hoja ya kwanza kwa maoni yangu naona ya kwamba kama upande wa serikali kuandika chief hana kazi kwa mwananchi yeyote vile anafanyia wananchi. Kwa maana, chief ile vita yote imetokea kwa mashamba ndiye yeye anaanzisha. Ningeona ya kwamba kama sub-chief anaweza wachwa awe anachukua mamlaka ya chief na kutoka kwa mwananchi akiwa na shida aende asaidiwe na sub-chief akitoka hapo aende kwa DO straight. Hapo sasa kusikuwe na upande wa chief.

Jambo lingine la pili. Naomba tume hii ng'ombe naona ya kwamba haiwekewi sheria na hiyo ndiyo mali rasmi ile ya mwananchi wa Kenya kila mtu yuko na mifugo hii inaitwa ng'ombe na ni utajiri wa haraka. Kuna ng'ombe ambaye ilienda hapa ikaenda na watu wa Samburu na ilikuwa ya Nyambene peke yake. Ningeomba hii Tume ikirudisha hii report huko ichangie kila district ng'ombe iwekwe alama ya district. Ili ng'ombe ikiibiwa inafuatwa na kutangaza hata hio number inaonekana kwa ng'ombe kwa maana ng'ombe ni mfugo haiwezi kufichika kwa mwizi yule ambaye ameenda naye. Kwasababu kuna alama ingine kila mtu anaweka yake lakini nasema kwamba iwe ya district. Kila district ndani ya Kenya iwe iko na alama yao kwa hiyo mifugo.

Na ya tatu. Ningeomba kama ni Rais wakati wa kupendekeza nominated iwe ni ya councillor ama ni ya MP, kurudisha mtu ambae ametolewa na wananchi hio ni madharau kwa wananchi. Sababu huyo alitenda mienendo ile haitakikani kwa wananchi na yeye amemrudisha tena. Hio itakuwa vita, hakuna kitu anaweza kufanyia hawa wananchi. Ni hayo machache. Asante.

**Com. Ratanya:** Okay asante sana Bwana Mbaringu, sasa twende kwa John Nagoro. John hayuko. Kuna Councillor Silas Nayambea.

**Con. Silus Nayambea:** Asante sana kwa Mwenyekiti wa Tume. Kwa jina naitwa Silas Nambea councillor wa Muthara. Yangu ni machache kwanza kabisa ningependa au kwa maoni yangu sheria ya urekebishaji wa mashamba igeuzwe kwasababu zile tuko nazo inaleta makesi mengi. Tungetaka kuwe na cap 284 peke yake kwasababu hio ndio mtu atapimiwa shamba yake vile ilivyo.

Yale mengine yamesemwa ni ukosefu wa usalama – Tungependa Katiba hii iwe ikilinda mwananchi wa kawaida.

**Com. Ratanya:** Councillor, ni sheria gani unasema iondoke ni 283 or ni 284?

**Con. Silus Nayambea:** Ni 284 ya upimaji ya mashamba. Ya tatu ni siku ile kama tuko na siku ya public holiday. Kama hii siku iliwekwa ya tarehe 10 mwezi wa kumi hii ya Moi day, hata hiyo ningeomba iondolewe kwasababu kila President akiwa amechaguliwa na akiweka siku yake kwa mwaka tukikaa siku nyingi kutakuwa na maPresident wengi na ikiwa wataweka siku yao unajua mwaka utakwisha Bila watu kufanya kazi. Sababu hio ningeomba kwa Katiba hii siku hio iangaliwe.

Kwa jambo ile ingine la mne ni kwanza sarafu hii pesa ya Kenya inawekwa picha ya mtu. Hata hiyo ningeomba hio picha ya

mtu iondolewe iwekwe kama ni picha ya myama au Mt. Kenya au ikiwa itakuwa na shida kuwe na picha ya mwanzilishi wa taifa hili Mzee Jomo Kenyatta.

Na ningeomba kwa Tume hii kwa kuwa wilaya naye waondolewe kama ma-chief ma-DO an ma-sub-chief. Au wakiwa watakuwako wawe wakichaguliwa na wananchi kwasababu ndio wakati watafanyia wananchi kazi bila kupendelea mapendeleo yeyote.

Na ningeomba tuwe na elimu ya bure kutoka class one hadi class eight na tuwe. Na hospitali iko na madawa kwasababu siku hizi mahospitali yale tuko nazo ukienda huko, unaandikiwa karatasi naenda kununua dawa kwa chemist na hio chemist inakuwa ya watu.

Na ningeomba kwa Katiba hii cake ya Kenya ikiwa imegawana, tungeomba kila upande upatiwe pesa zake kama ni miradi ya barabara kuwe na barabara mzuri na mawasiliano mzuri.

Jambo ingine ningeomba Katiba hii ya leo ifanye mzuri tuwe na masoko ya kuuza mazao yetu ya kilimo kwasababu uti wa mgongo wa Kenya ni kilimo. Jambo ile ingine ningeomba katika Tume hii Katiba yetu ya Kenya iwe na serikali ya mseto.

Upande huu mwingine, upande wa County Council kuna cap 265 ya local government. Hata hiyo ningeomba iondolewe ili council iwe ikisimamia yeye mwenyewe.

Na ningeomba kwa sheria hio hio tu to remove the nomination of MPs and councillors kwasababu hawa wanatumia pesa ya uma kwa bure na hakuna kazi ile wanasimamia.

Na ningeomba nikimalizia ningeomba hata ma-chief na ma-sub-chief wawe wakichaguliwa na wananchi ili wajue kazi yao ile wataenda kufanyia ni gani.

La mwisho kabisa ningeomba Chairman wa County Council awe akichaguliwa na watu kwasababu kuchaguliwa na councillors hafanyi kazi vile inatakikana. Yangu ni haya machache asanteni.

**Com. Ratanya:** Asante sana Councillor Silus Nyameo na sasa tunaenda kwa Geoffrey Mwenda.

**Geoffrey Mwenda:** Yangu ni machache.

**Com. Ratanya:** Anza na kusema jina lako.

**Geofrey Mwenda:** Jina langu Geofrey Mwenda Kiboro. Yangu ni machache kuhusu serikali yetu.

Tunataka watoto wakiajiriwa wale wana elimu ya kwenda kusomesha college wachukuliwe na TSC vile kulikuwa zamani.

Nikija hapa district imekuwa ufisadi mtupu mtoto wa 2000 anachukuliwa yule alimaliza mwaka wa 97 anabaki kwa hivi hakuna taratibu inafuatwa. Tunataka mkirudi huku kuwe watoto wakiajiriwa kama mwalimu waajiriwe na TSC yenyewe. Hatutaki yauajiriwa kwa district sababu hapo ndio ufisadi unachangia.

Ingingine mashamba yetu yalimalizwa vile watu wanasema tunataka shamba ya mtu ipimwe Bila kuchongeshwa. Mahali anazaliwa awe hapo. Wale wenye pesa wanatoa shamba kwa mlima wanaleta mahali wa mabonde wale hakuna pesa wanapelekwa kwa mlima na hakuna kitu watalima miaka milele. Kama mimi hapa nazungumza nilipelekwa kwa mlima hata babu yangu hajakaa. Shamba yangu mimi nikatolewa pahali mimi napata miembe napanda ovacado nikapelekwa kwa mlima sababu ya ufisadi. Kwa hivi tunataka serikali ile tunataka kuchagua sasa tuchague ile serikali inaanglia maslahi ya kila mtu. Yule hakuna pesa na yule maskini kaBisa awe akiangaliwa tuwe hapana omba pesa kama Mungu. Serikali yetu inaomba pesa kama Mungu sisi wananchi wale wa kawaida hatuna msemu kwa serikali hii iko sasa.

Nikimalizia nataka tuangaliwe kwa kuandikana, Mzee kama mimi nasomesha watoto wote mpaka nikamaliza. Nikirudi kuandikana police kama hii inaandikwa hapa unaaBiwa lete sitini Mzee lete mia hamsini na hakuna ile watoto wanakaa nyumbani. Serikali yetu ituangalie kama vile tulikuwa tunaandikwa zamani mtu anaitishwa barua ndio anazungumza naye. Lakini siku hizi hata usome degree Bila pesa hakuna kitu kitaendelea hapo. Serikali ituangalie, Katiba hii iangalie njia ya kuandikana sana ndio inamaliza Kenya.

Na ile mikopo inatoka Ulaya inaingia mfuko ya wenye uwezo, haisaidii sisi, hio naye iangaliwe sana.

Kwa kumaliza kwangu mimi nitasema hivi serikali saa ile unaona inang'ang'ana kule tuwachague, wanaweka pesa kwa hand bag wanakuja kununua sisi. Ile mtu ananunua watu hakuna kitu ataenda kuwafanyia. Atakwenda Parliament kukaa huko miaka tano akirudisha ile pesa yake tulitumia. Tunataka yule mtu anaangalia maslahi yetu si ati ni atununue halafu aende akatutumbukize kwa dam sisi hatuwezi kutoka miaka na miaka. Mimi namaliza. Asante.

**Com. Ratanya:** Asante sana Geogrey. Samuel Kaarai. Yuko, okay endelea.

**Samuel Kaarai:** Commissioners kwa majina mimi naitwa Samuel Kaarai Twaimaingi. Yangu nitatoa maoni kidogo si mengi. Kwanza kabisa ningeomba serikali yetu ile inaajiri provincial administration. Ya kwanza kabisa provincial administration ipunguzwe. Katika district tuwe na DO na DC na hawa wengine wawachiwe wanaa siasa kama macouncillors na wengine. Wakati wa kuajiri kama itashinda, wakati wa kuajiri provincial administration, chief awe akiteuliwa na wananchi kwa maana

tumeona maneno mengi kwa ma-chiefs.

Ingingine ni hii ya administration tu – Mtu akikosea akiwa ni chief ama DO ama DC awe mwizi, serikali ile sheria waliweka ya state council ukimfuata na case unaambiwa barua haijatokea kwa state council . Awe akijisimamia mwenyewe kwa case kama unapatikana na wizi au akisimamia mwenyewe kwa koti si kusimamiwa na sheria.

Upande wa land Cap 285, 83 iondolewe. Kwa maana hio si ya kusaidia maskini ya Kenya ni ya matajiri unaona shamba ikitoka hapa inaenda mpaka Kianjai unasikia ati land yako huko na hujakaa huko.

Ingingine kuhusu hio land tu ni kimila yetu tuko na njurinjike. Wakati mtu anachukua kiapo kwa shamba awe akiwekewa shamba yake pale pale alikulia kiapo si ati asongeshwe. Kwa maana iko kitu ingine kimila itakuja aseme mimi ile zenge nilichukua nataka kurudisha ile shamba, hatarudisha. Kwa hivyo hiyo sheria yetu ya kimila iwe recognized by the Government. Iwe amended kwa law ili mtu akichukua shamba na njia ingine kama hio iwe ikiweka mahali hapo isiwe inasonga.

Ingingine ni hii ya County Council. Cap 265 ya County Council inanyima councillors mamlaka yeyote. Councillor hana uwezo yeyote katika County Council. Yule ako na uwezo ni senior officers ningeomba hio sheria iondolewe kwa maana councillor anaweza akakaa hapo akakaa miaka tano inakwisha lakini yule ako na uwezo ni senior officers.

Ingingine ningeshukuru wale wamesema maoni ya Chairman. Chairman awe akiteuliwa na wananchi wote kwa jumla na iwe na limit. Kwa maana Chairman naye atakuwa very powerful hata akiulizwa na councillor hawezi kumjibu kwa maana si yeye amemteua. Kwa hivyo ningeomba kuwe na sheria zingine hapo kwa watalaam waone watatumia njia gani. Hata kama anateuliwa na wananchi wa district nzima iwe na cap zingine zinaruhusu councillors kufichua yale Chairman amesema na kama nikusimamishwa akasimamishwa.

Kwa hayo machache, upande wa security kuna watu ambao wanaua wengine. Kama mtu ananyonga mwingine anaenda anafungwa miaka mbili, miaka tatu yeye anarudi tena. Kwa hivyo ningeomba ile sheria irekebishwe. Kama mtu ameuu mtu awe naye anafungwa maisha si ati aue mtu halafu mwaka moja ikikwisha anatolewa. Na ile sheria inaruhusu President ku-release hata murderers hiyo ningeomba itupiliwe mbali.

Ingingine Bwana Commissioner, ningeomba pesa zetu za Kenya zisiwe zikiwekwa picha ya mtu yeyote. Kama ni ya Rais isiwe pesa ya kutumiwa watu wanabeba picha ya mtu, apana iwe inatafutiwa alama ingine badala ya kuwa na picha ya Rais.

**Com. Ratanya:** Kwa hivyo Samuel, Samuel nimekupatiwa nafasi nyingi kwa hivyo sasa jaribu kumaliza. Ya mwisho.

**Samuel Kaarai:** Ya mwisho ningeomba upande wa maji . Ile Katiba ya Kenya, najua iko Katiba ya maji lakini kuwe na

Katiba ya kila mwananchi wa Kenya hii awe na maji na iwekwe kama sheria na serikali iweke wananchi maji ya kutosha. Asante Bwana Commissioner. Thank you.

**Com. Ratanya:** Asante sana Samuel, anayefuata ni David Murega. David Murega hayuko, Stanley Kabweria. Stanley twambie jina lako.

**Stanley Kabweria:** Mimi ni Stanley Kabweria au Gachui. Mimi mambo nakuja kusema hapa ni machache tu. Kitu kimoja ambacho ninaona au wananchi wanaona ni kiovu sana ni ile kuajiriwa kwa kazi ya watoto. Siku hizi watoto hawaajiliwi kulingana na vile walivyo waelevu wanaajiriwa kulingana na vile baba yake alio tajiri au alio big boss au mtoto aliye na godfather, haajiriwi kutokana na vile alivyo mwerevu. Lakini mimi naona ya kwamba kama vile zamani kulikuwa mtoto akiwa na certificate yake aajiriwe kutokana na ule werevu wake au kulingana na vile anajuwa masomo au werevu wake anaajiriwa kwasababu ya pesa. Na Mzee maskini sana akiwa ana mtoto – kwa hivyo watoto waajiriwe kulingana na uerevu.

**Com. Abubakar:** Mzee Kabweria kwa hivyo unapendekeza watu waajiriwe kwa haki kulingana na uzoefu wa kazi na elimu yao na uerevu.

**Stanley Kabweria:** Werevu wa mtoto.

**Com. Ratanya:** Endelea.

**Stanley Kabweria:** Number ya pili. Katika Kenya yetu kiongozi akiwa ni kiongozi achague watu kulingana na district zile ziko katika Kenya sio kule ametoka.

Kwingine sub-chief, chiefs na councillors hii district councillors ambao wanasimamia wachaguliwe na wananchi.

Number ingine watoto katika school ya primary, education ya bure ambayo tuliahidiwa haiko. Tupatiwe hadi class za form six masomo yaendeleo mbele. Kwasababu degree za leo ni degree duni. Hakuna mtoto anajua masomo sawa sawa. Na tena tuchaguliwe watoto ambao ni werevu waende katika shule za mbele sio pesa iende mbele watoto waende mbele kulingana na uelevu wa mtoto. Serikali iweke division fulani ndio itaenda secondary, itaenda form six, itaenda university sio watu na pesa yao.

Haya number ingine. About the tradition careers au watu vile walivyo. Mimi ni Mumeru mwingine ni Mmasai tuwekewe utaratibu sawa sawa tependane kama zamani tulivyokuwa tukipendana. Maana mimi naweza kuoia msichana Mmasai ama Mnandi ama Mturukana na ule mimi namuita shemeji naza watoto hapa Meru. Kwa hivyo hatutaki insecurity inakuwa kama ilivyo sasa. Security yetu sisi katika Kenya isimamiwe vizuri.

**Com. Ratanya:** Stanley naona wewe ni Mzee nimekupatia dakika nyingi sana. Sasa unataka ingine moja ama mbili?

**Stanley Kabweria:** Moja tu.

**Com. Ratanya:** Kamoja tu? Okay, maliza na hiyo.

**Stanley Kabweria:** Mambo mengine. Hapa kwetu na kule kwingine katika Kenya mzima tunaona ya kwamba mimi nataka kuongeza hapa kwa security. Sasa wakati wa leo si kama zamani hata mimi niliandikwa na Wakoloni lakini tulikuwa hata kama ng'ombe imepotea hapa mtu mmoja anakwenda kutafuta Masaai, nakwenda huko Samburu, anakwenda mahali popote bila kudhuriwa kwasababu kulikuwa na ile tunaita human relationship. Nayo kutoka leo human relationship imepotea kabisa inakuwa sasa ni devil relationship up to now. If you go away you are going to be killed, this is not my tribe. And I know that every Kenyan man is the Kenyan tribe not a Meru tribe but Kenyan tribe, not a Luo tribe but a Kenyan tribe. We want to become a Kenyan tribe upto today, we become one man one woman with one Kenya. Kenya is a lady who is has many sons.

**Com. Ratanya:** Si ile dakika imekwisha Bwana Stanley.

**Stanley Kabweria:** Mimi kitu ya mwisho ni sisi Wakenya tupendane. Nikitaka kuoia Mjaluo nakwenda huko Bila hofu, huko Samburu niende huko bila hovu maana ni shemeji. Ni asante.

**Com. Ratanya:** Asante sana, andikisha hapo. Tuna Martin Kimanathi Kariithi. Endelea Martin.

**Martin Kariithi:** I am a Kenyan citizen by the name Martin Kimanathi Kariithi and for the Constitutional Review Commissioners who are our servants I have this as our proposals.

Our Kenyan Constitution which should be written as per now should have a preamble which should demonstrate the inclusiveness, participation and devotion of the entire Kenyan citizenship to the making and adherence to the principles as exposed in the Constitution. We shouldn't have something of the kind we the people of Kenya do hereby vote these truths as our supreme law from which all laws of the land emanate.

Secondly, I propose that we should have a defined national culture such that at no time should one enter into an office and declared that he or she is dressed indecently. We should have the definition of the words indecent dressing.

For the Executive I have this as my proposal. The Executive as a creature of the Constitution should always uphold the rule of law. It should comprise of the President and a Vice President who should be the running mate of the President in power. That

is the person who becomes the number two in the elections.

The Executive or the Presidential appointment to the all the Constitutional offices must be vetted and approved by Parliament prior to assuming their official capacities to such offices. The Executive must not interfere with the operation and constitution of the other two arms of the Government that is the legislature and the Judiciary. The President of the country should be the automatic head of the Executive.

Secondly. For the Legislature I have this as my proposal. The Legislature should compose of the popularly elected MP that is, in case where may be there are three or four candidates who are going for a certain Parliamentary seat the number one and two should have a run-off. They should go for the re-election so as to kind of come up with the one who is the number one. Amongst the number one and number two.

Secondly I have these to say. All the constituencies should have not less than 15,000 nor more than 20,000 registered voters. The Parliament is the supreme law making body already instituted by the people through a popular democratic vote. The Parliament should therefore have in right have no right whatsoever to amend any clause of the Constitution without the consent of the Kenyan citizens through a referendum that is. After such a referendum any amendment or alteration of any clause of the Constitution must be supported by at least three quarters not two thirds which is a colonial fraction.

As the peoples watchdog, the Parliament should maintain checks and balances on the other two arms of the Government.

The Parliament must have power to regulate and control all its calender not the President.

Parliament can only extend its life beyond the Constitutional term in cases where Kenya is at war such an extension should be supported by at least three quarters of the MPs after when consultation with various sectors of the society.

The Parliament must have the power to determine the size and structure of the cabinet as per the necessity of the time. Not so many cabinet ministers at this time and so few come the next time. The Parliament again must have the power to vet and approve or disapprove any appointees to Constitutional offices also they should have powers to nullify or appointment. The Parliament of Kenya has the sole mandate to appoint and approve the person to occupy the office of the ombudsman who should be the abritrator.

The Judiciary – The Kenyan Judiciary shall be headed by the Chief Justice who should and I insist should have served as an advocate of the High Court for not less than five years the calendar of 12 months that is. Upon the appointment the Chief Justice should be vetted by the Parliamentarian by a simple majority. The Judiciary again must dispense justice without any prejudice, Bias, direction or manupilation from any arm of the Government whatsoever. It has the sole mandate to interpret the

Kenyan law. No judicial case of whatever nature in this land should take more than five years in court. And for civic education I propose it be a continuous exercise throughout the calendar.

For the Kenya citizenship I propose that for one to be recognized as a Kenyan citizen he or she should first of all have an ID a valid passport, a valid driving license, a birth certificate, school leaving certificate, a chief's report or a letter from a person of authority from your church/mosque any of the above can do.

**Com. Ratanya:** Okay, Kariithi you have just a minute remaining. Stick to that please.

**Martin Kariithi:** Its okay. All the council heads eg. chairpersons and mayors will be voted indirectly by the citizens instead of the current councillors.

No Kenyan currency either in notes or coins shall bear the portrait of the head of state apart from that of the founding head or father Mzee Kenyatta and other natural features like mountain and or wild animals.

Kenyan have a right to impeach any leader in the Government who performs contrary to the dictates of this Constitution. Kenyan land shall always remain at the primary right of every citizen and should therefore be regarded as the unifying factor among all. No one should therefore own more than 100 acres of land while another has less than 100 acres. It is for the sake of time that I have to end there but it is my wish that what I have already said has gone to the patriotic ears of the Kenyans. Thank you.

**Com. Ratanya:** Okay, thank you very much Kariithi, Francis Mwenda. Francis Mwenda hayuko, Julius Mwenda, Stanley Mukiri, Crotus Mwaini, Ibrahim Kimanthi of Nyambene Muslims, Abdi Alake, Mwita Joseph, Mwita Joseph umekuja, endelea Bwana Joseph Mwita.

**Joseph Mwita:** Thank you Mr. Commissioner and audience at large. My names are Mwita Joseph. I propose to the Constitution supremacy of Kenya that they should sorry I propose to the Commission of Kenya that the local Government mayors and council chairmen should be elected directly by the people and their minimum requirement should be form four education. The minimum education qualification for the councillors should be form four education.

Political parties – The number of political parties in our country should be limited. They should be reduced to three and should be financed from public funds. Political parties should be financed according to the ratio of representation in Parliament.

About the systems of the Government – I propose to the Constitutional supremacy of Kenya that we should retain the Presidential system of Government.

The Presidential elections should be done a day earlier before Parliamentary election are done. And this is to avoid rigging and to enhance free voting and fair elections.

Employment opportunities should be offered on merit and not on tribal or political basis.

And about the land issue I propose that an individual should not own more than 60 acres of land whereas there are some people who are landless in our nation.

On employment opportunities – Opportunities should be not be given to the people who have been there again or who have retired from work. This is to create employment opportunities to the unemployed. I propose that an individual should not be holding more than two jobs in the Government. This has been witnessed that some individuals are also holding ten jobs in our country or in the Government while others are jobless. To curb unemployment we should or our Constitution should ensure that an individual would only hold only one or at least two jobs.

I propose that an MP should only vie for two terms and not stay in office or Parliament for more than. This is to give a chance or enhance development.

The President should be a person who holds a degree from a public university.

The President should not be a person who is not married or who is a divorcee.

The President should not be the Chancellor of the public universities if he does not hold a degree.

Appointment by the President should be abolished and I propose Parliament should have vetted powers to appoint where necessary.

Parliament should have vetted powers to appoint the Constitution Review Commissioners, the Attorney General and the Judges and not the President.

**Com. Ratanya:** Okay, try to finish now.

**Joseph Mwita:** Thank you.

**Com. Ratanya:** You have come to an end the next one is Tharamba, Patrick Theuri, Cypriano Lakela. Okay, Cypriano

endelea.

**Cypriano Laikela:** Mimi yangu ni machache tu ningetaka kusema kidogo. Cypriano Laikela. Mimi kitamaduni kisiingiliwe na utawala na upande wa makanisa unaingilia utamaduni sana na sisi tuna utamaduni wetu tunao tangu mwanzo. Na ile ambayo waingilia tuseme kama vile njurinjeke ni chama cha Embu. Na kazi yao ni kuamua tu watu nyumbani, mambo ya mashamba ama mambo ya ng'ombe kitu kama hio. Kwa hivyo hio isiingiliwe an kanisa ama upande wa utawala.

Ya pili ni kuhusu utamaduni tuna kitu kama vile asali, tunafuga nyuki tunalima maele, lakini sisi ukiwa ukipika asali unashtakiwa. Kwa hivyo lakini ukiwa na dry gin huwezi shtakiwa kama tusker, lakini asali utashtakiwa kwa hivyo tungetaka hata hio iwe ina kibali katika serikali.

Na ingine tuna kitu kama miraa. Miraa ndio mmea wetu hapa inatupatia pesa na haiko katika orodha ya ile vitu ya agriculture kwa hivyo tungetaka miraa ingizwe katika orodha hiyo ya agriculture pia iwache kuchukuliwa ikitajwa kama dawa za kulevia.

Ya tatu ni kuhusu upande wa utawala – Kama chief anafaa achaguliwe na wananchi.

Upande wa President. President asichague makamu, achague ministers, achague Mkuu wa Majeshi. Tukitaka kama ni makamu wa Rais awe ni yule anamfuta tu katika kura ndiye anafaa awe mdogo wake kwa vile wanafuatana hata kama kwa kura. Kwa hivyo tungetaka power ya President ipunguzwe pia hata chief ipunguzwe.

Ya mwisho. Kuna watu wamejaa manyumbani ndiyo tumikia serikali kama vile anaitwa sub-area. Sub-area anatumikia serikali kwa njia yeyote lakini hakuna kitu anapatiwa na serikali hata kidogo. Kwa hivyo tungetaka hata yeye pia ni mtu anasomesha watoto, atoe kitu kidogo kutoka kwa serikali.

Kwa upande wa mifugo hapa kwetu Tigania. Watu hufuga ng'ombe na hizi ng'ombe zetu mara huimbiwa hata saa hii tukiongea kuna ng'ombe imeimbiwa. Na ukienda upate hio ng'ombe wakienda huko wanagawanya ukipata ng'ombe moja kwa mtu unajua huyo ng'ombe yako chukua hakuna garama za kulipia. Kwa hivyo tungetaka mtu akipatikana na kitu kama hiyo mifugo wizi alipe pamoja na garama yake, alipe hio ng'ombe na hio ng'ombe ingine kulingana na report yako vile ulikuwa umeandika kwa police. Huyo mtu anafaa alipe ng'ombe zote na alipe ya mwana garama yako. Kwa hivyo sina mengi ya kusema ni hayo tu.

**Com. Ratanya:** Asante sana Cypriano Laikela. Laikela nenda hapo uandikishe. Joshua Muthinja. Ulisema jina lako liko sema ni jina gani.

(inaudible communication from the audience)

**Com. Ratanya:** Joshua Muthinja, Isaiah Thiaine. Okay Isaiah endelea kabla huyo apate jina lake.

**Thiaine Isaiah:** Jina langu naitwa Isaiah Thiraine. Asante sana kwa Mwenyekiti na Tume ya Katiba. Pendekezo langu ilikuwa ni hili ya kwamba MPs wawe wana-offices in their constituencies where they represents, ili wananchi wakitaka kuwaona anaweza kuwaona kwa urahisi. Kwa ajili wengine wanachaguliwa na hawezi kuonekana tena na kuna MPs wengi ambao hawajui hata kule wanakaa Nairobi.

Ya pili. Ningetaka kuwe na freedom of worship na hio kwa ajili pia kwa vile kumekuwa na hio freedom of worship kwa muda mrefu pia kunaweza kutokea madhehabu mengine ambayo ni ya uongo. Kwa hivyo ningependekeza kwa Katiba mpya njia ya kujadilia dini za uongo ama dini zile nzuri zile viongozi wa kanisa yale yanajulikana ni ya ukweli, wawe wanapewa nafasi ya kuweza kujadiliana ama kuchunguza yale makanisa yaliyo ya uongo ndiposa yaweze kutupiliwa mbali.

Ya tatu. Kuna hii jambo linaitwa njurinjeke ilikuwa ya zamani sana na saa hizi it is not functional. Hata kama inatenda kazi pia imejawa na corruption. Kwa hivyo ningependekeza kama ni hali ya mashamba vile inasemekana cases zikatwe hio jambo ziwe zile court of laws zile zilizoko sasa hivi zilio na watu wamesoma ambao pia wanaweza kwenda kwa shamba wapime na wajue iko na kiasi gani. Lakini njurinjeke inaweza kusimamia mashamba lakini haiwezi kupima. Kwa hivyo kama haiwezi kupima na haiwezi kuelewa hata mipimo ya mashamba hakuna njia ile inaweza kuamua zile cases za mashamba. Kwa hivyo cases za mashamba ziondolewe kwa njurinjeke zirudi kwa koti, iamuliwe na koti.

Halafu ningependekeza hili kwa suluhisho kwa unemployment – Serikali ione kuajiri kama area hii ya kwetu kama chini huko kuna jangwa kubwa sana ambayo ni very fertile lakini halina maji na watu wa pande hii ni wakulima. Itafute a means of irrigation zile pesa mingi inatumia kwa kuomba ziweze kutekelezwa ndiposa zilete maji kwa hio eneo kavu.

Another point, njia kama barabara mambo hizi zimekuwa mismanaged. Unaona mahali kama kutoka huko iko na miteremko mingi sana na karibu na mashule hakuna bumps, watoto wengi sana wamekuwa wakipigwa na magari ama wakigongwa. Na hio kitu haiwezi kujulikana ni nani anaweza kuonyesha jambo kama hilo. Kwa hivyo kuwe na watu wa kuangalia barabara kutokana na Katiba iangalie barabara for the safety of wananchi.

Hio ingine kuna hi shughuli ambayo inaongelewa sana pande hii ya miraa. Miraa ni kitu ambao nimeona wale inasaidia ni wachache zaidi ya wale ambao inaharibu kwa ajili inaharibu taBia ya watu. Kwa hivyo ningependekeza iweze kuwa tested in a Government laboratory, in order to determine ama ionekane contents zilio dani yake kama ni nzuri kwa Binadamu au la badala ya iitwe mimea kama ingine ni vizuri ijaribiwe.

Halafu kuna zile films mbaya – Ningependekeza hio Katiba iweze kusimamia zile films zitaonyeshwa especially youth ni za aina

gani. Na zile ambazo zinaonyeshwa maduka ya video zile zinaonyeshwa sasa na hata pia kwa KBC iangaliwe ya kwamba zile films zilioko haziwezi kupoteza watu. Kwa ajili kuna vipindi kama vile ambavyo ziko kwa KBC kama Bold and Beautiful na hizi zingine zinaita ABNs kuna zingine pia zinaonyesha watu wakiwa uchi. Hata pia upande wa utangazaji wa sigala vitu kama pombe, na walevi vile wanavuta kwa KBC ni vizuri vitu kama hivyo iwe eradicated kwa ajili vinaharibu good morals.

**Com. Ratanya:** Kwa hivyo Isaiah jaribu sasa kumaliza. Wengine wanangoja kusema.

**Isaiah Thiaine:** Sawa, sawa asante. Pia kuna pendekezo ingine niko nalo hapa, naona kama serikali yetu inatumia pesa nyingi sana kuhusiana na hii ugojwa inaitwa Aids. Na ninaona kama haifaulu kulingana na vile ambavyo hio Aids iko na spiritual meaning than the physical. Kwa hivyo ningpendekeza kama hio serikali zile fedha ambazo inatumia kutafuta njia za kupigana na Aids ingeweza hata kama ni ku-sponsor zile ministries zilizo za kiroho ziweze kuhubiria watu wajulishe maana na njia za kupigana na hiyo Aids.

Halafu kitu ile ingine nilikuwa nataka iwe abolished in the new Constitution hii inaitwa pornography. Hizo zile watu wanachorwa wengine wakiwa uchi na whatever na zile pia watu wale wanaendelea kama vile wasichana wanarandaranda wakiwa uchi wengine wanavalia visivyo, hiyo kitu iangaliwe. Thank you.

**Com. Ratanya:** Okay asante sana Thiraine na hapa yule alikuwa ameachwa ni Tiris. Tiris Thuranira peana maoni yako kwa ufupi na nilikuwa natafuta huyu Mzee.

**Tiris Thuranira:** (inaudible) ili mwananchi wa kawaida aweze kuisoma. Sababu ya kusema hivyo mimi naweza sema Katiba iliokuwa mbeleni haingesomwa na watu wengi sana. Kuna wale ambao wajaona hata wa leo na napendekeza Katiba ya sasa iwe ikisomwa kwa lugha zote kama Biblia.

Ya tatu. Ningetaka Katiba ilinde vyama vya kisiasa viwe vitatu tu peke yake katika nchi ya Kenya. Na chama kitakapounda serikali kisikubaliwe kumaliza vyama vingine ili wasingizie kwamba Kenya ni ya chama kimoja. Katiba ilinde vyama vitatu na visinunuliwe kumalizwa ni pesa.

Ya nne. Ningeomba, ningetaka Katiba ya sasa chief achaguliwe kwa kura. Na kuhusu elimu. Elimu ya sasa ni mbaya sana na ni ngumu kabisa. Katiba iangalie namna watu wa Kenya watakavyopata elimu wote maskini na matajiri.

Ya tano. Ningeomba Katiba iangalie mishahara ya walimu kwasababu walimu ndiyo wamefunza hata President lakini tukiangalia sasa mjumbe ndiye ako na mishahara mwingi kushinda hata walamu mia mbili. Yangu tu ni hayo Bwana Commissioner, asante.

**Com. Ratanya:** Okay asnte sana Tirisasis sasa mwingine ni Francis Muthiora huyo ni observer lakini tuna Joseph Kaberia. Kaberia hayuko. Dickson Ngera.

**Dickson Ngera:** Jina yangu ni Dickson Ngera. Nataka kuchangia mimi nina furaha kwa Tume ya Katiba kwa kuja hapa kwetu kutueleza vile tunaweza kuchangia Katiba. Na mimi ninaomba Tume hii ya serikali yetu tukufu ilionelea iingie mashinani kwa wananchi watoe ile maoni wanaona na neno yangu ni misitu.

**Com. Ratanya:** Dickson unaongea Kimeru ama ni Kiswahili.

**Dickson Ngera:** Niongee Kiswahili. Misitu ya Kenya nzima ilikuwa ama hapa kwetu ya mbele ilikuwa inasimamiwa na njurinja na haikuwa inaingizwa machine ya kukata kukata kwa sasa wakati huu tuko hapa nawambia Chairman na Tume yake. Kuingia kwa ile njia Nyambene unaona ile ilikuwa inatupatia maji unasikia maji hakuna area hii ya Tigania au Nyambene. Ni msitu ulimaliziwa na machine na kukata miti. Na wakati nchi ya wabeberu walikuja hapa wakauliza nani anasimamia hii misitu akaambiwa ni njurinja. Sasa naomba misitu ingishwe katika Katiba hii tulindwe kupata maji na chemichemi ya maji.

Pili njurinja ingizwe katika Katiba kwasababu njurinja ndiyo hapa hata President akija hapa atasema njurinja isimamie mashamba. Upande wa Tharaka Njuri Ncheke ilikuwa ina shidalakini njuri ncheke haitatoa ile mipaka kwasababu njuri ncheke haitaki uongo wa kuhongwa. Ninaomba njuri ncheke ingishwe kwa Katiba ya Kenya hii sasa tuko nayo.

Ya tatu President madaraka yapunguzwe.

Ya nne. Sisi wananchi wa Kenya, kile kitu ambaye kimeshakuwa ni ngumu zaidi ni elimu na mgojwa. Watu wale hawana nguvu ya kushomesha watoto, hakuna mtoto angesoma hata kidogo. Mtoto kufika standard eight mzazi anashindwa na pesa. Tunaomba Katiba hii ya Kenya serikali au Chairman huyu mwenye Katiba aingize shule ya primary kutoka standard one mpaka standard eight iwe ya bure.

Mashamba – Ninaomba Chairman ile taabu tuko nayo hapa zaidi zaidi ukiingia katika macase yale tunapima naye mashamba, mwananchi asiyo na pesa anaondolewa shamba yake hapa, tajiri anakuja kuingizwa kwa shamba lake. Na ndiyo unaona tuna mashamba na tuna ma-plot tunaweza kujenga barabarani. Hakuna mwananchi asiye na nguvu ana shamba kwa main road hii anatolewa kwa main road anapelekwa huko chini mahali shamba yake ikawekwa tajiri. Tunaomba Tume hii itazame kwa mashamba ndio ngumu hapa zaidi zaidi ile inatufinya tunasindwa kuja huko kwenu kwa vile (inaudible) sababu hatuna pesa. Hio Katiba hii ya Kenya mpya itazame kwa mashamba sisi wananchi wasio na nguvu.

Councillor na wabunge – Kuwekwe Bunge iwekwe kipindi cha Bunge sisi tunawachagua lakini wanapewa muda kidogo hatuikii vile wanatutetea, mara moja tunasikia imekwisha. Kipindi cha Bunge iongezwe.

**Com. Ratanya:** Unataka iongezwe kama ngapi Bwana (inaudible)?

**Dickson Ngera:** Ile masaa wanapewa sababu tunasikiza masaa ile tunaweza kusikiza mara mara tukasikia Bunge imekwisha wacha. Tena Bunge bila kututetea tusikie vile wanateta, President anaamua Bunge anavunja. Mara tukasikia Bunge na wanachukua mishahara ya serikali yetu wanakaa miaka na miezi na miezi wakija kurudi tena. Badala ya mwezi moja miezi mitatu tulisikia Bunge inavunjwa. Hapo Tume itazame Bunge iongezewe vipindi vyake vile wanaweza kutusaidia tusikie vile wanatutetea.

Maneno ya ng'ombe yamesemwa hapa sana sana na security. Hapa kwetu hapa Bwana Chairman. Hapa ndiyo tuna taabu miaka, miezi na miezi. Ukisikia leo tunakutwa na bunduki lete pesa watu wanakufa na sisi tuko na police, tuko na hawa machief tunapigwa tunanyanganywa kila kitu. Security tusaidiwe hakuna mtu anaweza weak ndugu yake hapo apate kitu ile alikuwa anasaidia yule ndugu ajenge tunampa mahalamia anakwenda nayo.

**Com. Ratanya:** Kwa hivyo Ngera wakati wako umekwisha na umesema ya kweli. Sasa sema ya mwisho.

**Dickson Ngera:** Nasema sina mengi. Nasema habari ya ng'ombe. Wale wanatumaliza ni wenye kukataa kulima hawana kitu wanalima, wanalima kwa ng'ombe yetu. Tuwekewe security, tunatoa hata pesa wakati huu saa hii ya kujenga manyumba huko ya kuweka security. Hata sasa ng'ombe ile ilienda 4,000 na mbuzi 400 na maneno haikurudi hata moja ilienda kusaidia wale watu hawalimi. Serikali yetu ituchunge kwa mali yetu iwekwe katika Katiba.

**Com. Ratanya:** Asante sana Bwana Dickson Ngera. Andrew Mitu. Joseph Ngemutindia. Endelea Joseph.

**Joseph Ngemutindia:** Thank you Chairman and audience. My names are Joseph K. Mutindia. First we would like chiefs, assistant chiefs, Chairman of the County Council plus the mayor be elected by the wananchi.

Two in the new Constitution we would like anything that is concerning corruption eg. that is being done by police on the way openly should be punished hardly. This is done by back doors and the Government is doing nothing to them especially the tall persons in the Government. The Government should pass the law for these law breakers.

The land act should be looked upon again. Thus anybody owing more than 100 acres should be withdrawn a certain part and given to the landless people since they are the wananchi like anybody else.

Number four. The powers of the President should be minimized to a certain level that is he cannot hold the power of the head of state and armed forces and to be the chancellor of the universities. Some should be given either to the Prime Minister.

Number five. We would like to have the President and Prime Minister.

Six. We are suppressed with the present security. We would like proper security to be minimized to determining factor for the acting Government on the rule.

Number seven. The ministers should be given security by Government while doing their work and not doing according to the wishes of the ruling party that is the President wishes.

Eight. Any crops planted by wananchi should not be criticised by the Government, any tribe or country unless they are opium.

Nine. Employment should be open to every mwananchi in Kenya. You get those employed are children of the rich and top persons in different sectors in the country.

The age of electing the President should not be limited. This will depend on the capability of the individual but should be over 18 years.

The Government should start irrigation schemes all over the country.

Free education for the children.

Harambee is a way of corruption. This should be eradicated.

Election for the councillors should at least have an 'O' level certificate.

There should be no freedom of worship. That is to say that this has led to some of the new faith of worshipping satanship and I propose at least three known religions should be recommended by the Government. With those few remarks, thank you Mr. Commissioner.

**Com. Ratanya:** Thank you very much Joseph. The next one here is Stephen Mwenda.

**Stephen Mwenda:** Asante Commissioner. Majina yangu ni kama vile umesema Stephen Mwenda na ningependa kutoa maoni kuhusu Katiba ya Kenya. Mimi ningependa Katiba ambayo tunahitaji sasa impunguzie Rais mamlaka. Kwasababu mamlaka ya Rais imekuwa zaidi kwasababu yeye hata wafanyikazi wengi wa serikali yeye mwenyewe ndiye anateua na wanaweza kufanya vile wanataka kwasababu wameajiriwa.

Ningependa upande wa utawala, chief awe akichaguliwa. Na kuwe na chief tu na DC. PC, DO, sub-chiefs naona kama hakuna maana katika Kenya.

Upande wa vyama vya kisiasa ningependa kuwe Katiba ikubalie kuwe na vyama vitatu vya kisiasa katika Kenya. Na chama abayo kitatawala kisiwe na kupoteza wakati kutumia pesa ya uma kununua vyama vingine. Kwasababu tumeona kazi ile muhimu sana ni kufanya campaign na pesa ya uma na kuharibu zaidi. Hio naomba Katiba iingilie hapo.

Kuhusu usalama katika Kenya. Upande huu wa kwetu hatuna usalama kabisa. Na sisi hapa kwetu zaidi hapa kwetu Tigania Nyambene tunategemea kahawa na mifugo. Ningependa zaidi kahawa iangaliwe pesa iwe ikija moja kwa moja kusaidia mwananchi.

Upande wa mifugo. Wizi umezidi hapa ndio nasema hatuna usalama tuangaliwe. Hio Katiba iangalie zaidi mtu yeyote akiinua maali yake ifuatwe na serikali ipasavyo na ikipatikana kwa mtu yeyote ambaye ni mwizi, Katiba isimpendelee apewe adhabu.

Upande wa mashamba naomba Katiba iwe ikisimamia watu wale ambao hawana nguvu wasimamiwe na Katiba. Kwasababu kuna wengi wako na mashamba ikari nyingi sana na kuna wengi naye ni maskini na wengi ni wale wamenyakua. Kwa hivyo Katiba hapo naomba iangalie ndio tuwe ni sawa. Kuna wengi zaidi hapa kwetu unaweza kuona mtu amehamishwa kutoka shamba lake kwasababu ni mahali mzuri anapelekwa kwa mlima au mawe. Hio pia mwananchi kama huyo aangaliwe.

Upande mwingine ningependa katika uchaguzi, Rais aking'atuka ambaye amekuwa na amefika kipindi ya miaka miwili ya miaka kumi, asifanye campaign kwa yule mwingine atakuwa anam-support katika chama yake, apewe nafasi watafute kura wao wenyewe kutoka kwa wananchi. Yangu ni hayo tu Bwana Commissioner.

**Com. Ratanya:** Asante Bwana Mwenda, kuna huyu mtoto wa shule anaitwa Hellen Karambu. Hellen Karambu is she around? After Hellen we shall hear Consolata Nkirote.

**Hellen Karambu:** Thank you very much Commissioner my name is Hellen Karambu. First I am going to talk about education. The 8-4-4 system of education which is still on boat is a heavy burden to the brain of pupils and even the hardworking students. I am saying this because in form one and form two subjects taken are 12 compulsory. Letting the student take their career subjects instead of having to concentrate on all of them and in the long run drop some and pursue the remaining ones can solve this.

The 8-4-4 should be thoroughly vet by the next Constitution in order to ensure good education. Then if it will be possible, education should be free of charge not a matter of paying at almost 30,000 a year. This makes students, the younger students

like me to wonder if at all we are going to educate our children or not. Let's consider this by putting parents with lowly paid jobs in our boots.

Secondly I am going to talk about justice. The judicial system of Kenya which is still on place today is very corrupt. I am saying this because when you go to the court of law without somebody representing you, your case is not heard. Let's consider each and everyone by that we are putting into consideration of human right.

Thirdly, I am going to talk about the human rights in general. You know this is difficult to discuss human rights without mentioning the Government or politicians because the winning party at the election formed the Government. That is the President and the ministers, then putting this into consideration I am going to discuss some few factors which very much affect our country as the change should be done by next Constitution.

Corruption – This has been a deadly disease in Kenya since 1992. The thing of TKK ama Toa Kitu Kidogo, buy a pen, one at the floor, this is the court, name them all those things should be buried and die a natural death. That is for betterment of the whole country and let's ask ourselves this question, those without money where will they go? Thank you.

**Com. Ratanya:** Thank you very much Karambu, rudi hapa Karabu there is a question. Just go for registration Karambu. Nkirote Consolata.

**Consolata Nkirote:** Thank you very much the Commissioner. As you heard my names are Consolata Nkirote and I will be very brief and I will summarise my points. They are as follows.

First I go to the side of education – It's my view that the fees should at least be reduced especially in secondary schools where it is becoming very high as time goes. And as you all know not all of us are equal there are some people from unfortunate families. So at least they should be reduced in order for us to get proper education.

The other thing is about the political parties – It is also my view that there should be a limit of political parties because there has been so many of them and a lot of money is wasted. It could be by doing that all of us Kenyans we join and at least we limit them in order for our country's development.

The other thing is about the child labour – Child labour should be abolished and anybody found subjecting a child to this labour, action should be taken against her seriously and all those should be even imprisoned or even fined those who will be gotten doing that.

Then the other thing is about the equality – This has been a motion, which has been vetted for so long. People have been

opposing others are proposing. But I stand to say at least there are some conviction which should be set in order even for the women that they can take part of participation in the Parliament. If they are competing in schools both boys and girls for various occasions even the Parliament should not be an exception.

The other point is that the Government should at least look upon the problems that are arising and this goes to the social amenities like when it is rainy season the roads become worse and even the people are worry because transportation is becoming a problem. At least a serious note should be taken on this because things are not well.

The other point is that Kenyans should have an access to information in the possession of the state or any other urgency because this is their country and they ought to know what is going on.

The other point – In our Kenyan Constitution one to be a President he should be 35 years and above. Likewise there should be chairmen's time. Our view is that the age of 55 one should retire from being a President and not retaining seat. Those are my points and I thank you all.

**Com. Ratanya:** Thank you very much Consolata Nkirote. The next one is Julius Rukunga, Julius Rukunga hayuko. David Mururu, Obadiah Kaibunga, Stanley Gituma, Benard Ntokiu, endelea. Mzee useme jina lako na uendelee.

**Bernard Ntokiu:** Asante sana jina langu ni Benard Kigiu. Maneno yangu ile mimi nataka kusema nasema maneno ya barabara. Hii barabara hata wakati wa ukoloni tulikuwa ilikuwa haijawekwa karavati kidogo. Kama hii sasa imewekwa karavati kidogo hata maji yenyewe haiwezi kutoshea ndani ya hio karavati maanake inawekwa kitu kidogo sana. Ningeomba serikali iangalie kama sio kama apana (inaudible) ni afadhali watandaze barabara iwe imetandazwa basi ikiwa ngari inapitia juu na watu wanapitia manake hakuna usaidizi yeyote kama wanaweka hio karavati kidogo.

Ingingine ni katika ya area hii yote katika Kenya upande wa mashamba. Na hayo mashamba ningeomba kama hii taabu iko katika Kenya hawa watoto wetu wadogo vijana manake vijana ni wengi sana wanazunguka huku hawana kazi, hawana nini. Wapewe kama ni ika 20 halafu iwe na title deed wapewe scheme. Wapimiwe scheme halafu hawa watoto wakipimiwa scheme ndivyo waendeleo kujisaidia manake sasa kama ni baada ya masomo ukienda wapi unakuta huwezi chukuliwa na wewe yuko na masomo umesoma. Kwa hivyo ningeomba serikali ingilie Commission iingilie hiyo maneno iwapatie watoto mashamba na iwapatie security.

Lakini ikiwa ni upande moja inapatiwa security wanakuwa na bunduki na pahali ingine wanakuwa hawana bunduki, hio nchi haiwezi kuwa mzuri. Maanake kama ni hapa unasikia ng'ombe zimeenda na pale imeenda mtoto anakimbia kutafuta hawezi kupata. Naomba serikali kama ng'ombe imeenda, ndege iende juu iangalie hio kitu imeendelea wapi wenyewe warudishiwe. Na ikiwa imepotelea pahali imepotelea lazma wale walipe pale ng'ombe imekimbia na ikaonekana imeingilia hapo.

Ingingine, wazee wa njurincheke hata wakati wa ukoloni, hawa ndio walikutwa na (inaudible) wakiwa wameweka maneno yao ya Katiba huko. Na kwa hivyo, hawa ndiyo walianza kuweka zile vitu tunaita iko jina moja inaitwa na njurincheke lakini ikapinduliwa ikaanza kuitwa beacon. Hio beacon sasa inawekwa hata saa hii wazee wengine wa njurincheke iko wengine wanasoma sana na hata wengine wanatoka kama ni wana ma-degree wanaingia kwa hiyo kazi ya njurincheke wanajuwa kupima, vile njurincheke inapima ile wanajuwa kuweka iko lugha hawa wanataka halafu sasa wanapindua wanaita beacon. Nakama sasa

**Com. Ratanya:** Unaongea mambo ya mipaka?

**Bernard Ntokiu:** Nasema maneno ya mipaka na hawa wazee wanajuwa kuweka hio iko hio wanaweka halafu serikali ikaingia ikaanza kuweka beacon. Sasa hata saa hii kwa pande ingine wanaweka beacon hio. Kwa hivyo naye nasema izimiwe. Kama ni wakati wa koti iko watu wengine wanamaliza case wanakwenda kotini wanakwenda kukaa huko. Hata wazee wa njurincheke wako na koti yao high court maanake ikimaliza kama ni koti hii na iwe bado ulisikizwa mwaka kona utakweta kwa high court ya njurincheke. Na lazma waende wajue kama ulipiga nthenge watajua ulipiga na shamba yako haikuwa sawa sawa. Watakuulizia mpaka uwekewe shamba hio yako sawa sawa.

Kwa hivyo ingine kimila – Kila desturi kila watu wote wako na kimila yao. Na kimila ya watu iheshimiwe. Hata ukiwa Turkana uko na kabila yako. Uwe Mmeru iko kabila yako. Uwe Mkisii iko kabila yako. Mkalenjin iko kabila yake. Kila mtu iko kabila yake lazma ile iheshimiwe na kila mtu maanake mimi ni Mmeru naongea Kimeru. Huyu mwingine ni Kalenjin anaongea Kikalejin, mwingine Mjalu anaongea Kijalu. Hio ni kitu Kiswahili iliwekwa iunganishe watu ndio wajue waseme, wasikilizane. Kwa hivyo nasema kila kitu kihesimiwe.

Ingingine kama upande sasa ya hii kura tunaenda kupiga kura, tuko na watoto wengi sana lakini hawana kipande hawana nini manaake akienda anaitishwa shilingi 300 na sasa hiyo 300 atapata wapi? Pendekezo langu ni serikali itusaidie kupatia wale watu vipande kama zamani.

**Com. Ratanya:** Jaribu kumaliza sasa.

**Bernard Ntokiu:** Lakini nitaongea kidogo. Na kwa hivyo hayo mambo ndiyo tabu ile ingine tuko naye sana ya hii kipande.

Ingingine ya mashamba, hio unasikia mashamba – Shamba ni tite ya mtu. Shamba sio kitu ya kusema shamba niki. Hio ni kitu nimeachiwa na babu yangu, babu yangu aliwachiwa na mwingine hata mimi nitawacha. Sitakwenda nae pahali nitakwenda au mtu anakwenda peke yake anawacha kila kitu. Na sijasikia mtu kama amekufa akiambiwa ati fulani iko na shamba fulani iko ndugu fulani. Lakini anaambiwa fulani iko na watoto kadhaa kuwasiliana namna hii kwawasichana namna hii. Pendekezo langu

ni vile Mzee anakaa na watoto wake anakaa na vijana, anakaa na msichana yeye ndiye anajua mapenzi yake. Na kwa hivyo ingefaa serikali iwasaidie wote wakiwa vile wako maana kama ni mtoto si wa mtu mmoja, ni wa kila mtu.

Upande wa serikali. Kama mahospitali sasa unajuwa kama saa tano ama Jumamosi unasikia hospitali hakuna hospitali. Mtu anaamBiwa kuja Jumatatu. Sasa kama mtu mimi ningependekeza kama siku ya Jumamosi, Jumamosi lazima iendelee kaBisa mpaka mwisho mpaka watu wafaidike. Manaake kama wewe unandikwa utakuwa unapata mshahara, sukuma ile Jumapili

**Bernard Ntokiu:** Injine ni kazi ya land – Kazi ya land ni kitu kimoja kinaumiza kila mahali, sio useme ni Muthara. Kwa hivyo ningepomba yule mtu anakaa katika land akakaa kama ni mwaka mBili, tatu akaondolewa mwingine akakuja hapo.

**Com. Ratanya:** Naona niliona wewe ni Mzee hata sana sana Mzee wa njurinkeke. Nikakupatia nafasi kaBisa, sasa unaendelea kuchukua nafasi ya kila mtu. Ebu tujaribu kumaliza sasa.

**Bernard Ntokiu:** Sasa nikisema naye President kama amechaguliwa President akiwa number one yule alikuwa mdogo wake na alikuwa kwa kura mdogo wake naye awe ni mdogo wake. Chairman, vice chairman yule naye alikuwa anamfuata kwa kura. Sina maneno injine asante sana.

**Com. Ratanya:** Bwana Bernard nashukuru sana umechukua wakati mrefu lakini umesema mambo yako ya kweli. Kwa hivyo nenda hapo uandike majina yako. Sasa tuna Florence Kanini.

**Flora Kanini David:** Naitwa Flora Kanini David. Kwanza kaBisa nataka kuumiza ile kazi ya kutairi wasichana. Nasema kuwe na sheria iwekwe yule atakuwa anataili wasichana awe anashikwa.

Ya pili ni women project – Akina mama wanafanya kazi nyingi katika project lakini hakuna msaada wanapata. Wako na kazi ya maji, hospitali lakini hakuna msaada serikali inawapatia na au donor. Sasa nauliza serikali isaidie akina mama kwasababu unajua wamama wanafanya kazi nyingi katika hii Kenya. Unajua wanafanya ile inaitwa self contribution na hiyo miradi wakifanya hio kazi pesa wanachanga lakini ikimalizika hio miradi inaanguka. Kwa hivyo nauliza serikali iwe inasaidia akina mama au wawe wanawapatia donar wa kuwasaidia.

Ya tatu nasema upande wa men. Naona wanaume hawa-respect akina mama sana. Kwasababu hata ukienda kwa gari unaona wamama wanasimama kama wanatoka hospitali au ni mzito unaona tu anasimama anambeba mtoto lakini ukiangalia unaona huko wanaume wanaketi hata kumpatia nafasi kidogo hawataki, kwa hivyo nasema wawe waki-respect akina mama sana. Kwasababu unajua hata kwa Biblia tunaona mama alitoka kwa mbavu ya wanaume kwa hivyo wawe wana-respect ya akina mama.

Ya tatu. Unaona kama ni matatu watu wanabebwa kama gunia na ukiangalia ukienda kwa barabara unapita unona kuna police lakini hakuna hatua wanachukua. Mimi naona kama ni hatua ichukuliwe,. Yule atambeba kuliko kiasi ashtakiwe sababu hata accident nyingi zinatoka kulingana na vile kuna over capacity.

Ya tano ni kuhusu mambo ya maternity. Naona mama wanapewa muda kidogo sana. Sasa naona ni mzuri wakiongezewa muda wa maternity leave waongezewe au waangaliwe mzuri kwasababu hiyo ruhusa ni kidogo sana.

Ya sita, ni mambo ya married women – Wajuwa kama ni msichana ameolewa na wamefanya divorce, kwa maoni yangu naona asirolewe tena. Akae kwao au arudi kwa Bwana yake sababu tunaona hii kama ni mambo ya wamama wa-ladies wakiolewa, na warudi manyumbani wanenda wanaolewa tena unaona kuna hii mambo ya watoto wengi kwa hivyo nasema kama inawezekana.

Ya saba ni mambo ya land – Ama ni nyumbani kama ni Mzee au awe ni mzazi, yeye yuko na watoto wanaume na wanawake, mimi naonelea naona ni mzuri hata na hawa wote ni watoto wake. Naonelea kama ni mtoto wa kike hata yeye apatiwe share ya shamba kutoka kwa baba yake kwasababu hata yeye ni mtoto. Kwa hivyo haya ndio nilikuwa nataka kuongea. Asante sana.

**Com. Ratanya:** Asante sana kwa hayo machache Florence Kanini. Sasa tuna Joseph Mwitikua. Ni wewe, sawa sawa na utuambie jina lako Joseph.

**Joseph Mwitikua:** Nibwega niuntu bwa kwiya aa uu.

**Com. Ratanya:** Urienda kwaria na Kimeru, I sawa sawa u eyu. Uwe kara nthi oo hau. Hebu kaa hapa karibu.

**Joseph Mwitikua:** Ni bwega bwi butongoretie mantu yaa kana akuru ba kuthuranira nteto ii.

**Translator:** Thank you so much people who are leading this process

**Joseph Mwitikua:** Uuni ndirienda kugweta antu amwe nkuona agikilua muno, antu a twana.

**Translator:** Me I want to talk about the issue of children

**Joseph Mwitikua:** tura tuniini buru twa Sukuru e primary, kuri thiina imwe mboneete niuntu inthomethetie ituku bineene muno kuuma 1968 kinya neendi ndi Sukuru.

**Translator:** These children in primary school I have experience since I have taught them since 1968

**Joseph Mwitikua:** kuri nyumoo bawita ira ikubwithua naara Sukuru, tuciitaa gender. Indikitie kumenya gender iu ni inthuku na

niibatere kwilelwa ni thirikari ya kenya kwa meetho yo yali kana thirikari iria ikeeya, niuntu icio itumaa aana bathuuke.

**Translator:** I have come to realize that some of the things that children are being taught in school are not good and I would like the Government to look upon it

**Joseph Mwitikua:** Agenda iu itubuui niuntu ciikairwa I kila mtu kinya muntu utina mathuganio yameega aumba gwikira agenda igakuruka na yaumba o kirasi twana tutano kana tutathatu kana mugwanja. Antu au imbikakua aintuura muno.

**Translator:** These agendas of these objectives that are taught in secondary and primary school the Government should look upon them because at the end of the day they may ruin the children

**Joseph Mwitikua:** buungi twana tura tukuthoma itwithairwa turi na thiina igita riria kaana kakwingwa kakeerwa kaiire muciar na muciar naitire ngugine nara Nairobi, ungi naitire iruri kana kakareethia buo.

**Translator:** Again you find that children are sent to go and collect money from the parent they may find that the parents are not there and at the end of the day they may stay without any attention.

**Joseph Mwitikua:** kwou imbonaa kukeeya kubwithua ana bakeengawa njumaa ugoro, kenda aciari bao bakeeya kwithira bari kwiya jumamosi iria ingi, no nibwega kethira kukaturawa kwingawa.

**Translator:** I am suggesting that when children are sent to go and collect the money from parents let it be done on Fridays.

**Com. Ratanya:** Geeria ri gutwira mantu yaria buumba kwenda yeekirwa ndeene ya Katiba lakini ti kutwira muno buu Sukuru ibwirite kwathwa, I nontu Sukuru iri na bara bakurungamiira Sukuru. Uga mantu yaria yoongwa yaria ukweenda yeekirwa ndeene e Katiba. Kethira I ya naa kithomo kethira nuukua I kia utheri, kana ni atia, mithemba iu nio tukwenda, ti utua ruono ruraya na neendi ngukua ndaika ingi imwe niuntu nkwona wi mukuru buru.

**Joseph Mwitikua:** Na uu nkuri ntireka kuua antu au muno. Nika nkuua agenda iu tutumire agenda ira ikabwithua ni thirikari cia kuuma parliament, turekae kubwithakia ingi naa mucii. **Translator:** I am suggesting that whatever is done or whatever we bring to our children let it be something we can stand for and be of the benefit because most of what is actually taught some of these agendas are not good.

**Joseph Mwitikua:** Niuntu agenda iu niithukakia.

**Translator:** They interrupt what is supposed to be taught in school.

**Joseph Mwitikua:** Kamulio kau kakeeya kwebela aana beendaendelea kuthooma.

**Translator:** If we overcome this, then it will be of great importance to us.

**Joseph Mwitikua:** Na nkiuaa uu inkuaa ibubwega na ringi o ruteerene ruu rwa thukuru, nitubati kwilelerwa kuteethua gwaka

kethira I nursery, ni bara ba Katiba iria ikeeya, twithairwe turi na nursery, niuntu primary inyingi tutiona waatho bwa kututeethia waaka nursery school.

**Translator:** Again I am suggesting that letters are provision where nursery schools are introduced in our schools through the Government

**Joseph Mwitikua:** Katiba iu ikeeya no mwanka primary ithirwe iri na nursery school. **Translator:** and I am saying that let the new Constitution that we are coming up with a provision whereby nursery schools are introduced.

**Joseph Mwitikua:** Katiba iu ikeeya kwiya uu kinya ni meetho yakwa ara ntierie ndoona ikubwithia.

**Translator:** If it will come that way then I will be very happy

**Joseph Mwitikua:** buungi kuuma o kiri aana bau kuri aana bangi baciari ni antu bati inya kana bakuri ni beethe na bationa wa kubarwaamira Sukuru iu nursery kana Sukuru iu ingi primary bakaauriria kuu kiri antu. Kwou ikubati Katiba iria ikeethirwa iri o, ithirwe ikiileela antu bau ndeene e ma-location na ndeene e mantuura.

**Translator:** Again I am proposing the ...

**Com. Ratanya:** Niatia ukwendaa kubwithua kiri Katiba.

**Joseph Mwitikua:** Nkweenda bateethua I mugongo mwene kana county council mbeeca iria ciitawa bakariirwa nibo.

**Translator:** I am suggesting that orphaned children who want to have education should be assisted either by the Government or by the county councils

**Joseph Mwitikua:** Untu county council niyo njene antu.

**Translator:** because county council belongs to the people.

**Joseph Mwitikua:** Kwou kinya nkeeya kurekera au endiu kau kakabua ndaua I bwega. Kinya nkeethirwa ndiina yaangi muno ya kuuga niuntu thaa ni iniini.

**Translator:** I will stop there and I hope that my views will be taken over. Thank you.

**Com. Ratanya:** Daniel Toithichio, Alexander Mange, endelea Bwana Mange.

**Alexander Mange:** Mwene giti na commissioners. Mbitawa Alexander Mange.

**Translator:** My name is Alexander Mange

**Alexander Mange:** Bura nkienda kuua nika nkienda thirikari ibwithia mianka ya locations, kana sublocations.

**Translator:** I am suggesting the Government should put the boundaries for locations or sub-locations

**Alexander Mange:** Ikiuyuraa buru na iikirwe ndeene ya map cia atlas.

**Translator:** in full and then put it in maps

**Alexander Mange:** Na iritanwa ndeene ya schools.

**Translator:** and students/pupils should be taught about it in schools

**Alexander Mange:** Nikeenda antu baria baanini bakiuma Sukuru bakeethirwa baicii uuma bwongwa mianka ya location na sub-location ciao.

**Translator:** so that when these children are coming out of school they will be aware of their locations and the boundaries of their locations and sub-locations.

**Alexander Mange:** batikaite kutongairwa ni akuru baakuru bakiirawa mwanka ni aa na bara bangi ba location iria ingi nabo beerwe mwanka ni aa na muthiene yaa ndua na antu baakua.

**Translator:** So that they won't be directed by the older people who will always be having conflict on these boundaries then they end up fighting

**Alexander Mange:** Nontu Kimeru kiuga kuti uulaa mwanki wiika kwa muntu ungi muntu aulaira ywoke.

**Translator:** because there is a proverb in Kimeru that says somebody lights up his own fire.

**Alexander Mange:** Na buu ibwo buumba kurigiria ndua iria ciithairwa iri oo niuntu bwa location boundaries.

**Translator:** This is the only way that can prevent the fights that are there because of boundaries

**Alexander Mange:** Buu bwithirwe buri ndeene e Katiba.

**Translator:** so I am suggesting that this one should appear in the new Constitution.

**Alexander Mange:** Buungi kiri waathani kana administration

**Translator:** My second point on governors of administration

**Alexander Mange:** Mwanka neendi rii kinya aana ba ari ibakuthoma.

**Translator:** up to now girl child are getting education

**Alexander Mange:** Na uya uria ba arume bakuthoma.

**Translator:** as male or sons are getting the same education

**Alexander Mange:** Na ni ma baumba kwithirwa bo kinya ba aari barikuo babaume nkuluki ya ba arume. No indi kiri waathani riria Ngugi igatua kwayanua, muno lainine ya administration yontu chiefs na sub-chiefs, thirikari nibwirite kwalilia ikibaa mautongerua ya mithemba iu niuntu mwanka neendi barikuo kinya PCs thirikari nibati kwalilia niuntu antu boonthe ndeene ya kenya batirakura umwe. Kwi bo baumba kutongerua ni aka na kwi bo batiumba kutongeerua ni aka. Kwi baumba kutongeerua bageeta nyuma na kwi baumba kutogeerua bagaita mbere.

**Translator:** Emphasis should be given to the leadership may be in appointment let women and men be given the same opportunities depending on the area of origin. So that we don't have an area whereby men overtake everything or women overtake everything. Let's have equality.

**Alexander Mange:** Bakaewa baa ma-chief guntu kuonthe, kethira ni / nithirwe ni untu buumba kua considered kulingana na area cia antu.

**Translator:** Women should not be allowed to or should not be made to be chiefs in every area or depending on the region.

**Alexander Mange:** Niuntu kuri kuntu kumwe kura kurakura bakwelewa imbi gitumi sawa sawa baumba kwathika.

**Translator:** Areas where people have developed and they know they have got enough education women can then be allowed to be chiefs.

**Com. Ratanya:** Ungekubali hawa wanawake wapewe fursa ya kuwa ma-DO ama ma-chiefs.

**Alexander Mange:** Mwanka neendi rii tutaakinya au.

**Translator:** So I am suggesting that in Tigania East we should not allow women to be chiefs we have not reached that place

**Com. Ratanya:** Yaani unasema Tigania East wanawake wasiwe ma-chiefs.

**Alexander Mange:** Ngachokera au ringi.

**Translator:** So for the area of sub-chief I am recommending that women cannot be appointed there

**Alexander Mange:** Baumba kunenkerwa mautongerua ya yoontu DC riria bakutongeerua kungi niuntu ikuo kuungi kukwona lakini yoontu sub-chief, au ni nthi muno na bara bakwathwa ni bara batiamenya. Batiumba kwaathika, utiita na mbere.

**Translator:** In the area of sub-chief he is recommending that the women cannot be appointed there,

**Alexander Mange:** Lakini ontu bwa DC

**Translator:** but as for the issue of DC

**Alexander Mange:** kana kwa DO

**Translator:** or DO

**Alexander Mange:** Na kwitia iguru buu I sawa sawa.

**Translator:** and above women can serve there

**Alexander Mange:** Na mautongeriene yara yaangi yoonthe buru aka ibakubwira.

**Translator:** and any other form of leadership women can actually serve.

**Alexander Mange:** Kinya ura uumba ku-contest iti bia parliament naite buo.

**Translator:** Even if they contest Parliamentary seat we are okay with that we don't have a problem with that.

**Alexander Mange:** Lakini aa nthi kuri akuru bamwe na eekuru bamwe batiitikia ati uu obuo ni munene.

**Translator:** But these small other posts, these other small appointments the common man cannot trust them with those posts. They cannot fit there well or they cannot serve there well.

**Alexander Mange:** Tontu buu ndeene e constitution ikwalilue area iria ikari iina utamaduni bwa muthemba yuu bagiikira muka ari mutongeeria wa yontu sub-chief bakaalilakia ya buu.

**Translator:** So I am suggesting that such areas or such traditions should be looked upon so that when we are electing these women as chief or sub-chief we should put that one into consideration.

**Alexander Mange:** buungi buria nkienda kuweeta

**Translator:** Another point that I would like to suggest

**Alexander Mange:** Ni mantune ya ndawa.

**Translator:** is about the issue of medicine

**Alexander Mange:** antu ibaukua muno bamwe batikuumba ukinyila ndawa.

**Translator:** People are dying in large numbers who cannot reach the medicine

**Alexander Mange:** kinya keethira ikukwoneka yaka bubui riria bawiita kugaana.

**Translator:** Even if it looks good what they are calling cost sharing

**Alexander Mange:** bamwe kuri bo batikwona kinay share iu.

**Translator:** some of the people cannot actually get what the money to share or the money to give part of it

**Alexander Mange:** na tumirimu tuniini tu, ukoona kamurimu kakuuraga muntu na atikikua.

**Translator:** and very simple and easy diseases are killing people.

**Alexander Mange:** na nikiyo kiutuma ni akwa, mbua thirikari niibwirite kuyukia Ngugi ya kua antu ndawa utheri.

**Translator:** And that is why I am strongly suggesting that there must be universal and free medical attention

**Alexander Mange:** ura ukabwa atikwenda ndawa iu cia utheri ciandikiri ni thirikari, akaita cibitari ii cia antu mwanya mwanya.

**Translator:** and in case we have somebody who is not interested in this free medicine then you go to the private sector

**Alexander Mange:** hiyo niyo pendekezo ngukari nayo ruteerene rwa ndawa

**Translator:** that's my proposal on medicine.

**Alexander Mange:** Inkuriikana tukiyukia wiciathi ndari muntu mucima.

**Translator:** I remember when we got the freedom of this country because I was an old person,

**Alexander Mange:** miambo ira yauawa ni ati kithomo kikeethirwa kiri kia utheri.

**Translator:** the language of the day was education would be free.

**Alexander Mange:** lakini nyumene ikiacookere kwaluka kiatwika I yaaka kiti kia utheri.

**Translator:** But later it proved that it is not free.

**Alexander Mange:** na twana tumwe tutuume sana niuntu uuni ndirari mwaarimu igita riinene, tukaura niuntu tutikwona mbeba cia kuumba wita na mbere niuntu aciari boo batikuumba lakini mwana nuumuume.

**Translator:** And some of bright children could not continue with education due to lack of finance

**Alexander Mange:** na bakaurira nau utheri baakura bakaa antu babai na ibo bawiita kua kinya bara batibuui niuntu uume bura buriokuo mutwe ywawe.

**Translator:** and these are children who are bright

**Alexander Mange:** Ndienda kwithirwe kuri na free education.

**Translator:** So I am strongly suggesting free education in this country.

**Alexander Mange:** kiri bonthe.

**Translator:** To everybody

**Alexander Mange:** kuuma nursery mwanka form six.

**Translator:** from nursery school up to form six

**Alexander Mange:** na kethira iri o. buungi nkienda kuweta I mantu ya miithu.

**Translator:** and it will be there.

**Alexander Mange:** buungi nkienda kuweta I mantu ya miithu.

**Translator:** Another issue is about forests.

**Alexander Mange:** Miithu tukari tutiina miithu, thiina ikatwiyiira imwe ira baatwi tutikumenya.

**Translator:** Without forests we will be having a lot of problems that we don't know.

**Alexander Mange:** tontu buu miithu nibwite kukarua nainya muno.

**Translator:** so I am suggesting that they should conserve our forest.

**Alexander Mange:** Na kinya kethira itukuua twi ndeene e thirikari iri na democracy.

**Translator:** And even if we talk of a democracy country or a democracy Government.

**Alexander Mange:** Thirikari niibati kwithirwa iti linient.

**Translator:** The Government should not be linient.

**Alexander Mange:** niibati kwithirwa iri na uwezo bwaani bwa kukaanukia muntu weenthe ura ukeethirwa atemete muti mwithuni ati na ruutha kana yutiriti ati yuu yutikubwira ndeene e mwithu.

**Translator:** The Government should have the capacity and the power to prosecute whoever is tampering with forests without any legal reason

**Alexander Mange:** Buungi kwina area imwe yetu ii iri gaiti, ndene ii uu intheri na iinene.

**Translator:** Another area we have a very Big expanded area this place and is not occupied

**Alexander Mange:** na kutibuo yuututethia.

**Translator:** and it's not helping people

**Alexander Mange:** na antu I babaingi.

**Translator:** and people are many.

**Alexander Mange:** na thirikari niibwirite kutwikiria irrigation nao.

**Translator:** And we are suggesting that the Government should take irrigation to that place

**Alexander Mange:** yontu ruui rwa likiuru iruo rukwinama uu na rungi karuwiita nao rukaurira nau utheri.

**Translator:** like the rivers that are coming flowing from this area they are just being wasted.

**Alexander Mange:** rubati kucuirwa njira tukabwithirua irrigation nao.

**Translator:** We should come up with mechanism to provide irrigation to that area.

**Alexander Mange:** buungi buu nkweenda kuweeta, kiri bwa muthia endu ikamwe katiere, I mantu ya miraa.

**Translator:** Another issue is about miraa.

**Alexander Mange:** miraa itithuuki muno ya mbaki e thigara.

**Translator:** Miraa is not as bad as cigarettes.

**Alexander Mange:** thigara kayaandiki ikaandikwa kinya ni imbii lakini niirimawa na ikabwithua na itiatingawa. Kankuua miraa itibati kuyukua iri drug imbii ya kuthukia antu, miraa nibwirite kuthuanirwa ni thirikari, kethira kuri ndawa yuumba kuuma kuo, ikarutwa kuo.

**Translator:** Miraa should not be taken as a drug but it should be looked upon to find if there is something any of substance that can come out of it as a drug

**Alexander Mange:** niuntu miraa nitwire kuriwa ni ciuyuyu na kinya neendi no ikuriwa na antu batikuyaa.

**Translator:** because since time immemorial people have been eating miraa and there is no side effect has ever been confirmed or seen.

**Alexander Mange:** tontu buu nibatirie kucuirwa njira ikeendelea.

**Translator:** So he is suggesting that a way should come up to help the people through that miraa.

**Alexander Mange:** I kaanya bwambira kakuthiira nkieleza bubwingaingi mantune ya miraa.

**Translator:** I could talk more but unfortunately time is agaist me.

**Alexander Mange:** buungi buu bukutiere, ni mantu ya... nkathiria mbere ya cio kwaumbika. Akuru thirikari niibati kubacuirira kikaro.

**Translator:** Old people the Government should provide a way of upkeeping them

**Alexander Mange:** yoontu kuri ukuru antu baukinyia kuatwika ati na wa kumutethia na atiumba wiitethia kinya eethirwa ari na aana bura aumba kwenda kutetheka aana bakeethirwa bari ngugine kuraya na kuntu mwanya mwanya. Na agaacia utethio. Thirikari niibati kucua areas kuria akuru ya bau babwirite kwithirwa bari.

**Translator:** The Government should come up with a way whereby it can cater for the older people who have nobody to help them

**Alexander Mange:** muno yoontu kuri bamwe baari o kinya baria baumbire kuraira kinya uciathi na bari mwoyo.

**Translator:** because we find that we have former freedom fighters and they are still alive

**Alexander Mange:** na ibabwirite kuewa heshima niuntu ibaakuru.

**Translator:** and they should be recognized and given the esteem that they deserve.

**Alexander Mange:** baangi bakurita ngui miaka kithuumba na baku-retire.

**Translator:** Others have worked for so many years and they have retired

**Alexander Mange:** sorry kuuga kinya yoontu uuni.

**Translator:** I am sorry to say giving myself as an example

**Alexander Mange:** na baangi babaingi.

**Translator:** and so many others.

**Alexander Mange:** akuru ya bau thirikari nibwirite kubacuiru antu a kuriaa nikenda bakeethirwa baumba gukura ukuru bubwega buti bwa thiina.

**Translator:** Such old people the Government should come up with a mechanism and a way to keep them somewhere and give them the necessary

**Alexander Mange:** Na buu ndeenda bwithirwa buri ndeene ya Katiba.

**Translator:** and I would like that one to be in the Constitution.

**Alexander Mange:** Buungi nkithiria,

**Translator:** My last point now as I end

**Alexander Mange:** kinya kethira turi na democracy thirikari nibwirite kwithire iri strict enough. Spare the rod and spoil the child.

**Translator:** the Government should be strict enough.

**Alexander Mange:** Kwi njuno yuugaa spare the rod and spoil the child, thirikari itibwirite kwithirwa iri toothless dog which cannot bite.

**Translator:** The Government should not be a toothless dog and that should not Bite.

**Alexander Mange:** I recommend, bara bakeethirwa bari eeyia bari na makosa mahali fulani....

Well I would recommend that the Government should be strict to punish any wrong doer.

**Com. Ratanya:** Mwalimu Alexander andika jina hapo kwa register yetu. Domiano yuko? Isaiah, Miriti Lethoya. Ongea kwa ufupi usiwe kama huyo Mzee wetu.

**Miriti Lethoya:** My names are Lethoya and these are my points in summary form.

My first point is that there should be freedom of worship in Kenya and that should be included in the present Constitution. This is because let's say in our schools and colleges, the children that belong to some denomination are mistreated by let's say teachers. For example by being forced to do exams or go for to be taught on certain days whereby they worship God. Let's say SDA children they are forced to go to do exams on Saturdays and go for tuition on Saturdays whereas they are supposed to worship their God. So there should be freedom of worship in Kenya.

Another thing is that sponsors of public schools should not be allowed to force any teachers out of their school even if they do not belong to their denominations. All our public schools are headed at present on denominational levels. That means I will give an example. If a certain is sponsored by a certain denomination, the head teacher should come from that denomination. I think that is what is operating now. All public schools should be headed by everybody irrespective of the denomination.

The other point is that in school curriculum CRE syllabus should be drawn by representatives from all denominations and include only the common Christian beliefs. So we should not teach doctrines in our schools.

Laws on women rights to be revised as not to disregard men's right. This is because there has been campaign over two years ago over women's right thus they have gone to an extend of ignoring men's right. So as people consider women right, men "right" should also be considered.

The other thing is that the Government should declare the njuricheke council of elders as illegal. Since they are not of the interest of all wananchi but of those who have something to give them. Let's say money or something else. So the primary responsibility of njuricheke was to solve and to settle small disputes at very local level but these days infact they are making small quarrels become bigger. So they should be banned.

Roads should have bumps where they pass market places in order to reduce the frequency of accidents in our markets or in our roads. I will give an example of (inaudible) market here, where many people have lost their lives because it is a junction where many people meet and there is overspeeding, our main road here and you see as a result many people have lost their lives. So that place should have bumps not (inaudible) alone but even else where.

**Com. Ratanya:** Miriti, wakati wako umekwisha. I think you don't have more time, five minutes are gone.

**Miriti Lethoya:** I think I have one point now.

**Com. Ratanya:** One second then conclude.

**Miriti Lethoya:** The police duties should be thoroughly supervised to minimize the occurrences of bribery and violation of human rights.

If there is no caning in schools, in other words there should be caning of pupils in schools so as to control the behaviour of pupils and to increase the value of education in Kenya.

Cigarette smoking in public places should be made illegal.

The MPs salaries should be revisited again that means it should be reduced so as to suit our economy. It is too much for Kenya. In other words the salary for MPs should be reduced. Thank you.

**Com. Ratanya:** Okay, asante sana Lethoya. Hapa naona tuna David Tulura. Rugano MugamBi, MugamBi hayuko. Moses Gitonga hayuko, Geoffrey Ngirithia, hata yeye hayuko. Stanley Muthee. Paul Kirimi. Nikiita mtu ainue mkono wake halafu anakuja. Sasa yule tunaye ni Stanley Muthee endelea. Muthee uanze na kusema majina yako.

**Stanley Muthee:** Kwa majina mimi naitwa Stanley Muthee. Nataka kuongea kwa uchache kwasababu ile point nilikuwa nayo zingine naona zimezungumzwa na sitaki kurudia. Kwa hivyo nitaongea kuhusu point mbili tu.

Moja ni kuhusu elimu. Kwa vile maisha siku hizi yamekuwa magumu sana, ningependekeza kwenye hii Katiba mpya elimu ya primary iwe free. Na elimu ya secondary nayo au elimu ya mseto kuwe na cost-sharing. Kwasababu inaonekana wale wananchi wa kawaida ama common man, siku hizi hawezi kuelimisha mtoto hata akiwa muerevu. Kwa hivyo hata Government nayo iingilie hapo ione kama inaweza kusaidia wazazi ndiyo wasifinyiliwe sana na watoto wengi wakose kusoma. Kwa hayo machache nataka kumalizia hapo.

**Com. Ratanya:** Nashukuru sana Stanley Muthee. Na wale wamebaki mjue kwamba mambo mengi yamesemwa kama vile umesikia Muthee amesema, yale yamesemwa na watu wengi usiwe unarudia rudia. Sema kile unajua ni mpya kabisa hakijasemwa na mwingine na halafu unamaliza. Dakika moja tu na unamaliza. Paul Kirimi, hio dakika tu halafu unamaliza kwasababu yamesemwa mengi.

**Paul Karima:** Kwa majina mimi ni Paul Kirima kutoka Kalama location. Asante Mwenyekiti yangu ni yale hayahusika na mwingine. Ningeomba serikali hio Katiba inaenda kurekebishwa kwa sasa iangalie maslahi ya wananchi upande wowote. Hiyo ni kumaanisha wengine katika hata ardhi kwa maneno ya mashamba watu wananyanganywa mashamba yao wakipeleka maralamiko yao kotini, hata ma-judge wale tunafikilia wanapewa mshahara mkubwa wanahongwa. Na kukubali hongo na kunyanyasa wenye haki kwa kuwa, wao hawana fedha kuwapelekea majudge. Kwa hivyo ningeomba serikali iingilie na kurekebisha hio maneno.

Ya pili. Katika maisha ya wananchi ningeomba serikali irekebishe kusimamia mwananchi wa kawaida sio kubagua tajiri na maskini. Kwasababu kwa wakati mwingi wakati tunaenda police station kupiga report juu ya shida mbali mbali za kinyumbani, mtu akienda hata akiwa amefiwa na mtu, ama hata kwake kumechomeka. Akienda huko kupiga report tu apewe huduma anahitaji pesa. Bila kutoa hongo askari atakaekuta kwa duty hawezi sikiza yeye.

Kwa hivyo ningeomba hata hayo yarekebishwe na serikali iangalie mpaka mtu wa dani kaBisa kuona maslahi yake vile anaishi. Sio tu kuwa ati mwenye fedha ndiye ataenda police station asikizwe maskini akija anafukuzwa. Hayo serikali iingilie kabisa.

**Com. Ratanya:** Hio tumesikia sasa asante sana.

**Paul Karimi:** Mengine na mwisho ni katika mashamba – Ugawaji wa mashamba kama sasa location hii ndio imeanza watu wameanza kupewa mashamba. Mashamba ya wale watu hawana fedha saa hii yamenyakuliwa na matajiri. Wanabadilishwa na kupelekwa pahali penye mawe. Kwa hivyo ningeomba katika marekebisho ya Katiba serikali iangalie ndani hata ma-officer wa land hata wao wanatumia ufidia kama ma-office mengine. Kwa hivyo wananchi wa kawaida hawana haki. Yeyote mtu akiwa hana pesa akiwa hana nguvu lolote hata hakuna kitu anacho, hana haki yake. Kwa hivyo ningeomba maslahi ya mwananchi wa kawaida iangaliwe zaidi ya wale wengine ambao wana mapato.

**Com. Ratanya:** Okay Paul nashukuru sana enda hapo uandikishe jina lako. Mwingine ni Ntomoitha Baitunyu. Ni wewe Ntomoitha? Keti hapo Mzee. Ntomoitha wambiririe na kuua riitwa riaku.

**Ntomoitha Baitunyu:** Mbitawa Ntomoitha Baitunyu (said his name repeatedly)

**Translator:** My name is Ntomoitha Waitulu

**Ntomoitha Baitunyu:** Bura nkweenda ri, uuni ntiina yamaingi

**Translator:** Me I don't have much to say I just wanted to propose about the issue of

**Ntomoitha Baitunyu:** uuni nti na inya. Ngacuunwa muunda ni baa batina inya, bara barina mbia na aana bakwa bationa kwa kurima.

**Translator:** I just want to highlight the issue of whereby the poor their land is being taken away by the rich people like in my case my land was taken away so that is my area of concern

**Ntomoitha Baitunyu:** Buu ibuo nkuua uuni miunda yaitire yoonthe na indathinjirite kinya ntheenge na I ninka ntiina miunda iyaitire. Nkoria ka muunda yuwita na nkimionaa tii. Indi nkeerwa kamiti ikaitire na miunda, ndaita kiri kamiti kaambira miunda iyaitire, ka yweetire na mauru, iraita.

**Translator:** I wanted to say all my land was taken away even though I had gone to the traditional institution of njuricheke to follow my land but unfortunately it was taken away.

**Ntomoitha Baitunyu:** neendi njuri ncheke nayo itiendaa kwariria kamiti katireka njuri yaaria. Rindi ina miaka iana. Tutirekwa twaria, twi tukumenya maantu ya mianka na tukamenya mantu ya mbi itireka twaria. Baraa aamba ba miunda, bara bari na mbia. Kethira katwaria ma.

**Translator:** You find that we people who have experience in the issues of land here that's our boundaries and all that we know about them but the land committee is not giving us an opportunity to express ourselves or may be to launch our claims. And that is where you find there is a lot of no in this land policy that is already working.

**Ntomoitha Baitunyu:** Baatwi tutirekwa twaria, akuru ba akuru tutirekwa twaaria.

**Com. Ratanya:** Ntomoitha neendi tukwibua mantu yau, ukanoa kuchokeria ringi, niuntu ituyaikirue na yaandikwa. Neendi ita aara wiikire kirore kiaku. Sasa Agostino Rintari endelea. Agostino utuambie majina yako.

**Agostino Rintari:** Jina langu ni Agostino Rintari. Yale ningetaka yawe katika Katiba yetu kwa marekebisho ni hawa wakubwa hawa wako serikalini mtu asiwekwe pahali pamoja kwa miaka zaidi ya tano.

Pili. Serikali yetu itoe uhuru wa vyombo vya babari. Kwas ababu ile iko inapotosha watu kama mimi, mimi sisikizi mambo ya Kenya. Kwa hivyo itoe uhuru wa vyombo vya habari.

Tatu hizi shule za primary ziwe za bure kwasababu hata kuna watoto wengine hawawezi kuendelea na masomo kwasababu hawawezi kugharamia hata elimu ya msingi.

Hata na hospitali pia ziwe serikali inasimamia hiyo iwe ya bure. Tena hizi shule za private ziwe mbali au zipatiwe wizara hiyo kwasababu zimekuwa nyingi na walimu hawafunzi katika shule za msingi kwasababu wanajua watoto wao wanasomea shule zile za private. Walimu hawana haja na wanafunzi siku hizi sababu anajua yeye mtoto yake anasoma hawa wengine wanakaa tu.

**Com. Ratanya:** Haya tumesikia kwa hivyo jaribu kumaliza Agostino. Okay nashukuru ama kuna kingine cha mwisho kabisa?

**Agostino Rintari:** Haya nasema ya mwisho. Kuna jambo ingine inaendelea hii hata katika Katiba yetu kuwe na hii accountability. Kwasababu siku hizi hakuna pesa zina-accountiwa ndiyo sababu kuna ufisadi mwingi. Kile kinaweza saidia ni accountaBility na kuwe na ombudsman kama kunawezekana kwasababu watu hata wanaogopa hata kutoa yao.

**Com. Ratanya:** Okay asante sana kwa haya maoni yako Agostino.

**Agostino Rintari:** Nasema hata watu wakubwa wawe wakipewa ulinzi na serikali kwasababu kuna wakati mwingine tunasikia hata kama ni waziri wa serikali waziri amepotea, waziri amefariki na ni mtu wa serikali sasa tunashangaa ni serikali gani tuko nayo. Asante.

**Com. Ratanya:** Asante sana kwa maoni yako Mthangiriria, na sasa mtu akija aseme yale ya muhimu si kurudia. Moja tu unamaliza dakika yako. Yamesemwa mengi kwa hivyo usirudie rudie mambo mengi. Thangiria utaongea kwa Kimeru ama kwa Kiswahili?

**Com. Ratanya:** Anza kwa kusema jina lako kwa ile lugha unataka kuongea nayo.

**Nthangiria M'ntuala:** Jina langu naitwa Mthangiriria M'ntuala. Halafu kwa hiyo mimi nasema ni asante kwa serikali ya Kenya, pamoja na mtukufu Rais amekuja kutuma maneno sisi wananchi wote wa hakuna nguvu, maneno yetu ifikiwe na serikali ya Kenya. Kwasababu tuko na uhuru wa kuzikiliza mtu wote. Sisi wananchi wale hatuna nguvu, hata kama nyinyi mnatumwa na serikali mje katikati yetu sikilizeni sawa sawa hata sisi tukiwa ni wazee, kuna wengine wanakuta mababu wao wamekufa kitambo bado kuwaona na macho. Mchanga ulikuwa wa baba na nyanya na guka ilikwenda, unaumizwa tu na mwananchi mwingine kwa Kenya na nchi yetu si mkoloni.

**Com. Ratanya:** Kwa hivyo unataka nini? Sema kitu kimoja.

**Thangiria M'ntuala:** Mimi naomba serikali iangalie maskini wale wako wasaidiwe waone njia ya kuwarudishia mashamba

yao kwasababu mageuzi sisi hatupati. Kama ni Katiba inarekebishwa hiyo Katiba iangalie mwananchi yule wa ndani kabisa.

**Com. Ratanya:** Kwa hivyo unapendekeza mambo ya mashamba ama nasikia ukisema ma-case yaishe.

**Thangiria M'ntuala:** Mimi nasema Katiba ile itaendelea sasa kama ni Katiba sisi tunataka kuwekewa mpya macho yao kwa wananchi kaBbisa waangalie wale wanaumizwa na wengine.

**Com. Ratanya:** Kwa hivyo maskini asaidiwe?

**Thangiria M'ntuala:** Maskini atapate kupata na moja kama wengine na wakuwe na nguvu kama wengine. Katiba iingie kwa serikali.

Mimi nataka nikiweza kuomba serikali ma-chief na ma-sub-chief maana hasikii maneno ya wananchi wa ndani. Wachuguliwe na wananchi na mlolongo wa kura. Naomba hio Katiba iingie.

Inginge nashangaa na kusikia maneno mengi yanazungumzwa na Rais kufika hapa apana jazwa na wakubwa wetu wale na mayor apatikane.

Watoto wengi kila siku wanafukuzwa mashule na watoto wanambiwa wasome kabla ya kwenda kulala nyumbani. Wakja nyumbani wanakuta mama yao amekwenda sokoni, wengine wamekwenda shamba sasa yule mtoto kwenda na kurudi kama anakosa mtu wa kumpeleka shule akalale. Ninaomba serikali iangalie sisi ni wakulima, hakuna vile sisi tunakaa tunaenda pale halafu warekebishe hiyo maneno walimu waambie waache kufukuza watoto. Kama ni njioni mpatie mtoto barua aletee mama na wazazi wao. Kabla watoto kuzini nyumbani bila kuona mtu. Wakati ule wanafukuza kama iko kitu kwa shule wanafukuza watoto na hawezi wakatumia barua wakuje nayo mama yao akate kwenda kushughulika. Mimi nasema serikali irekebishe hio iangalie waalimu wawambie wawape watoto barua wakati wa jioni wapatie wazazi wao.

**Com. Ratanya:** Asante sana kwa haya maoni yako, si umemaliza sasa, asante sana. Sasa wengine mtu akija mtu aseme kwa ufupi si kurudia mambo yale yamesemwa na mwingine. Sasa umeitwa na nani kwasababu kwa list yangu niko na Salome? Hapana hukuitwa hebu ngoja kidogo. Salome ni nani? Hebu ngoja kama utasikia jina lako. Taibuyu Atanasia, Tondewa, wewe ngoja mpaka uitwe jina lako, si hio ni heshima. Kwa hivyo Mzee sema yako na dakika moja kama ni wimbo kama ni nini ni maoni yako toa kwa dakika hio moja.

**M'ndeewa:** Uuni mbitawa M'ndeewa M'Nkiinki ura wabucuire weea bwa kuu.

**Translator:** I am Tondewa who fought for the freedom of this country.

**M'ndeewa:** Rira tworaaa acunku.

**Translator:** Fighting for the freedom of this country

**M'ndeewa:** na no ntwire ni.

**Translator:** and I am still alive.

**M'ndeewa:** na ntiuaa indombaa.

**Translator:** And I have never been borrowing

**M'ndeewa:** I mawega nkwenda yakuluka, mawega yontu neendi babwi.

**Translator:** I want good things out of this Constitution

**M'ndeewa:** Bukwigua. Nonga nandi thirikari ikeeya untethia. Rindi uuni ntuire ndi maskini. **Translator:** I have been a very poor person I would like the Government to assist us

**M'ndeewa:** na antu baria bataruire ibo boona baita.

**Translator:** People who did not fight for the freedom of this country are the ones who benefited from it

**M'ndeewa: (Song)** Ndauma Mathira x2 Kuanda nguruneti. Nguruneti x2 Nguruneti ui na bunduki cia nthi.

Kunda kiimbo, ii uui kuunda kiimbo. Kunda kiimbo uui M'mieru kuunda kiimbo.

Kunda kiimbo, ii uui kuunda kiimbo. Kunda kiimbo uui weenda kunenanenea.

Cia Kiambu, ii uui cia Kiambu, cia Kiambu igakara igakabura.

Cia Murang'a, ii uui cia Murang'a , ciuaa ntirimaa.

Cia Nyeri, ii uui na cia Nyeri, ciuaa ni simba.

Cia Embu, ii uui na cia Embu, ciuaa nguruneti.

Cia Meru, ii uui na cia Meru, cia kuthinja na cietu.

**Com. Ratanya:** I bwega sana M'Ndeewa niuntu bwa rwimbo ruu rwaku rwa mau mau. M'Ndeewa, ni waari mwithuune wee? Ibwega muno. Ulikuwa msitu wakati wa Mau Mau? Asante sana kwa huo wimbo wako wa wakati wa Mau Mau. Tunaendelea sasa kwa speed wananchi kwasababu kumekuwa karibu usiku na mambo mengi yamesemwa. Mtu akiitwa hapa atakuwa na dakika moja tu na nikiwamBia saa imekwisha, aondoke hapo, aende aweke sign pale na tufanye hii heshima. Kwasababu hatuwezi kuendelea usiku. Na wale wamekuja saa hii ya jioni wasiwe wanatuahirisha sana. Tumekuwa hapa kutoka saa mbili na hapa namuita Nancy Nkirote, tunafuata list. Kiambi J.N., hayuko, Peter Thiribi.

**Peter Thiribi:** Kwanza kabisa ni asante kwa Commission kama vile umesema majina yangu ni Peter Thiribi. Yangu sio mengi kwasababu mengi yameshasemwa. Yale nimesema ama kuongezea kidogo tu, ni kuhusu maslahi ya wanyonge ama wale

ambao ni maskini. Hayo nimesikia yamesemwa lakini hao hao ndio wale hata hawawezi kuongea kwasababu yaani kukiwa na case yeyote hawa kwasababu hawana pesa wakiwa wanagombana na yule ambae ako na pesa, hawa wanaenda na ananzima ama anaenda kama ni huko kwa court anaenda kama ni wakiri ama wale wengine tuseme wale wanahusika kwa hizo case. Wote anaenda kwa njia ya ufiisadi.

**Com. Ratanya:** Twambie mapendekezo yako.

**Peter Thiribi:** Kwa hivyo mapendekezo yangu mimi nasema wafikiriwe, yaani hawa wanyonge wafikiriwe. Tukiangalia kwa upande wa mashamba hawa ni wale ambao wananyimwa tukiangalia katika kitabu cha Isaiah katika Biblia 5:8 – 13 hapo tumeona vile wale ambao wananyima wanaenda wanachukua shamba kutoka mahali fulani wanapeleka mahali ingine, haya hayawezekani. Yule anachukua ile shamba kwasababu anachukua shamba ya mtu ambaye ni mnyonge na anaenda anawekelea juu ya ingine ama ni nyumba juu ya ingine kama vile hio Biblia inasema, hawa watahukumiwa. Kwa hivyo upande wa mashamba, shamba isichuliwe kutoka mahali fulani ipelekwe mahali fulani. Nataka hio iingie.

**Com. Ratanya:** Hio tulisikia zamani na kwa hivyo hata sasa na iwe mwisho sasa. Fanya ya mwisho.

**Peter Thiribi:** Hio ingine ni wale ambao ni mayatima katika kitabu cha kutoka 22:22-24 inasema hawa nao wasinyang'anywe vitu viao. Hio nayo hata ifikiriwe sana. Na nikiangalia upande wa wanakamati, wanakamati wale wanakuja, wanakamati wa land. Wakati wanapoenda wasikae kwa muda mrefu sana kama wakati huu sisi tumepewa maralamiko. Na kama tumepewa maralamiko wale ambao waliekuwako mbeleni wasikie hio case. Wao watoke wengine nao wakuje hio nasema iingie kwa Katiba yetu ili wasiwe wanakaa mpaka mwisho kaBisa lakini wawe wanakuja wengine wana

**Com. Ratanya:** Unapendekeza wakae miaka mingapi? Sema kwa ufupi.

**Peter Thiribi:** Kama miaka miwili. Hata kama chief imeongewa hio ndiyo nasema ni ya mwisho yaani, chief achaguliwe na wananchi na assistant chief na kama hatakuwa akichaguliwa, awe akipigwa transfer. Kwa sababu DO na wale wengine wote wanapigwa transfer hata huyo awe anapigwa transfer.

**Com. Ratanya:** Nashukuru sana Peter Thiribi kwa hivyo nenda hapo kwa register u-sign jina lako. Stephen Maiya, Robert Ngilia na Robert sema kwa ufupi. Ni wewe unaitwa Robert, say your name.

**Robert Ngilia:** Mimi naitwa Rober Ngilia. Asante sana mimi kwa Katiba yale naona sana kitu mbaya ile naona Katiba irekebishe ni chief sana wawe wanapigwa transfer kama watu wengine wafanyikazi wa serikali. Hio ni point moja yangu ya kwanza.

Ya pili ni school headmasters. Wawe wanapigiwa kura ndani ya school area kulingana na wananyanyasa wananchi sana na kura pesa ya school na wawe wanafuatiwa. Hata akipigwa transfer mahali juu maskini sana ndiyo wanaonelewa matajiri hawaolewi na headmaster.

Ya tatu ile mimi naweza sema nikisema kwa ufupi nasema kama ni area ile chief anaongoza sana kulingana ndio nimeongea mambo ile chief anafanya, hiyo area inakuwa ni ya chief ndio baba na ndio mama mtoto na hata ndiyo familia yako, wewe huwezi kuwa na uongozi. Kwa hivyo hio sheria ichukuliwe iangaliwe mzuri. Mimi sina mengi ya kusema ni hayo tu.

**Com. Ratanya:** Nashukuru sana Robert Ngilia na mwingine hapa ni Stephen Nchebere.

**Stephen Nchebere:** Kwa jina ni Stephen Nchebere. Nasema asante sana kwa tunikubalia niongee machache sana. Mimi sitaongea mambo mingi ninasema muangalie hii Katiba mpya iangalie sheria ya urithi, wakati wa kurithi mali. Kwasababu mtu akifariki anawacha Bibi yake na mali na ng'ombe. Bibi anaanza hata kuwa mlevi anakunywa pombe na wanaume huko kwa vilabu mtoto wanakuwa maskini. Kwa hivyo ningetaka mwanamke akiwachiwa mali kwa hio Katiba awe anaweza kulindwa ni baba ama community kama vile muhiriga. Wanalinda yule mwanamke ili asiharibu mali kwasababu wakati mwingine unaona watu wamekufa kama hapa kwetu mwanamke anachukua hizo vitu kwanza kama alikuwa wa mbali anauza hata shamba anaenda na watoto. Baadaye wakienda kwao watoto wanakuwa maskini wanarudi hapa wakilialia. Kwa hivyo nataka sheria ya urithi iangaliwe isiwe ikasemakama ati bibi yako ndiye mrithi wa mali yako.

**Com. Ratanya:** Unapendekeza nini wewe?

**Stephen Nchebere:** Ninapendekeza hio sheria isiwe ni sheria iwe muhiriga ndio wanachunga yeye halafu tena muhiriga ama community ya clan.

Halafu sasa naongea upande wa employment – Nataka division headquarters iwe ndio mahali ya kuandikwa watu kazi kwasababu huko Maua watu wetu nafasi zetu zimechukuliwa na wageni district headquarters wakubwa unaandikisha mtu kazi unamwandikisha kazi nafasi ile ingechukuliwa na watu wetu hapa inaenda. Kwa hivyo nataka ikiwezekana Katiba hio iamBiwe divisional headquarters kama zamani police walikuwa wanaandikwa kama hapa kwetu Mulili wakati wa Kikoloni AP wale waliandikwa mbele retired waliandikiwa Mulili. Tunataka hata kama ni police wakiwa huko Maua mtoto wangu saa ingine hana pesa ya kwenda Maua kuandikwa kazi ya kwenda police ama kurala huko na kunahonganwa usiku. Ningetaka hata kama kunahonganwa iwe employment iwe divisional ndiyo tuwe na ma-officer wetu sio ati mtu akiandikwa analetwa Tigania akiandikwa anaitwa Tigania na kuna watu wetu.

Kuna wizara nyingi za serikali ambaye haina watu wetu kwasababu kazi headquarter ni Nairobi. Hata ingewezekana Katiba hio mpya ichukue headquarters zingine ilete pande hii si kila kitu kiwe ni Nairobi. All headquarters zinakuwa Nairobi. Kwa hivyo

hiyo Katiba kwasababu unajua taabu bado itaongezeka ningetaka area ya division kuwe kwa fulani anaweza andikwa amu-release na yeye anze process hata akipata transfer ndio tuwe na equal. Ukiangalia wale watu wameandikwa kazi hapa ni wale wako na nguvu ya kukimbizana kazi kama Nairobi, kukimbizana kazi kama ni huku Maua. Kwa hivyo nataka division headquarter iwe na uwezo kama ni kazi ikitangazwa na sisi kama ni police tunaandikwa police yetu hapa na ndio anaweza

**Com. Ratanya:** Hapo tumesikia, usirudie sana kama tumesikia. Sema ya mwisho sasa.

**Stephen Nchebere:** Ya mwisho nilikuwa naongea tu hiyo mambo ya urithi sikuwa na mambo mingi mimi kwasababu ni haraka haraka na sikua na habari.

**Com. Ratanya:** Asante sana Bwana Stephen Nchebere, anayefuata hata yeye ni Stephen Ntojuri, kama hayuko Julius Kathure yuko. Julius Kathure sema yako kwa ufupi.

**Julius Kathure:** Mbitawa Julius Kathure wa M'ithare gwakwa ni aa murima ini jirani ya polytechnic. Nitazungumza machache kuhusu employment na wale Wakenya wengine ambao walikuwa huko Nairobi kulikuwa wafanyikazi wa (inaudible) miaka ya 88 tangu wa leo nalaumu ofisi ya mkuu wa sheria. Yule liquidity manager ambaye alikuwa appointed na receiver manager alikaBidhiwa pesa kupitia high court na hata sasa juzi nilikuwa na uliza nitatumia mbunge gani wakati Commission hii inaendelea kuandikisha. Kwanza nashukuru nyinyi kwa kuja hapa area hii nipate kueleza nyinyi ya kwamba ofisi ya mkuu wa sheria ichunguzwe ni kwa nini ma-million 140,000 hatuwajawai kulipwa kutoka saa hii?

Ya pili hata kama nilikuwa nimeandika hapa chini mambo matano hivi nimeona au nimeelewa yamezungumzwa na wengine. Ya pili ni kuhusu mashamba. Ikiwa mtu kama mimi niliificha shamba miaka ya 79 shamba ya baba kwasababu baba hayuko hai. Baada ya kuitisha tulienda na ndugu yetu mkubwa tukamalizana akabakishiwa eka 46 kwasababu nilikuwa nasema, asitolewe mtoto kabla ya kunipatia kabla ya mimi kupewa hio shamba. Tulienda na Mzee huyu amezaa vijana hata wengine ni vocational officers wanakaa shehemu za (inaudible) wamekuja kutoka huko kwasababu ya ufisadi mimi nakuuliza Bwana Laban, ikiwa itakuwa na uwezekano mtu kama

**Com. Ratanya:** Fanya hivi Julius Kathure tuambie yale unataka kwa Katiba lakini si Ratanya ambia Commission yale ungetaka yaingizwe katika Katiba kurekebisha Katiba yetu.

**Julius Kathure:** Nataka kueleza Commission ya kwamba mambo yamechacha katika Muthara, (inaudible) kuhusu mashamba. Wale watu wasio na pesa wanahangaishwa na matajiri wenye pesa kubwa kubwa. Waweza kuona mtu ametolewa hapa amepolekwa sehemu ingine, hata sisi tunashangaa sana, ofisi hio ifike (inaudible)

Ya pili ofisi ya mkuu wa sheria mwangalie sana, ipigwe (inaudible) mara moja. Asante.

**Com. Ratanya:** Okay nashukuru sana Julius Kathure sasa mwingine ni Wallace Muriuki. Wallace Muriuki yuko? Huyu hayuko na Rumano Kairi uko wapi? Hata Rumano Kairi hayuko huko, tumemaliza. Kwa hivyo wananchi mumeona ya kwamba tumemaliza isipokuwa tuone kama yeyote alikuwa ameandikwa hapa lakini hakupata nafasi. Nyinyi hamjaandikwa? Hebu inua mikono wale wanataka kutoa kitu. Wale wanataka kusema kitu hata ingawa hawajaandikwa wainue mikono. Naona ni mmoja tu huyo wa pili, huyo wa tatu, mwingine, hawa watatu kujeni karibu hapa kujeni hata kwa hio form nyinyi watatu. Na nikiambia mtu ondoka umemaliza saa yako aondoke kama si hivyo sitakubali mzungumze. Namna hio? Kwasababu hatutakaa hapa sana mwingine aje anataka kuongea aje hapa karibu. Bwana co-ordinator watakuwa listed kwasababu pengine hawakuwa wameandikwa. Hebu wewe anza. Ni huyu taja jina lako keti hapo na utaje jina lako.

**Dominic Ntandi N'toricho:** Naitwa Dominic Mtandi N'toricho kutoka Muthara Mission. Na mimi ninashukuru kwa msimamizi na Chairman wa Katika yule anasimamisha Katiba hapa Muthara, namshukuru sana. Mimi nitasema maneno tatu tu ama sema ni mbili kuhusu Katiba kwa vile tu naombe hapa. Mimi nasema hii nasema nikiomba kama maombi Njuricheke, Katiba ikiandikwa iwekwe kwa Katiba. Zamani area hii yote ilikuwa na maji. Kwa misitu hakuna mtu alikuwa anasimamia misitu. Misitu ilikuwa inasimamiwa na njuricheke. Saa hii iko wezi wanaiba mwizi ule anaiba akipelekwa kwa njuricheke na akienda zamani ataitokeshwa yeye mwenyewe. Lakini ukienda kotini atakataa, mimi naomba namna hio. 1918 mjerumani alikuja akakuta njuricheke hakukosana 1941 Mwingereza alikuja akakuta njuricheke sheria ilijulikana tu. Mimi naomba sheria ya njuricheke iwekwe kwa Katiba. Hakuna mengi.

**Com. Ratanya:** Sawa sawa tumesikia, asante, sasa mwingine. Kuja u-sign Bwana Dominic kwa hayo umesema hapo. Mwingine sema majina yako na useme kwa ufupi kama huyo mwingine.

**Joseph Ikiao:** Jina langu ni Joseph Ikiao na mambo yangu yalikuwa ni mengi.

**Com. Ratanya:** Sema jina lako pole ple na tusikie vizuri.

**Joseph Ikiao:** Jina langu ni Joseph Ikiao. Yangu ni mambo nilikuwa nimeandika mambo mengi hata wakati ule tulikuwa Kianjai tulikuwa na Bwana Ratanya. Lakini siku hiyo hatukusema lakini nilikuwa nangoja kwa yangu lakini yangu ambayo nimeandika leo yanahusiana na mambo ambayo sikuyasikia yakinenwa na kwanza yanahusiana na upande wa sheria – Judiciary.

Judiciary kuna kasoro pale. Unaona kama ni magistrate anandiika yeye pekee anatakiwa mtu mwingine wa kuandika pia independent person waandike hawa wawili.

**Com. Ratanya:** Sasa Joseph Ikiao tupatie mapendekezo yako.

**Joseph Ikiao:** Mapendekezo yangu ni yule magistrate anaandika asiandike pekee awe na mtu mwingine wanaandika wawili ili mtu akirudisha appeal kusiwe na contradiction. Kwasababu sasa siku hizi mmoja akiandika hata kukiwa na corruption, yule ameandika mambo ni hayo hayo tu hata nikisema yes anaandika. No na hakuna mtu mwingine wa kumwambia usiandike no. So this person will write yes and the other one will write no. So when I appeal the things will contradict. Kwa hivyo hio ndio pendekezo langu asiwe peke yake.

**Com. Ratanya:** Hio tumesikia, tumesikia hiyo.

**Joseph Ikiao:** Napendekeza pia hii mambo ya majimbo pia. Sio mbaya sana isipokuwa wengi hawakutaja lakini nyenyewe sio mbaya. This is sharing of the economy of the country equally. Kwasababu wengine hawapati kwa makabila yale makubwa ikiwa hakuna majimbo basi mambo yataharibikia wale wachache.

Ingingine ni ma-chiefs wasilipwe pesa wakati mtu anaenda ku-report kwasababu siku hizi mtu akienda ku-report analipa shilingi 100. Na yule atakuja tu kuitika ni shilingi 100 sasa huyu chief anakaa kama mtu ambaye hajaajiriwa kazi.

**Com. Ratanya:** Sasa hiyo unalipa kwa chief ama ni kwa assistant chief? Ni wote ama ni kwa assistant chief. Wote wanalipa huko.

**Joseph Ikiao:** Hakuna ambaye halipishi. Ingingine ni habari ya retirement badala ya kuretire ukiwa na miaka 55 wawe kama wale wengine hata watumishi wa serikali wa-retire wakiwa na miaka 65 kama hao wanafanya kazi katika parastatals.

Ingingine ni mawakili. Kila moja siku hizi akizungumza anazungumza habari ya wakili. Yule maskini hana pesa anawekewa wakili ambaye hataweza hata kitu kidogo kama wewe hakuna haja ya kuweka wakili kama unajua unasema ukweli. Kwa hivyo sheria ningependekeza mimi hii Katiba.

**Com. Ratanya:** Kwa wakili unasema unapendekeza nini kwa mawakili?

**Joseph Ikiao:** Wawe wana-handle cases zile kubwa kubwa wale sio cases zile ndogo ndogo, petty cases. Ile cases ile ina-pertain the state and other things not the simple things kwasababu wengine wamemalizwa hapo sana.

Ingingine ambayo ningetaka kusema ni pia makanisa yanatakiwa pia yawe accountability na pia wawe wakifanya budget yao ya mwaka kila mshiriki ajue ni kiasi kigani ambao kinatolewa.

**Com. Ratanya:** Okay, sasa saa yako imekwisha kwasababu kuna wengine wanangoja na hapo Joseph Ikiao nasema asante

sana wengine wanangoja. Tuliagana ni dakika moja na wewe unaendelea kusoma kitabu.

**Joseph Ikiao:** Moja tu.

**Com. Ratanya:** Nusu dakika sasa.

**Joseph Ikiao:** Nusu dakika.

**Com. Ratanya:** Hutasoma hio kitabu yote. Sema point moja, fungua kitabu na useme point moja.

**Joseph Ikiao:** Inginge nasema wale ambao wanaenda katika courses za nurses ile maandishi yao yasiandikwe short hand ile wanandiika ile maandishi hatuelewi wakitaka kuiba dawa wanakuandikia kumi wanachukua kumi hapa. Wakikuandikia ishirini wanachukua kumi hapa. Halafu wanakupatia tano unaona sasa wewe unaenda kwasababu hakuna mtu mwingine kwa ku-interpret hio. Kwa hivyo mtu mwingine awe pale ukichukua ile karatasi ukipewa dawa upeleke hapo huyu, naye akusomee kama ile dawa umepewa kama ni sawa au sio sawa.

**Com. Ratanya:** Tusikisane sasa umalize na umemaliza kwa njia nzuri si ndio. Asante sana kwa hivyo nenda pale uandike sign yako. Wengine mnataka kuja kupeana story ndefu ama ni kusema jambo moja ambao bado sema halafu unaenda. Si kutengeneza story ni mapendekezo halafu unamaliza. Hebu pendekeza yako. Kwanza sema jina lako.

**Mzee Henry:** Mbitawa Henry Baikibini, ndeenda thirikaari yuumba kutethia antu aa rwanda aa kwina kieni kiitheri tukuumba kwithirwa tukirimaa nao bara baacirie miunda niuntu itwaitire kurima rwanda ruu rurari utheri lakini tukeethira tutina akaria bautukaria tuatwika nooka tukeeya kuringa o naa kwa thirikari ndeenda tume ii itutethie kambi ii ithirwe iri ati ati au. Ti yaandika asikari beeta kuriaa “thiulu”(Isiolo) kana baria naa muriri. Ndeenda tume itutethie antu aa angi tukwona na arimu na aritani niuntu twana turia tutina kithoomo neendi twana turaumba gukinyithia nkuluki ya miaka muanja turi micii niuntu muntu naawaacia bia wiita kuria mwarimu wa nursery ndeenda thirikari ituandikira mwarimu wa nursery niuntu muntu naakuremwa wiikia kaana thukuru niuntu bwa nursery, niuntu ariitua ngiri ithatu kana inya.

**Com. Ratanya:** I sawa sawa, au tuwiikua bwana henry. Urienda kithoomo kia utheri kia nursery na primary kana tibuo ukuua. Twire au ukuthiria na tuwiikua ibwea sana. Mzee tuambie jina lako an useme kwa ufupi kama wengine.

**Joseph Mirugoji:** Au aangi inkua akuru ba njuri ncheke nibabwiri kwakirua kambi kinya kaniini kutethua kinya antu amwe ni thirikari niuntu nibo bakwingirirua magamba yaa ya ithaka bii bionthe kinya bieta nara bikeeya kuthirirua aa kwa njuri ncheke. Ibabwiri kwithirwa bakiayawa heshima I thirikari bakoona kinya kambi bakoona kinya kambi bakabwithirua kinya kauntu no kamwe.

**Com. Ratanya:** Joshua unapendekeza nini sasa?

**Com. Ratanya:** Asante sana Joseph umesema freedom fighters waangaliwe na wapewe malipo. Na tena umesema freedom fighters hawa wapewe mashamba kwasababu walipigania mashamba. Na watoto wa freedom fighters wapewe masomo ya bure.

**Joseph Mirugoji:** Sawa sawa.

**Com. Ratanya:** Asante sana. Mwingine.

**Joseph Mwiturio:** Mimi naitwa Joseph Mwiturio ninashukuru Committee nzuri kwa vile wamekuja kutuletea kutoa maralamiko yetu yale yalikuwa yametufinya kwa miaka mingi. Mimi nitasema machache tu kidogo masaa imeisha.

Mimi ningependa hii community ichukue elimu ya bure.

Na ya pili kama tunaweza kupewa wakili wa kusaidia wale wasiojiweza kwa maana hapa kwa macases nyingi hapa tunafinywa sana. Unaweza nyanga'nywa shamba yako au mali yako kwa vile huna pesa ya kuweka wakili. Unapelekwa hivi hivi unaambiwa case imeisha na ambao hujajaliwa. Kwa hivyo nimeshukuru nyinyi kwa vile mmekuja kama Katiba inaweza endelea hivi mwende mchukue maoni yetu. Ningependa elimu ya watoto iwe ya bure.

Na kama inawezekana wapate kuandika jeshi, police au wapi iwe ikiandikwa kwa division sio kwa district maanake district hatupati wote wanachukuliwa wachache sana. Lakini wanaweza chukuliwa hata wa district ingine wanaingia kwa district yenu. Sasa ikiwa inawezekana ingekuwa nzuri.

**Com. Ratanya:** Sasa Joseph umemaliza. Nafikiri hawa ndio walikuwa wamesema watazungumza na tumemaliza ama kuna mwingine alikuwa amependekeza kusema kitu? Na wewe Mzee si ulimaliza? Sasa hii ndiyo wa mwisho okay kuja na useme yako ya mwisho kwa ufupi kabisa.

**Stephen Mirugoji:** Yangu nitasema matatu hivi tu.

**Com. Ratanya:** Tuambie majina yako kwanza.

**Stephen Mirugoji:** Kwanza mimi ni Stephen Kathuri. Kwanza ile kitu ningependekeza ni kuhusu hii masomo yanasomwa wakati ya ruhusa yale ya primary schools. Hio ndiyo naona ya kwamba ile gharama inatozwa wazazi inakuwa ingine na ni lazma wazazi watoto kufukuzwa kwa shule. Ndio nasema kama ingepotea ile inatozwa watoto wakati wa likizo maneno yangeendelea. Wachache hawangefinywa.

