

CONSTITUTION OF KENYA REVIEW COMMISSION

(CKRC)

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

KASARANI CONSTITUENCY,

AT MATHARE NORTH SOCIAL HALL

ON

WEDNESDAY, 29TH MAY, 2002

**CONSTITUENCY PUBLIC HEARINGS, KASARANI CONSTITUENCY, HELD AT MATHARE NORTH
SOCIAL HALL, ON WEDNESDAY, 29TH MAY, 2002**

Present

1. Com. Idha Salim
2. Com. Kavetsa Adagala

Secretariat in Attendance

1. Samuel Wanjohi - Programme Officer
2. Esther Mugo - Asst. Programme Officer
3. Martina Odhiambo - Verbatim Reporter

Meeting started at 9.00 a.m. with Com. Salim in the Chair.

Mr. Wanjohi: Tutaanzisha kikao, lakini tutamtumania Com. Kavetsa Adagala atafika wakati wowote na tungetaka kumuuliza huyu kijana ndugu yetu atuanzie kikao chetu kwa maombi, wengine watatukuta tukiendelea. Kuja.

Speaker: Thank you so much. Let us all stand for a word of prayer. Our heavenly Father, we want to thank you this wonderful morning that you have given to us. Lord, as we are gathering here for this wonderful session in the history of our Country, we want to ask Lord that you give us the wisdom to participate in this noble course. We want to pray for our brothers and sisters who are still on their way coming here that you be their guidance and protector, in thy mercy keep them safe, Lord bring them here so that they may participate together with us. We want to put all the Commissioners in thy might hand Lord, let them realize that the work they are doing for the Country is of a noble course and let them Lord, give them strength to pursue and to achieve all the goals that they have set. Thank you Father for everything. I commit this day in thy

might hand. Whatever will take place today, Lord, be the guider and protector. Above all Lord, protect each and every soul that will be presented here. In the mighty name of Jesus Christ I pray and believe. AMEN.

Mr. Wanjohi: Thank you. On behalf of the District Co-ordinator-- Maina atakuja, Professor, baadaye, ameanza huko upande ya Embakasi, lakini atakuja hapa baadaye. Ningetaka kuwajulisha wale members wa committee yetu ya Constituency waliofika, pengine wasalimie watu kidogo because I don't know them Mheshimiwa Muchiri na yule mzee mwingine. Tuna wangapi? Mheshimiwa, salimia watu just before we start na huyo mwingine member wa committee, kuja salimia watu pia and tell them your name. Do we have another one? Mheshimiwa ni member wa committee yenu ya Constituency, nilikuwa na yeye jana, nafikiri Commissioner tutamshukuru kwa sababu ametusaidia. Salimia watu.

Mhe. Muchiri: Mr. Chairman, thank you very much for your coming here. I wish to inform you that the Public has been informed. Even this morning, I met a young man who was advertising. We have also tried our level best to advocate about the Constitutional Review. Now, the other thing is that, Mr. Chairman, we are grateful that you are always punctual at your work. Thank you.

Mr. Wanjohi: Thank you Mheshimiwa Muchiri. You have been with us since yesterday. Asante sana pia.

Daniel Peter Mbeka: Good morning all of your? Now, on behalf of the 3 Cs, my name is Mbeka Daniel Peter. I wish to welcome the Commissioners to this place – Mathare which is a part of Kasarani. This house will be full according to the work which we did because I have not seen people from as far as Baba Dogo, they are still coming, the far end of Kasarani, they are still coming which means Kariobangi is not yet here, Korogocho is not yet here. So, be peaceful and I know that we will a nice work today and we look towards the change which is going to be in the Constitution. Otherwise, thank you. Feel welcome, thank you.

Com. Salim: Thank you very much everybody, good morning. I am very happy to be here. My name is Ahmed Idha Salim. I am a Commissioner, I am also one of the Vice-Chairpersons of the Commission. I want to thank the Members of the Committee. Mheshimiwa Bwana Muchiri and his colleague who has just come up to introduce themselves for the work they have done not only today but for quite a number of weeks now, preparing the people for this very very important meeting and we are sure that this place will probably be more than full. It is our experience that everywhere we go, it takes time for Wananchi to attend such meetings. There are the lots of other commitments, a lot of other things to attend to first thing in the morning, so we know, it takes time to finalise other very important matters before coming to this important meeting like this one. So, we are convinced that we will a lot of people coming to give their views today.

Let me introduce other members of staff here, who are helping us collect views. I have, of course the Programme Officer – Bwana Samuel Wanjohi there, very hard working Programme Officer at the Commission who is in charge of making sure that everything goes well for this meeting.

And over there, we have Millicent whose job is equally very very important. She is the translator – is sign language expert. In case any one of us has difficult hearing or cannot hear at all, she can help translate what is being said to that person and vice versa. Get us his views, he does not have to speak using sign language, he can also give his views. So, she is there to this very important job.

And over there are two ladies. We have Martina Odhiambo over there. She has an important task of noting down your views – verbatim, word for word. Ana experience kwa jambo hilo. And then next to her is a young law student of ours, also helping to do the same thing and, is it Esther? Esther yes.

And other than that, we are expecting my colleague – Com. Kavetsa Adagala. She is held up on some other matter concerning the Constitution somewhere but will be joining us very soon. But because we anticipate a large number of people coming this morning to give their views, we can start and then she joins us so that we don't hold up people for too long. As soon as the register, we would like to get their views.

We can collect views in two ways. Wananchi can either (aah I am very pleased, my colleague Com. Adagala as I told you will be here any minute and she is walking in now. Karibu sana Kavetsa. Com. Adagala is a lady of many parts. She has been involved in such national functions as the music festival, she is a senior lecturer of many years standing at the University of Nairobi and I am very happy to have her here in this very important day of collecting views).

As I was saying, wanachi can give views in two ways. Either, they can come up and just present their views orally or they can present their views through a memorandum (written views). Now, for those who want to present views orally, we give them five to six minutes because we don't know how many Wananchi will be coming to give their views and we want to be sure that they all get a chance. So, we have to limit the amount of time unfortunately each mwanachi can take to give his views. At least for the time being and see how things move in the course of the day. Those who have views already written (tayari kabisa) will be given two-three minutes not to read their memorandum, but to highlight, give the recommendations or the proposals they want to give for the review of the Constitution or changes in the Constitution. So, let us all stick to that arrangement, but of course we do understand that there is need for clarification, my colleague or I need something explained, it means mwananchi will take longer to complete the work of giving his views. So, those are the two ways we will be collecting views. Views can be given in any language – can be Kiswahili, the national language, can be in English, the official language, can be in any local Kenyan language – Kikuyu, Kiluo, hopefully there will someone in the audience who can translate for us if any mwananchi cannot or does not want to speak English or Kiswahili. We should only remember one thing, if you do can

Speak English or Kiswahili, please use it, only for one reason, it will save time. If we have anything translated from any other language, we double the time. Mwananchi will speak in one local language but then we will have to translate the whole thing again in Kiswahili for recording purposes. So, I hope we all appreciate this arrangement and we can therefore now start unless my colleague wants to say Jambo to everybody before we start.

Com. Adagala: Habari za asubuhi watu wa Mathare? Tumefurahi sana kufika hapa na ninafikiri tutaendelea vizuri. Mathare ina watu wengi na nitataka watu wengi watoe maoni yao vile wanaona Kenya mpya inaweza kukaa. Sasa sina mengi ya kusema, nimefurahi kuwa hapa. Asante.

Com. Salim: Asante Com. Adagala. Let me now call then the first person who has registered. This is how we will be following the programme – first come, first served. So, we would like to ask Bwana Simon Karanja. Simon Karanja kuja kutoa maoni yake. Yeye atatoa maoni nafikiri ki-mdomo.

Simon Karanja: Jina langu ni Simon Karanja. Maoni yangu iko kwa upande wa mashamba. Kuna mashamba, watu wako na mashamba ambayo hawaitumii na kuna watu wengi, wengine ambao hawana mahala pa kukaa. Kwa hivyo hayo mashamba yagawiwe watu ambao hawana hata mahali pa kuzikwa sababu kuna watu wengine wanazikwa kwa City Council. Ningependelea, hayo mashamba yagawiwe watu ambao mahali popote. Serikali igawie hao watu ambao hawana mashamba maana haya mashamba yako chini ya serikali. Kwa hivo hayo mashamba yagawiwe watu ambao katika Jamhuri ni wa serikali. Nimemaliza, yangu ilikuwa ni hiyo tu.

Com. Salim: Asante sana Bwana Simon Karanja kwa maoni yako mafupi na ni lakini wazi kabisa ni kuhusu mashamba. Asante sana. Elias Njoroge.

Elias Njoroge: Hamjambo, hamjambo Wananchi? Maoni ni

Com. Adagala: Njoroge! Hapa, ni Tume pekee hiko hapa. Ukizungumza, unazungumzia Tume, okay!

Elias Njoroge: Maoni yangu, ningependa, uwezo wa Rais upunguzwe. Na upande wa mahakama, ipewe uwezo wake. Na kuwe na Prime Minister. Na tena kama upande wa Polisi, Polisi wapewe uwezo wa kufanya kazi. Yaani kama Mkubwa wa Polisi, awe akiteua maofisa wake.

Com. Adagala: Nani atachagua Mkuu wa Polisi?

Elias Njoroge: Nimefahamu. Tena, upande wa mashamba, kuwe na mtu ambaye anasimamia mashamba kugawa.

Com. Salim: Kugawa, kumpa nani? Na ni nani huyo ambaye atagawa?

Elias Njoroge: Mtu ateuliwe na serikali. Maoni yangu ni hayo.

Com. Salim: Agawe mashamba gani?

Elias Njoroge: Yale ambaye imenyakuliwa na watu binafsi.

Com. Adagala: Asante. Ugependa mashamba ile imenyakuliwa.

Elias Njoroge: Igawiwe Wananchi wale hawana mashamba kwa sababu kuna Wananchi wengi hawana mashamba, hawana pahali hata pa kukaa.

Com. Adagala: Okay, twende nyuma mpaka mwaka gani kwa wale walinyakua. Unajua wengine wanasema 1990, wengine wanasema 1980, wengine wanasema 1963.

Elias Njoroge: 1960

Com. Adagala: Halafu unaona mtu ambaye hana shamba au watu hawana shamba, wapate kiasi gani ya shamba?

Elias Njoroge: Hata kama ni acre mbili ama tatu

Com. Adagala: Acre tatu hivi?

Elias Njoroge: Eeh.

Com. Adagala: Na shamba kubwa lenyewe liwe gani, acre ngapi? Watu wamenyakua, wana mashamba maelfu ya acre, na watachukuliwa. Lazima ifike kiwango fulani. Ya juu sana iwe acre ngapi?

Elias Njoroge: Hata kama iwe ni acre tano.

Com. Adagala: Ya juu sana?

Elias Njoroge: Eeh.

Com. Adagala: Okay.

Com. Salim: Asante sana Bwana Elias Njoroge. Bwana Odera Ondiege.

Odera Ondiege: I prefer so much to speak in English. My first contribution is about a majimbo system of government. I so much recommend majimbo system of government because for one thing, it will be divided on the region basis. The region basis as per my thinking should be the Provincial Administration boundaries where in Kenya we should have eight regions or eight jimbo. My recommendation for this follows:-

1. Each Province in the Republic of Kenya is gifted, can produce excess of a particular item against the other region. For example, Nyanza Province. In Nyanza Province, there is a lot of sugar cane growing, there is rice at Kano and again if you come to Rift Valley, there is a lot of tea being grown but is not in Nyanza. So, with this, the people of Rift Valley will be allowed to plant a lot of tea while the people of Nyanza will be allowed to plant and harvest a lot of sugar and in the interim, they will be allowed to exchange. The money so collected, will be planted back in the same region except a small fraction will be forwarded to the Central Government to run the economy of the country as tax.

This kind of competition will encourage other regions to compete against the best because the people of Nyanza will say, if we are lagging behind and the people of Rift Valley have gone so much, let us follow them very speedy and at the end of it all, the whole country will develop economically.

What again I would like to add is this, each Jimbo should be given some degree of autonomy where the torch-bearer of that region can source for funds and development projects outside the country and this one will bring what we call development jealousy. The development jealousy is another region that has not got strong torch-bearer to source for development projects abroad will also come up and say, we also have to go abroad or anywhere else and source for this development. So, within the competitions, we will come up and develop the whole nation unlike what it is now where everything is centralised at the government, every region is sitting back waiting for the government to do. So, to us all, we are saying, this is the work of the government and at the end of it all, every region is lagging behind in all aspects.

2. I would like to talk about affirmative action. I personally reject the affirmative action because this is a kind of a discrimination. Affirmative action as our fellow women/ladies are asking for it. For example in politics, they are suggesting that out of 210 Constituencies, a good fraction be set aside for them where men don't compete for such Parliamentary seats or civic seats. What I am saying is this, I recommend that all these elective posts be very competitive so that we get the best. We have no time to say women are rejected from these areas or men are rejected from these areas or certain people with certain disabilities are rejected from this area, No! Everybody should be given equal chance to compete and from this angle, we will get the best.

3. Semi-Defections. Semi-Defections is a case where somebody sits in a Party and declare interest for another Party while he sits on this one. The next one is education of candidates.

Com. Salim: Do not explain, we already understood. What should the law say about them?

Odera Ondiege: The law should say, if you are in a particular Party, sit and stick there. Another point is about education of candidates. We should have at least education of all candidates because this is a case where you find an M.P. on a Budget Day, the Minister of Finance is reading the Budget and M.P.s are just sleeping because they don't understand what is going on.

Another point, number of Political Parties. Number of Political Parties should be regulated upto a certain angle I am going to say. We have got over 40 registered Political Parties. My proposal, any registered Political Party after general elections that fails to win any Parliamentary seat should automatically be deregistered.

I would have like also to talk about land re-distribution. In my point on land re-distribution, it is very shameful on us Kenyans where a Politician owns three plots. My proposal is, no one should have more that five plots in an urban centre. Unless there is a specific question, I feel to end there.

Com. Adagala: I can have five plots in Nakuru, five in Nairobi, five in Mombasa, is that what you mean?

Odera Ondiege: Five in total in the whole Republic of Kenya urban centres.

Com. Salim: Okay. On same point, the plots can be any size? Can be ten acres, twenty acres, hundred acres multiply by five?

Odera Ondiege: If it is in acres, then it ceases to be a plot. That is now land.

Com. Salim: But a plot is a plot?

Odera Ondiege: Especially where we are staying here, any structure is a plot.

Com. Salim: But my friend you know you have to look beyond this area and also beyond this year, beyond this decade. We are writing a Constitution for hopefully 200-300 years. So we really have to see far. So, what would you like to see?

Odera Ondiege: Exactly. The more we are living, the more people we have. So, what I mean by a plot is '80x40'

Com. Salim: There you are, that is much better, more specific. Thank you.

Odera Ondiege: Thank you also.

Com. Salim: Bwana Mheshimiwa. Bwana Muchiri, karibu.

Mhe. Muchiri: Mr. Chairman, you remember yesterday, I contributed a lot but I forgot three points. One, there should be a clause concerning the NGOs that when they come to operate in particular Constituencies or Areas, the residents of that Area should be consulted on what they are doing and there must be agreement on the process they will take within that Constituency.

Two, probably, there should be a clause in the Constitution to protect public utilities.

Three, the Speaker of National Assembly should be elected by the public not by the Members of Parliament.

Four, the Constitutional Review is a process that will continue for a long time. It should not be based on the time-table that is given. It should be entrenched in the Constitution and be made a process that will continue as we normally have the process of the registration of Identity Cards.

Five, there should be a clause indicating the freedom of worship. We have so many religions protruding within the country. Some we don't know, what, how they process their teaching like devil-worshippers. There should be a clause to indicate what the teachings they follow.

The last one, Mr. Speaker, yesterday, I talked about the issue of the youth being arrested by the Police. Once a Policeman has arrested someone, there should be a clause in the Constitution that the person arrested must be informed in writing immediately he arrives at the Police Station indicating the offences he has been charged for. Currently, the Police are arresting the youth, taking them to the Police Station and eventually when they lack the offences to charge them, they are fabricating cases within the Police Station. That is what I had. Thank you.

Com. Salim: Thank you very much Mheshimwa. Good to talk to you again. Hold on a minute. This question of worship, I don't know what we shall do about it because, it can easily turn into witch-hunting because it is not clear what devil-worship is and so it may be, I can see, a Muslim can decide he is a devil-worshipper. He can see me as a devil-worshipper or we can see someone else both of us as a devil-worshipper. So, I don't know what the parameter is or what the indications are for devil-worship? Because you are saying there is a clause, so that clause would have to say what is rightful worship and what is wrongful worship. So, you would have to tell what that wrongful worship is.

Mhe. Muchiri: You see the problem we have today is that nobody understands upto what level the freedom of worship is. You can put a cow there, you can put a goat, you can put a spear and his speaker and you start worshipping it. The issue has now cropped out that we have got so many religions, we have got about 800 registered religions in this country. They all preach about Jesus and about the Muslim Community and the Hinduism and the rest. But, at the centre, there is nobody, nobody, no institutions that investigate about the worshipping. Even the amount they collect of money in this country, they don't even account for it. There should be a clause indicating exactly what they do after they preach and what they do with the account of the money that they collect from the public.

Com. Salim: Asante sana Mheshimiwa. That is much clearer now. We call now Lawi Ogila. Lawi Ogila yuko? Excuse me Bwana Ogila, keep it when you finish, you hand it over there.

Lawi Ogila: Thank you. I have three areas to discuss. They are further discussed in the memorandum which I will be giving but I am going to talk on one of the issues which I feel the Constitution of Kenya should be addressing.

The issue is political assassinations, and I will be reading. The issue of political assassination must be fully explored in the Constitution for Kenya to really move forward. This delicate yet important area of decision, discussion must be constitutionally addressed and proper conditions put in place to avoid this dark side of Kenya's life style.

Com. Salim: Excuse me Mr. Lawi, it would not be possible for you to read. You will give us your proposal, not your description. A one sentence proposal on everything that you have said. We shall read the memoranda. We shall sit down and read the memorandums, all of them.

Lawi Ogila: Okay, thank you.

Com. Salim: What do you want to say about political assassinations?

Lawi Ogila: Everything to do with all the political assassinations will be addressed in the memorandum. Thank you.

Com. Salim: Excuse me, what is your one sentence on political assassination because we have put it down already, so we want to know what you want to say about it.

Lawi Ogila: I want the Government of Kenya and the people of Kenya to make sure that political assassinations or what has been termed as political assassinations must be fully given public hearing and the findings must be made public. I have finished, thank you.

Com. Salim: Your only point is on political assassinations?

Lawi Ogila: I said, I had three areas to present

Com. Salim: Give us your second one then.

Lawi Ogila: Well, first of all, Christian approach, I think the Constitution should allow Kenyans to have the freedom of worship. Also, human rights approach, I would like the issue like it happened recently where Abdul Ochan was arrested in Kenya. I want the Constitution to address such issues so that our Kenyan status of human rights can conform to the international standards of other countries.

Com. Salim: Is that all Bwana Lawi?

Lawi Ogila: Yes.

Com. Salim: You said you had about four points. We have noted three. Have you finished with all of them now?

Lawi Ogila: Sorry, I said I had three but I was going the last one which was political assassination, which was due to because of time, but I have them in writing.

Com. Salim: Thank you. Thank you very much Bwana Lawi. As my colleague told you, we will take your memorandum and read it. All memoranda will take and read very carefull by the Commission. All we need from people presenting memoranda is that they should just highlight the points in their memoranda. Thank you very much for your views. We move on to

Com. Adagala: Mr. Lawi, hallow, Mr. Lawi. You are aware that a freedom fighter can be a terrorist and a terrorist can be a freedom fighter. So, international standards become a problem because when you present that point, you must say that Kenya must state its stand, okay. You need to state the stand on human rights on that particular point. Okay, thank you.

Com. Salim: Henry Mosei. Ooh, he is a listener, okay. Gerald Ochieng – listener, umekuja kusikiza tu nafikiri? E. M. Mong'are, karibu.

Com. Adagala: District Co-ordinator, is the District Co-ordinator here? Okay. Are the Committee Members here?

Response: Yes.

Com. Adagala: We want to see women participating and disabled and.... well, here everybody is mixed but we really hope you have mobilized because now we see only one type of person here and we are supposed to address all diversities. I want you to make more efforts.

E. M. Mong'are: Asante sana. Yangu itakuwa juu ya Rais. Majina yangu naitwa Elkana Monyoncho Mong'are. Kwanza kabisa, mimi ningetaka mtu ye yote anayeng'ang'ania uraisi awe kwanza ame declare his wealth.

Pili, awe ni billionaire ili tuweze kupoteza corruption.

Com. Adagala: Nikuulize, na kama alikuwa billionaire by corruption?

E. M. Mong'are: Ni awe ame declare vile alivyopata mali yake kwanza.

Com. Adagala: Kwa sababu anaweza kuwa billionaire by corruption?

E. M. Mong'are: That is very true.

Com. Adagala: Yes, endelea.

E. M. Mong'are: Pili, Rais lazima awe chini ya Sheria na sio vile ilivyo wakati huu.

Tatu, education standard yaani upande wa kimasomo. Pia, Rais awe ni mtu ambaye amefikia kidato cha nne na kwenda mbele, sio mtu ambaye atakuwa ni chini ya hiyo kiwango kulingana na maoni yangu.

Nne, Waziri ye yote atakayepolekwa mahakamani akiwa ako na case ye yote mbele ya mahakama ni awe suspended hadi wakati koti itakapoamua case yake na mali yote kama magari na vitu vingine

Com. Salim: Zamahani Bwana Mong'are. Ni Waziri peke yake?

E. M. Mong'are: Huu ni upande wa Waziri pamoja na Rais. Ikiwa ako na case mahakamani.

Com. Salim: Peke yao?

E. M. Mong'are: Kwanza ni pekee yao. Rais na Waziri. Hadi wakati mahakama itakapoamua case zao, ndio waweze kuendelea na nyatiba zao.

Tano, uteguzi wowote unaofanywa na Rais kwa watu kwenda katika ofisi kuu za serikali kama vile ilivyo wakati huu, uondolewe na hiyo juhudi ipewe Bunge ili iweze kuwa inateua wale watakao shikilia nyatiba hizo katika maafisi hayo.

Sita, nchi hii inafaa iwe na Prime Minister, ambaye atakayeteguliwa na wajumbe walioteuliwa.

Saba, nchi hii inatakiwa kuwa na coalition government. Hii iwe inauzisha viama vyote vya kisiasa vilivyoandikishwa. Hii ni kumaanisha kwamba, ikiwa Waziri ametoka katika DP, Waziri ametoka katika Ford People, Waziri ametoka katika KANU, iwe ni namna hiyo ili waweze ku share the cake equally.

Com. Adagala: Viama vyote arubaini na nane?

E. M. Mong'are: Vyote arubaini na nane ikiwa vinawakilishi katika Bunge.

Com. Adagala: Okay

E. M. Mong'are: Tisa, nchi hii inafaa iwe na a supreme court ambaye mwananchi wa kawaida anaweza kwenda mahakama na kuishtaki serikali iliyo uongozini na hiyo koti ipewe uwezo wa kuweza kui dismiss. Kwa kuweza ku dismiss hiyo serikali ikiwa itapatikana iko na makosa.

Nikitaka kuzungumzia upande wa insecurity in this country. Hii, ninaonelea vyema serikali irudishe maafisa wote wa Polisi, wa Jeshi, waliofutwa kwa makosa madogo madogo kwa sababu hao watu hasa ndio wanaousika katika visa vya ualifu. Warudishwe na wapewe contracts katika hizo departments sababu baada ya kukosa kitu cha kukula, huwa wanakuwa tempted kwenda kujiuzisha katika visa vya wizi.

Com. Adagala: Sasa wapewe reward?

E. M. Mong'are: Wapewe contracts za kufanya katika department ...

Com. Adagala: Ndio tunasema mtu ambaye amefanya uhalifu, sasa apongezwe na apewe kazi?

E. M. Mong'are: La! si hivo. Wale ambao hawajauzika katika visanga kama hivyo. Warudishwe. Wale ambao walitolewa kabla ya miaka yao kufika.

Na, pia ningependa muda wa Rais uongezwe kutoka miaka mitano hadi sita ikiwa pia term zao kung'ang'ania urahisi iwe ni mara moja tu bali si mara mbili kama Sheria inavyosema wakati huu. Muda uongezwe kutoka tano hadi sita na iwe ni mara moja tu!

Com. Salim: Muda wa Rais?

E. M. Mong'are: Muda wa Rais, iwe ni mara moja tu wa miaka mitano hadi sita. Kwa hayo machache, ninamalizia hapo.

Com. Salim: Asante Bwana Mong'are. Sasa namuita Bwana Mbeka Daniel. Joseph Kiarie, nafikiri hayuko huyo. Stephen Juma. Stephen Juma yuko? William Owino.

Speaker: Mimi nilikuwa tu na jambo moja la kusema tu. Nilikuwa ninaonelea.

Com. Salim: Jina lako tafadhali!

Speaker: Jina langu ni Stephen Juma. Nilikuwa ninaonelea hii bill ya family protection ipitishwe Katiba Bunge na ikuwe law. Halafu, watoto pia wawe wanaweza kujitetea kwa koti. Na kuongezea hayo, serikali iwe inaweza kushugulikia watoto wapate masomo ya msingi iwe ni free kwa sababu ya vile hali ya uchumi iko katika hii Kenya yetu sasa. Ni hayo tu, asante.

Com. Salim: Asante. Mara ingine tena, William Owino, tunaita jina lake.

William Owino: Mimi naitwa William Owino na mimi ningependa zile mamlaka za Rais zirudishwe chini. Halafu, ya pili, ningependa Mayor achaguliwe na Wananchi si ma-Councillors vile iko sasa. Ya tatu, ningependa yaani hao ma Polisi wache kushikashika vijana ovyo ovyo mbele hakuna kazi. Wakipata wamekaa chini, wanawashika bila kosa yo yote, kwa hivo, hii mambo ya Polisi kushikashika vijana ovyo ovyo ndio...

Com. Adagala: Akina nani?

William Owino: Polisi. Ya nne, ningependa Kenya tuwe na Majimbo system. Yangu ni hayo tu machache.

Com. Salim: Asante sana Bwana William Owino kwa maoni yako. Philip Oduor.

Philip Oduor: Yes, majina yangu ni Philip Oduor na maoni kuhusu Katiba ya kwamba iwe Government ikimaanisha the word 'NO', ikuwe 'NO'. Wakimaanisha ya kwamba hakuna kufanya kitu mbaya, iwe ni hivyo, for instance, kama vile walikataa

mambo ya kufaa hizi manguo kama 'macombat', unapata Rais anasema kwa mfano wamekataa vijana wasifae 'macombat' na bado unafind out ya kuwa hizi vitu zinaendelea kufanywa. Sasa, unashindwa kama Rais mwenyewe ndiye anasema, na haitili maanani, kwani Sheria yake iko wapi sasa?

Ya pili, unakuta kama mambo hii yenye ilisemekana ya kwamba ma tinted windows zitolewe mara moja na vitu zenye hazifanywi. Sasa tunataka sheria imaanishe chenye inatakikana iwe.

Ya tatu, tutaonelea ya kwamba kwa ma Constituencies zifanyiwe sub-division. Vile unavyoona ya kwamba a leader kama M.P. ni mtu anasimamia raia. Na vile anavyosimamia raia inatakikana ya kuwa awe ni kiwango cha raia wake kama ni 5,000 atakuwa amejua ya kwamba he is catering ama anasimamia 5,000 sio eti Constituency ingine inakuwa na raia 1,000, Constituency ingine inakuwa na raia 10,000 na wote wana serve kazi same. Yawe wanaangaliliwa kiasi cha watu wenye wanasimamia, unasimamia binadamu, sio land, ati sijui kilometres ngapi ndio unasimamia. Sasa zile kubwa kubwa zenye ziko na watu wengi, ziwe sub-divided.

Ya nne, ninaongea kuhusu Police harassment and brutality. Sasa hapo unajua tunaongea kuhusu hiyo harassment na brutality. Unakuta wanakuja kwa estate, wanashika watu.

Com. Salim: Sasa jambo hilo au tatizo kama hilo, tufanye nini?

William Oduor: Okay, kitu yenye ifanywe, waweke sector fulani ile yenye inasimamia raia ili wajue ma rights zao kwa sababu tunapata ya kwamba wengi wana suffer kwa sababu ya kukosa kujua rights zao. Bila kujua rights zako, unaweza kufanyiwa anything.

Ya mwisho, ni hiyo system ya Majimbo. Imenifurahisha sana kwa sababu nimejua ya kwamba kama kutakuwa na hiyo competition kabisa kwa kila Province, at least watu watapata kuendelea or development. Thank you.

Com. Adagala: Unatarajia ikiwa Majimbo, iwe Majimbo ngapi? Have you done arithmetic on that?

William Oduor: Iwe tu per the number of provinces.

Com. Adagala: Now existing?

William Oduor: Yes.

Com. Adagala: Okay, asante.

Com. Salim: Wycliffe Omondi.

Wycliffe Omondi: Kwa majina naitwa Wycliffe Omondi. Na naweza kupenda Katiba yetu ya Kenya ibadilishwe kwa vitu ambazo nitasema hapa.

Kitu kama music piracy. Nawezapenda serikali yetu ikuwe na/there should an enactment of a law in Parliament that safeguards the interest of musicians and artists. There should be no selling of pirated music compacts on the street, street vending and street hawking.

The Mayor of our cities like Nairobi, Kisumu and their deputies should be elected directly by the public and not fellow Councillors.

Police brutality. Before a Policeman arrests you, he should identify himself as a Police Officer by producing a card that will identify him to be a Police Officer instead of arresting you, taking you to Police cells, then

There should be a law that safeguards the right of a child in Kenya. In Kenya, we have got such cults like Mungiki which are causing public terror, in fact they are terrorists. There should be a law in Parliament, our MPs should enact a law that safeguards the interest of we Kenyans from such cults.

Then our rents. Our MPs should see to it that our rents are being regulated. There are some sizes of our houses or rooms or rather people like us who are staying in the 'gettos' which are very expensive. Our MPs should sit down na waone kiasi fulani ya room fulani isizidi kiasi fulani ya rent fulani. There should be a law that safeguards us tenants from not paying too much.

Com. Adagala: The Rent Tribunal is not doing that?

Wycliffe Omondi: The Rent Tribunal is doing a good job but

Com. Salim: Do you need another or do you need perhaps the same body in a different form like the Tribunal? What are the weaknesses of the Tribunal?

Wycliffe Omondi: Okay, they have not been doing their job well. We just need our MPs to put some pressure.

Com. Adagala: As you are living in town, you are living under Councillors, you also voted for Councillors, they should not be

it?

Wycliffe Omondi: They should.

Com. Adagala: I am asking you, should they be involved and how?

Wycliffe Omondi: Okay because Councillors are the most people – wale ambao wako karibu na Wananchi kushinda MPs. They should deal directly with this Rent Tribunal so that we tenants, tusilipe zaidi.

There should be free primary education.

Our President should be ceremonial and should be the Head of State.

We should have a Prime Minister who should be the Head of Government and should be elected for a period of five (5) years by fellow Members of Parliament. He should also be an M.P.

We should have a coalition government representing the interest of all Political Parties inside our Parliament.

Our Government should look into ways in which it will be creating jobs for the youth because we are the leaders of tomorrow so that we cannot enter into bad things.

There should be equal distribution of land to the landless, and the so called ‘machokaras’ or street boys, there should be rehabilitation centres – ile ambayo Government ndio ime set up of which watakuwa wana offer services like counselling and offering them education.

There should be proper drainage system (drainage system should be improved) so that the rain does not cause public havoc.

Thank you.

Com. Salim: Thank you Wycliffe. George Kamanda.

George Komanda: Mimi naitwa George Onyango Komanda. Nikitoa maoni yangu, naona ya kwamba kuwe na Sheria ambapo mtu ye yote ambaye anataka kuwania kiti ya ubunge ama diwani, lazima awe ni mkaaji wa eneo ambalo anataka kung’ang’ania. Isiwe mtu ambaye anatoka sehemu ingine, anaenda sehemu ingine kung’ang’ania ubunge ama udiwani huko na hajui shida za watu wa sehemu hiyo.

Jambo la pili, naona kwamba kuwe na kamati ya kuteua mawaziri. Isiwe ni jukumu la Rais peke yake kuteua mawaziri. Hii itafanya kwamba ama itasaidia kuwa mawaziri ambao wanateuliwa watakuwa ni watu professionals kama ni Waziri wa Elimu, awe ni mwalimu. Kama ni Waziri wa Afya, awe ni Daktari. Kwa hivyo naona kwamba kuwe na kamati maalum ambayo itategua mawaziri.

Jambo la tatu, naonelea kwamba uwezo ama mamlaka ya Rais ipunguzwe ili isiwe kwamba Rais ndiye Kamanda wa Majeshi, ndio Chancellor wa Universities zetu. Iwe kwamba kuwe na Chancellor wa University ambaye ni mwalimu ambaye ameitimu, kuwe na Kamanda wa jeshi ambaye pia lazima awe mwana jeshi ambaye amehitimu, isiwe ni jukumu ya Rais peke yake.

Jambo la nne, napendekeza kwamba kuwe na Waziri Mkuu ambaye atateuliwa na wabunge au kuteuliwa na chama ambacho kitakuwa kimepata wabunge wengi katika Bunge.

Maoni ya mwisho, naona kwamba, isiwe ni jukumu ya Rais kutangaza 'state of emergency'. Iwe ni jukumu ya Bunge, kama shida/vita katika sehemu mbali mbali nchini, iwe ni Bunge ndio ina jukumu ya kutangaza 'state of emergency'. Ni hayo tu, Asanteni.

Com. Salim: Asante George Komanda. Joseph Ochieng, Ameshandoka. Jared Otieno, Ameondoka. Wallace Nyariekko, Huyo amekuja kushikiza tu. Dismas Otieno Ojijo.

Dismas Otieno Ojijo: Kwa jina ni Dismas Otieno Ojijo. Mimi nataka kuchangia kuhusu hii Katiba. Mambo ya kwanza, ningependelea Chief achaguliwe na Raia sio serikali.

Ya pili, ningependelea mambo ya control ya kila kitu iangaliwe na serikali kwa maana tunaumia upande wa manyumba, chakula kwa maana juzi, iko wakati fulani President alisema kila mtu auze vitu yake vile anataka. Kwa hivyo sasa hiyo tunaumia sana. Unaweza kutu for example unaweza pata nyumba '10 by 10'. Mimi ni mkaaji wa hapa, naongea kile ambaye mimi najua. '10 by 10', unalipishwa 2,500/- na hiyo pesa hakuna. Kwa hivyo control kwa kila kitu iwe.

Jambo la tatu, corruption. Kwa maana sisi raia kawaida hatuna uwezo. Kenya imefikia pahali kama umekosa pesa, umevunja Sheria na ukiwa na pesa haujavunja Sheria. Kwa maana Polisi atakushika, na akuitishe kitu kidogo, akuache. Kwa hivyo sheria iangaliwe kabisa kuhusu mambo ya corruption.

Ya nne, tungependelea mambo ya elimu, watoto wasome bure kutoka nursery mpaka standard VIII. Iwe masomo ya bure.

Ya tano, mambo ya hospitali. Mtu anaweza kuwa mgonjwa, hana pesa kulingana na taabu ile ako nayo. Mambo ya hospitali, pendekezo yangu ni kwamba, hospitali iwe hata kama wewe mgonjwa, utibiwe. Utibiwe hata kama hauna pesa. I mean ni

bure.

Ya sita, ni kwamba serikali iangalie wale ambao wako na taabu kama watoto hawana Baba, maybe wako na Mama (street children), vile wanaweza kula na hata na kuvaa kwa maana hii ndio imechangia hii mambo ya uhalifu sana sana Nairobi hapa. Hawa watoto ndio wanapiga watu usiku. Pendekezo ni kwamba waangaliwe vile wanaweza kukaa, kupatiwa chakula na kuvalishwa na serikali.

Com. Adagala: Wazazi wa hawa watoto wako wapi?

Dismas Otieno Ojijo: Wazazi wa watoto? Unaweza kuta kama street children.

Com. Adagala: Nakuuliza, walizaliwa?

Dismas Otieno Ojijo: Yes, walizaliwa na wametupwa nje.

Com. Adagala: Na nani?

Dismas Otieno Ojijo: Na mama, maybe na mama.

Com. Adagala: Halafu, na baba ako wapi?

Dismas Otieno Ojijo: Baba unajua hao watu saa ingine wanapita kichoro choro. Baba amepotea, mtoto ako hapo.

Com. Adagala: Nataka kujua, kwa sababu unasema serikali. Na wazazi wafanywe je, hao wazazi wametupa?

Dismas Otieno Ojijo: Hao wazazi ambao wanatupa watoto wakamatwe, wawekwe ndani kama mtu amepatikana ametupa mtoto akamatwe awekwe ndani.

Com. Adagala: Itasaidia mtoto vipi?

Dismas Otieno Ojijo: Sasa akisha kamatwa, then, yule mtoto kwa sababu hajafanya makosa, yule mama au baba apate taabu huko ndani na mtoto asaidiwe na serikali. Sasa, wengine watapata adabu.

Com. Adagala: Okay, endelea basi, maliza.

Dismas Otieno Ojjo: Okay, namaliza. Namalizia kusema kwamba, napendekeza kuwe na Majimbo. Kulingana na Provincial level, kuwe na Majimbo. Asanteni sana, nimemaliza hapo.

Com. Adagala: Nataka kuuliza tu, chief awe elected.

Dismas Otieno Ojjo: Yes.

Com. Adagala: Na DO na DC.

Dismas Otieno Ojjo: Mimi napendekeza, DC awe anachaguliwa na serikali na DO na Chief achaguliwe na raia.

Com. Adagala: Okay, asante.

Com. Salim: Asante Dismas Otieno Ojjo. Vincent Asiro!

Com. Adagala: Kumeanza kuwa na kelele. Sijui hiyo desk isongeshwe.

Vincent Asiro: My names are Vincent Asiro. I am going to talk about the electoral (those who are holding public offices) especially very high offices like Chief Justice, the High Court Judges and Provincial Administrators. In the first place, offices such the Chief Justice's office and High Court Judges. We should have a panel to choose those who are holding such offices. They should not be appointed by the President but a panel that verifies and appoints. The panel should be set up by the Parliament.

If at all we have environmental laws in Kenya, they are not being implemented. We should have environmental laws that cater for the sustainability of the environment.

Com. Adagala: Excuse me! Excuse me. Mr. Wanjohi, please move that table or move those people from the door. Endelea.

Vincent Asiro: In Kenya, I think we should have some working environmental laws. Right now, our environment socially, physical environment is just in a mess. We should have working environmental laws in Kenya to deal with such things as pollution, planning of housing and utility of public places.

There should be special laws concerning the disabled, the youth, children and women in particular especially right now, they is nothing to do with laws working on the youth and the disabled and if at all they are there, I don't think they are being

implemented.

Secondly, something to do with corruption and fat guys. There should not be anything like being forgiven. There should be somehow a way to deal with those who committed certain crimes in the past that right now are afflicting Kenya. They should be prosecuted in some way.

Then, Provincial Administrators including our Mayors. They should be elected by the public. Secondly, you find that certain Political Party offices have been turned into administration offices especially KANU offices which I don't think should be the case. They are not our administrators, they are political leaders. Thank you.

Com. Salim: Thank you very much. We have listened to your views. We call now Michael Opinga.

Michael Obinga: Thank you very much Ladies and Gentlemen. I am Michael Obinga – Kasarani Youth Consortium. The following are the points that I have for today:-

I feel that in our Constitution, we should have a Preamble which should show clearly that the Constitution belong to the people of Kenya hence remaining under the people's custody.

Com. Salim: Mike, honestly there is no time for you to read. Just highlight the proposals or recommendations in it.

Michael Obinga: So, the people of Kenya should be the custodians of Kenya's Constitution. When we come to the Executive, he should be the Head of State, should not be a Member of Parliament. Qualifications of a President should be: He must be a Kenyan citizen, have attained the age of 33, a registered voter, must have served as a manager in a recognized firm for at least five years, his/her powers must be accrued from being a ruler to become a people's representative. He should make appointment of Cabinet Ministers which should be ratified by the Parliament. The Vice-President is just to be taking over from the President when he is away.

The post of the Provincial Administration should be scrapped to empower the Local Government.

Com. Adagala: What did you say about Vice-President?

Michael Obinga: The Vice-President should just have the qualifications that a President should have. He should not be a Member of Parliament but should be able to take over from the President when he is away.

Com. Adagala: Therefore he should go through the same process as the President – be elected

Michael Obinga: Yes.

Com. Adagala: By the

Michael Obinga: By the people.

Com. Adagala: Should he be a running mate of the President?

George Obinga: Yaah. Like for instance, he is a person from the Opposition. The second Party should take the post of a Vice-President.

Com. Adagala: So he is not a running mate? You see a running mate is the President and someone in his Party, okay and they both get elected on one ticket but a runner-up, what you are saying someone from the Opposition, a runner-up.

George Obinga: Yaah. A runner-up.

Com. Adagala: Is someone who has won the second highest. So, which one do you want?

George Obinga: I want a situation whereby somebody from the Opposition who is number two to be the Vice-President. The Provincial Administration, I feel should be completely scrapped off to empower the Local Government.

Cabinet Ministers: He/she should not be a Member of Parliament. Somebody to be a minister should not be an MP. Their appointment must be ratified by the Parliament. Merit-ocracy should be used. The President appoints the Cabinet Ministers but ratified by the Parliament. Kitambo kidogo tulikuwa na Minister for Education, Science and Technology. Siku hizi wamegawanyishwa mpaka hatuelewi mpaka tunakuwa na Ministers wengine hata hatujui wanafanya nini. There should only be one Minister, one Assistant, one Permanent Secretary and Assistant Permanent Secretary in one Ministry and we will also want to see a situation whereby a Minister for Education stands for Science and Technology not a situation whereby we have the Minister for Education, we have the Minister for Science and Technology, it doesn't make sense.

When we go to the Civil Service, the members of the Civil Service should be non-partisan. Their appointment to be ratified by the Parliament, their appointments by the President.

The Police should be non-partisan. Should ensure good security of the people. Professional ethics must be part and parcel of the officers in charge. Appointment of the Police Commissioner by the President ratified by Parliament, legislators should

Speak the voice of the people at all times. Their jobs as law-makers ...

Com. Salim: I have to take you back to Civil Service. You said the appointment should be ratified by?

George Obinga: By the Parliament.

Com. Salim: Each and every Civil Servant including clerks and messengers?

George Obinga: Senior people. So the legislators' job as the law-makers must at all times consult with their Constituents on relevant issues like for instance, when there is a bill in Parliament, people of Kasarani may want to see their representative coming back to them and asking them what to do according to that motion not just going and supporting what the Party is supporting. Maybe that is not what the Constituents want.

Com. Salim: Thank you Michael Obinga for your views. Ishmael Ishmael! Or he was only listening. Edwin Okello, Hayuko? Chrispine Odhiambo?

Chrispine Odhiambo: Asante. Kwa jina mimi naitwa Chrispine Odhiambo. Ya kwanza nitachangia juu ya elimu nikisema elimu iwe bure kwa Standard I-VIII na Philosophia yetu iwe "adui ya ujinga".

Ya pili nitaongea juu ya njaa kwa nchi yetu ya Kenya. Serikali itenge mashamba inayowesheza kulisha wa Kenya wote wasihumie na njaa kabla hawajaangalia mambo ya cash crops na mtu akipatikana amekufa na njaa, Rais aachishwe kazi na iwe kwa Sheria.

Ya tatu. Nitachangia juu ya uchumi. Sheria iwekwe ya kulinda waajiri na wanaoajiriwa. Kila M'Kenya ajue haki yake ya kazi ili anaweza kuchukua hatua kisheria kwa tajiri akitaka kumnyanyasa. Pesa ya chini kabisa kwa Wa'Kenya wanaoajiliwa iwe shilingi elfu nane.

Kwa Idara ya Polisi. Tunaomba iwekwe Sheria na iundwe kikozi maalumu wanao deal na Polisi na kila Polisi awe tayari kujitambulisha akienda kushika mtu. Kuanzia juu kwa kofia mpaka chini, iwe na namba inayoonekana wazi.

Upande ya judgement. Tunaomba Sheria iwekwe kwa serikali. Serikali alipe walalamishi wakishinda kesi yao dhidi ya wizi au uharibifu wa bidhaa zao juu washtakiwa hupigwa fine, au hufungwa jela na hufanyia serikali kazi.

Com. Salim: Twende nyuma kidogo. Ulisema tuweko na kikosi ambacho kitaangalia Polisi. Kikosi gani na kitachaguliwa na nani?

Chispine Odhiambo: Hicho kikosi kiundwe kupitia vile kikosi cha Polisi kiliundwa, ndio hicho kikosi pia kiundwe na station iwe tofauti.

Com. Salim: Na kitakuwa chini ya nani?

Chispine Odhiambo: Kikosi hicho ikiundwa, hata kikiwa chini ya Commissioner lakini bora station yao iwe tofauti mbali na Polisi kawaida.

Com. Salim: On the same point, kikosi hicho, hasa kazi yake itakuwa ni nini, kukuweka wazi?

Chispine Odhiambo: Kikosi hicho kazi yake, raia anaweza kupata mahali ya kushtaki Polisi akimtendea ama akimfanyia makosa.

Com. Salim: Unajua ukisema kikosi, mtu anafikiria another force, sio? Another group of armed people?

Chispine Odhiambo: No.

Com. Salim: Lakini ikiwa labda ni kamati

Chispine Odhiambo: Hapana. Kama kwa Jeshi tunapata kuna Military Police.

Com. Salim: Okay, na kikosi hiki kitakuwa ni chenye silaha?

Chispine Odhiambo: Kikosi hicho, watafunzwa vile wanaweza ku..... juu ukitaka kushika mtu, lazima ujue ujuzi wako wa kushika huyo mtu. Sasa Polisi ana ujuzi, nao pia lazima wawe na uchuzi ya kuchunguza mienendo ya maaskari.

Com. Salim: Maana kikosi cha kufanya uchunguzi?

Chispine Odhiambo: Ndio.

Com. Salim: Kazi ya Polisi?

Chispine Odhiambo: Ndio.

Com. Salim: Haya, endelea.

Chispine Odhiambo: Upande wa uongozi, naomba Sheria iwekwe kwa Rais awe ni mtu ana bibi mmoja tu lakini tunaomba yule atang'ang'ania uraisi awe ni mtu ana bibi mmoja. Na achunguzwe kama ni tajiri, ijulikane vile alivyotajirika, asiwe mtu aliye...

Com. Adagala: Twende hapo kwa Rais.

Chispine Odhiambo: Yaah.

Com. Adagala: Akiwa ni Muislamu awe na mke mmoja?

Chispine Odhiambo: Ndio.

Com. Adagala: Na dini yake inamuruhusu wane.

Chispine Odhiambo: Lakini hii ni Sheria ya Kenya sasa.

Com. Adagala: Pili, nataka kuambia watu wa Mathare hii si Political Rally eeh, hii ni Tume. Akiwa Mwanamke awe na mme mmoja pia, Rais akiwa Mwanamke?

Chispine Odhiambo: Na Mwanamke imejulikana anakuwa na bwana mmoja.

Com. Adagala: Haya.

Chispine Odhiambo: Achunguzwe vile alivyopata mali zake. Akipatikana kama na njia ya ufisadi ama kama alipora mali mahali ye yote.

Habari kwa manyumba, tunaomba hizi manyumba tunayoishi ziwe under City Council na wale waliofaidika wakajenga plot zao, Sheria iwekwe kali wawache kunyanyasa tenants. Ni hayo tu.

Com. Adagala: Ya nyumba.

Chispine Odhiambo: Eeh.

Com. Adagala: Sema zaidi kidogo.

Chripine Odhiambo: Nimesema nyumba za miji ziwe chini ya City Council. Yaani City Council wawe wakijengea watu nyumba ya kuishi.

Com. Adagala: Nyumba zote za

Chripine Odhiambo: Za mji.

Com. Adagala: Okay.

Chripine Odhiambo: Na wale waliofaidika wakajenga plot zao, Sheria iwekwe kali waache kunyanyaza tenants. Ile akiamka asubuhi, kesho nimeongeza mia tano juu ya ile unajua. Usipoongeza, hama.

Com. Adagala: Okay. Mtu akijenga nyumba, mwenyewe aishi na nyumba zote ambazo ziko rented ziwe chini ya City Council?

Chripine Odhiambo: Ndio.

Com Adagala: Vile tulivo sasa, itakuwa aje kwa wale wamejenga na wako Landlords? Ikiwa tubadilishe, tutafanya nini?

Chripine Odhiambo: Ndio nasema, nikisema waliofaidika wakajenga plot zao na watu wanakodesha, Sheria iwekwe kali wa wache kunyanyasa wapangaji.

Com. Adagala: Okay.

Com. Salim: Isaac Zadio.

Isaac Zadio: Asante sana. Kwa jina mimi naitwa Isaac Zadio, natoka hapa Mathare. Jambo la kwanza nataka niongee ni kuhusu kazi. Unapata mtu mmoja ni director pahali fulani, pahali fulani yeye ni chairman, pahali fulani yeye ni board member. Inafaa mtu mmoja awe tu na kazi moja sio ati mtu mmoja ana kazi tatu-nne-tano hivi.

Jambo la pili kuhusu kazi, unapata sisi vijana tumeenda shule, tumemaliza shule, tumeenda college lakini ikifika wakati wa kutafuta kazi, unaambiwa tunataka experience ya five years. Mimi naye ndio nimemaliza shule, ndio nimemaliza college, sijawai fanya kazi ye yote. Na nikienda kutafuta kazi, ninaambiwa unakiwa job experience ya five years. Hiyo haifai iwe hapo.

Com. Salim: Point zako, nakuambia, pendekezo lako ni nini? Tufanye nini?

Isaac Zadio: Nataka iwe ati, nikimaliza shule, nikimaliza college, nipate kazi. Sio ati ninaambiwa ati ninatakiwa na experience.

Com. Salim: Endelea, endelea. Saa yako inaendelea.

Isaac Zadio: Rais anafaa aende kwa term moja tu. Five years na iwe moja tu sio ati anaenda mara mbili. Halafu, Vice wake, inafaa iwe the runner-up. Number two kwa elections ndio anafaa awe Vice.

Halafu Mayor pia, anafaa achaguliwe na Wananchi sio ati na ma Councillors.

Halafu nataka Sheria iwe, wenye wako na mali sana, tuseme mtu ako na million tano kwa account yake, inafaa percentage ingine, tuseme 5% inakuja kwa watu ambao ni maskini. Halafu kuna watu wengine, ukiangalia tuseme hapa Mathare North, kuna spaces zingine zilikuwa zimebaki wazi, na sasa, zime grabbiwa. Nataka Sheria iwe, kama ume grab ardhi, hiyo ardhi ichukuliwe hata kama ushajenga, ichukuliwe na iwe kwa serikali.

Halafu, Polisi, sisi vijana Polisi wanatunyanyasa sana. Tukiwa kwa bara bara, unapata Polisi amekuja, amewashika. Anaenda huko kuwashtaki ati ulikuwa na bhangi, ati wewe ni suspect, wewe ni suspect wa bunduki, na hujafanya chochote, wewe ulikuwa tu. Mulikuwa munapumzika tu kwa bara bara. Hiyo haifai iwe. Halafu, tukiwa tu hapo bado, mtu akishikwa, unapata mtu mwingine anapelekwa remand anamaliza huko four years. Remand mtu haifai amalize, kama ni mingi, mimi nataka mtu amalize only one week kwa remand halafu kesi ianze sio ati anamaliza huko wiki mbili, wiki tatu, mwaka, mwaka mbili, four years, hiyo haifai iwe hapo.

Halafu mambo ya rent pia. Inafaa hii Tribunal haifanyi kazi. Rent Tribunal hawafanyi kazi, wanalala tu. Tunanyanyaswa hapa na ma landlords. Leo unalipa 1,500, kesho unalipa 1,800, next month atasema nimeongeza nyumba 2,000, na hajafanya chochote kwa nyumba. Hajafanya renovation, hajafanya nini na anaongeza nyumba, hiyo haifai iwe hapo.

Halafu ma MP wetu na Rais.

Com. Adagala: Unajua, hasa mambo ya mjini, mambo ya urban, ni nyinyi watu wanakaa mijini ndio watasema. Na mnasema, mnapitia pitia juu juu. Ni kama sio maisha yenu.

Isaac Zadia: Ni maisha yetu.

Com. Adagala: Hii mambo, kama ya Rent Tribunal, vitu kama hivo mnafaa msemee kamilifu kwa sababu mtu ambaye anaishi mashambani, hajui hayo mambo na kwa Katiba, nyinyi ndio mutasema. Sasa, Rent Tribunal kama haifai, nini inafaa?

Isaac Zadia: Wanafaa, lakini, inafaa wafanye kazi. Kwa sababu nakumbuka kuna nyakati tulienda kwa Rent Tribunal, watupee vile nyumba zinafaa zilipwe. Walituambia hawana chochote kama hicho wala hawajui. Walituambia chenye wanashugulika nayo, kama tenant na landlord wako na mvulugano, hapo wanaweza saidia lakini, nyumba ikiwa ni ya landlord, hapo analipishwa vile anataka. Haifai hivo, inafaa wachunguze rent inafaa ilipwe namna gani.

Com. Adagala: Generally?

Isaac Zadia: Eeh. Halafu tukikuja kwa hawa ma MPs na Rais wetu, yule ambaye anataka kugombea kiti wa MP, Councillor, u Rais, wao waende kwa HIV Test kwanza. Tujue wenye wanatuwakilisha huko sio wagonjwa ati wako na HIV.

Halafu, kuna kitu ingine hapa pia. Bill ikiwa kwa Parliament, inafaa MP wetu akuje, atuulize, hii bill, hiko hivi na hivi, tuifanye aje? Niende ni-i-support au niende nisii support? Au unapata bill pale, hao ndio wanajifanyia tu, bila sisi kujua. Asante sana, niko tu na hayo machache.

Com. Adagala: Sasa hawa wakifanyiwa tests, na baadaye waje kuonekana wako na HIV, itakuwaje?

Isaac Zadia: Anatolewa immediately.

Com. Adagala: Hii HIV Test, unataka iwe mara ya kwanza tu, wakati wanataka kugombea?

Isaac Zadia: Inafaa iwe yearly. Akikaa anataka kugombea, anaenda test, the first year ikiisha, anaenda test, second year, hivo hivo, mpaka muda wake iishe.

Com. Adagala: Okay.

Com. Salim: George Onyango. George Onyango? Ametoka. Fredrick Odhiambo.

Fredrick Odhiambo: Asante sana Commissioners. My names are Fredrick Odhiambo Kapele. The following are my proposals towards the Constitutional Review Commission:-

First, education should be the old system – 7-4-2. Basic education should be free. Government to control fees for ...

Com. Adagala: Why the old system?

Fredrick Odhiambo: I think the new system has been giving the children a lot of time and as compared to the old system, it is not producing mature outcome as the old system.

The Government should control fees for secondary and higher education in case they introduce the higher education i.e. there should be a minimum fees control in schools. University students...

Com. Adagala: That is there now.

Fredrick Odhiambo: That is still under the...

Com. Adagala: The control is there as a minimum.

Fredrick Odhiambo: There should be a fee in secondary schools and higher education

Com. Adagala: Yes there is. Why would you like beyond that?

Fredrick Odhiambo: Although it is, they should reduce. Although it is, by now but it is too high for some parents to afford. So, they should put a minimum stage so that the poor people can afford.

Com. Adagala: Okay.

Fredrick Odhiambo: Then, the University students should be given loan equally. This time although they are getting loans but most of the students are not getting enough to afford pursue their studies.

Com. Adagala: Excuse me, loans for whom?

Fredrick Odhiambo: The loans are not given in an average manner. Some are getting more, others are getting less. So, it should be given equally to the students who have applied.

In the issue of the National Hospital Insurance Fund (NHIF), there should be a law that when someone retires or is sacked before or when he never got sick and admitted in the hospital, the man should or the hospital should consider his contribution and should he be given chance to use the money if he is not working or if he dies, the beneficiaries should be given back the

money just like National Social Security Fund (NSSF).

A law should be given so that the Rent Tribunal cooperates with the National Housing to control the price of the houses just as the people had said. The houses are small and the rents are too high. So there should be a minimum charge to be paid for example, the smallest rooms like '8 by 8' be charged 800/- instead of 2,000/-. The conditions of the houses should also be looked at because some people are building houses without the toilets, some are building storeys without using the pillars which is so dangerous, some are built near the rivers. So, these should be looked at before the houses are rented.

Com. Adagala: You are satisfied with the size of houses?

Fredrick Odhiambo: Yes I am satisfied. '8 by 8' with 100 is okay.

Com. Adagala: I don't want you to link it to rent. I am talking about size of the house.

Fredrick Odhiambo: Yes.

Com. Adagala: You are satisfied with '8 by 8'?

Fredrick Odhiambo: Yaani, that should be the smallest. So, it can '10 by 10' or '15 by 15'. Also, there should be a law empowering the Kenya Bureau of Standards to check the standard of goods before they are sold to the common people because most of the business people are selling sub-standard goods to the common man. For example, here in Nairobi Estates, most of the chemists are selling generic medicines instead of the original. So, also this should be looked at.

Com. Adagala: You know that generic is cheaper?

Fredrick Odhiambo: Yes, but...

Com. Adagala: No, I am just saying you know that?

Fredrick Odhiambo: Yes, they are cheaper. There should be a law to control the prices of goods.

Com. Salim: Fredrick! You know that banging means that your time is up. Can you please wind up now.

Fredrick Odhiambo: There should be free medical services at the basic level, that is, dispensary level while as from the district level, the charges should be reduced.

The power of the President should remain the same but his duties to be reduced. Thank you.

Com Salim: Thank you Frederick Odhiambo. Now, I call Joseph Kihara. Joseph Kihara! Hayuko. Joseph Kihara Gitunda. Beatrice Atieno! Huyo ni bibi wa kwanza kabisa leo kutoa maoni yake. Na kama wenzangu aliposema hapo hawali, ningependa wako waweko kina mama wengi kutoa maoni yao ingawa sioni wengi, ni kiasi cha wale watano tu. Let us hope kwamba baadaye tutapata kina mama wengine. Beatrice Atieno, tafadhali utaanza kwa jina lako.

Beatrice Atieno: Kwa jina naitwa Beatrice Atieno. Katiba, sijui kama ni kugeuza ama ni kuongezea, sasa ningependa ile Katiba ambayo ilikuwako, hizi matangazo ambayo mmeandika huku, pia ni pesa. Sasa ile Katiba ambayo tuko nayo, mngeandika hata at least ilikuwa hivi, hiko hivi. Sasa naweza kuja nisome pale niseme, hii, haitusaidii, nataka iwe hivi.

Na nikiongezea hapo, sasa tukisema tunataka watoto wasome bure. Hatujui kama ilikuwa kwa Katiba ya zamani ama sisi ndio tunataka kuiweka. Kama iko, iwekwe.

Com. Salim: Bi Beatrice, si lazima kitu kiweko kwenye Katiba hii tuliokuwa nayo sasa. Sema hata ikiwa jambo lipya, liko si liko, wewe ungependelea, utalisema.

Beatrice Atieno: Si mutaandika makaratasi nyingi sana. Ikiwa iko, tunarudia kwa sababu sijui ile ilikwako.

Com. Salim: Nasema aje Beatrice, hata ikiwa haiko, ndio unataka elimu iwe bure, sema.

Beatrice Atieno: Nataka elimu ya msingi iwe bure. Ningependa pia, ma hospitali ya City Council, itibu watu bure hata Kenyatta pia itibu watu bure. Na kama ningejua ile ilikuwako, ningesema mengi. Saa hii sina mengi. Asante.

Com. Salim: Beatrice amesema mambo muhimu sana. La kwanza alilosema ni kwamba hajui yaliyomo katita Katiba hii tuliyo nayo sasa. Sisi, tulianza hii kazi kitambo sana zaidi ya mwaka sasa. Na jambo la kwanza tulilotaka tufanye, ni kuelimisha Wananchi juu ya Katiba tuliyo nayo hivi sasa. Na imeonekana wasi kwamba hapa Kasarani, civic education imekuwa na matatizo, kuonyesha kwamba haikufanywa kwa njia ambayo inapasa kufanywa. Na hilo ni kosa, tunawataka radhi kuwa hatukufanya kazi hiyo kama ambavyo yapasa ifanywe. Lakini hata hivo kama nilivyosema, mtu aseme yale matatizo yaliyoko na juu yake aeleze, anataka tufanye nini. Katiba mpya, si lazima tupadilisha ile ilikuwa tu lakini tanaweza kuongeza vitu hata ikiwa havimo Katiba ya sasa, muktaka, munaweza kupendekeza yawemo katika hii mpya.

Na pili, mwenzangu ananikumbusha kwamba kuna haja ya utulivu ili tusikize vizuri yale yanayosemwa. Asante.

Sasa namuita Bwana Shem, Omwani Diki.

Shem O'Mwandiki: Asante sana. Mimi ni Shem O'mwadiki na nitaongea kwa hapa Nairobi na Kenya mzima. Asante.

Ya kwanza, Kenyatta National Hospital zamani ilikuwa bure. Na sasa ni pesa, sababu gani, inaumiza raia.

Ya pili, inaonekana katika serikali yetu.....

Com. Salim: Ungependelea nini habari ya Kenyatta Hospital au hospitali nyingine? Sisi tunaandika Katiba kwa watu wote wa Kenya, wengine wako Mombasa, Kisumu na kwingine. Tusifikirie Kenyatta Hospital peke yake.

Shem O'Mwandiki: Okay. Ukisikia nikisema Kenyatta Hospital tena iko Mombasa, iko Nakuru, kila mahali, kwa hivyo iwe free. Na ikiwa wanataka private ijengwe tu kando na tujue ni private, hiyo ni ya pesa. Mbona ilikuwa ya bure sasa ni pesa, raia wanakufa ovyo ovyo hata ndani ya hospitali hiyo.

Com. Adagala: Unajua Shem, sasa sio wakati wa maswali. Sasa ni wakati wa mapendekezo. Pendekeza.

Shem O'Mwandiki: Pendekezo langu iwe free? Sawa?

Com. Salim: Uendele.

Shem O'Mwandiki: Ya pili, tuna serikali yetu ya Kenya inaendelea na kazi sawa sawa lakini wanalia sana ati kuna wizi na kuna Polisi. Kazi ya Polisi ni nini? Kama Polisi ni kidogo, waongeze watu wengi kwa sababu hawana kazi.

Com. Adagala: Unajua inaweza kuwa ni style yako ya kuzungmza lakini tunataka pendekezo. Sio maswali.

Shem O'Mwandiki: Pendekezo langu waongeze askari wawe wengi, kazi iendele.

Ya tatu, umaskini na bado wanaumia. Pendekezo langu liko kuna ma tajiri na masikini, na tunataka watu wawe sawa sawa. Kila Mwafrika ambaye aliye katika Kenya, hata ikiwa ni million therathini, kila mtu awe akipewa million moja kufanyia business yake, tumalize umaskini.

Nikiendelea, harambee inapofanywa, inasaidia ma tajiri, haisaidii maskini lakini wakitoa hiyo million moja kwa kila mtu, Kenya itakuwa sawa kabisa.

Nikiendelea, inafaa waze wa vijiji wapate mshaara sababu wanafanya kazi kubwa sana mbele ya serikali. Vile councilor wanapata, wazee wa vijiji wapate kama wafanya kazi wengine wa serikali.

Niendeleo, kazi ya masomo. Shule zinakuwa chache katika estates na tunahitaji watuongeze shule ziwe nyingi. Kama hapo Mathare North, hatuna secondary, ni moja tu pekee yake na hata kiwanja ya kuchezea mpira hakuna. Na katika estate ingine, kuna viwanja. Mbona hapa hakuna kiwanja hata kimoja. Hii inaonyesha ni matharau katika serikali yetu!

Shem! Nitakuambia mara ya mwisho. Hii si wakati wa maswali. Toa pendekezo safi. Nakuambia mara ya mwisho.

Shem O'Mwandiki: Pendekezo, shule ziongezwe. Ufisadi ni nyingi na serikali hiko, si imalize! Imalize kwa sababu hiyo ndio kazi yake. Halafu watulinde, na tufurahi na tuwe na nguvu, tukiamka tuwe na furaha.

Com. Adagala: Maswali yako imemaliza muda wako.

Shem O'Mwandiki: Kwa sababu ni mazuri. Asante.

Com. Salim: Asante Shem. Simon Ngatia nafikiri. Simon Ngatia, Mushroom Community, iko? Mary Goret. Zedekiah Orioki, Zedekiah!

Zekediah Orioki: My names are Zedekiah Migiro Orioki. I have five pertinent proposals.

I will start with Preamble. We need to have a Preamble in our Constitution and I propose, to open "We the people of Kenya".

Then, I propose our Constitution should have a vision which is geared towards poverty alleviation because we have the natural resources which are quite abundant but are not maximumly exploited and even utilized.

Then, in the Constitution of Kenya under the Preamble, I propose that the Kenyans who fought for independence should also be remembered as a matter of remembrance for generations to come.

Second proposal on Political Parties. I propose that Kenya needs to have at most three strong Political Parties. The reason being, many Political Parties are just like family undertakings hence they don't have the national look-out and also they cannot work as watch-dogs against a Political Party in power. Also, I propose that these Political Parties should be financed by the State and that their expenditures to be controlled whereby they submit their financial reports to the Auditor-General for the sake of accountability and transparency.

Then, I talk about electoral system. I propose that Presidential elections be divorced from Parliamentary and Civic Education

so as to minimize or avoid manipulation and also

Com. Adagala: The explanations are going to eat your time. If you say separate elections is fine. Go for your proposals directly so that you can make as many as possible.

Zedekiah Orioki: And also I propose that the counting of votes be conducted at the polling stations and not in one given counting hall. And also I propose that the ballot boxes be transparent.

International relations. It shouldn't be the work of the Executive alone. I propose that students who go outside this Country for further studies to undertake a mandatory one-year course on international relations so as to act as ambassadors wherever they are because they will have understood it better.

On the side of governance, I propose that it should be all inclusive together with our resources and NGOs and other organized groups to be also involved even when we are preparing the budget.

Lastly, I therefore propose that our Budget should be as per our income without expecting anything from without.

Com. Adagala: Okay, thank you. I wanted to ask you about the three Political Parties. Very many people are proposing this but we have freedom of association and freedom of speech. What shall we do with that because this is an expression of people themselves wanting to vote that way and we fought for Multi-Party.

Zedekiah Orioki: Alright. It is true that many Kenyans are really talking about freedom of speech, association but think of it, what is up? We fought for Multi-Party but since 1992 to-date, you find Orioki today together with a friend and a nephew going and registering a party and then you call a Political Party. You wonder, what is the essence of Multi-Party? It is to act as watch-dogs. So, what I am proposing Madam is like, in as much as that could be an infringement of the fundamental rights that we are talking about even in our Constitution, still, we must also be sure of the distance that we are supposed to cover as Kenyans, because if we had strong Political Parties even the small Parties can unite and then agree because it will be a law under the Constitution to come out with that.

Com. Adagala: How shall we arrive at three?

Zedekiah Orioki: I will suggest all those Political Parties already registered to be grouped because it will be a consensus. Like each Political Party has got, say, a Chairman or officials of that Party, they should come together and work out on the modalities such that we have at least a maximum of three major Political Parties in this Country.

Com. Salim: Thank you Bwana Orioki for your views. Nelson Ochieng, Nelson Ochieng!

Nelson Ochieng: Kuhusu Katiba yetu ya sasa, mwananchi (raia wa kawaida) hana nguvu kutoa maoni na maoni yake isikizwe na serikali. Kama tuseme tukishachagua Mbunge wetu, akienda huko tuone hatekelezi yale mambo ambayo anatakikana kutekeleza, sisi Wananchi wa kawaida huwa hatuna nguvu ya kumuita ama kumuona kumuuliza kwa nini ulitambia wakati ulikuwa unataka kura? Mimi ningependa mwananchi wa kawaida awe na nguvu hata baada ya kuchagua, ku pass vote of no confidence kwa yule Mbunge ambaye hatekelezi kazi yake.

Ya pili tena katika serikali yetu. Sisi Wananchi wa kawaida, hatuna nguvu. Maoni yetu, hata tukisema tunanyanyaswa na Polisi, maoni yetu haichukuliwi kama muhimu. Mimi napendekeza kwamba Katiba ambayo tutakuwa nayo sasa, ipatie mwananchi nguvu ambapo iwe na ile tume ambayo inachukua maoni ya Wananchi kuhusu utekelezaji wa serikali ama sector ingine ya serikali kama tukiona hii sector kama ya Polisi haifanyi kazi sawa sawa, wanachukua maoni ya Wananchi halafu wanaweza hata ku disband hiyo sector, waandikishe watu wake.

Basi, kwa sababu ya saa, asante.

Com. Salim: Asante sana Bwana Nelson Ochieng. Paul Oloba. Paul uko? Charles Nyario.

Charles Nyario: Asante. I have very crucial proposals to the Commission. My names are Charles Odoyo Nyario. The proposals that I have before you are:-

1. Denominations. I propose that we should have a few number of churches and denominations, that is, and before they are registered, they should be screened. This is going to control our abuse, that is

Com. Salim: I think you said about the churches have to be screened. By who? Who should screen them?

Charles Nyario: By the Registrar of Societies. This is going to control the blasphemy to God. They should be screened properly and because

Com. Salim: Did you say Registrar of Societies?

Charles Nyario: Yes.

Com. Salim: What has the Registrar of Societies to do with Judges?

Charles Nyario: Churches. Not Judges.

Com. Salim: Alright.

Charles Nyario: That is the denomination.

Com. Salim: Sorry sana.

Charles Nyario: Then, when I am coming to education. The education should be free and compulsory at primary level and it should be monitored (those who are not going to school), they should be monitored by local administrators.

When we are coming to security. I propose that the Police Officers found breaking law should be discharged from their duties without any benefits i.e. arresting without warrant, drinking while on duty, demanding bribes (that is TKK) from the offenders.

Then, when I am coming to people are employed in Forces like GSU, Kenya Airforce, Kenya Army. I propose that these people should be engaged in building our Nation, that is they should be engaged in infrastructures, building of roads, bridges, schools and government institutions. That is all.

Com. Salim: Thank you Bwana Charles Nyario for those views. David Otieno! Samson Oboke! Johnson Muthumbi! George Odhiambo! Pastor James O. Juma, E. M.T.C. Church.

James O. Mwajuma: My names are

Com. Salim: Mwenzangu amenikumbusha jambo. Hawa jamaa ambao tumewaita, wamejiandikisha kitambo na sasa hawako. Nafikiri tunaafikiana kuwa tuna watu wengi sana ambao wanaendelea kujiandikisha kutoa maoni, hatuwezi kurudi nyuma. Wakitokea, wasitulaumu kuwa walijiandikisha lakini hawajasikia majina yao maana mtu ametoka, amefanya kazi yake nafikiri kwa kurudi atashikilia ile pahala pake. Sisi tutaendelea mbele na hao ambao hawako na lao haliko, waswahili wasema “asiyekuweko na lake haliko”.

James O. Mwajuma: Jina langu naitwa James M. Wajuma. Pendekezo langu la kwanza, kwa upande wa equality. Upande wa equality, unapata kwa Biblia ya kwamba Mungu aliumba Adamu ya kwanza.

Com. Adagala: Tafadhali, toa pendekezo.

James M. Mwachuma: Thank you. Pendekezo langu ili mwanamke asitafute kutoshana na bwana, ile Sheria ipitishwe.

Pendekezo langu la pili, watoto lazima waadhibiwe, kwa sababu bila kuadhibiwa, watoto wanaweza kufanya vialifu. Watoto wafundishwe wakichapwa wakiambia ili ni kosa kwa kupigwa.

La tatu, Polisi waweze wakajua ya kwamba pasipo na Wananchi hawawezi kufanya. Kwa hivyo, lazima watipishe Sheria ya kwamba wasiulize mtu kitambulisho ambaye ni mtu wa Kenya ili waitishe hongo.

Upande wa kazi, napendelea ya kwamba, ye yote ambaye...

Com. Adagala: Wacha turudi hapo kidogo, watajua aje wewe ni mtu wa Kenya? Sasa, unajua Kenya watu huja wengi, wanatoka Rwanda, wanatoka Ethiopia, wanatoka Somalia, sasa watajua aje wewe ni M'Kenya?

James O. Mwajuma: Akishapata wewe ni mwana Kenya, akuaje utembe huru kwa maana unatembea kwa Nchi yako.

Com. Adagala: Vile atakuliza ni kitambulisho?

James M. Mwajuma: Atakuliza kitambulizo. Na akishathibitisha ya kwamba wewe ni mwana Kenya, akuache huru.

Com. Adagala: Okay.

James O. Mwajuma: Kwa upande wa kazi, unapata ya kwamba kuna ma directors, watu wengi kubwa kubwa. Akitaka kuandika watu wake, anafukuza watu.

Com. Adagala: Unajua, wacha niwaambie Mwananchi. Tunaweza kuwaweka nyote pale nje, na tuite jina moja moja kutoka kwa mlango, halafu mtu ataketi hapa peke yake bila hii kelele. Haya mambo, inawekwa twa tapes na tape hii itadumu, miaka hamisini, miaka mia moja. Hatujawahi kuwa na watu wengine kama nyinyi. Najua watu wa Mathare ni watu wa pekee lakini hii, ni kitu muhimu sana. Si rally, ngojeni Mheshimiwa ataita rally, mtaenda. Hapa mkimie, mbele ya Tume, ni mtu mmoja tu ako hapa, yule ambaye ameketi hapa. Tafadhali, na makofi makofi wekeni kando, utatoa maoni yako. Na ni mara ya mwisho kwa sababu ikiendelea, tutawaweka nje, tutaita mtu mmoja mmoja.

James O. Mwajuma: Upande wa kazi, napendelea ya kwamba mtu asiwe na Sheria ya ku retrench watu halafu anaandika watu wake. Hiyo mambo ya ku retrench watu halafu unaandika watu wako, ikome.

Upande wa Majimbo. Ninaonelea ya kwamba kabla moja limefaidika sana kwa ajili ya serikali ambaye imeungana pamoja. Na ikiendelea hivo, maoneleo yangu ninaona ya kwamba, Majimbo iwekwe.

Namba mne ya shida nikienda kumalizia. Hii mambo za night clubs within the estate should be abolished. Mambo ya night clubs...

Com. Adagala: Tafadhali Wananchi, atuwezi kusikia huyu mtu kama mnazungumza. Mukitaka tuwe na vita na nyinyi, tanaweza toa hakuna shida, lakini tuta clear the hall. Tunataka kusikia huyu mtu hapa na kila mtu atakuwa na zamu yake.

James O. Mwajuma: Pendeleo yangu ninaonelea kwamba haisitaili bars na night clubs iweko ndani ya estate (mahali watu wanaishi). Hiyo Sheria zipitishwe na kila bar isipatikane kwa estate.

Nikimalizia kwa upande wa NSSF. Watu wengi wanakufa kabla hawajapokea pesa zao walikuwa wakipeleka pale. Kwa hivyo, maoneleo yangu, ninaonelea ya kwamba ye yote akishawacha kazi, haisitaili afike miaka hamsini au hamsini-tano. Akishawacha kazi yake na anataka pesa yake, apewe hiyo na Sheria ipitishwe. Hiyo tu.

Com. Salim: Asante sana. Sasa tuna mwita Bwana Joseph Murunga, yuko? Mathare Progressive Youth Association, yuko mwakilishi kwa Chama cha Vijana cha Mathare Progressive Youth Association? Ameondoka. Japheth Alandi?

Japheth Alandi: My names are Japheth Alandi and the following are my proposals.

I would suggest that the Judicial Officers be appointed by the Law Society of Kenya (LSK).

Com. Adagala: Unataka checks and balances ambazo hatuna sasa. Huwezi kusema appointment by LSK itakuwa tu appointment by President, mtu akichagua, mwingine anachagua, unependelea nani achague?

Japheth Alandi: Maybe, let it be an election by the LSK.

Com. Adagala: We have agreed, do you want anybody else to look at these appointments?

Japheth Alandi: Yes.

Com. Adagala: Who?

Japheth Alandi: Maybe the Chairperson of LSK.

Com. Adagala: We have agreed appointment, there is something called vetting. Who would you like to vet?

Japheth Alandi: Let it be the CJ.

Com. Adagala: But he is also an appointee?

Japheth Alandi: Yes.

Com. Adagala: Okay. Let me leave like that.

Japheth Alandi: Again the councillors to have at least 'O' level qualifications and M.P.s remuneration should be controlled in relation to the economic situation of the Country.

Com. Adagala: By?

Japheth Alandi: By maybe a Task Force assigned by the Government. Then, the Electoral Commission should be an independent body appointed by the Legislators themselves but funded by the Government.

A law should be enacted also to protect the interests of the youth. Also....

Com. Adagala: I think you need to say a little bit more on the youth.

Japheth Alandi: Concerning their fundamental rights. The infringement of their fundamental rights. Again, the law should also be put in place to control the operation of the public service vehicles in terms of the charging of the fares. Then, also, a law should be enacted to control the code of behaviour of the Head of Public Institutions, State Parastatals and even the Corporations such that the law renders the heads illegal to run another state corporation after having misappropriated given parastatals funds.

And then the Corruption Control Board should consist of Non-Kenyan citizens but funded by the Government.

Com. Adagala: The what body?

Japheth Alandi: The Corruption Control Board should consist of Non-Kenyan citizens (headed by Non-Kenyan) but funded by the Government. Members will be Kenyans. A law should also be enacted towards restricting the transfer of wealth by Kenyans and foreign investors to their foreign states as an avenue towards poverty alleviation and economic recovery. Thank you.

Com. Adagala: What could be the advantage of having a Non-Kenyan to head the - you said corruption control?

Japheth Alandi: Yes.

Com. Adagala: Not anti-corruption?

Japheth Alandi: Yes.

Com. Adagala: You just want corruption control?

Japheth Alandi: Yes.

Com. Adagala: Not taken away/not eradicated?

Japheth Alandi: Whichever is the case.

Com. Adalaga: What do you want?

Japheth Alandi: I want corruption to be alleviated.

Com. Adagala: Okay, why should a Non-Kenyan head it?

Japheth Alandi: This will give him/her a chance to fully investigate the matter without fear. You know, if you are Kenyan and you may prosecute the front-stars and you stay in the country, you don't what will happen tomorrow. You are insecure.

Com. Salim: What about the Kenyan members?

Japheth Alandi: The Kenyan members, if you maybe expose somebody, maybe he is a very chief person in the Government, then after the exercise is over, you are insecure. You don't know whether you might be killed any time.

Com. Salim: Inaudible

Japheth Alandi: The members yes. But you know, that is why I have said they should just be members. If you are heading a team, it is the head that is looked at.

Com. Salim: Inaudible

Japheth Alandi: Yaah, but it is not as if you are the head.

Com. Salim: Now, James Odhiambo

James Odhiambo: Majina zangu kamili ni James Odhiambo. Kwanza kabisa, pendekezo langu la kwanza lingekuwa ya kwamba wakati Katiba inapopitishwa, lazima iwekwe katika sehemu ambayo mwananchi wa kawaida anaweza kuifikia na kuijua kwa sababu katika Kenya hii ya sasa, Wananchi wengi hawajui Katiba. Hata wakati tuko hapa tunapokuja kurekebisha Katiba, watu wengi hawajui hata Katiba ya kitambo ilikuwa ikisema nini.

Ya pili, mawizara. Katika Kenya hii yetu tunaona ya kwamba tuna Waziri wengi lakini Wizara ni chache na sijui ni kwa nini Wizara moja iwe inaongozwa na karibu Mawaziri watatu. Kwa hivyo ninaonelea kila Wizara iwe na Waziri mmoja na wale ambao wako wawili watatu, wapunguzwe.

Pendekezo la tatu ni kwamba, Rais anayekaa ama the sitting President. Inafaa wakati anapofanya makosa, apelekwe kotini. Hakuna Sheria yakusema kwamba ati Raisi hafai kupelekwa kotini. Na ninaona hivo pengine unyanyasaji wa raia wa kawaida utaisha.

Pendekezo lingine ni kwamba, Presidential appointees should be vetted. Yaani, ikiwa Rais atachagua Waziri ama Director kuongoza sehemu fulani, lazima kuwe na kikao fulani ambacho kitatambua kama huyu mtu anafaa katika hiyo kazi ambayo alipewa. Kama hawezi, basi, atolewe.

Halafu, pendekezo lingine is setting of Commissions that don't deliver. Kuna Commission ambazo zimesha setiwa mingi sana Kenya hii kufanya uchunguzi lakini ile matokeo ambao wamepata, sisi Wananchi wa kawaida, hatujawahi kupewa na ni pesa zetu zinatumika katika ku set hizo Commissions. Ikiwa hizi Commissions haziwezi kutoa jawabu, hazifai kuwepo tena.

The appointment of the CJ and the AG. Hiyo pia ninaona ya kwamba haifai kuwa Rais ndio achague hao watu kwa sababu anapowachagua basi, wale watu wakiwa pale watakuwa wakimtumikia tu yeye na sio Wananchi, kwa hivyo hao watu, wachaguliwa na members of the bench in conjunction with LSK na hivo itakuwa ni vizuri.

Halafu, upande wa Polisi sasa. Katika Kenya hii yetu tunaona kwamba, sisi Wananchi wa kawaida, Polisi hawatupatii ile treatment tunayoitaji. Tunapata kwamba ma tajiri wanapoenda kushikwa na Polisi, mara nyingi, Polisi

Com. Salim: Toa pendekezo, umetoa maelezo na kila ukitoa maelezo wakati wako unapotea.

James Odhiambo: Sasa nasema hivi, Polisi akija kunishika, ikiwa mimi ni lazima nitiwe pingu, basi hata yule tajiri anaposhikwa, pia yeye atiwe pingu hata kama ni Mbunge, hata kama in Rais. Ndio hiyo pendekezo langu. Pendekezo ni kwamba basi sisi zote tupewe usawa. Ikiwa mtu ni tajiri mwingine ni maskini, tupewe usawa sisi wote. Asante

Com. Salim: Asante sana James Odhiambo. Abdalla Onyango.

Abdalla Onyango: Thank you very much. My name is Abdalla Onyango and I have some views which I have to share with you.

First, I am going to talk about is Police brutality. The Government should form a sector which will deal with the Police brutality under Anti-Corruption Unit.

Second, Rent Tribunal. This body, we found that it is now existing but they are not doing their job. So, under new law, I would like them to wake up and do their duty or else we should disband this body.

Com. Salim: Which body is that?

Abdalla Onyango: Rent Tribunal.

Third, Mayoral post. This post

Com. Adagala: Who will be there? Because someone/something has to be there.

Abdalla Onyango: If it is disbanded, we will form a welfare for these tenants to deal with the rent.

Third, Mayoral post. This post, we the Wananchi are the right people to select this man who is going to represent us as the Mayor. So, it should be Wananchi to select.

Another one is education. Education in primary level should be free and compulsory and in university, according to me, if there is someone who cannot afford to get the funds, he should be given a loan and it should be a must that I have to be given a loan.

Laws in Kenya. Laws are there but not working. So, I would like these our laws to be strengthened so that they work.

Last, lawyers. These people, in short, maybe I got an accident and he is the one who is representing in court so as to be compensated. So, you will get the compensation will be made through the lawyer and I will end up not getting my portion. So, my side is the compensation should be done through me so that I can now give him his portion. Thank you very much.

Com. Salim: Thank you Abdalla Onyango. Next is P. L. O. Ongweny, yuko?

P. L. O. Ongwen: My right names are Ongwen Paul. So, the first recommendation is that civic education should be continuous so that the people can know their rights. You know, ignorance is no defence and therefore, if a new law is enacted, we should get to know it.

Com. Adagala: In what forms are you considering?

I

Paul Ogweny: Okay, it should continue as per the Constituency. So, these people who are carrying out this activity should continue with it. It should be continuous. Yes, through CBOs of course.

Then, I am talking about corruption where I am suggesting that they set up an office of the Ombudsman. A neutral person who is elected by the people.

Citizenship. I would suggest that we have a dual citizenship. If you are a man and you are a Mzungu and you have married a Kenyan, you should be entitled to the Kenyan citizenship. If you are a Mzungu lady and you are married by me (Kenyan man), you should also be entitled. Even a child whom we get, should be a citizen of Kenya.

About the youth, I was requesting the Government through the Ministry of Labour that a law should be enacted to protect the youth from the foreign employers who are always giving these people very little money. You know even if it is enacted that there is an increase, they don't always implement it. So, there should be a strong rule from the Ministry of Labour through the Workers' Organisation.

Com. Adagala: Who is a foreign employer?

Paul Ongwen: A foreign employer, I am talking of a Muindi from India who has just come here to invest. Are you satisfied? This Muindi is not a Kenyan. We know we have Kenyan Muindi but this is a Muindi from just India to come and invest in our Country and is now a foreign investor. He is a Muindi ambaye ananyanyasa watu wetu. That is the person I am talking about.

Com. Salim: Are you talking about foreign investors in general, whether it is a Muindi or Mzungu.

Paul Ongwen: Okay, let us put in general but employers wale wananyanyaza watu especially the foreign ones, hao ndio wabaya sana. I am stressing on this.

Now, I am talking about university students. Normally, the courses are not relevant to the labour market and therefore, I would request that the curriculum be overhauled. After overhauling it, the courses should be relevant. These students should get attachment with the relevant companies through the Government, through the Ministry of Education and the Labour Ministry.

Another thing for our youth, we should start something called an ‘employee benefit’ whereby these people who are getting big money, at least they can look for a way whereby their money can be taken at least kidogo kidogo so that these people who are not employed (they youth), at least they can be getting something kidogo to keep them going.

I would also mention something about soft loans especially to university students. They should be getting soft loans to start some micro-enterprises. This should also go to the other youth who are not university students. The Government should set up something like a micro-finance whereby organized women groups, youth groups and even men with their organizations, they can always draw some money, start small businesses and then, they will keep on training them how to man them.

I would mention something on prison conditions. You know, our prisons are meant to harden people. They are not meant to rehabilitate people. So, I would suggest that the conditions should be improved so that when you come out of prisons, you are now a clean man.

Again, there used to be a law called “burglars’ law”. This one where you are taken home if you are found loitering. I would suggest that, that law at least it should be enforced such that when you come out of prison, instead of coming back again to become a hardened criminal, you are taken back to your place so that even the people (Ja’luo na M’Kikuyu na M’Kamba) wale waliokuwa wanakaa pamoja na wanaiba watu, one is now in Ukambani, one is in Coast and the other one is in Nyanza.

I would talk of (just a minute Madam) this vulnerable group – the chokoras. I would suggest that the Government looks for a way of rehabilitating these boys. They should get proper education. They should get medicare and in fact they should follow it up with even their parents so that their parents can also be taken to task because most of them are prominent people like me and these people, some of them are working. So, these chokoras, they can be drawing some money from the parents (these people who are working) and then trying to rehabilitate these boys. I will just stop there for now, God bless.

Com. Salim: Thank you Bwana Ongwen. Eric Omondi, hayuko? Alice Sanya.

Alice Sanya: My names are Alice Sanya. First of all, I would like to make a proposal that, on the education strategy in Kenya. You find that the Government only takes care of those who have finished form IV, only those who qualify for university are invited to the universities but the Government is not taking care of those who missed the points to go to the university. So, I suggest that the Government should organize and invite these other students to other colleges. It should not be the parents' duty to search for the students who have not met their aggregate to go to the university.

Second. Employers. Okay, people have talked about it but I am stressing on it. The Government should lay a way of making employers to pay people according their professional qualifications not the employers given chance, just to employ the way they want, yet the make maximum use of the employee.

Third. The M.P. should have a basic education whereby basic education I mean that they should at least have ordinary level certificate and then, (I stress this). Ministers who do not have professional qualifications, people should not be appointed to be Ministers if they do not have professional qualifications – I mean maybe he reached Form IV and now, he is being appointed as a Minister for Energy, how is he going to organize that? At least, they should be professionals. Before you lead doctors, at least you must know something on medicine. So the Government should take care of that.

The Government should try to lay the issue of “one man one job”. If maybe somebody is entitled to one job, we will reduce the rate of unemployment in Kenya. You find that some people, somebody is the chairman of such and such an organization, he is being paid there, he is the Minister for what, he is being paid there, back in the village, he is something, he is being paid there while these other jobs can be redistributed to many potential Kenyans.

Com. Salim: You said “one man one job”,

Alice Sanya: Yes

Com. Salim: And the women?

Alice Sanya: By so saying a man I just don't mean this person who is walking in a trouser, even the lady.

Com. Adagala: I would like yo to state your proposal again.

Alice Sanya: One person should be entitled to one specific job – being it professional, kazi ya mkono, etc. And then, at least the Government should try to reduce the idea of forming many Commissions where they spend money and the Commissions's reports are never implemented. So, we end up wasting....

Com. Salim: What would you want done?

Alice Sanya: I would want them to stop forming many Commissions. I would suggest that they have maybe a panel or a group of people so that if there is something to be analysed on maybe teachers' salaries, we will just go to the same Commission. If there is something on Constitutional Review Commission, we will just go to that Commission. Not that we have each and every Commission for each and every problem. I think we end up wasting money. I think I have only that.

Com. Salim: Thank you Alice Sanya. Martin Owino.

Martin Owino: My names are Martin Owino. My proposals are as follows:-

On Provincial Administration. I would propose that local chiefs and assistant chiefs should be people of Form IV levels, then given relevant training like the ones given to the DOs and DCs. Then, on the DCs and the DOs, they should be posted to their local areas e.g. if someone is a Kikuyu, then he should be posted to Kikuyuland so that he can promote the social culture and norms because you find that some people are socially in different places, then if they go there, they differ with the local residents there like you don't expect a Muslim to be posted in a Christian community and he promotes the norm and the culture of those people.

Then, the other thing is when it comes to M.P.s and Cabinet Ministers. These people – we have the so called impartial defections. A situation where some MPs are not comfortable with the Parties which sponsored them to Parliament. In such like cases, I think their seats should be declared vacant so that we should go to the re-election.

Then, we have got employment security. I should propose that we should enact a law that secures the workers. Like somebody was talking about the foreign employers, let us say the private sectors. You find that there education qualifications is not being recognized. A situation where you have somebody – a qualified graduate from Kenya is being underpaid more than just a local Asian imported from India and does not know anything. So, I think a law should enacted such that you are paid as per your qualifications. Be it in private sector or in Government.

When it comes to housing, this has been a general problem especially in urban areas. I think the Government should set a body that should come and review all these houses so that they should a standard rent for specific sizes of houses.

Then, when it comes to corruption. This is mainly being promoted by the Police Force. I think the Government should set a different body that is independent (that is out of police commissioners' powers) to curb this corruption because you find that, we talk of Anti-Corruption Unit which is being headed by the Police Commissioner. It is not possible, they should have a different body to curb this corruption which is independent from Police Force.

Then, when it comes to civic education. I think this civic education body should exist regardless of being election is approaching or is not there. Because you find that when it comes to now changing of this Constitution, most of the people are ignorant. They don't know whatever that is happening. So, the civic education should continue – be it there is election or election is not there. Those are my proposals.

Com. Salim: Thank you Martin Owino. Charles Odongo, hayuko? Mary Wanjiru.

Mary Wanjiru: Mimi ningetaka kuongea upande wa Mathare North vile tuko na Shida. Jina ni Mary Wanjiru Mbugua. Sisi tuko na shida sana upande wa Mathare North, upande wa kunyakuliwa viwanda zetu ile tunaita 'parking'. Watoto wanakosa mahali ya kuchezea, hata watu wale wamekomba ma nyumba, wanakosa mahali ya ku park magari. Tuko na shida sana. Tungetaka serikali itusaidie. Vile wanaweza kutusaidia kwa sababu tumeona hakuna mahali ya ku park gari hata wale wamekomboa wameshindwa mahali ya kupitia bara barani kwa sababu huko kwote kumejengwa. Na wakikanyaga vitu ya wenyewe, wengine wanapelekwa kotini.

Com. Salim: Mama ungependelea kitu gani kifanywe?

Mary Wanjiru: Mimi ningependelea serikali ichukue hatua kali, upande ya grabbing hata kama ni koti kuchukua hatua ya kupelekwa kotini, ukweli utapatikana sababu sasa tunafanya kitu bila ukweli. Kwa sababu hata wale ma Councillor wako hapa tukienda kwao, hata hawaoni sisi kama ni watu. Ukienda kumwambia hiyo maneno, hata anawacha nyinyi hapo anaenda. Kwa hivyo tungetaka hatua tusaidiwe na serikali, vile wataweza, watusaidie mambo ya hiyo grabbing.

Ya pili, watoto wetu hapa wanashikwa. Wanashikwa, wanapelekwa Police. Wakikutwa wamesimama hapa, wanapelekwa, wanasemekana wanakunyua bangi. Kwa hivyo, tungependa tuchaguliwe wazee wa kijiji. Hawa watoto wakishikwa, tunapelekwa hapo, tunaongea mambo ya ki nyumbani halafu watoto wetu waache kwenda kutesewa huko kwa Polisi kwa sababu wanateswa sana.

Ya pili, tunataka kuchaguliwa wazee kama ishirini au thirty. Hawa wazee wanaenda kutatua mambo ya vijana, hawa wenye ma ploti. Sababu wenye ma ploti, wenyewe wenye wanalalamika sana mambo ya ma ploti, hata wenye ma ploti wanaongezewa pesa na hakuna mahali wanaenda kulalamika. Na sasa tumefika mahali ya kulalamika kwa sababu hata wale wamekomboa, wanalalamika. Pesa imeongezeka sana kutokea mwezi wa January. Watu wa World Bank hawajui hii maneno lakini watu wa City Commission wanajua hii maneno. Kwa hivyo tunaumia sana wenye ma nyumba na wale wamekomboa nao wanaumia. Kwa hivyo tunataka sana tusaidie upande wa wale wamekomboa na wenye manyumba, tusaidiane pamoja, tuone ni kitu gani kinaweza kufanyika.

Com. Adagala: Ulisema nini kuhusu World Bank?

Mary Wanjiru: World Bank? Hii pesa tumeongezewa kutokea January, watu wa World Bank hawajui lakini sisi tumeongezewa kutokea January hiyo rent, kali sana.

Com. Adagala: World Bank inaingia aje kwa rent?

Mary Wanjiru: Si tunakuta kwa kitabu imeongezwa na tunaambiwa ni World Bank wameongeza, ati uchumi iko chini. Sasa kila mtu iko na uchumi iko chini. Wale wamekomboa, uchumi yao iko chini, wenye manyumba nao wameongezwa nyumba na uchumi iko chini. Sasa tutasaidika namna gani?

Mimi nasema, wenye manyumba wanalalamika kwa wenye ma nyumba eti wanaongeza pesa na wenye ma nyumba nao wanaongezwa pesa na watu wa City Commission ati World Bank imeongeza pesa, na sasa hii loan yetu tumepewa na City Commission, sasa inaendelea tu kwenda juu tu, kwenda juu tu.

Com. Salim: Mama, wajua tatizo hilo limetajwa na wenzako hapo hawali. Sasa ungependelea jambo hili la kodi likienda juu na juu lisawazishwe namna gani?

Mary Wanjiru: Tusaidiwe. Pesa iweze kuongezwa kwa City Commission hata sisi wenye wa nyumba. Ndio nao wale wanalalamika mambo ya nyumba, wakilalamika hata serikali inasikia.

Com. Salim: Ungependa mtu gani au body gani iingilie jambo kama hili?

Mary Wanjiru: Ni Local Government kwa sababu hao ndio wameshikilia manyumba.

Com. Salim: Okay. Asante.

Mary Wanjiru: Kwa hivyo tunaomba sana kwanza turudishiwe ma parking hata wale wamekomboa ma nyumba waone mahali ya ku park magari. Asante sana.

Com. Salim: Asante sana Mary Wanjiru. Na sasa tunamuita Bwana M. Akram, former Chairman – Labour Party.

M. Akramu: Mimi naitwa Mohammed Akram Noor. Mimi upande ya Katiba, Katiba yenyewe ni chafu. Na mimi napendekeza hivi:-

Katiba, ambavyo ikitaka kuteng'enezwa irudishwe katika Bunge na mtu ye yote asiwe juu ya law. Akitaka ku alter ama aandike 'N' katika Katiba, irudishwe katika Wananchi, wenyewe watengeneze Katiba. Si wabunge peke yao watengeneze Katiba bila Wananchi. Hiyo ndio imeharibu Katiba kabisa.

Jambo lingine, katika Katiba, wale wabunge ama ma councillor ambao wako wakati huu wameharibu hiyo Katiba ama uwezo ule wamepatiwa, pendekezo langu ni hivi, ma MP hata ma Councillor hao wako wakati wa sasa, ni wafisadi, wanatakiwa wachunguzwe kabla hawajapigania viti, ambapo wakuwe vetted by Parliament hata ma Councillor ambao wako wakati huu hata ma Bunge hata ma Judge wawe vetted by Parliament maanake imehusisha ufasadi mpaka tumekuwa maskini katika Kenya mzima. Hata ma Permanent Secretaries, hata ma Chief, ma PC, wote wapitie katika Bunge. Na mtu yote iko na deni ama ameiba vitu vya serikali, asisimame katika Bunge ama katika ma Councillor maanake wameiba vitu vingi katika ardhi na zile ma open space, public utilities, zote zirudishwe, zikuwe confiscated, zirudishiwe public .

Na kutoka kaburi katika area, katika Districts zote. Na tunataka approved schools katika Kenya mzima katika Districts. Pendekezo langu kwa sababu tumekuwa na street children katika kila District, kurekebisha hawa watoto, tukuwe na approved schools katika Districts zote.

Yangu ni machache sana, na nimeshukuru sana nyingi kuja hapa. Na sisi tumewai kungojea muda mrefu hii Katiba. Na nyinyi na sisi ndio tunatoa tax, na nyinyi munatoa tax, tunataka mfanye kazi sahihi kwa sisi wa Kenya ile tunataka.

Com. Salim: Asante Bwana Mohammed Akram kwa maoni yako. Sasa namuita Bwana Momanyi Godfrey.

Momanyi Godfrey: Momanyi Godfrey on the proposal table. Parliamentary Service Commission should be empowered to reward MPs for the good deeds e.g. most focused MPs, most competent, etc.

Com. Salim: Hebu, tafadhalini, mjamaa hapa hayuko kwenye theatre au kwenye stage hapa kuwachekesha watu. Anatoa maoni yake. Jambo la kufanya ni kwamba, atoe maoni ili tuweze kusikia zote. Saa hiyo point yake ya kwanza hakuna aliyeweza kusikiza. Tafadhali utarudia, na utueleze point zako wazi wazi tafadhali. Na usiende mbio sana.

Momanyi Godfrey: Okay. Momanyi Godfrey. First proposal. Parliamentary Service Commission should be empowered with duties of rewarding MPs according to their duty such as e.g. most focused MPs, most competent MPs, profile of the year, most outspoken, etc. This will encourage our Parliamentarians to focus much on matters of national importance rather than just mere politics.

Com. Salim: Wajua, what you are doing, you are reading and when you are reading, you don't read in a clear way. If those are your own points, we have no problem giving them to us, one after the other, very clearly without even looking at the paper. You only look at the paper when you need to refer to the point.

Momanyi Godfrey: I think first proposal is clear. Second proposal. The number of sessions that an MP misses in order to lose his seat should be reduced from eight to three.

Land. The Land Commission should be empowered with obligation of taxing individuals or corporates who own land exceeding fifty acres because you find some individuals owning land to over a thousand acres and the land is not utilized well. The land is just lying fallow. This will encourage the land to be put into agricultural productivity which yield the agricultural income and hence reducing land wastage.

Electoral Commission should be delinked from the Government and should exist as a private society, registered under the Registrar of Societies and should change its name from 'Electoral Commission of Kenya to Independent Electoral Society of Kenya funded by the Government and its officials appointed by the Parliament.

Concerning the President. This should be the qualification for anyone who is eligible to vie for the President seat or a Vice-President seat. The age should be reduced to thirty years and should be below sixty years. From thirty to sixty years, not below thirty and not above sixty years. Should have a Masters' Degree. The job should be voluntary. The President should not be entitled to any salary except working allowances.

Com. Salim: Who should not be entitled to any salary?

Momanyi Godfrey: The President should not be entitled to any salary except just working allowances, both the President and the VIPs.

Com. Salim: Who should determine the allowances?

Godfrey Momanyi: The allowances should be determined by the Parliament. Should be a Kenyan citizen by birth. Must have lived in Kenya twelve months prior to the elections. Bankruptcy should not be an issue. Must be HIV negative.

MPs. Must be HIV-negative. MPs should not be below twenty-one years and should not be above fifty-five years. Should be a resident of the Constituency he/she wants to vie for. Must be a university graduate and few exceptions should be given to primary teachers with ten years of working experience.

Mayor. Should be a university graduate. A Kenyan citizen by birth. Must have worked in the town or city he/she wants to vie for, at least for the last five years.

On education. There should be free primary education. Secondary education should be a cost-sharing programme between the parents and the government and all secondary graduates should go to National Youth Service – compulsory for one year before proceeding to their respective education institutions and the post of Chancellor-General should be created. The Chancellor-General should be appointed by the joint Public Universities Council and the University Council should also be eligible for electing their own Chancellor. This is to mean the powers of the President must be reduced such that he shouldn't be the Chancellor for all public universities.

On rallies, once someone is elected as an MP or on a civic ward, that is already a permit for him/her to organize any rally, anywhere, within the boundaries of the Republic of Kenya. He should do that without the consent of the Police.

Com. Salim: Last point, time is up.

Momanyi Geoffrey: The last point concerns fees charged on higher learning institutions. Whether a person is on regular programme, self sponsored programme or a parallel programme should pay equal fees regardless of the course or profession undertaken. Thank you.

Com. Adagala: Hold on a little bit. Kijana, so they should pay the same fees regardless of the course.

Momanyi Geoffrey: Regardless, If I am studying law, you are studying law. You are on a regular programme, I am on a parallel degree programme, I am on self-sponsored programme. Regular programme students already have loans from the Higher Education Loans Board but me I don't have that loan. So, I get the money through my own pocket and I must just pay, if she pays forty thousand shillings, I should also pay forty thousand shillings and do the same programme because she also paid the same amount because all taking the same course, from the same institution. Why should I pay more and you pay less?

Com. Adagala: Okay. The loan is meritorious?

Momanyi Geoffrey: Yes, it is meritorious.

Com. Adagala: It is meritorious. The people had performed better so they get a loan. Then the rest you pay the cost of the course.

Momanyi Geoffrey: Yes, you pay the cost of the course without that loan.

Com. Adagala: The thing should not be like that?

Momanyi Geoffrey: No. I am saying, if the cost of that profession is forty thousand. You are on regular degree

programme.

Com. Adagala: The cost of the course is not forty thousand.

Momanyi Geoffrey: That is an example.

Com. Adagala: I am telling you, that is the cost of the course?

Momanyi Geoffrey: What I am saying, it should be subsidized for everybody.

Com. Adagala: That is a very different story because the way you were saying is that, the Government should pull out.

Momanyi Geoffrey: No. It should be subsidized for everybody so that everybody pays the same.

Com. Adagala: Okay

Momanyi Geoffrey: Yeah.

Com. Salim: Bwana George M. M. Hayuko? Peter Asande, hayuko? Cleopa Adel O., hayuko? Andrew Nyambok.

Andrew Nyambok: Kwa majia kamili, mimi naitwa Andrew Aaron Nyambok. Kwanza nachangia kuhusu Parliamentary powers of amendment law. Mimi napendekeza ya kwamba, kwa wa Bunge, hii powers yao iwe limited ya kwamba committee ingine iwekwe ili saa hile wanataka ku amend any part of law, hiyo committee mpaka wakae nao chini ili wajue ni kwa nini wanataka ku amend hiyo law na itangazwe, wananchi wajue kwamba hii law inakuwa amended kwa nini, kwa sababu, unakuta ya kwamba, wameenda kwa Bunge lakini wame amend law bila wewe kujua na wewe ulikuwa unajua hii sheria inasema usifanye kitu fulani na kesho unakuta sio hivo.

Com. Salim: Committee hiyo iwe inachaguliwa na nani?

Andrew Nyambok: Hii committee mpaka iwekwe na Parliament ya kwamba Opposition and Government MPs iko ndani.

Com. Adagala: Wananchi wajadiliane tu, wajue na wajadiliane amendments?

Andrew Nyambok: Wananchi kwa hivi sasa hawatahusika kwa sababu wamekuwa represented na MPs.

Com. Adagala: Kupitisha amendments, itakuwa percentage gani?

Andrew Nyambok: Kupitisha amendment isiwe chini ya 75%. Ya pili, citizenship. Isiwe ya kwamba, mtu ikiwa inapitishwa ya kwamba yeye ni mwana Kenya, mpaka awe na wazazi wanafuata mpaka nne, tuseme mababu yake mpaka ipatikane wane hapa Kenya wanakaa mahali, sio mtu anatoka tuseme Europe ama ametoka Somalia ama ametoka nchi nyingine na amekuja na bibi yake amebeba mtoto kwa tumbo kufika hapa Kenya, siku yako ya kuzaa imefika. Mtoto huyo anezaliwa hapa Kenya, tunaita M'Kenya bandia. Tunataka ya kwamba, mkaaji wa Kenya hapa kwa muda ndio wazazi wake wanapatikana mbaka nne tatu huko.

Com. Adagala: Na M'Kenya akizalia mtoto nje?

Andrew Nyambok: M'Kenya akizalia mtoto nje na hajakaa huko sio muda kadhaa mpaka huyu mtoto awe M'Kenya kwa sababu yeye ni mwananchi wa hapa.

Com. Adagala: Okay, mzazi mmoja akiwa M'Kenya na mwingine si M'Kenya?

Andrew Nyambok: Mzazi inakuwa determined na baba. Ikiwa mimi ni Mhindi for example, na nimeoa M'Kenya na sijakaa hapa more than ama wazazi wangu awako hapa. Mimi sio M'Kenya, kwa hivyo huyu bibi ni yangu pamoja na mtoto yake. Kwa hivyo huyu mtoto pamoja na bibi yangu ni Wahindi.

Com. Adagala: Na mwanamke M'Kenya akiolewa na Mhindi (Indian)?

Andrew Nyambok: Ndio nasema mwanamke wa Kenya ameolewa na Mhindi na amezaa mtoto naye hapa Kenya. Huyu Mhindi mwezi uliopita na amependekezwa na msichana wa hapa. Wameoa, wamezaa, huyu mtoto pamoja na bibi ni Wahindi.

Com. Adagala: Okay.

Andrew Nyambok: Jambo lingine kuhusu Police officers. Unakuta ya kwamba Police officer amefanya kosa ya criminal na anakuwa interdicted halafu baadaye anafutwa kazi, anakuja kuranda randa na sisi hapa. Ni pendekezo ya kwamba, Sheria iwekwe ya kwamba Police akipatikana na criminal offence, asiwe ya kwamba anakuwa interdicted halafu unakuta anafutwa kazi anaenda nyumbani kwa sababu kazi ile anafahamu sana ni kazi ya bunduki. Hajui kazi ya mkono. Nilikuwa nataka huyu Police, akifanya criminal offence, sahihi iwekwe ya kufunga yeye sio ya kufuta.

Nilikuwa napendekeza Sheria iwekwe kama iko - tuseme war (vita ikiweko kati kati ya Kenya na Nchi nyingine), isiwe President ndio anaamua vita iendelee lakini mpaka ipelekwe kwa Bunge ipitishwe.

Com. Adagala: Maliza

Andrew Nyambok: Kwa kumalizia, nilikuwa napendekeza ya kwamba Sheria iwekwe ya ku protect cultures. Iko ingine nilikuwa ninataka, Sheria iwekwe ya kwamba mtu akifanya robberies, sio ati anapewa bond atoke nje, lakini Sheria iwekwe ya kukataza yeye kwa sababu atakuja ku interfere na investigations. Ya mwisho nilikuwa napendekeza Sheria iwekwe ya kwamba, wanawake wa Kenya wawe na nguo maalumu ya kuonyesha huyu ni bibi, huyu ni mtoto, huyu ni mfanya wa bar.

Com. Adagala: Iwe uniform? Uniform ya watoto, uniform ya

Andrew Nyambok: Sio uniform. Example natoa hivi sasa, vile umevaa hivo, inaonyesha wewe ni Mama. Lakini ukitembea katika street ya Nairobi, kutofautisha mama, bibi, msichana na mfanya wa bar, hakuna.

Com. Adagala: Na Wanaume wanafanya kwa bar na wengine hatuwatofautishi?

Andrew Nyambok: Wanaume wale wanafanya kwa bar, kwa mara mingi, unakuta mwanamme ako na nguo tofauti (ile special). Hatujawai kuona mwanamme akionesha mwili yake nje ya kuvutia wengine, lakini unakuta akina mama wanaonyesha ya kuvutia watu ndio sababu tunataka ile nguo ya kuonyesha, (public dresses) unakuta wakitoka nje, huyu anaonyesha huyu ni bibi.....

Com. Salim: Bwana Nyambok, ikiwa mwanaume anavaa nguo za kukaza pia inaonyesha mwili wake, hiyo inakatazwa au isikatazwe?

Andrew Nyambok: Anafaa akatazwe na Sheria iwekwe. Mtu kama huyo akipatikana kwa nje...

Com. Salim: Yaani ukivaa jeans za kukaza mwanaume, hiyo ikatazwe?

Andrew Nyambok: Ikatazwe.

Com. Salim: Asante. Umemaliza? Teddy Shee, yuko? Teddy Shee amekuja kusikiza. Stella Oigo, hayuko? Ombonyo Dominic? Please answer quickly, otherwise we will pass on to the next person.

Stella Oigo: I am Stella Oigo. Pendekezo langu ingekuwa, la kwanza, there should be fairness for both genders in assignment of duties, responsibilities and in leadership.

After people have divorced, they should divide their properties equally.

Com. Salim: Tafadhalini, kila mtu ana haki. Tunaweza kutulia tafadhalini? Kuna fujo nyingi hapo. Na katika vikao vyetu vyote tumefanya, hatujaona fujo kama hapa, kwa hivyo tungependelea watu wawe watulivu na kila mmoja ambaye atakuja hapa kutoa maoni yake, aweze kutoa maoni yake kwa utulivu na pia kuheshimiwa maoni yake. Si lazima ukubaliane na yeye lakini ana haki ya kutoa maoni yake apendavyo yeye.

Com. Adagala: Ngoja, kuna jamaa hapa anapenda sana kufanya (clicking). Hiyo ni kitu, ishara ya kuua mtu, kule mimi natoka. Namwambia, mtulie. Tuta clear hii hall. Si vigumu ku clear hall. Huyu mtu hazungumzii nyingi, anazungumzia sisi. Muelewe hivo. Ana address the Commission. It is not a public rally or a Baraza or a market.

Stella Oigo: Kenyans should be given rights to receive information from our media.

Com. Salim: I am sorry because of this disturbance, we missed the point you made just before that one.

Stella Oigo: I was saying that in case two people have divorced, they should divide their properties equally so that it is not that the woman goes without anything. Both of them should be equal.

Com. Adagala: And if the woman has more than the man?

Stella Oigo: They should take equal parts.

Com. Adagala: And the children?

Stella Oigo: Even the children,

Com. Adagala: They should be divided

Stella Oigo: Yes.

Com. Adagala: If it is one child?

Stella Oigo: That one is now the court which will decide. And, Kenyans should be given right for information. For example, our media laws have been abused by the Government. Kenyans do not have the right to receive information because when the media decides to tell people, the Government stops them. For example, our KBC is controlled by the Government.

Girl child education should be compulsory and all those people with disabilities should be given special attention.

Com. Adagala: You know, right information is different from KBC being controlled by the Government. There are two different points there. Distinguish them.

Stella Oigo: Here, I mean that our media houses should give Kenyans proper information because when they want to say 'the Government stopped them'. For example, there are so many things that happen and Kenyans do not know about them.

Com. Adagala: And there is still another point of ownership. How do you want ownership of media?

Stella Oigo: The Government should not tell the media what to do. For example, if it is an individual media house

Com. Adagala: But there is something about ownership which you are saying, that the Government owns KBC. What should happen on ownership?

Stella Oigo: The Government can own it but not control the information how it should be given out. As long as one is a Kenyan citizen, he/she should be allowed to own land anywhere in the Country. And, in case a girl is impregnated by a man and the man refuses that he is not responsible. If it is proved that it is true, the man should be charged if he refuses. He should be responsible for that child.

Com. Adagala: Are you talking child support or Affiliation Act?

Stella Oigo: Child support.

Com. Adagala: Okay.

Com. Salim: Dominic Obonyo.

Dominic Obonyo: Thank you Commissioners. My names are Dominic Obonyo. Ni mapendekezo yangu nataka kutoa. Kwanza, wazee wa kijiji wawe wakichaguliwa na Wananchi. Chief awe naye anachaguliwa na Wananchi.

Com. Salim: Tafadhali, ungetoa maoni kwa njia iliyo wazi zaidi na ukijiepusha kusoma, itakuwa ni rahisi kukupata.

Dominic Obonyo: Sawa. Chief awe akichaguliwa na Wananchi. Assistant Chief naye vile vile, na wazee wa kijiji. Halafu,

mamlaka ya Rais yaondolewe kidogo sio yote (to be trimmed).

Elimu. Elimu iwe inatolewe bure kwanzia darasa la kwanza mpaka la nane kwa Wananchi wote sawa – Kenya yote nzima.

Tukija mambo ya siasa

Com. Adagala: Unasema elimu iwe sawa?

Dominic Obonyo: Itolewe bure.

Com. Adagala: Na sawa iliingia aje?

Dominic Obonyo: Kenya yote, isiwe inatolewa mahali..

Com. Adagala: Endelea.

Dominic Obonyo: Tukikuja upande wa siasa. Ikiwa mwana siasa ye yote ambaye anataka kugombea kiti cha u'Rais, ikiwa ametoa ahadi halafu baadaye anapewa kura anaenda bunge, asipotimisha hiyo ahadi, basi anastahili kufuatiwa na Wananchi, kisha awe responsible for that or hiyo ahadi hajatimiza.

Na mwana siasa ye yote.

Com. Salim: Asipotimiza ahadi yake?

Dominic Obonyo: Afuatiliwe na Wananchi, afikishwe mahakamani.

Com. Adagala: Nani atamshitaki?

Dominic Obonyo: Makundi ya kutetea haki za binadamu na Wananchi wenyewe wa mahali anayowakilisha bungeni. Awe Mbunge, awe councillor, awe Raisi.

Serikali ya Majimbo sipendelei. Kuwe na serikali ya national unity. Halafu maneno ya equitable distribution of resources, iwe inatolewa kwa Wananchi wote sawa, isiwe tuseme kama watu kidogo ndio wanafaidika na resources ya Kenya.

Com. Adagala: Excuse me, Majimbo si opposite ya National Unity.

Dominic Obonyo: Nilisema serikali iwe ya National Unity.

Com. Adagala: Yaah. Lakini hiyo si opposite ya Majimbo?

Dominic Obonyo: Si opposite lakini nataka isiwe ya Majimbo basi.

Com. Adagala: Okay.

Dominic Obonyo: Halafu maneno ya afya. Afya iwe inatolewa kule kwa hospitali za serikali bila kutoshwa malipo kwa sababu Wananchi wengi hawatoshelezi hayo malipo. Ingingine, ni mambo ya dini. Ningependea serikali hizi dini ambazo zime register saa hizi ziwe za mwisho. Serikali isi register dini zingine kwa sababu huenda zikadanganya Wananchi na Kenya ikuwe mbaya.

Na Rais asiwe Member of Parliament.

Com. Adagala: Sielewi. Kila mtu anasema lakini sielewi vipi dini zinapotosha au kufanya nini Wananchi? In fact hiyo ni freedom ya association. Pia ni freedom ya hali ya juu sana kwa sababu ni ya kuabudu? Hiyo ndio freedom kubwa kuliko ingine yote.

Dominic Obonyo: Of course, hiyo ni freedom lakini hiyo freedom is now abused to an extent that it is likely to be stopped at this time before it goes....

Com. Adagala: Nauliza sio kuku challenge. Lakini sisi ambao tunakusikiliza, tutaulizwa na wenzetu. Kwa nini tusifanye registration ingine? Mtu anajisikia na ni uhuru wake wa Katiba, tutamulazimisha vipi ajiunge na dini ingine?

Dominic Obonyo: Sasa hiyo Katiba mpya ambaye tunatengeneza, kanisa zikome kuwa registered.

Com. Adagala: Na ndio nataka kukuambia, unatoa haki ya Katiba ya Wananchi? Ukisema sasa tumekoma, ni uhuru wa hali ya juu sana. Kama huyu sasa nikimlazimisha asiwe Muislamu, unajua kutakuwa na vita yeye na mimi, ya kuuana.

Dominic Obonyo: Ndio, lakini unajua ninasema hivi. Si tunatengeneza Katiba? Katiba iliyoko sasa hivi inasema there is that freedom...

Com. Adagala: Unatoa hiyo uhuru. Katika kazi yake ni kulinda uhuru.

Dominic Obonyo: Hiyo uhuru, tunataka sasa itolewe. Na ya mwisho, kumalizia Rais asiwe M.P. Awe tu Rais. Thank you very much.

Com. Salim: Umesema hiyo ni mwisho? Asante Bwana Dominic Obonyo kwa maoni yako. Cllr. Andrew Radido.

Cllr. Andrew Radido: My names are Cllr. Andrew K. Radido. I am the Area Councillor. I have the following proposals:-

One is (although some of my proposals might have been already mentioned, please you have to bear with us) primary education to be free and also exercise books and text books to be issued freely.

IDs. While issuing IDs, this issue of asking for the father's ID, mother's ID should not be there. If whoever wants to be issued with IDs has the school leaving certificate or baptismal certificate, that should be enough for him to be issued with an ID. And also, the period of (birth certificate, school leaving certificate or baptismal certificate, either of these)...

Com. Adagala: Third one?

Cllr. Andrew Radido: I mentioned baptismal certificate. Ile ambayo unapewa wakati unabatizwa.

Com. Adagala: You know ID is about citizenship.

Cllr. Andrew Radido: I know.

Com. Adagala: Yeah! I can have a baptismal certificate and I am not a citizen. I can have a school leaving certificate and I am not a citizen because it does say on there, amemaliza Form IV, ni ya....

Cllr. Andrew Radido: Lakini katika ile school leaving certificate, it is indicated. Whether it is a Kenyan or not a Kenyan.

Com. Adagala: No. Not necessarily.

Cllr. Andrew Radido: Not necessarily. But you see, what I would want to be done because I don't need all these complications. If a person who needs an ID has the birth certificate because birth certificate will state clearly whether he is a Kenyan or not. Only that one is enough.

Com. Adagala: You know the problem with all these things is because there is a lot of pressure from other countries for

people to come to Kenya. Okay, if you go to Rwanda, maybe there is no pressure for anyone to go in there because of their problems. So, this is why they say that and every Kenyan citizen, then ID has to be by birth.

Clr. Andrew Radido: But you see I have given examples. You find...

Com. Adagala: Passport tells you are a Kenyan but not a baptismal or school leaving certificate.

Clr. Andrew Radido: But birth certificate is saying you are a Kenyan, birth certificate. So, with the birth certificate only, that person has to be issued with ID and the period for the production of the ID should be latest say one week but not more than a week.

Elections. Voters registration to be continuous. Concerning elections of MP, Councillor, President, etc. All these have, there must be a Form IV level, even if it is the President, should be a Form IV level.

Com. Adagala: If he has a degree?

Clr. Andrew Radido: If he has a degree, that is an additional.

Com. Adagala: All levels.

Clr. Andrew Radido: All levels plus. Minimum that is. Mayors also should be a Form IV level. If he also has a degree, that is a plus and Mayors must be elected by the people not Councillors. We have had a lot of problems while we are electing them. At times they take us upto Aberdares of you know they hide us there before we vote for them.

Now, like in the Council, we have Chairmen of different committees. My proposal is that, Chairmen of different committees must be elected according to his/her profession. For example, the Chairman of finance, he must have accounting knowledge. Accounting must be that kind of profession that will qualify him/her for that because, currently, councilors just elect so and so to become the Chairman of finance, and then so and so to become Chairman of education, health and so on, and yet he/she doesn't have any qualification.

Well, when you have one or two chairs and nobody qualifies, then that one now is upon the Mayor to suggest on him to be given that position. And there is something I forgot, maybe I will go back a little bit because when I mentioned Councillors to be Form IV level to be eligible to be elected. Currently, those who have been Councillors before and MPs before, even though they never had those Form IV levels, they will be exempted.

The National Social Security fund. Many a times, I would say, maybe 90% of contributors have died without receiving this money. My proposal is that when somebody attains the age of 45, should be given the money and secondly, somebody lost employment also, should apply to say that he has lost his job or her job and is requesting to be paid back his dues and that should be done.

Medical. We have Kenyans who are not able to raise ten – twenty shillings. My proposal is that the Government introduces medical scheme that would cover those Kenyans who are not able that they maybe taken to these Government hospitals without paying even a single cent.

When I come to the payment of rent. This payment of rent should be controlled by the Local Government because currently, you find the Nairobi City Council houses, the rents are quite reasonable. So, even the landlords within the estate, their rents should be of the same level – I mean they should charge the rents of the same level.

Now when it comes to security. I would propose that in every estate, there should be a police post and not just a police post put there without the police. There should be the police there 24 hours to see to it that the security within the estate is in place.

Com. Salim: I think Bwana Councillor, you are running out of time. You have been given already the notice.

Cllr. Andrew Radido: Thank you so much indeed. Then, I will stop there.

Com. Salim: Thank you.

Com. Adagala: Thank you Councillor. The areas you represent, you are saying that police post in every estate. How many estates are there?

Cllr. Andrew Radido: The estates that we have in Nairobi?

Com. Adagala: No. No.

Cllr. Andrew Radido: Yaah. I am a councilor here.

Com. Adagala: You are a councillor here. In this area, how many estates are there?

Cllr. Andrew Radido: Here, we have Mathare 4A, we have Mathare Area I, II, III, IV – that is another estate, we have Baba Dogo, we have Lakisama there. That is like four estates.

Com. Adagala: It is the area you represent?

Cllr. Andrew Radido: The area I represent is the biggest ward of all in Kenya.

Com. Adagala: Congratulations. So, there would be about eight police stations?

Cllr. Andrew Radido: Sure.

Com. Adagala: Okay.

Cllr. Andrew Radido: You see I was beaten up recently and they broke my arm because of insecurity.

Com. Adagala: Okay. Yeah! Pole. Then, I want to give him two more minutes to tell us a little bit more about the local authority. What else would like in the local authority?

Cllr. Andrew Radido: Within the local authority..

Com. Adagala: Or do you have any other proposals?

Cllr. Andrew Radido: Other proposals within the local authority, okay, we have corrupt staff within the local government. My proposal outside is that before somebody is appointed to a position within the local government, he should be screened to find out the bad person despite the fact that he has that kind of qualification. His background must be you know, if where he used to work before, he went away with millions of shillings.

Secondly, within the local government, also, what I would propose is that while employing, there should be no discrimination. There should be no tribalism because tribalism is what has made Nairobi City Council fail and every time they say there are no funds, there is a lot of money coming in.

Com. Adagala: What would you like to tell us about the area you represent? Anything more?

Cllr. Andrew Radido: Right.

Com. Adagala: You have told us about rent and insecurity. Anything more?

Cllr. Andrew Radido: I would add on dispensaries because currently the dispensaries that we have here are not well maintained by the City Council. My proposal is that the hospitals within the estate should be taken care and there should be enough drugs any time. In addition to that, I would also propose that the hospitals should be run 24-hours, like somebody is sick at night/mid-night, now, running all the way to Kenyatta is a long way.

Com. Adagala: Okay, one of our mandates is to devolve power. There is a lot of power in Central Government. Is there anyway you see or any proposals you have on devolution?

Cllr. Andrew Radido: Well, I would propose that when I talk about the hospitals, now within the Central Government we have the Minister for Health and that section should ensure that hospitals within the estate are well maintained and enough drugs provided.

Now, when I come to schools also. Now, we have the Minister for Education within the Central Government. Now, the Minister of Education also should ensure that the schools are well maintained and children are learning well without any chaos. Thank you so much.

Com. Salim: Thank you Councillor. We wish you quick recovery. Boniface Kamiti, hayuko? Nelson Odhiambo? Opiyo Ganda.

Opiyo Ganda: Hallo! Good afternoon. I am Christopher Opiyo Ganda by name. I have proposals to make here on who is elected as an MP or Area Councillor. Whoever is elected as an MP or an Area Councillor should be clean and tamed person. He should be honest person who knows that he is a servant of the people. Any elected councillor or MP should have a basic education of Form IV as well the President. The President also should have a basic education of Fourth Form. The other thing, he must be clean a person. We don't want fraud-stars, ex-criminals joining the race for councillorship. He must be someone who cannot be manipulated. Someone who cannot be compromised.

The second point. And in case he is someone who can be manipulated in cases highlighted in office and you realize that he is someone who can be manipulated, is not delivering, then the best thing to do is to remove him from office. I think a body should be formed

Com. Adagala: Removing an elected person from office is called "power of recall".

Opiyo Ganda: Yes.

Com. Adagala: It is a very tough term. We want who to remove him from office? and who will decide these things?

Opiyo Ganda: I think a panel chosen by the electorate should be the one to do the job.

My second point is on employment. I think when Kenya got independence, it was promised that employment will be a right for every Kenyan. But the way things are nowadays, if you check your hall here, you will realize that about almost three-quarter of them are unemployed and you realize that they are not unemployed because they do not qualify. They qualify but the problem is the system of employment in Kenya. There is no particular body out to guarantee you that so and so is qualified, should be employed. You realize.

Com. Salim: Your proposal...

Opiyo Ganda: My proposal is that and I think proposal comes out from the bad leadership we have. All the bad leaders like a dishonest MP and he happens to become a Minister, you will find that in that Ministry, if he is Opiyo from Siaya, every person from the Sweeper to the Managing Director will be from Siaya. My proposal is this, a panel be created whereby whoever is employed is vetted first even if I come from Siaya and I don't qualify, then I should not take that job, someone from Eastern who qualifies should take that job.

The third one is on Police powers.

Com. Adagala: What you are saying is nepotism, that one is an okay but part of the problem now is that there are fewer jobs – jobs have shrunk.

Opiyo Ganda: The way I realize, they are not so future. We can always improvise and would do something different. If the jobs are few, then the most qualified should take the jobs.

Com. Adagala: What should be done about that situation, where jobs are few?

Opiyo Ganda: In such a situation, I think the Government should come out with better proposals. Maybe, Jua Kali sectors created, subsidized.

The other one is on Police powers. I feel that our Constitution has given the Police Department too much powers especially on the youth because even the unemployment, you realize, they don't have much to do.

Com. Adagala: What is your proposal?

Opiyo Ganda: My proposal would be this. Since we have got freedom of movement, you find me coming from the shops to buy nyanya at around saa tatu. I am asked where are you from and yet I have got the nyanyas I am carrying. I am forced to produce something. If I don't produce it, I go stay at Ruaraka for weeks. If my relatives don't come and.....

Com. Salim: Bwana Opiyo, you know you are spending a lot of time explaining the problem. Now, we know the problem. How do you think it should be solved? You are a youth? You have no job, you are at night, you want to go – you have got to buy something from a kiosk and the Police harass you. What shall we do about it?

I think the Police should be retrained in a such a way that they realize that this is a Kenyan, he is going to the shops to buy mboga, he is going back home, so that they don't just pick you up and charge you with fabricated charges up there.

The other one is, I think the Constitution should be amended in such a way that Kenyan resources are really exploited/the unexploited resources like I come from down Nyanza Province. I have got the greatest Lake in Africa, yet I am in Nairobi and doing nothing and I could be farming and you see the Government has done nothing to implement because all the feasibility studies that are given up there.

Feasibility studies that are done should be implemented, if they realize River Nzoia can produce power, they should construct a dam down that Nzoia if they realize Kanoo Planes get overflowed during the rainy season, they should find a way of pumping that water and could be using it for irrigation later.

The other crucial point.

Com. Salim: I think we running out, did you already tell him? Time is up. Maybe the last one.

Opiyo Ganda: The last one is on education.

Com. Adagala: Give proposal.

Opiyo Ganda: Proposal. Basic education should be free and medical expenses should be free also.

Com. Salim: Thank you very much Bwana Opiyo.

Com. Adagala: Tunakaribia half way. Tuko half way in the day. We have told you how you should do your presentation but you insist on explanation of things which are known. Kuna mambo ingine watu wote wanajua. Hata mtoto anajua shida ya shule. Sasa tungependa watu wakija hapa, waje na kutoa direct pendekezo, kwa sababu ukitoa pendekezo lako vizuri, pia

maelezo itakuwa ndani ya hiyo pendekezo la maoni.

Sasa tumelewa vile huko sehemu hii iko kwa maelezo mengi ambayo imetolewa hata na MP hata na Councillor, hata na nyinyi nyote. Sasa ukifika hapa, sema pendekezo lako direct. La pili, tumeona watu wengi lakini tumeona mama wachache sana, sijui watu wa Mathare ni Wanaume tu. Mumewaficha wapi? Katiba hairuhusi hiyo. Committee members, where are the people with disabilities? Committee Members wako wapi? You are to facilitate and make sure they arrive. It is not a debate, it is the Act that says that the people with disabilities must be here. Otherwise we can cancel all this because we are not representing everybody. Particularly people with disabilities must be here. Sasa kuna mtu mlemavu mmoja anini, watu wangapi wana walemavu nyumbani? Hakuna. Yes, kuna mmoja lakini sitaki mmoja wanatakikana 10% of all this group.

Ya tatu, kuna wanafunzi kwa area hii, wako wapi? Kamati inafaa mfanye bidii. Sasa tuendee lakini mtu akikuja hapa, akianza maelezo mengi tutamsimamisha. Okay.

Com. Salim: Oscar Karure, hayuko. Tom Omambia, hayuko. Tom Obongo, hayuko. Martin Wangalachi.

Martin Wangalachi: My names are Martin Wangalachi, a resident of Mathare North Area. My proposals are that:-

We would like a Constitution whereby no Kenyan will be above the law. In the first instance, I believe we are all equal. So, we would like to put emphasis

Com. Salim: You have made that point, move on.

Martin Wangalachi: Yes. Secondly, I would like to have the three Arms of the Government separated wherebyTouching on education, I feel primary education should be compulsory and free for all Kenyans so that we don't have any more illiteracy in our country. On health matters, I feel since majority of the Kenyans are poor and maybe

Com. Salim: Make your proposal.

Martin Wangalachi: I feel the medical services should be given free to all the Kenyans since we pay the taxes.

Com. Adagala: Next.

Martin Wangalachi: On security matters, I feel the Police force should at all times protect all the Kenyans as a whole regardless of the rich or the poor. On administration, I would like that we have a place whereby the people are given the mandate to elect their own sub-chiefs, their chiefs and the administration as a whole. Again, I would like a Constitution that

will always protect the minority of this country – this being the disabled people, the women, the children and the poor Kenyans as a whole. I believe that is all.

Com. Salim: Well, thank you very much Bwana Wangalachi. Johnson Ogola.

Johnson Ogola: My names are Johnson Okeyo Ogola, I reside around that is in this Constituency. Yes, I have proposals for the Constitution Review.

Com. Salim: How Bwana Wangalachi gave his? Very clear.

Johnson Ogola: First, this town that very many people Yes! Yes! I want the Constitution to bring back the issue that the annual development book to be brought to the people so that we understand it.

This proposal that we have our MPs or maybe Councillors – we know that they grab and build. The next proposal is that the Constitution should provide a law that when an MP or someone takes some money from the Government and maybe flies out of the country, he should be brought back and be charged like we have been strolling around.

The Government should be able to – the other resources that we have, to make rehabilitation centres for street children and make it compulsory that no street children should be (inaudible).

Laws of contract should be implemented. We have contracts, different contracts, kazi ya kuajiliwa. The Government should implement this Constitution so that the little or rather the employee be much protected by the laws that we have.

I think much has been said by some people and maybe access roads in the estate should be build and be rebuild. Thank you.

Com. Salim: Thank you very much Bwana Johnson Ogola for your views. Duncan Oyoo, yuko? Not here. Daniel Nyakundi, hayuko. Ann Waithaka.

Daniel Nyakundi: My names are Daniel Nyakundi. It is like we are repeating ourselves.

I was talking of freedom of education. This is like the issue of children and what have you in the country because we don't have money to take to schools. Freedom of medical services in this country.

Com. Salim: What about medical services?

Daniel Nyakundi: Medical services. They should be free to some extent.

Com. Salim: You know, they can only be free or not free. Not to some extent. If they are free, they are free.

Daniel Nyakundi: Fine, they should be free.

Com. Salim: Alright.

Daniel Nyakundi: The issue of private wing should be completely moved from the Ministry. And, I have got some proposal on the Constitution Review. I think the times of coming to interview us is a bit unique. You should have the right times, days and maybe weekends when people are at home.

The Committee Members whom you have chosen here should go round and meet people who cannot walk upto here and take their views. All people who are outside there and cannot reach here should be contacted by the Committee.

I was talking of this unnecessary Commissions (I am sorry to use this word) which are always formed by the Government. When somebody dies, a Commission is formed, a lot of money is spent, nothing comes out. We are never given a report on what the Commission

Com. Adagala: There are two types of Commissions. There are Presidential Commissions and there are Parliamentary Commissions.

Daniel Nyakundi: I am particularly talking of the Presidential Commissions.

Com. Salim: Bwana Nyakundi, can you perhaps tell us what exactly is the problem with the Commissions and how your views can be involved.

Daniel Nyakundi: The problem with these Commissions is that when they are chosen or they are elected, they just go round and collect.... you know like those other developed countries, we have the

Com. Salim: Don't give us background. Tell us what needs to be done.

Daniel Nyakundi: We should have a permanent body that deals with these criminal offences like murder and such like things. Not every now and then, a Commission, a Commission.

Com. Salim: Alright.

Daniel Nyakundi: And we should be given a report on what this Commission comes out with and a true report. I think that is all.

Com. Adagala: Let me ask you because there was somebody also who said that there should be a permanent Commission which deals with all these problems. Problems come out and they require different expertise. Should they always be the same people?

Daniel Nyakundi: What I meant is that in other countries...

Com. Adagala: I know what you meant. I want you to qualify it. Should they always have the same people or should the Commission be there, but depending on what is needed, different people come in.

Daniel Nyakundi: What I am trying to explain is this. We have

Com. Adagala: I know what you are saying.

Daniel Nyakundi: Yes. The Government should have a well trained Commission or rather a group of members who should be trained permanently to deal with such like cases. Not Commissions – every small thing – Commission and they don't bring us report back.

Com. Adagala: Do you want them to be Presidential Commissions or

Daniel Nyakundi: This can be chosen by the MPs and then they be taken for training and they be dealing with that like what we have the FBI and such like.

Com. Adagala: I want you to say clearly. Do you want them Presidential or Parliamentary?

Daniel Nyakundi: Parliamentary.

Com. Adagala: There are no 'maybe' in the Constitution. Hakuna 'maybe' au 'pengine'.

Daniel Nyakundi: I want it. I am suggesting that it be Parliamentary.

Com. Adagala: Okay.

Daniel Nyakundi: And once they get report, they should publicise them so that Wananchi can get to know what they have come out with. They should always be publicising the reports clearly

Com. Adagala: Yes. That one we have written. They should publicise. Thank you very much.

Com. Adagala: Siwezi kuona vizuri sana. Sasa, huyu mwenzangu atanisaidia kuita majina.

Com. Salim: Ann Waithaka. Ann Waithaka, hayuko? Raphael Njuguna. Dalmas Owuor. Dalmas uko hapa, itika ukinini, hii ni nchi yako. Kenyatta alisema, kanyaga ni nchi yako.

Dalmas Owuor: Okay. My names are Dalmas Otieno Owuor. I am a resident of Mathare North. And since most of the things I would like to propose have been proposed, and at this issue of time I would just pick on some things.

I would like a Government whereby we have a Prime Minister who should serve for four years and the President to serve for five years. Both of which should be elected by the people.

The Ministers in every Ministry should be voted be for by the Parliament.

Com. Adagala: Excuse me! What if the Prime Minister, should the Prime Minister be an MP?

Dalmas Owuor: Yes.

Com. Adagala: And should be elected by the people – the Kenyan people?

Dalmas Owuor: Okay, what I mean is. After elections, this Prime Ministry post will be vacant.

Com. Adagala: Floated again?

Dalmas Owuor: Yes.

Com. Adagala: Okay. Supposing a Prime Minister comes from a very small Party and someone very popular comes from a very small Party. How will be able to run business in Bunge? The duty of a Prime Minister is to run Government business. How will he be able to run Government business if he comes from a small Party?

Dalmas Owuor: Now, it is not the issue of him coming from a small Party or not. The issue should be, as long as he has the votes of the people, that one will empower him to act in that office.

Com. Adagala: Why should he run for Member of Parliament then?

Dalmas Owuor: Now, the thing is this. First, he must be somebody that his own people accept. You see in Kenya we have different tribes.

Com. Adagala: Yes, we understand.

Dalmas Owuor: So, what I mean is this. After he has been elected or agreed on by the people. So, now he can vie for that post.

The second thing I would like to talk about is this HIV/AIDS thing. It should be compulsory for people to test and everybody known to be HIV positive or not, the public should be informed of it because this is death.

Another thing is, on permanent investment like land, in urban centres or something like house rents or permanent buildings, structures to be rented by the people. These should be controlled by the Local Government.

If I intend to construct (let me explain this if it will be okay with you). If I construct a permanent

Com. Adagala: All that needs to be in your memorandum.

Dalmas Owuor: Thank you. Another thing is, we should not have Provincial Administration officers and ...

Com. Adagala: What was your proposal on land?

Dalmas Owuor: On land.

Com. Adagala: Yaah.

Dalmas Owuor: There should not be, I was saying that those people, the land...

Com. Adagala: A proposal not an explanation.

Dalmas Owuor: Thank you. The Local Government should run the urban buildings.

Com. Adagala: Endelea.

Dalmas Owuor: Okay, that is what I meant. Now, also I would not like us to have the Provincial Administration office and I should also propose that, we should have eight Vice-Presidents.

Com. Adagala: You should say what will be in place over Provincial Administration. You know there cannot be a vacuum.

Dalmas Owuor: Yes. This is what I am saying. Instead we should have eight Vice Presidents who will be eight representatives, each elected by the people from each and every Province. This issue of street children, the Government should have rehabilitation centres and these street children should be catered for.

All Government officers – senior Government officers should not be appointed by a body but should be elected by the people like the Chief Justice, the Attorney General, etc. you will help me there. Now, I think I should end there because they have mentioned most of the points I had.

Thank you.

Com. Adagala: Thank you very much. Harrison Mariga.

Harrison Mariga: My three names are Harrison Omwega Mariga from Ruaraka Ward – Mathare Area II. My recommendation to that the Commissioners are:-

One, age limit should not be a sole requirement for the President of Kenya. Like now..

Com. Adagala: Age limit to be scrapped?

Harrison Mariga: No age limit, yes.

Com. Adagala: Second point.

Harrison Mariga: Second point, Provincial Administration should be scrapped.

Com. Adagala: In its place?

Harrison Mariga: In its place, instead, we should just retain chiefs and assistant chiefs only. Third recommendation.....

Com. Adagala: How do they become chiefs? How do you propose they become chiefs and assistant chiefs? There are

several ways, they are either appointed, elected....

Harrison Mariga: They can be elected by Parliament.

Com. Adagala: Endelea.

Harrison Mariga: The third point, the President should not be the key appointee to parastatals bodies. But, if he must do that, the parastatals chief should be stated by Parliament not by lunch time appointees.

Com. Adagala: It is very important that you state your proposals positively because your second is a proposal. The President appoints, Parliament vets.

Harrison Mariga: Thank you. A Mayor should be elected by the people and not by councilors. Primary education should be free of charge. Wealth of all civil servants should be, each civil servant in each fifty years should declare how he obtained his/her wealth.

Extension of Parliament should be by, in any case the Country is on war or hunger. The current set up of the Government should be strictly the President, the Vice-President, not that the others as they are saying five Prime Ministers, etc.

A copy of the Constitution should be mandatory and compulsory to every Kenyan citizen.

Com. Adagala: Endelea.

Harrison Mariga: The last one is about security. Security should be a sole requirement of any state. A citizen of Kenya should be required to have security, that is, each Police officer should be entitled to ten people. That is my recommendation.

Com. Salim: Z. Ouma, yuko? Hayuko. Mary Makhokha? Hayuko. Titus Muthui? Nelson Ochieng? Hayuko. Tom Owino.

Tom Owino: My name is Tom Owino. I am going to recommend my views on the part of legislature. I will mainly say that the Vice President should be running mate of the Presidential candidate in the pre-election campaign such that this man will be known and supported by all the Kenyans, not like we are having it now.

The next proposal is the person who is going to be the Vice President should have a clean record of good integrity and has never been involved in any scandal before. But, if it can come by that during his time in office, he is caught up in a scandal or a

criminal case (the Vice President), he should be fired and charged because of the public interest.

Again, on the legislature, I would like to talk about the appointment of Ministers. The person being appointed a Minister ..

Com. Adagala: That recommendation on V-P is not a legislature. It is the Executive. Even the next one you are making on Cabinet is Executive. Legislature is in Bunge. Okay.

Tom Owino: Yes. The appointment of Ministers should have a man who has a clean track record. When I mention a man, I mean all Kenyans.

Com. Adagala: No. Before Katiba, you have to identify.

Tom Owino: So, if he/she should have a clean track past records wherever he was working. Should have at least a minimum of basic ordinary level and a diploma in administrative course to make him serve Kenyans diligently.

When it comes to firing. The Minister should be protected by the Constitution. Not that they should be fired simply because they differ with the President or differ with a power broker somewhere. So, this Constitution should (this time) be clear to protect them such that they serve Wananchi diligently.

Com. Adagala: When they are appointed, they stay.

Tom Owino: Yes.

Com. Adagala: How long?

Tom Owino: Five years.

Com. Salim: Now, you want to give security of tenure to a Minister. What if in the course of his work he does something seriously wrong? Will he still stay where he is because you have given him security of tenure for five years. So, you have stuck him for five years. What do you do?

Tom Owino: Thanks. When the Constitution is clear about his tenure in office, the same Constitution should also be explaining the consequences of any mess the person or a Minister will have done. It is only that.

Com. Adagala: (inaudible)

Tom Owino: Yes of course when the Constitution is clear. He should have a security of tenure.

Com. Adagala: (Inaudible)

Tom Owino: A V-P, like other MPs should have a basic of ordinary level and a diploma in administrative course.

Com. Adagala: (Inaudible)

Tom Owino: No. This is going to depend on how he can win the votes from the people.

Com. Salim: Thank you very much Tom Owino. Joseph Okungu.

Joseph Okungu: Thank you very much. Here, I have some proposals from – I am representing Dr. Robert Okello Arunga but I am just going to read the summary (if possible) and in case there will be no time, I will leave this with you.

Com. Adagala: One, you cannot represent someone else before Tume. Before the Commission, no one represents anybody else.

Joseph Okungu: Okay, thank you.

Com. Adagala: If you agree with his views, you present them. Two, you are not going to read. You are going to tell us because reading takes a very long time.

Joseph Okungu: Okay. They are only seven.

Com. Adagala: Have you gone through them?

James Okungu: Yes.

Com. Adagala: You know what they say?

James Okungu: Yes.

Com. Adagala: Give us highlights of them. But not reading.

James Okungu: Okay. My names are Joseph Okungu. According to this proposal, there should be a separation of powers between Executive, Legislative and Judiciary. For example, there was a lasting role

Com. Adagala: Proposal? You know what I mean.

James Okungu: Okay. Number two, setting minimum qualifications for elective offices. Number three, the Executive should nominate people to Constitutional positions especially in the Judiciary but the Legislative should appoint them backed by an efficient vetting system based on merit and integrity. Number four,

Com. Adagala: Who does the appointing and vetting?

James Okungu: I think that should be done by the President and the Parliament. Number four, simplification and reduction of hierarchy of courts to also include public courts which deal with simple traditional cases. Then, number five, an independent prosecution system to facilitate, simplify and help individuals investigate cases involving powerful individuals and institutions.

Com. Adagala: Independent what?

James Okungu: Independent prosecution system to facilitate, simplify and help individuals investigate cases involving powerful individuals and institutions. Number six, an Ombudsman to listen to complaints and if necessary, forward the same for investigation and prosecution to the independent prosecutor.

Last, simplification and reduction of courts for instituting private prosecution.

I only want to comment on something about rent (this is personal view). Like houses which we are living in right now, we should have two-roomed houses not a single room. This is to protect us. And, also, we need free education. We don't need cost-sharing in health sector. Thank you very much.

Com. Salim: Tom Mboya Olum.

Tom Mboya Olum: My name is Tom Mboya Olum, a resident of Mathare North – Kasarani Constituency. I would like to propose the following:-

One, all registered voters should vote compulsorily.

Com. Adagala: Compulsory registration?

Tom Mboya Olum: Registration. Registration should be willingly. Anybody who is willing to register as a voter. It should be out of one's will.

Com. Adagala: I have said that because compulsory is where everybody is compelled to vote.

Tom Mboya Olum: Yes. But in this case I would propose for Another proposal, all leaders of Political Parties should be people of good will and free from any misdeeds or scandals. All leaders of Political Parties.

Another point, Constitutional Documents – all laws should be followed to the letter. In this case, implementation of this document of the laws should be of great concern to the Nation.

Another point, after every two successive Government i.e. after ten years, a national referendum on national issues should be conducted.

Another point, compulsory and free primary education and health services. And also, students from tertiary institutions should also be considered for invitation by public universities so as to be considered as regular as any other student from maybe secondary school.

Another point is on security.

Com. Adagala: Excuse me! You have a Professor in front of you. You have to talk about university clearly.

Tom Mboya Olum: Yes. When I talk about tertiary institutions, I refer to those students in colleges.

Com. Adagala: What about them?

Tom Mboya Olum: In their area of discipline, maybe they have qualified to extend their education in university level, and they are not given a chance to apply as secondary school leavers. So, in this regard, I ..

Com. Adagala: Just wait, where do they come from? They come from secondary school.

Tom Mboya Olum: Okay, first of all, they did not qualify maybe to go to university direct and then after, they got maybe a chance in colleges to pursue a course. Maybe, after attaining that profession, he may be having a qualification which can

enable him continue with education in university. They should also be given chance to apply as students in secondary school.

Com. Adagala: They do but what happens is, they are private students.

Tom Mboya Olum: This kind of private is what I don't propose.

Com. Adagala: Then you need to make your proposal clearer.

Tom Mboya Olum: Yes.

Com. Adagala: People who get Government sponsorship are not the only people qualified to go to university. The Government capacity is small, so they only say, okay, upto so many people. But everybody with a C+ up, qualifies to go to university. So either you are talking about Government sponsorship for everyone and that diploma holders should not be terminal.

Tom Mboya Olum: This my proposal, I hope you have taken note of it. (I think you will excuse me). On a Vote of no Confidence on the Government. The following proposal should be taken into consideration. When the Country is experiencing a widespread insecurity, a Vote of no Confidence should be carried out.

Another proposal, when the Government is involved in a major scandal that is likely to affect Kenyans negatively i.e. like the case of 'Goldenberg', a Vote of no Confidence ought to have been carried out. Another proposal, on the same Vote of no Confidence...

Com. Salim: Put that one to be the last one.

Tom Mboya Olum: Sorry! I think you will excuse me. This is the only chance I have to air my views and

Com. Salim: But lots of people are also awaiting their chances.

Tom Mboya Olum: It is just a request please.

Com. Salim: And we have, we have only done 100 out of 300 people.

Tom Mboya Olum: Okay. Just allow me one minute please.

Com. Salim: Last one.

Tom Mboya Olum: Okay. Unemployment. Employment should be purely done on merit and professional jobs should be left for professionals. Another proposal, the factories and industries should be built in areas where the products are being produced.

Com. Salim: Thank you very much Bwana Tom Mboya.

Tom Mboya Olum: And the last, excuse me. Market liberalization should be checked to save poor majority from being exploited like in the case of land, rent and bus fares.

Com. Salim: Thank you very much.

Tom Mboya Olum: Thank you very much.

Com. Adagala: I would suggest that you find out what you want to say on university. Write it clearly as a memorandum, give it to the Committee Member or the District Co-ordinator or bring it Kencom House, 2nd floor.

Tom Mboya Olum: 2nd floor.

Com. Adagala: Yeah. But you need to state your proposal on university more clearly. Okay?

Com. Salim: Chrispine Juma, is he here? William Ochieng. We had a friend called William Ochieng, so I wonder if he is the one who wants to give his views before two colleagues. No, he is not here, maybe it is a different person. John Ogutu, hayuko? John Ogutu.

John Ogutu: Okay, good afternoon. My names are John Alberto Ogutu. I have some proposals here to make on the Constitution Review.

First, I have on the education (this is basic). I propose it should be free for every Kenyan child. Second, employment.

Com. Adagala: Free. Do the children have to go to school?

John Ogutu: Yes. The children have to go to school because that is the reason I am saying it should be free.

Com. Adagala: But it can free but some children can You know how it is with children. They may not want to go.

John Ogutu: No. This one will be upon the parents because it is because of the school fees which is being paid, that is why they are not going to school. So, that is the reason why..... free primary education (that is right). Number two is on employment. Government should look into employment facilities like in all Kenyans, the Kenyan youths above eighteen. If they can't find a chance in Government institutions or Government employment, there should be a system like in labour industry.

Like Ministry of Labour, they are not taking anything as per employment. All Kenyans should have a right to employment.

Two is taxation. Kenyans are being taxed like the NHIF and the NSSF. These ones, in my opinion should be scrapped.

Com. Adagala: All taxes should be scrapped?

John Ogutu: This is NHIF and NSSF. These are the only taxes which I propose should be scrapped because they are of no help.

Third, health services. Health services should be free for all living Kenyans. There shouldn't be cost-sharing and this one should be in Government health institutions only not private.

Four, public transport. This one also the Ministry of Transport & Communications should give a guideline for cost of travelling be it within the Cities or international.

Five.

Com. Adagala: Last one.

John Ogutu: Five, elections (Parliamentary and Presidential). For the Presidential, I propose that there should be only one five-year term for all (Parliamentary and Presidential).

And on Constitution. A copy of the Constitution of Kenya should be free to all Kenyans above 18 years. I think that is all.

Com. Salim: Thank you Bwana John Ogutu. Chris Odhiambo, not here? Joseph Mulinge, hayuko? Eric Mwanga.

Okuku: I represent an organization in the name 'RUCAPA'. We are creating awareness and poverty eradication. My position is Financial Controller. Just compose yourself because this is a very vital occasion. The organization propose:-

The Central Government to empower the Local Authorities and CBOs so that we can sustain the expansion of urban slum/ to reduce expansion of urban slum.

Second, employees who have already been affected with HIV/AIDS should not be stigmatized as per the current... because we as the AIDS campaign, we are really facing such a challenge. Therefore, a law should be set to assist the victims.

Third, the law should also stipulate exactly when and the date of the general election unlike our Government which keep the date to be a secret weapon.

Last, we have a number of Political Parties. The organization propose for the governing party to fund some other Political Parties on percentage representation in Parliament.

Com. Adagala: What do you mean?

Okuku: The governing party. That is the request from the organization requesting the law to be enacted or to be enforced to fund the Political Parties.

Com. Salim: Bwana Okuku, tafadhali hebu tutoeni..... Hakuna jambo la kuchekesha, mimi nionavyo hivo. Upande huu on question of funding Parties. You say, they should be funded in accordance with their strength in Parliament.

Okuku: Of course yes.

Com. Salim: What is the minimum?

Okuku: The minimum..

Com. Salim: If my Party has one seat, do they get funds or two seats, do they get funds or three seats, do they get funds?

Okuku: Should be at least five seats.

Com. Salim: Okay. Thank you very much. We go on. David Orwa, hayuko? John Karanja, he is not there. Anthony Mburu? Wajamaa wameenda lunch hawa. Jared Owade.

Jared Owade: My names are Jared Owade. These are my proposals:-

Concerning the Labour Movement and Labour Act. Law should be put to protect all labourers in Kenya, in their rights, their revenues and earnings, I support that.

Com. Adagala: To protect who?

Jared Owade: Workers. There should also be freedom of trade-unionism in Kenya without the interference of Government and employers. It should be but interference should be avoided.

Third point, freedom of worship. The Government should not or the Constitution should not determine how, where, which and who to worship. There should be freedom of worship.

Security. We see a Policeman – our lives are endangered. So, what we want, Police to be friendly and law to be enacted to protect a common mwananchi from harassment of Police.

Health. There should be a rational health services to a common mwananchi.

Com. Adagala: There should be what?

Jared Owade: Provision of health services to a common mwananchi. Should be affordable in simple terms. On education, there should be a free primary education and the upper education should be affordable to all Kenyans irrespective of their tribes and all that.

Concerning the Presidential powers. The President should serve for not more than five years in office and there should also be proper functions stated of the President. Proper functions of the President as an office not an individual.

All Members of

Com. Adagala: My friend, we have interrupted you because we want to know what you think the proper functions are.

Jared Owade: Okay. What I am trying to say is we should make the President be aware that he is a servant not a boss by so putting boundary law of where of the authorities or the powers of the President should be reduced. For example, he is above the law, whenever he does a mistake, he should be taken to court or be impeached for the same.

Another one, Members of Parliament should not be above the law. Members of Parliament, most of the time we elect Members of Parliament who go to Parliament to sleep. What we are trying to do is now, my proposal is, the Members of

Parliament should be above 21 years of age when they are being elected but not over 50 years of age and they are still contesting for the same positions.

Yes. another point is, education level.

Com. Adagala: You said you catch Members of Parliament sleeping, as in old ones are the old ones who are sleeping because you are saying upto 50 years? If there is something you wanted to say about.....

Jared Owade: Yes. Thanks. I am saying about. Education level will clarify that. We need Members of Parliament who have proper educational levels, at least at ordinary 'O' level dropout.

Com. Salim: Form Four Leaver.

Jared Owade: Okay. What I am also trying to put across as a proposal is, the Cabinet Ministers should be professional people. I think that is all.

Com. Adagala: Who should appoint the Cabinet?

Jared Owade: The Cabinet should be appointed by the Parliament.

Com. Adagala: From where?

Jared Owade: After somebody is elected.

Com. Adagala: From among MPs?

Jared Owade: From among MPs.

Com. Adagala: Okay.

Com. Salim: L. P. Mark Odhiambo. I believe you come from the same organization as Somebody who has spoken already? Are these your own individuals views now or on behalf of your organization?

L. P. Mark Odhiambo: No. These are just my own personal sentiments which I just wanted to pass them through.

Com. Salim: So, there won't be a repetition of what we have heard?

L. P. Mark Odhiambo: Yaah. The memorandum which we have given but I just have mine personally.

L. P. Mark Odhiambo: I am proposing. My names are Luke Pascal Mark Odhiambo from RUCAPA. My first proposal was, elected MPs and Councillors – there should be a law to impeach them if at all they cannot deliver what they have promised the electorate.

Secondly, people who might be having interest to join political races or who might be vying. They should not be those in employment. There is no need of you resigning or leaving your job and going for the political job, yet there are people who are jobless. It should be left to the jobless people.

Thirdly and the last one (I think so), is the issue of AIDS pandemic.

Com. Salim: Issue of?

L. P. Mark Odhiambo: AIDS pandemic. Now that there has been a scourge in our Country and you get many people are dying of the scourge, we want the Government to at least when doing its budget, to set aside money for people suffering from AIDS and there should be a board which will be taking care of people or orphans left or whom their parents have died of this pandemic disease. Thank you. Those are my views.

Com. Salim: Thank you very much Mark Odhiambo for your views. Okay, Bwana Nyamanga, B. Nyamanga, yuko? Teresia Ndingi, Teresia yuko? She is not here. Juma Onduso? No. Joseph Aboko? No. Stella Owira? Hayuko. Peter Obala? Wycliffe Ochieng? Hayuko. Hudson Njoroge? Hawa ni listeners, sorry. Jackson Omondi. Peter Mwangi? Dominic Oduor, yuko? Okay, karibu.

Dominic Oduor: Thank you very much. My names are Dominic Oduor Ayee. My proposals are:-

The number of refugees entering Kenya should be minimized or if they have to stay in Kenya, they should be in secured places.

Secondly, child labour should be abolished. Third.

Com. Salim: Hold on, the second one was?

Dominic Oduor: Child labour.

Com. Salim: Child labour!

Dominic Oduor: Yes. Third, land ownership. Most people in Kenya lack land while others own large acres of land.

Com. Salim: Proposal?

Dominic Oduor: These largest acres of land owned by few individuals should be divided and everybody should own a piece of land at least.

Com. Salim: Who is going to do that?

Dominic Oduor: The Government. Third, those involved in brewing of illicit brews e.g. changaa should be gotten lead of and charged highly in the law courts of Kenya. Thank you.

Com. Salim: Thank you very much Dominic. Valentine Chelango? Fredrick Omondi, hayuko? Charles Oboye, hayuko? Aloyce Oduri, Aloyce? Richard Mark Omala, karibu. At last we are having a handicapped person coming to present views. As my colleague had said, this is supposed to be a Commission to hear views from Kenya's diversity of population – is the people we haven't heard more diverse representation here but we hope by the end of the day, there will be more people coming to speak for each and every sector of Kenya Society.

Richard Mark Omala: Hallo everyone. I am Richard Mark Omala. My views are as follows:-

A leader should declare his wealth before occupying his office. A retired worker should not be appointed to hold public....

Com. Salim: Sorry! About Richard. Can you start again, I was chatting to my colleague there. First point,

Richard Mark Omala: I said. A leader should declare his wealth before occupying his office. A retired worker should not be appointed to hold public post, instead a younger person to be appointed.

A leader shouldn't monopolise the leadership by appointing his own tribe to be directors of different departments.

There are so many churches in Kenya in the name of believers. Some need to be scrutinized in order to stamp out devil

worshippers.

Disabled, the aged, the street people should be catered for by the Government by providing them with education and employment.

A pregnant school girl should be allowed to continue learning until giving birth and the baby to be looked after by both parents.

A slum dweller for more than ten years – when evicted to be given another plot or compensated.

Small scale business people to be uplifted by being given loans, viosks by the Government.

Free education should be provided from nursery, university to all Kenyans.

Free medical services should be provided to all Kenyans from local clinics to national hospitals.

A long serving convict to be allowed a visit by his people and given food and treatment.

When a civil servant commits an offence, he should be or ought to be sacked immediately, not to be transferred. All unemployed aged 18 years and above, to be given pocket-money by the Government.

TV and radio officers to be paid by the Government. That is all.

Com. Salim: Thank you very much Richard for your views. Please go over there and ask her to register you. Nicholas Kaunda? He is not here. Benjamin Mwangangi? Tim Mwanzia? Kepha Kinanga? Ngomeli Ngila.

Ngomeli Ngila: Thank you. My name is Ngomeli David Ngila. All citizens should be provided with a free copy of the Constitution after they get the ID cards.

Powers of the President should be reduced and nobody should be above the law.

Heads of parastatals, institutions and corporations should be shortlisted by a known body on merit basis not just being appointed by an individual.

Ministers should be given a free hand in their Ministries such that they are answerable for everything.

The Attorney General, Chief Justice, Chairman of the Electoral Commission should be shortlisted by the Parliament before being appointed.

Generally, any person or civil servant who is not clean should not be appointed, transferred or promoted or even vie for any position in the Government.

The Parliament should be given mandate to scrutinize any leader who might be involved in a scandal in the Government and vote for his firing or stay in the office.

The Parliament should allow the citizens to exactly follow the proceedings or motion and the final conclusion.

Primary education should be free and compulsory. The Government should follow research and educate citizens on what to do to improve their living standards depending on their geographical areas.

Common Mwananchi should be able to forward his/her complaints in the Police post or any other administrative office and get appropriate feedback without being told to bribe.

The Government should provide education on population and control overpopulation.

Expatriates should be given a limited time and if it is over, they should quit the country. They should also be allowed if whatever they are doing cannot be done by any Kenyan.

Any Government in power should distribute functions evenly throughout the country. The Government should provide capital to the graduates, just the way it provides bursaries and economists to make sure their projects go through so that they return those funds back. Thank you.

Com. Salim: Thank you very much Ngomeli Ngila for your views. Samuel Osano. Yuko, Samuel? Onyona Joseph? Seko Maseli – MPYA? Evans Okello, hayuko? Daniel Koko. Utaanza na jina Bwana Daniel, kisha uendelee.

Daniel Koko: Hasa, jina kwa imani naitwa Daniel 465. Lakini kwa vile sijageuza kitambulisho, naitwa Daniel Koko. Nashukuru kwa nafasi hii, na hasa jambo la kwanza ningependa kusema kwamba, Sheria na mwili itolewe mahali pa uongozi kwa binadamu. Yaani Sheria na mwili viondolewe mahali pa uongozi wa binadamu. Nikianza na Sheria, hasa, Sheria iwache kusimama katika lango kuu, lielekealo katika uongozi wa binadamu. Yaani, iwache kutasama upande wa dini na pia itazame upande wa nje. Yaani sasa, Sheria ni kwamba, itoke upande moja, upande chini ikielekea upande wa nje. Yaani kwa wakati huu, Sheria inatazama upande wa dini na pia inatazama upande wa raia. Kwa hivyo Sheria itolewe hapo mlangoni ili iwe

ikitoka upande wa dini ikielekea upande wa... Isaidiane na dini ikielekea upande wa nje.

Jambo lingine ni kwamba ni mwili pia kwamba, mwili usiruhusiwe hasa wakati wa kupiga kura, watu wasiruhusiwe kutumia sehemu ya mwili. Inaleta maafa, ukabila, nini, kila kitu, tuwe tukitumia nambari. Hasa watumie nambari kwa kuchagua Rais na hao wengine watumie namba. Kwa vile nambari hasa inaleta watu kukatwa mikono wasipige kura kama Sierra Leone. Nambari inaleta ukabila, unapigia ndugu yako, hivi... Unaona huyu sura, huyu ni fulani, napiga kura fulani. Kwa hivyo, sehemu ya mwili iakilishwe na nambari.

Na hasa upande mwingine ni kwamba, iwekwe hasa dini zipatiwe uhuru kwamba ile freedom of worship sio mwisho bali kupatiwe upande kwamba, kujiandikisha dini zenyewe. Ziwe na uwezo wa kujiandikisha zenyewe, wakijua Sheria zao, hasa upande wake.

Com. Salim: Asante. Samahani Bwana Daniel. Wako wenzako wengi wanataka kutoa maoni na tumeambiwa kwamba wakati wako umemalizika. Lakini twakushkuru sana kwa maoni yako. Asante sana. Tukiendelea basi, tunamuita Jacob Otieno Juma, yuko? Hayuko. Jacob upo! Hayuko. Stephen Okello. Karibu.

Stephen Okello: Okay, my names are Stephen Okello and I would like to give the following proposals:-

First, I would propose that we have Federal System of Government. And, Federal System will have the Central Government which will be headed by the President who will be as the Head of State and the Prime Minister will be the Head of the Government.

Com. Salim: (Inaudible)

Stephen Okello: Okay, in the Federal System, we will have one central government and the state government. In Kenya, we will have the Provinces - so each Province will have its own government.

Com. Adagala: To keep the same boundaries?

Stephen Okello: Yeah. I propose that we just keep the boundaries we have. The President will be elected by the people while the Prime Minister will be the Head of the Party with majority of seats in the Parliament.

And, also, I propose that the tenure of MPs be two five-year terms and the Chief Justice to act as the President during election period. Also, that remuneration of the Members ...

Com. Adagala: Who should act?

Stephen Okello: The Chief Justice. And also, I propose that Anti Corruption body to be independent. They should not get the consent of the Attorney General to prosecute because the Attorney General is a member of the Cabinet. So, in case he wants to prosecute the Members of the Government, it can cause embarrassment. So, I want Anti Corruption body to be totally independent.

Also, remuneration of the MPs and Members of the Legislative Assembly to be fixed by a body specifically appointed for that purpose not the MPs to fix their own remuneration. Thank you.

Com. Salim: Thank you very much Stephen Okello for those views. We now call Caleb Ayuya, hayuko? Charles Okello? Na in case you are waiting for your chance and you only have a memorandum and you don't find it necessary to say anything, you are welcome to hand-in your memorandum to our officers at the table on my right. If you have memorandum, you think you can't wait, please hand it in there and you can go and attend to other matters. Like Charles Okello is supposed to have a memorandum but I don't know whether it has been submitted, maybe you submit it. Bob Ouma, yuko? Stephen Okonyo. Stephen Ochieng, hayuko? Caroline Ochieng, hayuko? Fredrick Owuor – MPYA. Richard Gitonga is just listening. John Odhiambo.

John Odhiambo: Mimi naitwa John Odhiambo Masudi – ni Mkenya.

Katiba mpya. Nimeidhinisha Waziri Mkuu katika serikali mpya achaguliwe na Wananchi. Awe akifunga Bunge, awe akifungua, awe akiunda serikali.

Pili, nimependelea Majimbo. Ili wasiobaatika.

Com. Adagala: Mbunge Mkuu achaguliwe na?

John Odhiambo: Uma mkubwa wa Taifa la Jamhuri ya watu wa Kenya.

Com. Adagala: Si atakuwa President mwingine?

John Odhiambo: Hiyo ni kugawa serikali/mamlaka.

Com. Adagala: Nakuuliza atachaguliwa lini?

John Odhiambo: Achaguliwe kama hii Sheria imekwisha.

Com. Adagala: I am asking you, how will it be done, when? When in the election calendar will it be done?

John Odhiambo: Uchaguzi sichajua lakini nilisema kama Katiba imekwisha ndio wataelekea katika uchaguzi.

Nimeunga mkono Majimbo ili wale wasiobaatika wanufaike na Maendeleo la mamlaka ya kila jimbo.

Ardhi. Ningependelea ardhi hapa pahali pangu, isiweko, ili wanaochukua ardhi hapa na Nakuru, wapate kugawa ardhi hiyo kwa Wananchi wengine kwa sababu mambo ya kuchukua ardhi kubwa ndio imeleta jina la 'squatter' katika Kenya na Kenya aikukuwa na jina la 'squatter'.

Com. Adagala: Sasa hiyo ardhi, itachukuliwa vipi kutoka kwa wale wako na nyingi, na kugawa vipi?

John Odhiambo: Hiyo ardhi tunaomba serikali ichukue ardhi iwe katika mikononi mwao.

Com. Adagala: Endelea

John Odhiambo: Masomo. Tunaomba masomo ya bure kutokea darasa la kwanza hadi la nane. Kila mtoto awe na vitabu, kila kitu lakini mavazi ndio mzazi anunue.

Hospitali. Tunapenda hospitali iwe bure kwa sababu mzalendo wa nchi ndio faida ya taifa hilo na akiwa anaendelea na kifo, atatoshwa na gharama. Je! taifa ilo, itakuwa na faida kweli?

Nyumba. Twaomba nyumba katika vibanda. Wanaoishi katika vibanda wajengewe nyumba za kudumu. Na bidii ikitoka kule nje ya kuwajengea wale nyumba, wazee wale wana taifa, na wanaopenda ufujaji la Fedha.

Tunaomba Katiba ichapishwe, ndani ya vitabu na ifundishwe watoto katika shule kuanzia primary ili kila mzalendo ajue haki yake/Sheria yake kwa sababu ile mila ya kale ilifunikwa ndio sababu tulikuwa tukipigwa pigwa kama kondoo kwa sababu hatujui Sheria ya taifa letu.

Com. Salim: Maurice Achuodho? John Mulei? Joseph Wainaina? Lamanus Ochieng? Fredrick Otieno? Alfonse Omondi? Elisha Aluola? William Omondi? Boi Boi Ali? Peter Nyakundi? George Mogeni? Charles Odhiambo? Joseph Kihara?

Joseph Kihara: Kwa majina yangu ni Joseph Kihara Gitonga. Mimi ni mfanyi biashara hapa Nairobi. Nikianza, naanza mambo ya serikali tatu kwa sababu mimi nilikuwaako wakati ya serikali ya ukoloni na nikawa ya Jomo na nikawa hii ya Nyayo.

Sasa mapendekezo yangu, ninaanza na utawala wa PC na DC. Mimi ningependelea, hiyo utawala hiyo ya mikoa ya PC na DC na DO, iondolewe kwa sababu serikali ingeweka Ministry yote kila Mkoa. Kila Mkoa iko na Agriculture, iko na Veterinary, iko na watu wa Security. Iko kila kitu, serikali imeweka lakini wale wametumia pesa bure. Ningependeleza kuwa tubaki na Chief. Chief awe na uwezo na kamati ingine ya watu wa serikali wale wanakuwa Mikoa.

Ingingine ya pili, ningependelea kama Rais awe anachaguliwa kwa kipindi ya miaka kumi lakini akiwa anafika hiyo miaka kumi akiwa ametoka Mkoa fulani sababu ukabila ukwishe, watu wa Parliament wanaenda wanapiga kura, waone hiyo Mkoa ingine ile itafuata sababu ukabila unaendeshwa na mambo ya Mikoa. Sasa ikiwa, ipatiwe Mkoa mwingine. Sio Majimbo kwa sababu Chama iko kila Mkoa. Chama itaakilishwa kila Mkoa ule lakini awe anaenda Mkoa ingine. Hiyo mambo ya ukabila, mimi naona kwa upande tukifanya namna hiyo, hii kabila inaweza kuisha ukabila ya Kenya. Ile kabila inakuwa na hiyo utawala, iwe haipigi kura. Ile Mikoa ingine inabaki, ndio inachagua lakini iwe inachaguliwa Parliament.

Com. Adagala: Tumeelewa.

Joseph Kihara: Ingingine, ningependelea hii uridhi kwa sababu mimi ni mzee na niko na wasichana. Ningependelea kama msichana alikuwa na wasichana yangu hata kama ameolewa, awe anaridhi mali yangu kama 20%. Ule hajaolewa, anaweza kuridhi kama kijana, awe anatoshana na yule kijana wangu lakini huyu mwingine awe anaridhi 20%.

Ingingine, mambo ya security. Serikali inaweza kugawa security kulingana na watu sababu mimi nakaa hapa Nairobi kama mzee, wale wako upande wa Muthaiga na huko juu ni wachache na ndio wako na security kuliko wale wako hapa chini. Ningependelea security igawiwe watu, kulingana na wingi wao.

Ingingine, ningetaka hii mambo ya watu wa kutoa kodi, wagawiwe mapato yao kulingana na mapato yao. Wale wametoa kodi kubwa, wawe wanagawiwa sehemu yao na vile walitoa kodi kubwa ya kutolea serikali. Na kwa hiyo machache, ningependelea siku moja nyinyi mukirudi huko kwa office, muambie Chairman wa Commission, atenge siku moja kwa makanisa yote, iombee hii Katiba isiharibiwe na watetezi. Na hiyo atafanya kwa makanisa yote wakati ataona ni muda gani unatakikana sababu hii Katiba inasaidia watu wadogo, sisi tulitawaliwa na mkoloni, sasa inasaidia hawa vijana wetu. Na kwa hiyo machache, asante sana.

Com. Adagala: Asante Mzee. Rudia hiyo ya ushuru.

Joseph Kihara: Ushuru, mimi nasema ushuru, ingegawanywa kulingana na kodi watu ile wamekwisha toa sehemu ile. Tuseme kama district ya Kiambu au district ile ingine imetoa ushuru ya serikali pesa fulani, igawiwe pesa kulingana na ile imetoa

kodi. Kama ni sehemu ingine, namna hiyo, namna hiyo. Igawiwe kwa sababu inaweza kuwa na watu wengi sababu ndio walitoa ushuru kubwa. Ushuru igawe na ile kodi watu watatoa.

Com. Adagala: Ahsante sana. Masika yuko? Aggrey Omondi, come.

Aggrey Omondi: Kwa majina naitwa Masika Okwoma.

Unajua nilikuita, hukuitika. Tafadhali mtu anaitika.

Masika Okwoma: Okay. I will start with giving out the Identity Cards. First of all, I will propose that the Identity cards be given to somebody when he/she attains the age of 18 – only by giving out a birth certificate. We don't need to give out the other documents.

I will also talk about the....

Com. Adagala: Why do they require the parents' ID?

Masika Okwoma: Okay. Possibly this is because of the foreigners and other people but, to me I am talking specifically for Kenyans. If somebody has been proved that he is a foreigner, now that is when he/she can give the....

Com. Adagala: But she can't get an ID if she is a foreigner. It is a national thing.

Masika Okwoma: Okay. Then I will also talk about traffic laws because I find that livestock farmers, some scrupulous motorists end up (they don't want the livestock like cows) when they are knocked on the road. You find that even if cattle are moving on the right side of the road, when a motorist or a car knocks the cow, it is the farmer who will pay. So, it becomes hard especially in these times when we have shortage of water sometimes. Once we have a law that also allows the livestock to use the road.

Then, I will also talk about education. I would like to propose that a law be set to regularize the fees that is charged by commercial colleges.

Then, I will also talk about the Presidential appointment. I would like a body to be formed so that it will vet out the Presidential appointment.

Then, I will say, to abolish the Chief's authority, the PCs and DCs. In its place, let the Local Authorities like the Councillors

and the MPs to take over. Because of them have been said, I would just like to propose that.

For Presidential appointment. I would like a body to be set or the Parliamentary Committee or something like that so that it can vet out this appointment.

Com. Adagala: Ningependa tumpe nafasi mmoja wetu mlemavu - Joseph Ogola atoe maoni yake. Jina, halafu tuendelee. Nimefurahi sana ako hapa, mwambie hivo.

Joseph Ogola: Ni mimi Joseph Ogola. I am from Kenya National Association for the Deaf and I am going to be representing the deaf persons.

Now we are making a new Constitution. I have heard about the whole Constitution but I have never seen it and I have not been educated. But I want to talk about this Constitution in relation to deaf people.

My wish is to see that other persons with disabilities like the blind and the mentally challenged will also give views. Many people when they look at me they don't believe I am deaf because deafness is a hidden disability. The Constitution, I would request to work slowly especially on persons with disability. Not to move very fast because many persons with disabilities may not have given all their views. To leave for us to collect all their views that are there and if they are not sufficient, to go back to them.

Okay, now I am going to give you my proposal. The first is about information. Many people who are deaf have a problem because of lack of interpreters. We recommend to have interpreters in the TV, in any meeting in the public so that they can understand what is happening. So, we must have a law being kept there for information accessibility to all people. Whether it is a Minister who was in a public meeting, a President. Whether it is also institutions like in the Judiciary, in the Hospitals, we must have a person to assist the deaf people to understand.

I would also like to talk about the Government must always remember persons with disabilities. A time they are talking about development in land distribution. We must have a law that when there is a development scheme of land distribution, we must have persons with disabilities – a 10% allocated land especially the women with disabilities. The land problem is always talked and shared to people without disabilities.

Also, in cases of marriages and inheritance. We must keep a law protecting them to be given land.

Okay, there is also the problem of many times persons with disabilities especially the deaf are kept in the court for a long time as they look for an interpreter to come and interpret the problem and are some times even kept too long and sometimes given a

verdict that is not true, maybe because of a poor interpreter or lack of interpretation in the court.

I really like to propose on education. We must have free education including children with disabilities. Children with disabilities have big problems especially of fees and other machineries. The schools must also use sign language as a medium of instruction. Sign language is very important for deaf people because if a teacher is to teach the deaf person, must use sign language so that these people can understand and develop in future. Teachers who need or want to join such schools of deaf institutions, a law must be kept that they must be aware of sign language.

Students must also be allowed to sit for examinations when they go through their education system. This is not happening as many students are denied especially the deaf to sit for examinations.

The new Constitution also must give equal opportunities in jobs. They must not just think that the deaf or the disabled people can do a just manual job but equal opportunities.

Also, in election in different institutions in the country. We must be given a possibility and opportunities to work there.

The other is accessibility in terms of transport. Many times, we forget that persons with disabilities especially the physically handicapped need to enter. So, a law must be kept that, when it comes to transport, we must have a law protecting persons with disability accessibility to this transport system.

The same also happens during the time for election and voting. We must have a law that protects them to have their correct voting. The blind, the deaf must be assisted when it comes to elections so that they choose the right candidates that they want.

I would also like to talk about taxes. We need to have a law that exempts persons with disabilities when it comes to taxes especially on the importation of machinery and things that they need.

The other thing I would want to talk about is, the salaries given to MPs compared to salaries given to service providers. The service providers do a lot of work for persons with disabilities in various regions but the MPs who do very little have very big salaries and we find that there is a big problem in the villages. So, we must check as far as the grassroot what is happening.

Com. Adagala: Okay. Tell him to give this

Joseph Ogola: Okay. My proposal is that the salaries of people should be focused into the jobs that they do and if a person does a lesser job, then he should be paid a lesser payment and that it should focus especially areas where persons with disabilities are being assisted especially in service provisions like hospitals, schools and make sure that they are given assistance.

Thank you very much.

Com. Adagala: While those disabled people (sorry), people with a hearing disability. Why don't they take exams?

Joseph Ogola: The time when the exams come, many times, students for the deaf are not registered for these exams because of they will lower the district's position in terms of examination and also the school and also, the best people do, examinations without interpreters, or somebody having gone through examinations. And so, many times, they have problems even with the examination itself and we think this is an oppression to these people because they are not given an opportunity to prove themselves, if it is possible or it is not possible especially if given proper services.

Com. Adagala: It has been suggested that all Kenyans should learn sign language. What does she think of that?

Joseph Ogola: My proposal is that sign language must start right from primary school as we try make it a national language for all people. Same time, all hearing people and students must have foreign language like it is sign language being put there and it should be distributed in all schools so that we can assist one another when it comes to public meetings. This development will help these people to share their ideas, their problems and to be interpreted in the society of the national language of deaf is accepted.

We should not just focus on teaching just big people or interpreters but teaching all people right from when they are in the nursery classes. They should all learn sign language from that time. Meaning all people are equal, so they should use the sign language.

Com. Salim: Thank you very much Bwana (Aggrey Omondi) – Joseph Ogola. Walukano K. Joseph? Joseph Nguya? Francis Onyango? Gordon Ombuodho? Robert Kabao? Peter Wekesa? Otieno Kennedy Matunga, hayuko? Tom Odero? Lazarus Oluoch? Newton Mugendi – medical student, Newton? Frank Musambai? Nelson Kingori? Kadera O. Stephen? Eunice Kweya. You are Kadera? Kadera O. Stephen.

Kadera O.Stephen: Thank you very much for giving me this time. I would like to say that our present Constitution which is the replica of the English Constitution came to our Country or was received without scrutiny.

So, our Constitution is really lacking a preamble. So that is the first thing I would like our Constitution to have. A preamble like that one of South Africa and even Japan, they are having preambles.

The second is that, I would like that our Constitution – there should be separation of powers – the Executive, Judiciary and the Legislature. They should be complete separation of powers.

Then the form of government. There has been a debate between federalism and unitary and with me I will propose federalism.

Then, in the system of Executive. I think we should adopt a system such as collegial system whereby we have a committee of probably eight people, then, from the committee, we can select one person or the committee can choose one single person to run as the President for a period of probably five years, then after that, another person from that committee.

Com. Adagala: To run as President or to be President?

Kadera O. Stephen: To be the President of the Country for a period of five years. I think members of the committee should be Members of Parliament. So, the Parliament should choose committee members.

Interjection: So this eight-man/woman committee to choose the President?

Kadera O. Stephen: Yaah, to choose the President from that committee now.

Interjection: (Inaudible)

Kadera O. Stephen: I think as our Country has got so many Political Parties, each and every Party should be represented in this committee. So that, from the committee, the committee members will now see whom to select at the President.

Interjection: (Inaudible)

Kadera O. Stephen: Yaah. From among the eight people.

Com. Adagala: Then what happens to these eight people?

Kadera O. Stephen: The eight people will wait for another term. After five years, then another person should also come up from the same committee.

Then, on the part of administration. People like DOs, DC, Chief, I think they should be elected directly by the people so that if at all they are messing up, then, we the people have the power to oust from the offices.

Com. Adagala: You have just had a President who is not elected by the people, and now you are saying that PC and the DC and the DO and the Chief should be elected by the people.

Kadera O. Stephen: Yes. Should be elected with the people.

Com. Adagala: Those people will be more powerful than that President.

Kadera O. Stephen: I don't think so.

Com. Adagala: They will.

Kadera O. Stephen: I don't think.

Com. Adagala: By democracy, they will. Because they will say we were elected by the people.

Kadera O. Stephen: But the eight people are Members of Parliament and they are elected by the common mwananchi.

Com. Adagala: Yes, but you see if the PC is elected by people in all the Province. He is more powerful than the President who was elected in one Constituency. Democracy gives power. If am elected by the people and you are not, I am more powerful than you.

Kadera O. Stephen: Okay, I get that.

Com. Adagala: Okay. Try to reconcile that, okay?.

Kadera O. Stephen: Yes. Then, a number of Political Parties should be limited. Actually we should have around five Political Parties – strong ones and the Political Parties should be funded by the Government.

I think the number to be registered – people should be told that we only register five Political Parties so that Political Parties which are not fully represented in Parliament should be done away with.

Then, my eighth proposal is that there should be a Constitutional Court which should look into matters concerning the Constitution like a system in South Africa.

Then, we normally some myopic Parliamentarians. They have sloppiness of thought. So, such MPs, they normally give us promises and after they have gone to Parliament, they become seat-warmers. I am saying that there should room for a Vote of no Confidence to the MPs who are doing nothing in the Parliament. The Vote of no Confidence against them by we the people

– the common man.

Com. Salim: When they do what?

Kadera O. Stephen: When they do things which are in contrast with our expectation because we normally take them to Parliament to represent us.

Com. Salim: What do you mean things in contrast?

Kadera O. Stephen: We normally have some Parliamentarians who are elected especially in the rural areas. After they have come to Nairobi, they forget the electorate.

Then, sovereignty of our Country should be upheld. We don't want unnecessary interference by the Briton Wood Institutions like the IMF and World Bank.

Then, I would comment on AG's office. The present Constitution, Section 26, subsection 3 has given AG a lot of power.

Com. Salim: What do you think about that?

Kadera O. Stephen: I think, the powers of the AG should be limited. Then, last, I would say that equality between men and women should not be there because as you can see even in the hall, the number of men and women cannot even be compared. We have around 2 women and around 100 men. So, women have always taken themselves to be lower or inferior and they believe that men should be more superior. Thank you very much.

Com. Adagala: Should we kill out the women?

Kadera O. Stephen: No. We can't kill them out completely but we should give them a Constitution in

Com. Adagala: Can we reduce them by killing them?

Kadera O. Stephen: We can just reduce their hopes.

Com. Salim: Thank you Bwana Kadera. Eunice Kweya, karibu.

Eunice Kweya: Mimi naitwa Eunice Kweyo na niwakilisha wa mama wa Bruce Kenya.

Com. Adagala: You are presenting who?

Eunice Kweya: Bruce Kenya.

Com. Adagala: An organization?

Eunice Kweya: Eeh. Mapendekezo yetu:-

Katiba itengenezwa kwa lugha inayoweza kueleweka kwa wamama wa chini kama Kiswahili na lugha ya mama.

Uridhi upewe watoto wote. Awe msichana, mvulana.

Ikiwezekana, walipendekeza pia, masomo kutoka darasa la kwanza hadi la nane yawe ya bure kwa watoto wote.

Pia, walipendekeza, wamama waweze kupewa title ya shamba. Tuseme, bwana amefariki, sasa mama amebaki....

Com. Salim: Na je mama akifariki?

Eunice Kweya: Hiyo inabaki kwa baba na watoto. Pia walipendekeza wizara ya wa mama kwa mama wa hali ya chini wana shida mno (ikiwezekana).

Walipendekeza President awe na familia. Awe na bibi.

Pia, walipendekeza Sheria za kimataifa ziweze kuwekwa kwa lugha inayoweza kueleweka kwa wa mama.

Com. Adagala: Ngoja kidogo. Rais awe na familia ya aina gani?

Eunice Kweya: Rais awe na bibi na watoto. Asiwe tu na watoto pekee yake?

Com. Adagala: Na akiwa mwanamke?

Eunice Kweya: Mwanamke. Mwanamke pia awe na bwana.

Com. Adagala: Akiwa na wake watano?

Eunice Kweya: Huyu ni bwana. Yeye amejua vile atunza hao wanawake wake.

Haya. Sheria za kimataifa pia ziwewe (nimesema tupitisha tu mara moja). Sheria za kimataifa ziwewe kwa lugha inayoeleweka kwa wa mama na ziweke kwa mazoezi. Ni hayo tu wamama walisema. Ahsante.

Com. Salim: Asante sana Eunice. Nyamor Simon? William Teki? Maurice wa Maximum Miracle Church? Na mwingine amejandikisha, huyu anasikiza tu. Simon Agalo, hayuko? Francis Oloo? Watu wengi wameondoka. Patrick Mwangi.

Patrick Mwangi: Kwa majina ni Patrick Mwangi. Pendekezo la kwanza. Mimi ningetaka ma Sub-Chiefs, Chiefs, wawe wakipata transfers kama DCs and PCs.

Ya pili, ningetaka tupunguze mamlaka ya Rais na tukiyapunguza, yaje upande wa Parliament ndio Parliament iweze kuwa, kama ni Presidential (what do we call them – hii kuchagua Rais vile yeye uchagua watu), wawe wakichaguliwa na Parliament itself. Kama ni Ambassadors, PSs, PCs, wawe wakiwa nominated na Parliament itself.

Ya tatu, ningependelea pia kusiwe na kiti cha Prime Minister isakuwe katika hii nchi yetu instead we should have eight Vice-Presidents.

Ya nne, Wabunge kama vile tumebadilisha Katiba ya Kenya, itakuwa Rais anatomikia miaka kumi katika Bunge, hiyo, Wabunge ningependelea watumikie kikao cha miaka kumi, tano, wakati huu, na tano wakati mwingine. Na pia Councillors. Yaani wawe ten years kama President – MPs and Councillors.

AG, pia yeye ata fall kwa hiyo category. Pia yeye atumikie kwa miaka kumi.

Hayo mengine, nafikiri ni yale yalikuwa yamesemwa, kwa hivyo, sina maoni mengine.

Com. Salim: Thank you very much Patrick Mwangi. Ahsante. John Ndirangu? Onyango Kennedy? Gabriel Wamalwa? Edward Juma.

Edward Juma: My name is Edward Juma na natoka Mathare North. First and foremost, our leader – his term; he or she must be fat – by that I mean, he must be faithful to everybody, to all tribes, not only to his/her tribe. He must be available to everybody – the citizens of Kenya who can see him or her. He must be faithful to everybody.

Bwana Juma! You have repeated that four-five times, and by doing so, you are wasting your time. You are only given so

much time. Please move on to the next point.

Second. If you want the Constitutional Review to be constant and very competent, wanawake (that is women) or ladies must not put on these long-trousers and if you read “Kumbu Kumbu la Torati 22, mstari wa tano” utasikia. Andika hiyo, utaenda kusoma.

Third. I would like the Government to assist the children whose parents passed away (by all means), in educating them, in employing them and in giving them any assistance.

Four. This time, we would like (I as a citizen of Kenya), I would like to the City Council not to increase the land rates, ground rents and monthly rates because if they increase, the Kenyans will also be increased. The landlord will increase the tenants pay for Kenyans - which they do not want to be increased.

Fifth. Lastly, I would like you people to come again next time because probably, most of us are in their job. Some wanted to come and be with us and tell you their views but they cannot be available because they are busy – they are in their jobs. So, please when you want to come – do it on a Saturday (a weekend) or Sunday in the afternoon – after church. That is all. Thank you.

Com. Salim: Thank you Bwana Edward Juma for your views. Henry K. Moseti.

Henry K. Moseti: My name is Henry K. Moseti. I am a resident in Mathare and my proposals are as follows:-

Aspirants should be residents after and before.

Court should use a simple and common language.

Weapons should be weapons to all Kenyans. Weapons should be weapons without specific tribe or culture on possession.

Com. Salim: Weapons?

Henry K. Moseti: Yaah. Weapons.

Com. Salim: Silaha?

Henry K. Moseti: Yaah. Silaha.

Com. Salim: To do what?

Henry K. Moseti: Should be considered weapons to anybody who is in possession of them. You see sometimes, there are people who are selling weapons and they are not weapons but if they sell to you, you will be charged that you are carrying a dangerous weapon.

Constitution should be a public document available in all libraries.

Youth. Someone should not be a suspect because of age. Most youths are sometimes charged because of the way they look – they are untidy. They are harassed by the Police because of the way they look like without knowing that even those people in suits, are the ones who are suspects than those who are in torn clothes.

President and the Vice President should be elected by the people without age limit.

Liquor. Beer and busaa should be licenced without discrimination of the people who are taking busaa. Even if they have got a licence, they are chased or harassed by the Police.

Com. Salim: What should happen?

Henry K. Moseti: The customers of busaa should also be licenced and not be harassed like any other people who are taking beers in bars.

Com. Salim: What should happen to busaa?

Henry K. Moseti: They should also get a licence – the customers of busaa so that they are not harassed by the Police.

Tenants. A contract between a tenant and the landlord but not a tenant and the City Council. The City Council – sometimes the landlord fails to pay the rates to City Council and then agents of City Council come to harass the tenant who are innocent. They are not aware about the contract between the landlord and the City Council.

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

Henry K. Moseti: The right people should be harassed. The City Council are not supposed to harass the tenant, they are supposed to harass the landlord.

Com. Adagala: But the tenants are not supposed to sub-let?

Henry K. Moseti: We sometimes the tenants are not aware that the landlord is not paying the rates. So, sometimes we are harassed and our things are damaged or thrown out of the houses without our information. Sometimes we are out, maybe on duty.

Children - (ladies and gentlemen), they should also be charged equally. For example, parents, sometimes from where I come from, girls are not awarded the properties of their parents when parents have passed away. They are chased away and their property taken by the next of kin. I was requesting even the girls who are left behind by the parents when they have passed away, should be in possession of their parents' property.

Com. Salim: They should have equal inheritance?

Henry K. Moseti: Yes.

Com. Salim: Thank you very much Bwana Moseti for your views. Asante sana.

Henry K. Moseti: Okay, thank you.

Com. Salim: Harrison Mariga? Michael Mwangi? Stephen Mwatike? Jackson Wahome? John Aling Okoth? John Alibaso Ogutu? Fredrick Okumu? Athanas Wagatu? Geoffrey Kipng'eno? Edith Obure? E. L. Madoya, chief hayuko? Kennedy Otina – Mathare North Youth Organisation, yupo? Tom Okumu – Mathare Youth? Simon Sum? Ngilu somebody? Dan Amolo? Paul Oreng, okay.

Paul Oreng: Kwa majina ni Paul Oreng. Nina machache ya kusema hapa. Jambo la kwanza ningependa kusema ni separation of powers. Tungependa Constitution iwe Judiciary, Executive na Legislation iwe separated.

Ingingine ni Chiefs' Act. Tunaona hiyo Act kwa Provincial Administration, hatuna Act ya DC, PC na nini. Kwa hivyo, hao, inafaa wawe hawako lakini Chief awe akienda transfer kwa sababu mtu anaweza kuanza kazi kwa miaka ishirini mpaka miaka amusini-na-tano, atakukwa hapo thirty five years. Kwa hivyo, atakuwa ineffective.

Pale kwa Judiciary, tungependa ma judge ndio wawe na commission ya kuchagua Chief Justice na ma judges wa mahakama.

Succession. Hii mambo ya succession ndio inaleta shida sana kwa sababu mtu anakuwa akikufa ndio sasa ma-ndugu

wanasema, mimi ndiye nitaridhi mali, sijui nini nitagawa na wakati mtu alikuwa na bibi yake, hakuna mtu alikuwa anaingilia. Kwa hivyo, ningependa succession iwe kwamba, mtu aandike 'Will' yake. Kama ako au mtu akifika miaka kumi na nane, andike mapema, ni nani atakaye tawala mali yake kama amekufa.

Mambo ya mashamba. Ningependekeza kwamba, watu wote wakizaliwa akuna mtu ako na shamba. Kwa hivyo sioni maana mtu akuwe na acres elfu sitini na hali mwingine hana shamba. Ningependelea wale wako na acres zaidi ya mia moja, zingine serikali itawale ili igawie wale watu hawana mashamba.

Com. Adagala: How many acres?

Paul Oreng: One hundred acres.

Mshaara. Mshaara ilipwe kulingana na masomo ya mtu. Utakuta MP ni wa Standard VIII anakula elfu mia tano. Permanent Secretary wake ambaye ni professor, anapata elfu mia moja ndio sababu Mawaziri hawatoi majibu Bungeni kwa maana Permanent Secretary sasa anawacha kwamba wewe unakula mshaara nyingi, jitengenezee report ya kwenda kujibu.

Kwa Local Authorities. Utakuta mtu amepewa licence ya kiosk. Kisha, hao watu ambao walimpatia licence ndio wanarudi kubomoa hiyo kiosk. Nataka, mtu akipewa licence, ajenge kiosk na aweke vitu, ije ipomolewe, inafaa, hiyo Council imlipo gharama.

Mambo ya afya. Tunaona watu wengine (tuseme ma hospitali). Ni ajabu ukikuta hospitali ya serikali haina dawa na chemist ambayo iko hapa Mathare iko na dawa. Hospitali zote ziwe free na Daktari ye yote asifungue chemist ama asiendeshe clinic.

Com. Salim: Daktari ye yote, au yule anafanya kazi kwa Serikali?

Paul Oreng: Yule anafanya kazi kwa hospitali ya serikali. Asiwe na chemist ama clinic.

Mambo ya maji. (Uta ni allow chance moja tu, wacha niwache zingine nisome moja tu). Ile ya muhimu nitasema, ni watoto wetu, mabibi zetu wanakuwa raped. Hii raping saa ingine ni sisi wenyewe ama watoto wanaleta. Kwa sababu, mtu anavaa mini-skirt ambaye yeye mwenyewe anashindwa kutembea ama skin-tight. Ninataka nguo, mtu avae nguo ambaye lazima impe nafasi ya kutembea na ukivaa nguo mbaya, uwe raped, wewe mwenyewe ushtakiwe kwa sababu ulikuwa unauza hiyo kitu. Na hiyo Sheria iwe sio kwa Wa'Kenya kwa sababu wazungu wanatembea uchi hapa Kenya na ile hali tunasema watu wetu ndio wanatembea uchi na hao ndio wanaleta. Kwao hawatembe hivo.

Com. Adagala: Pia mtu ambaye ana mali, if he is robbed, he should be charged for having money? You know it is the same

reason. If someone who is very rich is robbed, he should be charged for being rich because he is showing off.

Paul Oreng: Mtu iko rich, hawezi kusema mimi iko rich, ni watu wataona lakini yule anatembea na mini-skirt, ni kama anajitembeza uchi watu waone, lazima watu wachukue.

Com. Salim: Thank you very much.

Paul Oreng: Umenikata na jambo muhimu sana.

Com. Salim: Na wajua time imemalizika, na wenzako wanangojea. Thank you. Bwana Josephat Ndungi. Amat M. Omar.

Amat M. Omar: Thank you. My name is Amat M. Omar. I would like to make the following proposals:-

First, I would like to say that the State should provide a lawyer, to any Kenyan citizen who are not able to hire one. What I am saying, the State should provide a lawyer, to any Kenyan citizen who is not able to hire one.

The second proposal is that the primary education should be made free to all children.

V-P should be elected by Wananchi. Anybody or any person vying for the post of Presidency should name his running mate before the elections.

Then, I would like in the next Constitution, MPs should be compelled or the Government should put up offices at the Constituency level so that the electorate can get access to their area MP because right now we can see some of the MPs are not accessible to their electorate.

The other one, the freedom of worship should be maintained as it is. By this, I mean, right now, you can see in some parts of this Country especially in Nyanza, if you are a muslim, even the Police Officer or the Chief will always say that you are not a Kenyan or you are a Tanzanian just because you are a muslim. So, the Constitution should protect all the religions in this Country. Thank you.

Com. Salim: Thank you Bwana Amat Omar. Patrobas Owala.

Patrobas Owala: My names are Patrobas Owala. My first proposal – symbol in the Constitution to be “Justice, rights and freedom”.

Then the Constitution should specify the vision and national policy whereby every person or party will be pursuing. Of this policies are, Kenya to be powerful and united, Kenya to be changed to a socialistic state or country, Kenya to pursue democracy and promote human rights everywhere in Africa and in the world.

Again, the cultural and social diversity of our country, the media should by the Constitution not be allowed to them talk against tribe, culture or social affairs of other people in a way which will cause enmity or breach of peace between the people.

Again, traditional courts or village courts should be established to judge on the family matters such as marriage, divorce and land issue. Their judges should be trained by the Government.

Churches and the crusaders inside and outside Kenya should be taxed by the Government. The Churches and crusaders who come to Kenya from outside or within Kenya, they should be taxed by the Government so as to limit the number of churches because now we have so many churches.

Again on education. It should be easy for a person with maybe a diploma to apply for a degree as a regular student and to be given a loan by the HELB Board. Again, people with diploma who want to pursue higher national diploma should be given loans.

On land. Government should repossess all land allocated illegally to politically correct persons. Those people possessing land above twenty acres should pay a tax charged per extra acreage of the land.

Then, under Governance. All Ministers should be nominated by the President outside the Parliament and they should be vetted by the Parliament.

On Local Authorities. Mayors should be elected by the people. The Mayors should be uncorrupt and have administration and managerial skills.

On employment. It should be mandatory that any person working at a place, after three months should be permanent and entitled to benefits.

On foreign ministry. It should be established by the Constitution and the head of that office should be answerable to the Parliament. The same applies to Ministry of Defence. Thank you very much.

Com. Salim: Thank you very much Patrobas Owala. UGWE Group, any representative? No. Joseph Ogola. Richard Owenga.

Richard Owenga: My names are Richard Ochieng Owenga. I would like to propose the following amendments in the new Constitution.

One. President's powers over Parliament should be scrapped and the same should be given to the House Speaker.

Two. We should have an independent Electoral Commission.

Three. KBC should give fair coverage to all Political Parties.

Another one. Parliamentary proceedings should be covered live.

The next one. Pre-free primary education.

Another one. People appointed to high posts or office – that should be done on merit like PS.

Another one. IDs. Issuance of IDs should be free and without any fee charged.

Another one. People implicated in corrupt practices should be sentenced to jail without any fine or bond.

The next one. Unnecessary dressing among ladies – to be penalized in a court of law like putting on long trousers, they are not entitled to dress that way.

Local people should be given first priority when it comes to employment. For example you find a case where there is a job which can be done by a local person, you find a foreigner doing the job. Thanks.

Com. Salim: Thank you very much. Fred Ochieng? Wills Owino? Hezel Odero? Philip Otieno? George Otieno. You are Philip?

Philip Otieno: My proposals are:-

Whites should not be given chance of exploiting people of less ethical standards.

Com. Adagala: Less ethical standards?

Philip Otieno: Eeh!

Com. Adagala: You know. You know what ethical means? It means morals.

Philip Otieno: People of less ethical standards, I mean it.

Com. Adagala: I don't know what you mean. I know you mean it. I have to be able to

Philip Otieno: Less minded people, I mean

Com. Adagala: Who is less minded?

Philip Otieno: Mainly common men.

Com. Adagala: Why are commonly men less minded?

Philip Otieno: It is God given. They were given that way.

Com. Adagala: Foreigners are more minded?

Philip Otieno: Eeh

Com. Adagala: I cannot write that one.

Philip Otieno: A seat representing children should be in Parliament Building. Around 16-17 years. Before 18.

Philip Otieno: A seat representing children should be reserved in Parliament.

Com. Adagala: What is the age of a child, children?

Philip Otieno: Around 16-17 years before 18 years.

Kenyans should be educated to love business not to loving employment or at the end of the day everything is business. I have finished.

Com. Adagala: I want you to tell me in Kiswahili, what is a less minded person? In Kiswahili.

Philip Otieno: A less minded person

Com. Adagala: In Kiswahili

Philip Otieno: Yaani ni yule anaona karibu. Haoni mbele. Yaani anaweza fanya kazi ya mia moja, a day. Yaani anaweza pewa two hundred shillings day.

Com. Adagala: What has that have to do with akili?

Philip Otieno: Mimi nimemaliza.

Com. Adagala: Haya. The girls who came in. The students who came in, I would like to tell you that this is not the drama festival. This is Commission for the Review of the Constitution. Control yourselves.

Com. Salim: George Otieno, hayuko? Peter Mooka? Dick Otieno? Dr. Saja Philip? Phantus

Phantus Githu: My name is Phantus Githu. And I propose that the organs of the Government should be independent and Parliament should also form a quorum of about one-third of the total MPs, not just 30 as currently it is. Because, we feel very unfair as Kenyans, when only 30 MPs are meeting to discuss our national business.

Kenya should establish an office of Ombudsman to check the powers of the President.

Duties of Councillors and MPs should be clearly spelt out.

Com. Adagala: My brother, slow down. Ombudsman to check the powers of the President only?

Phantus Githu: Well, The President and the Constitutional offices.

Com. Adagala: You should say clearly what you want.

Phantus Githu: The Ombudsman's office to check the powers of the President, Parliament and also Judiciary.

Duties of Councillors and MPs should be well spelt out to the Constituents. Otherwise, most of the time we expect them to

do things that do not fall within their duties.

Com. Adagala: Do you want duties spelt out or do you want civic education?

Phantus Githu: I think it is both because even myself, I may not tell the duties that the MPs are supposed to do. We even expect them to do more than they should do.

We should also have a method of recalling MPs, Councillors and even the President if he does not perform to the expected standards.

Com. Adagala: And the President is a man – all these people are men?

Phantus Githu: I beg your pardon?

Com. Adagala: You are saying ‘he’. So I am wondering are they

Phantus Yeni: He or she.

Com. Adagala: Okay. Endelea.

Phantus Yeni: All Kenyans should be educated on their basic human rights so that they may know sometimes the rights they have.

Kenyans living abroad should be allowed to participate in general elections.

Existing laws of the land should be respected by all regardless of the status or rank. What I mean is that, sometimes, we have laws but they are not respected. One can do as he wishes.

Salaries of MPs that is Constitutional offices, Parliament or Judiciary should not be reviewed by those people in those offices because he is an employer, at the same time reviews his salary. Like we have the Parliamentary Service Commission composed of Parliamentarians who are reviewing their salaries. The office of the Ombudsman should do that.

Constitution of Kenya should be readily available to all indigenous Kenyans in a language they can be able to understand.

Parliamentary Parties should be reduced to only three Parties so that they can also be funded from the national coffers.

Com. Adagala: How will they be reduced?

Phantus Githu: By having only three Parties given funds from the State disregarding all the other Parties.

Com. Adagala: Won't that be discrimination?

Phantus Githu: It is not because, at the moment, we are having Parties that are giving us problems.

Com. Adagala: That is besides the point, they have the right to associate.

Phantus Githu: Yaah, but if we fund all of them, then we will have a problem with our finances. So, we should only fund three parties.

Provincial Administration..

Com. Salim: Your time is up. We have to give you a chance for one more.

Phantus Githu: Provincial Administration should be abolished and some of those duties that fall under Provincial Administration should be transferred to local authorities.

Finally, economic saboteurs in Kenya should be treated like murderers since some of them have destroyed our Country and it is just like murdering one. So, they should be treated like murderers.

Com. Salim: What sort of sentence?

Phantus Githu: They should go for life sentence if it is proved beyond reasonable doubt that they have committed economic sabotage.

Com. Salim: Thank you much Bwana Phantus Githu.

Phantus Githu: Thank you too.

Com. Salim: Bwana Mazangila Ezekiel, is he there? Hayuko. Nyamori Wanjala.

Nyamori Wanjala: Good afternoon. I am Nyamori Wanjala. I propose the following changes:-

The Constitution of Kenya should be translated in Kiswahili and made available at the Chiefs' camps.

Members of Parliament, top civil servants, who have pending cases in court either criminal or corrupt cases must resign.

Top civil servants are supposed to be appointed by Parliament and serve a two five-year term and then there must be a provision in the Constitution for a vote of no confidence in the chair of the President, the Vice President, the Members of Parliament and the Councillors.

We should set up a Kenya Revenue Police to collect revenue on behalf of the Government

Com. Adagala: Revenue Police?

Nyamori Wanjala: Yeah, Revenue Police. We should create a Revenue Police, that is Kenya Revenue Police to collect revenue.

Com. Salim: What will happen with the Kenya Revenue Authority?

Nyamori Wanjala: That one should be done away with. So that, a person who is charged in court, who is supposed to pay a fine, pays the fine through the Kenya Revenue Police.

We should also have a Budget

Com. Adagala: Are you talking about this Police will be under the Commissioner of Police?

Nyamori Wanjala: No. Should be a different body.

Com. Adagala: Can you call it something else then? I am just wondering, it will be Police, yes.

Nyamori Wanjala: Okay. You can talk of a Revenue Police. It is an authority of its own.

We should also have a Budget Committee to check the budget of the country, in Parliament.

Primary education must be made compulsory and free and those parents who fail to take their kids to school to be prosecuted.

Thanks.

Com. Salim: Bwana Duncan Odhiambo? Vincent Ochieng'?

Vincent Ochieng: Good evening everybody. My names are Vincent Ochieng'. Here are my views.

I would like the appointment of Police not to be based on the physical build of a person, not the height. It should be on education ground.

It should be on education ground so that we can improve the public relations of the police, to avert cases of trigger-happy policemen. A minimum of C+ Form IV.

The issue of land. There should be a minimum ownership of land i.e. 10 acres of land a person should have and a maximum of 20 acres and those people higher than that maximum should be repossessed and given to those landless people.

Com. Adagala: What about large scale farming? What should happen?

Vincent Ochieng': I am trying to cater for those landless people.

Com. Adagala: Okay. What about if I don't want land?

Vincent Ochieng': If you don't want. That is upon you.

And also, on unemployment. Employers have come up with the tendency of retrenching permanent employees and replacing with casuals. I am proposing that casuals should not be employed or if you want to employ a casual, it should not be in a short term basis. It should be about six months and should be stopped. Thank you.

Com. Salim: Thank you Vincent Ochieng'. There is another Vincent, I can't read the second name, is it Tuka or Tuka. Is there another Vincent around in the hall? No. Dickson Okwaro? Hayuko. Isaac Owuor? Hayuko. Raphael Omuya?

Raphael Omuya: I would like to make the following proposals. My name is Raphael Omuya.

Existing Presidential powers should be controlled.

We should have a Constitution which must protect the rights and priviledges of a citizen and to protect the rights of a minority

without discrimination.

We need firm policies on management and conservation of our natural resources. We have a situation whereby most of these natural resources have been exploited. We need a Government policy to maintain and to promote and protect all the sectors of our natural resources.

All the tax-payers have a right to receive adequate services that is road, health and education. And also, all the citizens are entitled to have civic education because it has been a tendency for the Government to interfere with seminars which are being organized to educate people on their rights. Thank you.

Com. Adagala: Who organizes such seminars?

Raphael Omuya: Religious organizations through holding of seminars or barazas. Because it is a tendency that most of these programmes have been stopped by the Government. People must be educated.

Com. Adagala: What about the curriculum?

Raphael Omuya: The curriculum should be outlined.

Com. Adagala: The school curriculum.

Raphael Omuya: The school curriculum. It should be inculcated in the school curriculum so that civic education can start at a tender age.

Com. Salim: Antony Kariuki? Mary Okumu? Mwangi Ringui – Saba Saba Asili, yuko? David Omondi – observer. Lawrence Juma? Hayuko? Alice Njau.

Lawrence Juma: I am Lawrence Juma. I am a student from Grand Region Academy and the following are our recommendations:-

Com. Adagala: How old are you?

Lawrence Juma: Seventeen.

The Constitution should protect security, healthcare, water, shelter, education and employment.

Two. The Government should ensure such rights are enjoyed by Kenyans irrespective of colour, race, creed and gender.

Third. Basic education that is primary education should be free and compulsory. A provision should be put in place to ensure that those who deliberately make primary education are charged in a court of law and the adults without basic education are given a second chance to attend free adult education. This will check illiteracy.

Finally, a national bursary scheme with the district and divisional headquarters be set and the set up should follow the model of banks, that is vetting the beneficiary. The protocol usually involve banks to check irregularities, transparency and accountability.

Our girls from Grand Vision Academy propose that girl-child development and empowerment should be included in our Constitution, that is, it must be made lawful that girls be admitted in our universities with comparatively lower grades. Say from C+ to C plain. This will check gender disparity. And that is all about it. Thank you.

Com. Adagala: I want to thank you for your presentation and especially for your consideration for adults who need to eradicate illiteracy, they should be given a second chance. And, I want to know, do you know about the Children's Act?

Lawrence Juma: Yes.

Com. Adagala: You know about the Children's Act? You have looked at it?

Lawrence Juma: No. I have not looked at it.

Com. Adagala: Okay. Get the District Co-ordinator or your teacher of History or Ethics or Civics to get it for you. I think it should be in the Government Printers, so that you can be familiar with the Act because it has been passed. So that you be able to talk because many of those provisions can be put in the Constitution. So, you look at the Children's Act and see. Okay? You hear?

Lawrence Juma: Yes.

Com. Adagala: Secondly, I want to thank your school for letting you to come because you are our youngest presenters, and this Constitution is being made for your generation. You are the ones who will benefit or suffer from it the most. So, you should take very keen interest and continue all aspects of the Constitution. Will you pass that message back?

Lawrence Juma: Yes.

Com. Adagala: Okay, thank you very much.

Lawrence Juma: Thank you.

Com. Salim: And if you have the Education Act in your library, make sure you read it. It is very very important for you to know the contents. Fine, tukiendelea mbele, Alice Njau. Karibu.

Alice Njau: I am representing women from Kasarani Division and us as women, we are saying that everyone has equal rights and there should be equality before the law for all citizens.

Com. Adagala: Is that a specific organization?

Alice Njau: No. Women who have come together. We are just for the Constitution Review.

Com. Adagala: Present us your views.

Alice Njau: Okay. There should be equality before the law for all citizens regardless of gender or status.

When it comes to citizenship. Persons born of Kenyan citizen within or outside Kenya, whether the parent is the father or the mother should be automatic Kenyan citizens and a (person) man or a woman who is married to a Kenyan citizen should be entitled to an automatic Kenyan citizenship.

There should be equality when it comes to rights and priviledges and also when it comes to responsibility. They should be shared equally regardless of gender.

When you look at basic rights,

Com. Salim: You said rights and responsibilities?

Alice Njau: Yeah. As a citizen you have rights and you also have responsibilities. So, both men and women should have equal rights and equal responsibilities.

When you look at basic rights or needs, the Constitution should guarantee some basic rights like health, water, food, shelter,

security, education and all that. Another right is gender parity in decision-making, right to own and hold property anywhere in the country, and Kenyan women should not suffer from any discrimination and the Affiliation Act should be entrenched in the Constitution.

We look at Affirmative Action Policy. We are saying that the affirmative action should be entrenched in the Constitution so that there can be a third representation of the opposite gender at all levels of decision-making. Still on affirmative action, education opportunities should be given especially to the girl-child and the disabled so that they can be able to engage more in these activities through maybe bursaries and also for marginalized communities and pastoralists.

We are saying that at least a third of the officials of this organ must be of the opposite gender like the Political Parties, the Legislature and the Judiciary.

In the Political Parties. Political Parties should have a nationwide outlook, they should be funded by the Government so that it is not treated like a personal property. Parties should not be run as private enterprises.

When it comes to electoral system. The Electoral Commission should enhance women participation in leadership positions even in Political Parties. At least Political Parties should be encouraged to have a third of the officials as women and Civic and Parliamentary elections should be held separately from the Presidential elections. Votes should be counted at polling stations. Ballot boxes should be transparent and a secret method of voting should be enshrined in the Constitution for all public voting.

When it comes to the Legislature, the law should provide for security when it comes to campaigning, nominations, etc. The affirmative action policy should be put here so that more women can participate or can be in the legislature. The council should be given more power.

Land and property rights. Female offsprings should be given inheritance rights. They should inherit land and people should not own more than 100 acres of land and those owing it, should be forced to sell to the Government.

Exploitation of minerals. At least 75% of the revenue should go to the local community. Minerals – things like forests, wildlife, those things that bring money from that community, at least 75% of the benefits that come from there should go to the local community.

Com. Salim: Thank you very much Alice Njau for those very good views. Jacob Odongo Ouma? Jacob. Henry Maina? Harrison Kinuthia?

Harrison Kinuthia: My names are Harrison Kinuthia. My proposals are as follows:-

For Mr. President, as we have minimum years for the President that is 35 years, that is the same way we have maximum years, that is, Mr. President should not have excessive years in the house.

Com. Salim: How many years?

Harrison Kinuthia: Around 65 years. From there, he or she should go back home. Even MPs should have maximum years and maximum term. That is, two terms – go home.

Com. Adagala: And years in terms of age?

Harrison Kinuthia: That is, at the age of 65 as you cannot teach a old dog new tricks.

Com. Adagala: And minimum?

Harrison Kinuthia: Minimum, 21 years.

Students should be represented in the Parliament and also the universities. Students should also be represented.

Com. Salim: By how many seats? How many people?

Harrison Kinuthia: I think from each and every Constituency, should come one because there are also students there.

Com. Salim: So if there are 210 constituencies, 210 students to Parliament?

Harrison Kinuthia: Yaah. Maybe there can be somewhere for them. After they pass their views and then they should take them to the National Assembly.

Com. Adagala: A youth Parliament or what?

Harrison Kinuthia: I want 210 students representing their views and then be taken to Parliament.

Com. Adagala: Where do you want them to sit?

Harrison Kinuthia: Not in the Parliament.

Com. Adagala: Where?

Harrison Kinuthia: A cited place in the Constituency.

Com. Adagala: Endelea.

Harrison Kinuthia: NSSF body should be stated null and void because it is a forced kind of saving.

Com. Adagala: You want NSSF abolished?

Harrison Kinuthia: Yes, it should be abolished.

Lastly, there should be neutral Members of Parliament – there should be independent Members of Parliament coming from Members of let us say organizations like Religious Organizations. I think that is all.

Com. Salim: (inaudible)

Harrison Kinuthia: Yaah. Independent MPs.

Com. Adagala: Are you talking of special interest groups or nominated MPs?

Harrison Kinuthia: I am talking about special MPs – that is Members of Parliament who are selected from NGOs and Religious Sectors.

Com. Adagala: Are they people who should be elected? By whom?

Harrison Kinuthia: They should be elected by the people.

Com. Adagala: There should be a separate election for these people. How many?

Harrison Kinuthia: They should be elected from each and every Constituency and the Government will plan for that because they are there.

Com. Adagala: You will tell us, that is why we came to you, you will tell us. You know, when you are saying somewhere or the Government way, we want you to tell us, its an idea do you have. It is an interesting idea, tell us, first of all, you said they

will be selected. Then, elected. Will there be a ballot box for them? Will they campaign these religious people? What about if we have an area where there are no Catholics. Will they be represented by Catholic?

Harrison Kinuthia: I think they should be having ballot boxes.

Com. Salim: Thank you very much. Michael Owino.

Michael Owino: Thank you very much. My names are Michael Owino and these are my views that, I think should be considered in the next Constitution:-

First of all, I think the Provincial Administration – the whole of it, from the PC upto the Chief should be scrapped off. I think it is a burden that Kenyans can do without.

Secondly, I propose the creation of an Ombudsman's office.

Thirdly, I propose that the present Presidential powers should be reduced especially where it regards the prolongation in Parliament. I think the President shouldn't have that power.

And then, in the new Constitution, we should have a Youth's Policy which takes care of the interests of the youth and in this case, I propose there should be a minimum of five seats in Parliament reserved for youth representatives. The minimum should be five and the maximum can be any.

I think we should have an independent Judiciary separated from the Executive.

Com. Adagala: Are these nominated seats or are they elected seats?

Michael Owino: They should be elective but the Constitution should provide for it that there should be a minimum of five seats which are kept for young people to run for them. Young people should be between the age of 18 and 35.

Com. Adagala: You want affirmative action for youth.

Michael Owino: Exactly.

Com. Adagala: Well, because this is nominated, then it cannot be unlimited because nominated are shared.

Michael Owino: Okay. I am sorry.

Com. Adagala: Okay. What is your age bracket for youth?

Michael Owino: 18 to 35.

I think the Judiciary should be independent. This idea of the President appointing Judges to the Appeals Court and the High Court, I think should be done away with. These people should be vetted by professionals – by their other Judges. The same should also apply to the Heads of Parastatals and other institutions that the Government has an interest in.

And then, I think the local councils should be run by the Mayor and not the Ministry of Local Government. I think the Mayor should have more say in the running of the council rather than the Minister for Local Government.

And then, all those people who hold public offices like the Ministers, the PSs and the like who have a criminal case pending in court should be sacked.

As concerns people who own more (I think) than 300 acres of land. I think, if you own more than 300 acres of land, you should be taxed for every other acre that you own and the money should go to the Government and this should also apply to those people who own land that are just there (they are not being used for anything – they are just lying there), they should be taxed.

Com. Adagala: What should be the minimum ownership of land?

Michael Owino: I said 300 acres per person.

Com. Adagala: Minimum?

Michael Owino: Minimum. Any other acres above 300 should be taxed.

Com. Adagala: Okay. What should a Kenyan own minimum – a regular Kenyan?

Michael Owino: A regular Kenyan. Because Kenyans are poor, I think 10 acres.

And then I think (just allow me to finish this). There should be a minimum level of education for all MPs and I propose a university level of education for all MPs and Mayors and a minimum of Form IV level of education for our Councillors.

And then, the Government should be judged by the performance of the economy. Any Government that runs the economy to a negative like the current one should be given a vote of no confidence and pave way for another Government.

And then I propose lastly, that the next President should be a family man.

Com. Adagala: Should be what?

Michael Owino: A family man. Should have a wife, kids, etc. If it is a woman

Com. Adagala: All our Presidents have had wives and children. In fact, the first one had several wives.

Michael Owino: Our current President is a divorcee.

Com. Adagala: Our current President has a wife and children. They are just grown up.

Michael Owino: I have never heard of that. Thank you.

Com. Adagala: Why not?

Com. Salim: Thank you. Next we call Ronald Ositu.

Ronald Ositu: Thank you very much. I am also going to make the following proposals. My name is Ronald Obara Ositu.

Police recruitment. I propose that for all Police Officers, before they are recruited should pass first National Youth Service course before they join the Police Force. At the same time, they should undergo initial courses on political issues.

Judiciary. If any member of the Judiciary is found to have been bribed so as to give unfair judgement, he or she should get life imprisonment.

Any appointment in any body should not be from the same body which is to be reviewed. They should be non-partisan. People from the other Party, not from the same Party. For example, the Select Committee which were appointed recently to review over the

Com. Adagala: (Inaudible)

Ronald Ositu: Yeah. For example the recent Select Committee which were appointed to look into the extension of Parliament. They were the MPs who were selected. So, I don't think whether they can give fair judgement because they are from the same Party which they are reviewing. Instead, they could have appointed maybe people from the other body outside Parliament to review that issue.

Com. Adagala: Okay, that is for the new Constitution. For the present one, only Parliament is empowered to deal with matters of Constitution.

Ronald Ositu: Yeah. I propose the new Constitution should now abolish or do away with the old one.

Com. Adagala: (inaudible). We understand.

Ronald Ositu: Yeah. All Parastatal Heads should be appointed by Parliamentary Select Committee not by the President. Each one as a manager or director fails and brings down a certain body or parastatal, he or she should be arrested and charged, and all his or her certificates be repossessed by the Government.

Lastly, customary laws should not be abolished. If there is need to abolish them, there should be a slight change because each and every tribe has its own customs and practices. We cannot do away with these. Doing away with these, it means that now we abolish vernacular speaking, we adapt one language which is Kiswahili. Thank you.

Com. Salim: Dennis Ochieng'.

Dennis Ochieng: My names are Dennis Ochieng and my first point, I would like a permanent representative to the Children's Rights in Parliament to be appointed.

Com. Adagala: A permanent representative of Children's Rights?

Dennis Ochieng: Yeah. To be appointed in Parliament.

Com. Adagala: That is different from the ones who are saying children should be represented?

Dennis Ochieng: Yeah, it is different because I want an adult to represent the minds of the young ones.

Com. Adagala: Parliament is very strange because likes represent likes, that kind of principle. You vote for someone who is

like you to represent you. So, that is a difficult but we will put it down.

Dennis Ochieng: Okay. Secondly, I wanted to talk about brain drain where you find most of our university graduates are turning into conmen because of lack of employment.

Com. Adagala: We know what brain drain. This is not civic education. Give us your proposal.

Dennis Ochieng: I am giving you my proposal.

Com. Adagala: Give us your proposal.

Dennis Ochieng: So, I am suggesting that, Ministry of Labour should come up with an interview committee into job vacancies where individuals will be employed on merit of their education.

About security personnel. I think stricter laws should be put in place for the Police Officers.

Com. Adagala: The problem with brain drain is not because people are not employed on their qualifications. It is because there is a shortage of jobs.

Dennis Ochieng: I don't think so.

Com. Adagala: Doctors are employed as doctors.

Dennis Ochieng: Now, one thing, this is that, if you go to the hospital, you will find a nurse who graduated from the MTC has been offered a place as opposed to somebody who graduated from the university. Why is this happening?

Com. Adagala: I don't think so. I don't think that is a fact.

Dennis Ochieng: I know I have said that.

On dressing code, people should have a right to taste and preference. We want a society whereby if a woman puts on even if it is a mini-skirt, she will walk freely in town. This is the time you will realize that people are minding their own business.

Job security. We want a clause to be put in place. I have an example of Castle Company. There should be laws to protect jobs whereby a company cannot just dissolve and all positions turn vacant overnight.

On higher education. You find that the cost of education has become so high especially at university level so with middle level colleges, I think they should incorporate their programme with the middle level colleges where others can afford the same programmes and the examinations are set by the same body.

Programmes in the public universities incorporated into middle level colleges where others can access them cheaply but assessed by the same body.

Com. Adagala: Assessed by the same body?

Dennis Ochieng: Yes.

Com. Adagala: But all universities assess their own? Nobody assesses universities.

Dennis Ochieng: What I mean, if it is an exam, let us say it is a college in town, the exam is set by the university and are the ones who mark it.

And then on MPs debts, you find that 10 million has been placed if an MP dies, it is paid to the family. I think this amount should only be paid when the MP's death has been assessed not necessarily because somebody has just died. I think some deaths are due to carelessness of the MP. I will give you an example whereby an MP, maybe he is killed in a bar at night, I think that is irregular. It happens to people but it shouldn't happen for a leader. They should have their level of interaction. (just one more point)

And then, the term for Parliamentary should be reduced to four years so that in case they need any time, is when it can go to five years. But I think it is five years and they need an extra time from this much longer time.

Com. Salim: Are you Alfred? No, Alfred Amuyoto.

Alfred Amuyoto: Kwa majina naitwa Alfred Amuyoto. Ningependa kusema ya kwamba mtu ye yote ambaye anaweza kusimamia kampuni kama director wa kampuni, asiwe anachaguliwa na mtu ye yote ama President. Awe anachaguliwa na kampuni yenyewe, kwa sababu, mtu

Com. Adagala: Pendekezo.

Alfred Amuyoto: Napendekeza ya kwamba huyu mtu achaguliwe na kampuni yenyewe kwa sababu mtu akichaguliwa

kutoka inje ya kampuni, kuja kusimamia kampuni, inaanguka.

Jambo lingine, ni kwamba, mtu akiweka pesa NSSF akiwa anafanya kazi, wakati anapowacha kazi, kama ni miaka miwili amefanya ama tatu, alipwe hiyo pesa immediately. Napendekeza hivo. Nasema, mtu ikiwa anafanya kazi na awe retrenched, na amefanya miaka tano, na pesa yake iko NSSF, alipwe wakati huo, isikae huko.

Jambo lingine ningependekeza ni kwamba, mtu ye yote ambaye baba yake ameshakuwa MP ama Minister na akakufa, mtoto yake asichaguliwe kwenda Bunge kwa sababu hiyo familia haimaanishi ati wamesoma pekee yao, hakuna mtu mwingine anaweza enda Bunge.

Com. Adagala: Na akiwa hai? Baba yake akiwa hai?

Alfred Amuyoto: Hata akiwa hai na alikuwa ameanguka aka resign, atakaa chini hata watoto wake wakae chini kwa sababu, kuna watu wengine.

Jambo lingine ni kwamba, kuna watoto ambao hawana wazazi. Unaweza kupata msichana ako na mimba.

Com. Adagala: Hakuna mtoto ambaye hana mzazi?

Alfred Amuyoto: Yaani, mtoto amezaliwa na msichana na msichana anamlea peke yake, hana baba. Katiba iwekwe ya kwamba, huyu mtoto anapozaliwa, ijukulikane baba yake ni nani ndio tusiwe na watoto ambao hawana wazazi kwa sababu mtoto hawezi kuzaliwa bila watu wawili.

Com. Adagala: Na ikijulikana, je?

Alfred Amuyoto: Ikijulikana, huyu mtu amuo huyu msichana. Wakae naye kama bibi hata kama imekuwa tano, akae na naye. Asimuache kuranda randa kwa sababu ya magonjwa.

Jambo lingine ningeweza kuongezea ni kwamba, kwa sababu kuna watu hawana kazi Kenya na wengine wamesoma – ni wengi wale wamesoma, napendekeza ya kwamba watu wawe wanafanya kazi miaka kumi kama contract. Waki resign, wengine wanachukuliwa. Sio tu ati wengine wanafanya kazi na wengine miaka kumi, miaka ishirini, miaka hamsini hawajafanya kazi hata kwa kampuni na wamesoma.

Com. Adagala: Na kazi zikiongezwa? Kazi zinaweza kuongezwa. Unajua Katiba mpya, inaweza kuongeza.... Unajua ujifikirie tu sasa, na jana na kesho peke yake. Inafaa iwe kesho na kesho kutwa, ni miaka hamsini, na mia moja, ndio Katiba mpya.

Alfred Amuyoto: Nimesema hivyo kwa sababu, kuna watu wengine, mtu anaweza kuacha kazi akiwa anafanyia serikali, tena akienda ku retire, anachaguliwa kusimamia kazi mahali pengine kama Chairman ama director tena ama awe board of director kwa kampuni ingine na analipwa, alikuwa analipwa kitambo, ako na pesa kwa bank. Nafikiri ni hayo tu, na Mungu awabariki sana.

Com. Adagala: Asante, asante kwa kutoa maoni yenyewe.

Com Salim: Fidelis Ogoba.

Fidelis Ogoba: My name is Fidelis Ogoba, and I had - a few views to present

My first proposal is, we need a mixed system of Government, that is Presidential being combined with Parliamentary. In other words, we need a President and a Prime Minister. So, we prefer a Federal Government with a bilateral house – a two-chambered by the house.

We need an.

Com. Adagala: Somehow you are not saying all your words? We are not hearing the end of your sentence.

Fidelis Ogoba: Okay. Where am I not clear? I think I said, we need a Federal Government. And then I proposed automatically here preferably if we could have a two-chamber house to be headed..... Of course we need a Prime Minister and a President. The Prime Minister to be the head of Government.

We need an independent supreme constitutional report to be as a watch-dog to the three arms of the Government. Kwa mfano tukitoa ya ajabu kama media bill, it is independent supreme constitutional court to intervene.

Then, recalling the non-performing MPs – (I think I will be fast). Attorney General to serve only two terms and should not exceed 55 years.

We should take back all land that was stolen, and at this juncture, I will plead your Constitution to intervene. Ile maoni Njonjo alikuwa anachukua, was it Moi just giving Njonjo kazi? That Commission – the report that was collected to be entrenched into our current Constitution.

The question of economical amnesty to be out (I think I have not even talked, it is not being fair). Parliament to own calendar yake. We need extension of

Com. Adagala: We are not hearing your full sentence.

Fidelis Ogoba: Najaribu kukuwa speedy kidogo. Nasema ya kwamba.

Com. Adagala: What do you mean speedy? Bunge....

Fidelis Ogoba: The Parliament to own its calendar.

Com. Adagala: Calendar....

Fidelis Ogoba: Exactly. And the issue of economical amnesty to be out. Yule aliiba pesa ashtakiwe na asi hold any public office tena maisha yake.

We need approximately 15 Ministries. No Assistant Ministers, there should only be served by Permanent Secretaries.

We also need the creation of some few committees in the Parliament. Nitakuwa tu speedy, Parliamentary Judicial Committee to scrutinize and confirm appointments. Public Service Judiciary Committee.....

Com. Adagala: It is okay we shall read that.

Fidelis Ogoba: Yaah. Estimates Committee, Intelligence Committee.

Com. Adagala: We shall read those details because your time is up. What I would like you to do is that I want you to suggest which Ministries should be there. In your write up or you can add an additional memorandum.

Fidelis Ogoba: I will do that. I am only going to mention that for instance, we don't need four Ministers of State in the Office of the President. We need only one. We don't need two Finance Ministers.

Com. Salim: You have already mentioned 15 Ministries. Thank you very much Bwana Ogoba. And I call Oriel Rogo Mandhuli.

Speaker: Thank you very much Members of the Commission and the Members of the Public for being here and participating in this very important forum. I will be very very fast because I know time is short Members of the Commission. I just acknowledge their presence and their participation which I find extremely interesting and very very well thought. Thank you very much for your contributions and because of that, my work becomes easy because I don't repeat what they have done.

They have done a lot of work and I just can come in with a few points.

One of them being security. Security in the Kasarani Constituency which is made up of many many towns like Korogocho, Kisumu Ndogo, Mathare 4A, Fuata Nyayo and others is quite inadequate and we are experiencing here a lot of insecurity even during the say.

Com. Adagala: Madam! Give your proposals so that you will have a chance to give many proposals. But now you will be explaining to us the obvious. Just give your proposal, so that you have a chance to give as many proposals as possible. Thank you.

Speaker: My proposal is that we have many more Police Stations within the slums in as many areas as possible and that this should be established not only by the Government on their own in cooperation with the residents. The residents should suggest areas where they are needed and should participate, if possible, in the formation. That means, stationing and formation and even how many should be something that is discussed and agreed upon between the Ministry involved/concerned, that is the Government and the residents but the more, the better because it will only help.

Com. Adagala: Kelele, pengine mmekuja baadaya. Kelele kwa hall hairuhusiwi. Hii si Baraza, si rally. Hii ni tume.

Speaker: Provision of basic ablution. Basic toilet facilities cannot be let in the hand.

Com. Adagala: Where can we put that one?

Speaker: It should be a function of the Local Government. Local Government should ensure that the ablutions and public facilities are provided in regular places within the slums to ensure that the slum dwellers have these facilities.

Left in the hands of developers, it is inadequate. Not only it is inadequate but it is also non-existing in some areas. What is provided is completely inadequate and incapable of taking care of the needs of the dwellers in the slums. So, it has to be a responsibility and a function of the Local Government.

Establishment of Constituency offices, very very important within the Constituency. At the moment, what they have are Party, Party offices. Now, the Party offices, the different Parties are busy serving their own interests within the Constituency. We need a Constituency office within each Constituency and in that office, the Constituents should be able to know, should be told what days they can visit their representatives and dialogue with them. That has to be done, that should be an act of the Government. Constituency offices should be done in cooperation with the..... Actually, it is a Parliamentary function. Parliament should make sure because Members of Parliament as it were, work within the Parliamentary regulations and the

Parliament should make sure that in each Constituency, we have a joint Constituency office which can be used and will be used by whichever a representative in that particular Constituency regardless of their Party.

If you keep repeating, you are using up your time. Just say directly.

Choosing MPs and Civic leaders. Level of education as a requirement should be set and adhered to. Level of education, civic representatives and Parliamentary representatives should be set and adhered to. It is very important that we have.....

Com. Adagala: Level of education. What level?

Speaker: Definitely secondary school for a civic candidate or civic aspirant, nothing under Form IV but better if it were even higher but nothing under Form IV. For a Parliamentary aspirant, nothing under a basic bachelor's degree for a Member of Parliament – nothing short. That is the only way we will be able to have people who can follow deliberations in Parliament and who can also contribute as well as.....

Now, one very quick one and it is just the last one.

Com. Adagala: Excuse me Madam, restriction, is that the last one.

Speaker: It is the last one.

Com. Adagala: I want you to give all your proposals.

Speaker: Thank you very much. Restriction of term a Member of Parliament or a Civic candidate can serve should be two terms. Strictly two terms, it doesn't matter how good – two terms are enough.

Com. Adagala: How many years?

Speaker: Ten years strictly for a Civic representative or a Parliamentary representative. Ten years, no more and when they leave, a provision should be put in place that they don't hand over to their families. It has to move on to another family. They don't hand over to their daughter, their son, their son-in-law, their daughter-in-law. It has to go elsewhere.

Thank you very much indeed for giving me the opportunity. I am sorry that time is short, I have much more but I will adhere to the rules and allow other people also to have a chance.

Com. Adagala: You can always submit more proposals. Thank you.

Speaker: Thank you and if I may just quickly say, it is important that the members of public feel that they can talk and give their views without any intimidation. Members of the Constitutional Committee, please don't make – some of them are easily intimidated. Let them have a chance to talk however foolish it may sound. Let them contribute without intimidation.

Com. Salim: Thank you very much Orieh. And...

Com. Adagala: Yes. We agreed, the only constraint we have. Madam! the only constraint we have is time, but otherwise, in front of the Commission, there is no fear even to protect when someone is giving views and members of the public are heckling or laughing. But, the only constraint we have is time.

Com. Salim: Someone who is called just 'Juma' (second name is not here). Juma! He is not here? Richard Odera? Hayuko. Jared Ochieng.

Jared Ochieng: I am Jared Ochieng and I am a resident in Mathare North here. So, these are my proposals:-

I want Ministers to be prevented from following the President whenever the President goes like maybe in-countrywide tours. You have all the functions in Government stopped because the President is somewhere.

The second one is...

Com. Adagala: Just repeat that.

Jared Ochieng: I would like a minimum of Ministers. Maybe, if two Ministers or the Minister is from that area the Head of State is visiting to accompany him there with the MP but not just a delegation of MPs following him everywhere.

The second point is, people who aspire to have positions to declare their wealth, that this is what they have and they are going in there to serve the mwananchi.

The third point is about senior appointments to Government – should be vetted by Parliament. In this way, merit can be achieved and the quality.

Com. Adagala: Let us go back a little bit to the declaration of wealth. You know some people have said, they should declare wealth so we can know that they are rich. Others have said they should know their wealth so we can know what the source of the wealth is. What is your reason for declaring of wealth?

Jared Ochieng: The main reason is that because the kind of politics there is in Kenya, someone just goes there to eat, to help his family, his tribemen. So if we know that he is okay financially, he will go there to serve the Wananchi who voted him into that seat.

Com. Adagala: And if he got the wealth corruptly? And he would like to continue?

Jared Ochieng: Then he should not even be elected in the first place. The people who have been accused of corrupt practices in Government should not hold public office any more and should not be elected because they are likely to endanger it, to do it even more. They should be forced to resign and never ever be appointed again to any public office for that matter.

I would also like Police torture to be abolished and confessions that police have acquired from suspects not to be taken as evidence in courts of law because mostly they are taken under intimidation, so they may not be fair.

My last point is on land and it concerns the landlords and the tenants' thing. We have so many cases you stay have in an area, you pay rent, at the end of the month, you are not allowed to use the water in that plot. I would like the Tribunal's duties clearly spelt out so that I go there and present my case, this is what my landlord is doing to me, I can be helped. Thank you.

Com. Salim: Thank you Bwana Jared Ochieng. Now, we call Monyonjo? No. Samuel Othamo, not here? Gisiora (is just a listener), George Ongera - listener. John O. Sori? Is he here? Maurice Otieno, he is not here? Well, according to our registration list, we have covered everyone who has registered and wanted to give his views. Is there anyone here who says that he has registered but hasn't given his views? Have you all registered? Did you give you views? So you haven't registered yet? So, do you want to register now? Can we have the four or five people who have not registered. Come forward please, right here in front, we register them and then we..... Maybe, the gentleman who has given views, could you kindly please allow the others to sit in front, please?

Alright, can you please register them quickly? Can we call your names. Give your name and then when you finish here, kindly go and fill the form there.

John Nyaringo: Alright. My name is John Nyaringo. I would like to thank you very much for giving me this opportunity to express my views as pertains the law review process.

To start with, my feelings being a Kenyan citizen, since the start of the 8-4-4 system of education, I am starting right from the 8-4-4 ...

Com. Adagala: Let us agree with these people here and you because you came late, you don't know how we have been doing things. You will give pendekezo direct (you will give proposal direct). Explanations take a long time, they take up your time, then you are not able to give all your proposals. Do not waste your time explaining the obvious.

John Nyaringo: First and foremost, we should have the scrapping of the 8-4-4 system of education. This has overloaded parents. It has created unemployment problem in this Country. Thank you.

Com. Adagala: What would replace 8-4-4? We don't go to school?

John Nyaringo: We have got our old education system where you finish after Form IV, you go to Form V. You proceed to Form VI, after that to University.

On the other hand, I would like to express that the powers of the President – the President is overloaded with a lot of powers. Appointing District Commissioners....

Com. Adagala: You will give us your proposal, not a description, na ukiendelea hivo, tutakosana.

John Nyaringo: The President should not elect the Provincial Commissioners, District Commissioners and the Parastatal Heads should be elected by Parliament.

Com. Adagala: Endelea.

John Nyaringo: On the other hand, taxation – any revenue collected from Mwananchi should be set aside by a private body to man those monies.

Com. Adagala: Government taxes should be managed by a private body?

John Nyaringo: Yes.

Com. Adagala: It will not work. Say by a body but not a private body.

John Nyaringo: Yeah. By a body.

Com. Adagala: What would you like that body to be called?

John Nyaringo: It should be a private taxation organ.

Com. Adagala: Endelea.

John Nyaringo: On the hand, Police Force harassment. Police Force should be privatized such that it is manned properly and the citizens should stay secure.

Com. Adagala: Endelea.

John Nyaringo: On the other hand, Chief's Order Act should be scrapped.

Com. Adagala: Endelea.

John Nyaringo: These funds collected from National Hospital Insurance Fund should be refunded to the members once they have gone for any complaint of sickness.

Com. Adagala: Endelea.

John Nyaringo: NSSF funds. The members should be given any or the interest collected should be issued yearly but not until the member retires, to avoid unnecessary embezzlement.

The Attorney General's powers. The Attorney General should be elected by Parliament.

Com. Adagala: Endelea.

John Nyaringo: The Parastatal bodies. People who are being elected now and then to man these bodies, we should have this young generation to take over after this old-aged citizens.

Com. Adagala: Ya mwisho.

John Nyaringo: On the other hand, Chief Justice should be elected by Parliament.

Also, we should have one-man-one-job. People are overloaded with jobs and we have experienced problems.

Com. Adagala: Women. And women should not have jobs?

John Nyaringo: Women should be allowed to have jobs equally. Thank you.

Com. Salim: Oluoch Ogola?

Oluoch Ogola: Thank you. My name is Oluoch Ogola. I will make my presentation in three parts. Central Banks, Companies and then Financial Services offered by the Government.

First and foremost, I think the Governor should be appointed by the Parliament, not the President.

Then, before denominations are issued like ten shillings coin or five shillings coin, it should be a matter which should be discussed because currently, coins are so difficult to know which one is which.

Then, putting companies into receivership. I don't think the Central Bank is qualified to appoint managers to put companies into receivership. Also, there are big companies..

Com. Salim: If it is not Central Bank, who should do it?

Oluoch Ogola: I think the person that is qualified to do it is the Parliament – maybe the financial committee in the Parliament.

And, when a company is going bankrupt or going under, there should be an Act that it explains how the Government should rescue the company. Like Castle or big company which has employed over 500 people, it shouldn't just.

Com. Salim: Proposal.

Oluoch Ogola: My proposal is Nairobi Stock Exchange. I think that the Government shouldn't have anything to do with Nairobi Stock Exchange and Capital Markets Authority should be scrapped and the Nairobi Stock Exchange should be just a private entity.

Another thing is overtaxation on taxes.

Com. Adagala: Capital what should be scrapped?

Oluoch Ogola: Capital Markets Authority.

Another thing is taxes and representation on the company board. Any company listed on Nairobi Stock Exchange shouldn't

have two people – one person in two companies as directors because it is so hard to sell shares when one company is going under.

Com. Adagala: You have already said that Nairobi Stock Exchange should be scrapped?

Oluoch Ogola: No. I said Capital Markets Authority should be scrapped.

Com. Adagala: Okay.

Oluoch Ogola: What I have just explained is that, we shouldn't have one person sitting in two boards being a board member of the two companies.

Com. Adagala: Have you finished, I thought you had another?

Oluoch Ogola: I had another one but the time is off. Just on taxes. I think the poor should be supported to participate effectively on Nairobi Stock Exchange and if possible, the Government should give some money for people to participate there.

Antony Oredo: I am called Antony Oredo. Okay, I am going to talk about the workers. We need the COTU Secretary-General to be in the Parliament with other four members of the Workers Union. There should be five representatives for workers in Parliament. It doesn't mean that they must be elected during elections for MPs but at that time when they are elected, let them be Members of Parliament automatically.

For the appointment of Heads of Parastatals, let us give it the Parliamentary Committee to do that and any appointee should exceed more than 55 years. That is, even someone has served for more than 55 years, he should be appointed to head any parastatals or corporations.

For the workers permit (expatriate). Let them be defined by the Attorney General. If there is any worker that is coming into Kenya, let the company give certification of the job to the Attorney General annually to avoid these cases of unemployment for the professionals that we have in Kenya.

Then, let us have the Government to define the functions of the MPs and the Councillors because the common men don't know what their MPs and Councillors are supposed to do for them. In that case, if they are explained to, let the MPs be censured, in any case they cannot perform their duties or even the councillors. So, they should be given a performance will of two years. If they can't perform for more than two years, there should be by-elections for that particular Constituency or the Ward.

Thank you.

Com. Salim: Thank you Antony Oredo. Now, Wilfred Ongoto.

Wilfred Ongoto: Thank you for giving me this opportunity. I am Wilfred Ongoto – I am a resident of Mathare North.

President. I suggest that any Kenyan should be allowed to vie for the Presidency. I suggest that anybody who vying for the Presidency should be above 18 years and not 35 as per the current Constitution and there should be no age limit.

Com. Adagala: A Hundred and Twenty?

Wilfred Ongoto: Eighteen. Whoever is eligible to get the ID Card and the Voters Card and there are to be no age limit.

Parliamentary. In the current constitution, we elect them after every five years, they should nto be pensionable because some of the go in for one term and therefore, they should not be pensionable.

Depolitization of the Police Force. Here, I simply mean that there should be no..... we want to avoid a situation where the Police cancel the licenses for those who are holding rallies at the last minute because of political reasons.

Presidential and the public appointment. Whoever who is found in the public office should be elected by Parliament and appointed by the President and therefore, one must declare their wealth. Thank you.

Com. Adagala: Why declare wealth.

Wilfred Ongoto: The reason as to why one finds that when one is in office, he enriches himself through undubious means. So, this is the major reason why they are supposed to declare their wealth.

Com. Adagala: If he got his wealth by corruption?

Wlfred Ongoto: If he got it with corruption, then, this person is not supposed to hold public office anymore. Thank you.

Com. Salim: Thank you very much Bwana Ongoto. Nebert Sangathi.

Nebert Sangathi: My names are Nebert Sangathi. My proposals are here. That the President should be held responsible for any wrong in this Country. He must be impeached.

Secondly, in case anyone is involved in corruption, regardless, of who he is, whether an MP or the President, his own property to be sold and he be jailed.

The President should have limited powers. We should limit the powers of the President and the powers should devolve from the Central Government towards the citizens. Since we are the ones who are employing the people, The powers should come here. We elected them, which means we are the one who are holding the power. So, it should come down from there, coming towards us so that we should have also some powers, some say.

Com. Adagala: How do we effect the power?

Nebert Sangathi: Not individually. In organizations, in such a manner.

Com. Adagala: (inaudible).

Nebert Sangathi: Yes. Yes, that we should have powers. What I mean is that we should have also powers to a say that in case anything goes wrong, we can have a say in mind.

The Government should cater for its own citizens. One, by taxing the workers and creating allowance for the unemployed and the needy not forgetting the handicapped.

The Judiciary should always remain independent and the President shall not appoint the Attorney General.

The National Cake should be distributed equitably.

Finally, the law should be respected at all times and one-man-one-job.

Com. Adagala: Who should be baking it? I know what you are saying, I want to know who should be making it?

Nebert Sangathi: We are baking it all collectively.

Com. Salim: Thank you Bwana Sangathi. Collins Oloo Anyona.

Collins Oloo Anyona: Thank you for giving me this opportunity. I am Collins Oloo Anyona. I should propose that we

should have rotations on Presidential posts in all our Provinces.

Two, we should have Army Barracks in each Province.

All three Government bodies, be it Judiciary, Executive and Legislature should be given total independence.

President should have two terms in governing the Country. President should retire at the age of 70.

Both President and Vice-President should be elected by Wananchi.

Kenya should have only three Political Parties in order to avoid tribal discrimination.

Presidential elections should be separated from Parliamentary elections.

Illicit brews like muratina, chibuku should be abolished by the Government. The Government should return the old system of education – 7-4-2-3. That is all, thank you very much.

Com. Adagala: I want to know why you want chibuku abolished as a traditional drink and the traditional drink of the Scottish People sold, which is Scotch.

Collins Oloo Anyona: I just wanted it to be abolished because there are some others who are drinking it and they cannot even wash themselves. It is making them fear even water. So, it is not good for their lives.

Com. Adagala: And the ones who drink the others?

Collins Oloo Anyona: The others like beer, busaa and others, should be licenced and put in a way because we know they are not too addictive as the others that I have mentioned.

Com. Salim: Thank you. Both of us are entirely ignorant of these drinks – so, we can't pass judgement from an authoritative point of view. Pastor Edwin Ndiviswa.

Edwin Kivisa: My names are Edwin Kivisa. I would like to give the following proposals. Ningependa kutoa pendekezo zifuatazo:-

Kwanza, the powers of the President to be reduced. He has so many powers, so that he is not working effectively.

Second, 8-4-4 system to be abolished. We come back to the old system.

Third, I would like – vile mambo ya retrenchment has brought problems in Kenya. So many people are unemployed and the way – the system they use to retrench people is not good, so that should be taken care of. My proposal is, if at any time retrenchment is there, it should be handled by the Parliament.

Now, the last one is about the Police Force. Our Police Force are so corrupt. That should be taken care of in our new Constitution.

Com. Adagala: You want them to take care of the corruption of the Police in the Constitution?

Edwin Kiviswa: By that I mean, the Policemen in our Country nowadays are covered by the old law so that they can be corrupt where they are. They are not working victims as pertaining the Kenyans. Thank you.

Okay. Last if I may come to the church. We have so many cults in Kenya. I think the cults should be scrapped off. We have the good and the doctrine denominations in the Country.

Com. Adagala: How do we distinguish the cults?

Edwin Kiviswa: They can be distinguished by theologians. Theologians know the cults.

Com. Adagala: Will it not be witch-hunting?

Edwin Kiviswa: No. It should not. So long as theologians would know which is the cult and which is the true denomination, because there are so many and they have now come as business in the Country. People who are now starting churches are just looking for money and not preaching the gospel.

Com. Adagala: What about if we take away the rights of association from the Constitution?

Edwin Kiviswa: It will not, because I believe God will take care of.

Com. Adagala: Okay.

Com. Salim: Ngala Kubwa.

Thank you for giving this opportunity. I am Nelson Ngala Kubwa.

I would like to comment firstly on how the Government must deal with corrupt officers in government ministries and government damaged institutions or the state corporations. I would suggest that a Government officer or Minister involved in corrupt deals should be sacked forthwith. Not actually being transferred to another Ministry of State Corporation.

Two. I have to comment on Presidential privilege to appoint people to serve in these Government or state corporations. The President must not abuse the privilege of appointing the officers to serve these Government or state corporations, in that, Kenya is a Multi-Party State, the President being biased in selecting those to serve in his Government.

Com. Salim: Please just give proposals to cut the long description of problems. Just propose....

Edwin Kiviswa: Sure. And I would suggest that those to be elected to serving the Government or state corporations must be appointed regardless of their political stand in the society.

Three, a Government officer should hold only one position as far as jobs are concerned in Kenya unlike the present trend where we are having one person serving in several capacities. For example, if you are director and you are chairman. I would suggest that one person must serve one position only to create jobs for other Kenyans who are jobless.

Fourth. The power to prolong the Parliament should be vested in Parliament itself, not the Presidency because the President is using this tool.

Government should give cheap loans to the jobless Kenyans to help eradicate poverty.

Chief Justice should not be a Presidential appointee but Kenyans should be given that opportunity to do that because Judiciary is not supposed to be part of the Executive but must steer clear from the Executive. This is putting Judiciary in a compromising position while carrying out its duty. Thank you.

Com. Salim: Thank you Bwana Ngala. Sammy Munyao?

Sammy Munyao: Thank you. My names are Sammy Munyao. Now, this goes to the national resources. All the Government resources must be shared equally among all the tribes such as Government forests and giving of tenders. This should be given in terms of less than five years.

Second, foreigners must not do what citizens can do. Such foreigners are operating small businesses like shops and the

others.

Third. Those house-helpers – these are maids - must work like any other person - eight hours and the Government must control their salaries depending on either in urban or rural areas.

Fourth. Anybody who will get married and brings up children must be forced to take care and educate them. Whether the couple part or not. If they parted they both, each must contribute bringing up the children. If death occurs or illness and one is not able, he or she should not be forced, and if one lost his job, he should not be looked at.

Com. Adagala: Should not be looked at or looked after?

Sammy Munyao: Looked at.

Com. Salim: What do you mean looked at?

Sammy Munyao: I mean, if one lost a job, this should not be a case. He should be forced to care about the children.

Com. Salim: Then last but not least, Collins Mariko.

Collins Mariko: Thanks. My names are Collins Mariko.

To my first point, the head of Constitution Review Committee of Kenya. I propose that the head should be a citizen of Kenya and should origin from Kenya. Apart from him being a Kenyan citizen, he should be of Kenyan origin as opposed to the Head of the CRCK currently.

Com. Adagala: What do mean?

Collins Mariko: I am saying.

Com. Adagala: Where does the Chairman originate from?

Collins Mariko: He originates from India and everybody knows that.

Com. Adagala: The Chairman of CKRC – Yash Pal Ghai was born in Ruiru.

Collins Mariko: Was born in Ruiru, yes.

Com. Adagala: You said he must originate. So originate is to be born.

Collins Mariko: That is by birth. I am saying by origin. Origin means something else.

Secondly, the assent of Bills. I am proposing that after a Bill has gone through all the stages – that is the first, second committee stage and third reading, the last stage should be scrapped, that is the Presidential assent. That one should be scrapped.

Thirdly, commercial houses. I propose that there should be a legislation on the maintenance of all commercial houses regardless of the location whether in the central business area or anywhere else and the Bill should address the safety of the building which should be looked at and reviewed annually. The paintings and repairs also should be looked at.

Last, the verandas also should be looked at. That is maintenance.

Fourth, the Judiciary. The judges should retire at the age of 65 as opposed to the current 74 years and also the Judiciary Service Commission should not be headed by the CJ but rather be headed by an Opposition MP who has the qualifications which the CJ should have.

On the Civil Service, the Senior Civil Servants, Parastatal Heads and all who hold public office should not allowed to invest out of the Country and they should not also be allowed to bank their money outside the Country.

If they do, they should be prosecuted.

Also, I propose that the 8-4-4 system.

Com. Adagala: My dear young man. If I have 500 million outside and you prosecute me, and the 500 million stayed there. I can go in for five years and it will be making interest.

Collins Mariko: Well, I think what should be done there is that all the monies that are outside the Country should be brought into the Country and you are going to be jailed for not less than 10 years.

Okay, it is my last point. I propose that 8-4-4 system is the best system for Kenyans. Thank you.

Com. Salim: Thank you for your views Collins Mariko. Now, as I said, we have now finished listening to the views of all those who registered. All that remains is on behalf of my colleague – Com. Kavetsa Adagala, the officers over there and all those who helped organize this hearing – District Co-ordinator and the Members of the Committee, we want to thank you very much for all the work you put in. It has been a very successful hearing from our point of view in the sense that we have heard something like ninety, that touched almost a hundred people coming forward to present their views. That in our mind is a good figure. We need only to let to know now what will happen. After we hear the views of Wananchi, in all the Constituencies, we and our colleagues now being – doing just that. The views will be looked at, will be collected, will be analysed and then we shall draw out a draft Constitution and a Report on that.

That draft Constitution and the Report will then be publicized or published for Wananchi to study, look at it and see what they think about it or what they think of it. If there are any views on it, you can send them to us and in addition, there will be a national conference, bringing together something like over newly 700 people made up of all the MPs, all the Commissioners, delegates from each District, leaders of different Religions, leaders of kina Mama, leaders of other so called marginalized groups, so that we have a very representative body of people, also to debating on the draft Constitution.

Once the draft Constitution has been debated by the National Conference and a consensus emerges from that Conference – watu wapatane wote walioudhuria wakipata juu yake, then that draft Constitution will be taken to Parliament and Parliament will debate it, quickly hopefully and then pass and then it will become the new Constitution.

It is possible that during that National Conference of something like 700 representatives, that some issues, there maybe disagreements on them. They will debate and debate and debate, still there is no agreement on it. On the other hand, they cannot go on debating because time is not on our side. You can gather from the Papers and the Media, we are pressed to finish everything. People want the new Constitution quickly. So, if the National Conference disagrees on some issues, then those issues will be taken back to the people and the people will be asked their views in a Referendum and then that Referendum after it takes place, the results will be incorporated in the draft Constitution and the draft Constitution will finally be finalized and then passed on to Parliament to give its approval or assent to it.

So, these are the next stages after the hearings are over. The hearings will continue, Province after Province. We have finished now with Nairobi. We had finished earlier with Central, with Coast and Eastern, that leaves us with another is it four Provinces collecting views. Once that is done as we said, we will go through this other procedure. So, you can see a lot of work still needs to be done but we hope with your understanding and your cooperation and civic education provided later on, helping Mwananchi to understand the new draft so that they can debate and give us useful views. We hope we will reach our destination in time. In the time allocated to us. As you know the Commission is required to present its findings before Parliament as a whole and then hopefully things will move along the lines we have planned. But, for now as I said, we thank you all very very much for your participation, for giving us useful views as to how we shall write the Constitution. Remember,

