

CONSTITUTION OF KENYA REVIEW COMMISSION

CKRC

VERBATIM REPORT OF

CONSTITUENCY PUBLIC HEARINGS,

NAKURU CONSTITUENCY, HELD

AT FREE AREA SOCIAL HALL

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16TH JULY, 2002

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RECORD OF CONSTITUENCY PUBLIC HEARINGS
NAKURU TOWN CONSTITUENCY, HELD AT FREE AREA SOCIAL HALL
ON 16TH JULY, 2002.

Present:

Com. Charles Maranga
Com. Abida Ali-Aroni

Secretariat Staff in Attendance:

Ismail Aden - Program Officer
Omwanza Ombati - Asst. Program Officer
Flora Wafula - Verbatim Recorder
John Kirui - District Coordinator
Margaret Wahome - Sign Language interpreter

The meeting was called to order at 10:40 am with Com. Charles Maranga in the Chair.

Com. Charles Maranga: Siku ya leo, mmekaribishwa kwa huu mkutano wa Tume ya Kurekebisha Katiba, lakini kabla hatujaanza, ningeomba Bwana Co-ordinator utuulizie mtu mmoja aweze akatuongoza na maombi.

John Kirui: Madam Commissioner na Bwana Commissioner wetu na watu wa Nakuru hamjamboni?

Audience: Hatujambo.

John Kirui: Yangu hayatakuwa mengi, ni kuwakaribisha wageni wetu, na ni kuwakaribisha watu wa Free Area kwa siku hii ambayo ni wakati wenu, tuwe tukisikia maoni yenu. Sitasema mengi isipokuwa ni ku-introduce the 3Cs members ambao wako hapo.

Interjection: Maombi sasa.

John Kirui: Maombi sorry, sorry.

Cllr. Gahi Balai: (Prayers):- Tafadhali tusimane tuombe.

Baba Mtukufu, tunakuja mbele zako, tukinyenyekea sana, kwa sababu ya kutupatia uhai siku ya leo, tuweze kufika hapa katika kikao hiki cha Lanet. Baba watu hawa ambao wamefika hapa, hasa sana wale ambao wanatoka Nairobi kuja kupokea maoni

ya wananchi wa Nakuru, tunakushukuru kwa wao. Tena tunaomba tukikumbuka ya kwamba mmoja wao ambaye ni Commissioner aliaga dunia jana, tunamuomba roho yake uipokee mahali pema peponi. Nakuuliza Baba, utuelekeze mawazo yetu, katika jukumu lile ambalo liko mbele yetu la kusaidia watu wako wa Kenya, ili yule ambaye atakuja hapa kutoa maoni yake, atoe maoni yake akiangalia masilahi ya watu wa Kenya, na mahali akaapo. Nakuuliza Baba tuwe na kikao kizuri siku ya leo, na utubariki kwa yote. Twaomba haya kwa jina ya Yesu Christo Mkombozi wetu. Amen.

John Kirui: Asante sana, kwa hivyo tutasimamisha 3Cs ambao wako hapa. Gnerally, we have a very active Constitution Committee, na hapa our Chairman wana small cause today, and Cllr Balai is the acting Chairman. Balai a- introduce the other members.

Cllr. Asanteli Balai: Asante sana. Tuko na yule anaangalia program siku ya leo, Bwana William Atinga, kuja hapa introduce wenzako tafadhali.

William Ating'a: Basi Commissioners, sisi 3Cs nikianza wa kwanza anaitwa Madam Lucy Chepkemoi. Huyu Joshua Toroitich, huyo ni Cllr.(interrupted by noise) na huyu ni Secretary wetu wa kamati hii, anaitwa Madam Magdalene Joan Kipng'etich. Huyu ni mwakilishi wa Mayor, tena ni mmoja wetu wa 3Cs Cllr. Gali Balai na mimi naitwa William Ating'a, na huyu viatu vyake ni vikubwa kumu-introduce kwangu, ni District Co-ordinator wangu, anaitwa Bwana Kirui. Thank you, Sir.

John Kirui: I would also like to introduce among us our sign language interpreter Mrs. Wahome, and I would like to ask her to ask whether there are people who need her service immediately, with their signs. I am very sure they will be calling in during the cause of the day. I would also like to take this opportunity to welcome you Commissioners and I will be with you for a few minutes, then I will disappear to another panel. I have three other panels today. But in all I wish you a very good stay in Nakuru, and before I can hand over to you Sir, I would like to convey our heartfelt condolences for the late Commissioner, on behalf of Nakuru people, and in particular the members of the 3Cs and the staff. I would like to call on the staff, waweke mkono juu (unclear word) msimame tuu, muonekane. Hawa wametusaia sana Ma-Commissioner, kuendesha elimu ya uraia, na ningomba tu kila mtu aseme jina lake akiwa huko na kuweka mkono wake hapa.

Tangi: Naitwa Tangi.

John Kirui: Thank you Tangi.

Oruko: Mimi ni Oruko.

John Kirui: Oruko, thank you.

Emero: Emero

John Kirui: Emero, thank you.

Cylus Mukole: Cylus Richard Mukole

John Kirui: Mukole, thank you.

Gimar: Naitwa Gimar.

John Kirui: Gimar, thank you.

Karo: Karo.

John Kirui: Thank you, Karo.

In all we have been happy with their services. I wish you a good stary in Nakuru and until tomorrow, we will also meet. God bless this session, thank you.

Com. Charles Maranga: Asante Bwana Co-ordinator, lakini ningetaka kumtambua Bwana Chief Lalei. Watu wajue Chief ako. Ndiyo tumpe asante. Lakina kabla hatujaanza kabisa mpango wetu wa leo, ningeomba tusimame dakika moja ile tupate kutoa heshima kwa mwenzetu Dr. Oki Ooko Ombaka. (one minute silence).

Kwa niaba ya Tume ya Kurekebisha Katiba, ningetaka kutangaza huu sasa ni mkutano wa Tume ya Kurekebisha Katiba, na kabla hatujaanza pengine ningewajulisha ni akina nani wako hapa leo. Wa kwanza kabisa tuko na Bi Abida Ali Aroni, ambaye ni Vice Chair na hivyo mwenye kiti wa Tume ya Kurekebisha Katiba. Nafikiri ningemuomba awasalimu.

Com. Abida Ali-Aroni: Hamjambo? Kwa niaba ya Tume ya marekebisha ya Katiba, ningetaka kuwakaribisha na kuwaeleza kwamba tuna matumaini makubwa kwamba tutapata maoni ambayo yataweza kutusaidia katika hii shughuli ya kurekebisha Katiba, na tunatarajia kwamba mmekusanya watu na kabla ya kumaliza siku, hii hall itajaa na kuwe na watu wengi mpaka sehemu ya nje, ili tujue watu Free Town wametoa maoni ya kutosha. Asanteni.

Com. Charles Maranga: Basi huyu ndiyo Commissioner mwenzangu tuko naye, na vile vile tuko na wale ambao wametoka upande wa Secretariate, tuko na Bwana Ismail Aden, huyu ndiyo Program Officer wetu wa leo. Bwana Aden umeonyesha mkono? Sawa. Huyu ukiwa na matatizo yoyote ya Secretariate muone Bwana Aden. Mwingine ni Bwana Omwanza ambaye ni naibu wa Program Officer, ndiye huyo. Na mwingine ni yule ambaye tunaita Verbatim Recorder, ama yule ambaye ananasa sauti zenu wakati mnatoa maoni, na anaitwa Bi Florence Wafula. Na mimi ambaye naongea sasa, naitwa Dr. Charles Maranga

Bagwasi, vile vile ni Commissioner. Mimi leo ndiye nitakuwa Mwenye Kiti wa kikao cha leo. Kwa hivyo tunawakaribisha kabisa, na ningetaka niwapatie masharti kidogo kabla sisi hatujaanza kutoa maoni.

Kwanza kabisa, basi kuna masharti kidogo ambayo sisi tungetaka tuwaelezee ili muweze mkaelewa. Kwanza kabisa, mtu yeyote ambaye anataka kuongea, ni lazima ajiandikishe hapo nje. Tuna registration form, ambayo ni ya Tume ya kurekebisha Katiba. Hii form utaandikisha na wewe utasema kama unataka kutoa maoni, ama unataka kuja hapa kama observer. Kwa hivyo, kuna njia mbili, utoe maoni, ama uje kuwa observer. Na sisi tunafuata hii form. Hiyo ndiyo kitu ya kwanza unafanya. Mtu yeyote anaingia kwa hii hall, lazima u-register. Huwezi ukaniandikia kijikaratasi kidogo, eti nikutambue ili utoe maoni. Lazima uwe umefanya registration. Na tunafwata first come, first served. Hivyo ndivyo tunafwata. Watu tu ambao tunaweza kuonea huruma ili waweze wakatoa maoni yao kwanza kabisa ni wanafauzi kama wamefika hapa, ili warudi shuleni, na waalimu vile vile, na wale watu walemavu ambao tunaona hawawezi wakakaa hapa kwa muda mrefu. Hawa watu tunaweza kuwasaidi. Lakini wengine wote lazima tufauate nini? Hii form, hii registration form. Na akina mama, wale ambao tunaona lazima warudi nyumbani wakaangalie watoto.

Kuna njia tatu ya kutoa maoni. Njia ya kwanza, unaweza ukatoa memorandum. Hiyo inatosha. Kama unaweza kuja moja kwa moja, unaweza kuingia kwa Hassan, upeane memorandum. Hiyo inatosha. Hayo maoni yako imefika kwa Tume.

Lingine la pili, unaweza kuwa unatoa memorandum, lakini nawe unataka kugusia zile pointi za muhimu kutoka hiyo memorandum yako, ama nakala yako ambayo umeandika. Hiyo tutakupa muda mfupi, ili utupe highlight, siyo kusoma memorandum. Ni kutupendekezea tu yale ambayo umependekeza ndani ya memorandum yako. Hiyo ni njia ingine ya pili ya kutoa maoni. Njia ya tatu, ni mtu ambaye hajaandika memorandum, na anataka kufika mbele ya Tume. Vile vile unaweza kufika hapa, ile uweze kutoa maoni yako kutoka kwa kichwa, bila kusoma chochote, na hiyo vile vile itakua muda fulani, ili uweze ukatupendekezea.

Kitu kingine cha tatu ambacho ningesema, sisi hapa wakati unatoa maoni, usitaje jina la mtu; unataja ofisi. Kwa mfano kama unataka kupendekeza maneno kuhusu ofisi ya Rais, hapana taja Rais. Kama ni chief hata kama mmekosana na yeye, wewe hapana taja Chief, eti Chief fulani hapa kwa jina. Wewe sema ofisi ya Chief. Kama ni DO ni hivo, ni DC ni hivo, kila kitu. Hata kama ni Mwaalimu Mkuu wa shule. Kwa hivyo haitakikani utaje jina la mtu, kwa sababu mtu hana njia ya kufika hapa mbele ili aweze akajitetea. Kwa hivyo sisi tunasema na ile lugha ambayo watu watatumia hapa, iwe lugha ambayo ni ya kiungwana. Siyo lugha ya matusi, na kama umesikia mtu fulani ametoa pointi fulani, maoni fulani, usije ukaanza kusema ati hiyo ni mbaya. Hayo ni maoni yake, ni haki yake. Wacha atoe vile anavyotaka. Wewe ukifika mbele ya Tume, na vile vile wewe utatoa maoni yako. Kama mnataka kubishana na fulani, bishana kwa kupitia kutoa maoni yako hapa. Ni debate, kwa hivyo ndiyo sababu tunasema hatutaki hiyo njia. Tena baada ya wewe kufika hapa mbele, kuna mahali hapa, sehemu moja, mtu anaweza kukaa. Hii unakaa na unanza kutoa maoni yako. Ukianza kutoa maoni, ni lazima utaje jina lako kwa ukamilifu kabisa. Jina lako kamili, majina yako yote, utaje kwa sababu sisi tunafanya recording. Ndiyo tukitoa report, ndiyo tunaona

Bwana Mwangi alisema namna hii, Bwana Kamau alisema namna hii, Bwana Lalei alisema namna hii. Tunaelewana? Kwa hivyo lazima utaje jina lako.

Kuna lugha tatu ambazo unaweza ukatumia. Unaweza ukatumia lugha ya Kimombo, unaweza kutimbia lugha ya Kiswahili, ama unaweza kutumia lugha ya mama, lakini kwa sababu hii ni town, nafikiri watu wengi watatumia lugha ya Kimombo ama pengine Kiswahili. Lakini kama kuna mtu ambaye anataka kutumia lugha ya mama, ni vizuri atuelezee mapema, ile tuweze tukapata mtu ambaye anaweza kutafsiri. Kwa hivyo hiyo vile vile inakubalika.

Muda ambao tutapeana kwa watu kutoa maoni, watu ambao wana memorandum na wanataka kutoa highlights, tunawapa dakika tatu. Tunawapa dakika ngapi? Tatu. Na wale ambao wanataka kutoa maoni kwa njia kwa mfano, ya kutoa maoni bila kuandika unakuja mbele unatoa, ni dakika nne ndio mwisho kabisa, tunakupa. Na mimi kama Mwenye Kiti wa muda, hiyo Tumepita provinces saba, na Tumepata kupeana watu dakika mbili hadi tatu, ni muhimu sana hata mtu anatoa maoni ya muhimu.

Na sisi hapa usituletee story mrefu, wewe sema story yako, lakini toa pendekezo. Kama ni askari wa City Council ndiyo wanasumbua nyinyi hapa, sema askari wanatusumbua, lakini pendekezo ni nini. Tupe pendekezo. Sisi kama Wanatume, ni Wanakenya vile vile, tunajua taabu zenu. Kama ni mkulima tunajua vile mazao iko. Sema mazao vile imewasumbua kama umesumbuliwa na mahindi, chai na nini, lakini fanya nini? Toa pendekezo. Kama ni elimu, mapendekezo. Hiyo ndiyo muhimu. Lakini ukituambia story, uki-repeat bila kutupa mapendekezo, unatupa taabu. Na nafikiri kwa sababu watu ni wengi, tungetaka tuheshimiane. Wakati wako ukiisha kabisa, nikikwambia malizia, unamalizia mara moja. Tumeelewana? Na mobile phones please, tafadhalini m-switch off kwa sababu inaweza ikafanya hitilafu kwa recording yetu ya kuchukua maoni hapa. Na tena kitu kingine kama mtu anataka kuongea, unaweza ukatoka nje uweze ukaongea.

Kwa hivyo bila kupoteza wakati, ningetaka kumuita mtu wa kwanza. Na kama umeshaongea ukimaliza, kuna Bwana Aden, mahali utafanya registration, ili kuonyesha ya kuwa umefika mbele ya Tume. Kwa hivyo tukisikizana kwa hii maneno nafikiri tutaenda speedi sana. Mtu wa kwanza kabisa ni Patrick Njenga. Naona una memorandum. Tupe main points.

Patrick Njenga: My name is Patrick Njenga Mungai, on behalf of Kiamunyeki Lanet location. We the people of Lanet Kiamunyeki, we had a seminar on the 28th and 29th of June 2002, and we had the following proposals.

That because Kenyans received their independence after protracted arms struggle, it is their wish that Kenyans will never again be drawn into anything close to the infamous tribal clashes. There must be harmony, fairness and justice among the different communities. That leaders must be our servants and never our bosses. They should be accountable to the people, who in reality are their employers.

There should be two five year Presidential terms only. That the Mayors and County Council chairmen must be elected directly by the voters. Since the President's constituency is the whole country, he should not be a Member of Parliament. That

Presidential elections should be separated from the other civic and Parliamentary elections by 90 days. That nobody should serve as President after the age of 75 years. The President should be pensionable after his term is over. That while in office, the President and Parliamentarian, should never engage in business directly; in case of that, their businesses should be run by trustees. That people's leaders, Councillors, Parliamentarians and the President, should not operate bank accounts in other countries.

That the elections date should not be held in secrecy; it should be clearly stated in the Constitution. The President should have a running mate during the Presidential elections. That the public resources, personnel and others, should not be used during campaign for partisan interest. That the President should not be the leader of a political party.

The currency should have a permanent portrait as opposed to the current trend of changing portrait so as to concur with the President in office. It is expensive and is meant for self glorification.

Public holidays named after individual leaders in which it serves as glorification of such leaders, should be scrapped.

That when an elected leader is found and proved guilty of misuse of public funds, or any other offence, he should resign with immediate effect. That the public has a right to know how much the President spends, therefore his expenses should be included in the budget.

That the public media KBC T.V. and Radio are maintained by tax payers' money, it is only fair for all registered political parties to be allocated equal airtime and treatment.

Since the Presidency is created by the law, it is therefore absurd for the President to be above the same law which created the office. That the citizens should have a right to sue the head of state in case of misconduct, e.g. when he says words contrary to the Constitution.

Central government cannot work in Kenya because we are not wealthy enough to the point we cannot be able to live up to it. The office of the Ombudsman be established where citizens may lodge their complaints against the public, civil servants and authority.

All children irrespective of class have a right to and thus be guaranteed security, medical services and universal primary education.

That so as not to curtail the freedom of movement, all citizens be issued with passports on attaining the age of 18 years as easy as you can acquire the Identity Card.

The exercise of registration of voters is not only a waste of time and money, but also alienates some would-be voters. We therefore propose that Identity Cards, Birth Certificates, Driving Licenses, Baptismal Cards, be used as identification during the elections.

Architectural and transport facilities be fixed with special apparatus to cater for the disabled persons, such as the lame, the blind and the deaf.

That there be special public funded homes for the aged citizens.

The public mortuaries must be free to all citizens.

Com. Charles Maranga: Last one.

Patrick Njenga: Thank you.

Com. Charles Maranga: Thank you very much. Kitu kingine ningetaka kuwaambia ya kuwa, pengine kuna wakati Ma-Commissioners wanataka kuuliza maswali. Kwa hivyo, unaweza kuulizwa pointi fulani, u-clarify. Thank you. Na pengine urudi kidogo, kwa sababu Mzee wangu, Bwana Njenga, kuna swali.

Com. Abida Ali-Aroni: Bwana Njenga, you have told us that you don't think that the Federal Government is good for this country. Now the problem that Kenyans have currently, or what we have heard from a lot of people is that there is need for us to bring power and services closer to wananchi. Now can you tell us how we shall do that, although you didn't tell us what sort of government you would like to see other than the Federal government. Tell us what sort of government you would like to see, other than Federal and how we can bring power and services closer to the people, other than leaving everything at the Central government. (And kindly the ones who are talking, members of the 3Cs we are having a problem with that. Members of the 3Cs, there is a lot of talking going on). Thank you.

Patrick Njenga: The Local government should be strengthened and added more powers which would cater for the Federal government.

Com. Charles Maranga: Thank you. Weka sahihi hapo. Yule anayefuata ni Datson Ngatia. Na atafuatiwa na Joshua Toroitich ako? Joshua, okay be ready. Thank you.

Datson Ngatia: Asante sana Commissioner na viongozi wale wengine.

Com. Charles Maranga: Ongea kwa microphone vizuri. Thank you.

Datson Ngatia: Comissioners na wale wengine. Yangu si mengi, lakini nitataja. Kwanza, nina jambo lile ambalo.

(Interjection): Sema jina lako.

Datson Ngatia: My name is Datson wa Ngatia, na ninakaa hapa. Yangu ya kwanza, ni ile ya 50% amendment ya sheria. Ninaona hakuna haki ya mtu kuwa anaongoza nchi, ikiwa hajachaguliwa na zaidi ya 50%. Kwa sababu uongozi wa majority, ambao unatengeneza democratic government, lazima iwe kiongozi anasimamia walio wengi. Na kwa njia hiyo, ningependa Katiba itengenezwe kwa njia ya kuonyesha ya kwamba, hata kama ni kurudia uchaguzi, itakuwa mwenye kuongoza, kushika uongozi wa nchi hii, atakuwa ameingia by the word majority. Ili tuondoke katika hali ya kuwa tunaongozwa na mtu ambaye amepata minority votes.

Jambo la pili, ni lile la majimbo. Tulipotengeneza Katiba ya kwanza hapa, na nchi hii ilipojipatia uhuru wake, tulipata ya kwamba ni vizuri tuwe na unitary government ili watu wahudumiwe equally wherever they are. Na kwa sababu waliojaribu kidogo kuhepa, kulipatikana kuna sehemu sehemu ambazo hazina mapato. Na kwa njia hiyo ikaonekana watu kama hao wanaweza kuumia. Kwa njia hiyo, ikaonekana uongozi ambao ni unitary, unaweza kusaidia kuhakikisha kila mtu katika nchi hii anahudumiwa ipasayo. Ninaelewa ya kwamba kila mpiga kura ni sawa na mwingine. Every voter is equal is to the other in this republic. Therefore everyone in the republic should be served equally. In that way, I would recommend that we scrap any hope of ever having majimbo. Isitoshe, we know majimboism is likely to break the country into tribalism, to have tribal enclaves. Watu ambao wanakaa katika jimbo hili, wanaweza kufikiri wao ni kabila hili na kwa hivyo hawana maneno na wale wengine. Tukiwa na tribalism, I would suggest that we don't talk about majimbo. If anything, I would rather suggest that we promote languages such as Kiswahili, that will of course make people integrate even more and probably also encourage intermarriages so that people make even more animosity reducing.

On the question of Councils, I would suggest, because it was there in the beginning, that the Councils have powers to control the people under them. It is not fair that a Clerk can hold the whole Council at ransom, or even make the place be difficult to control because he is receiving powers from elsewhere and probably not listening to the Councillors. It is my wish that the people who are working under the Council should be controlled by the Council. The reason I say this is that where I stay, which is this area, unakuta town imekuwa chafu. Mtu anakuja anafanya kazi kwa saa moja, even 30 minutes. Nobody can ask him. It is dirty. He will be paid the whole day's salary at the end of the month, but no Councillor or anybody else can touch because he is controlled from elsewhere.

Com. Charles Maranga: The last point, Mzee.

Datson Ngatia: Thank you very much. The other one is land grabbing. I would like people to know that all the land grabbed, should be returned to the appropriate owners and even have its Title Deeds cancelled. It is not fair to use this land. I would also suggest that a Commission is produced and a report be made public, so that the people will know what came out and probably arrange for reconciliation because we cannot get ahead without reconciliation.

In addition to that, I would also suggest that any head of state in future must be under the law. Everybody must respect the law.

When somebody is above the law, it means he is acting individually, and if we decide to make a mistake, that mistake is likely to be taken as law and a lot of harm is likely to be done. Therefore I suggest that in future the President should be under the law. Thank you very much.

Com. Charles Maranga: Asante. Thank you very much. Hand over your memorandum na uweke sahihi hapo. Joshua Toroitich, atafuatiwa na Col. Hastings Muhindi. Joshua proceed, with your name first.

Joshua Toroitich: Kwa jina ni Joshua Toroitich, mkaaji wa Nakuru.

Commissioners, jambo la kwanza nataka kuzungumzia Katiba, tukianza na preamble. Preamble iwe kwa Katiba, ikizungumzia juhudi ya wananchi wa Kenya wakipigania uhuru, na sababu zake na, lengo na matarajio ya uhuru. Tukikumbuka pia wale ambao walitunga wimbo wa taifa, na national flag, wawe katika Katiba.

Ya pili mambo ya environment. Katika environment, tungetaka mapato ya national parks, forests, zitumike katika communities ambao wanaishi karibu na national parks na any natural resource. Kama mfano wa Nakuru hapa. Tungetaka 60% ya mapato ya national park hapa itumike na watu wa mji wa Nakuru. Na kama ni timber, sehemu hizo pia wapate riziki zao.

Ya tatu ni NGOs. Kuna NGOs ambao wako na budget kubwa. Na hii budget haifanyiwi audit. Tunge sihi katika Katiba mpya, NGOs wawe registered na Parliament, and be answerable to Parliament, kwa sababu of colossal sum of money, which is not accountable na inaenda kwa wananchi.

Ya nne. Katiba hii ambayo tunatengeneza, kwanza tuanzie Katiba ya 1963, Lancaster House, na tuangalie kinaganaga, kwa sababu lengo la wakati huu ni wananchi wataka uongozi karibu na kwao. Na mimi na-propose uongozi ambao unaweza kufanyika vizuri, ni kwa serikali ya regional government. The County Councils have failed us a lot. Hawa ndiyo wameharibu environment, wameharibu town planning, and they have actually become a waste of resource to this country. We have to try a system which is workable by bringing down rules, na wananchi wa-participate katika sehemu zao.

Ya mwisho ni uchaguzi wa viongozi. Viongozi tunataka watu wenye integrity, good moral standing and people who are upright. Kutoka Councillor, they should have a minimum education, awe ni mtu wa form four na awe amepita. Kama ni Mjumbe, awe hivyo, na kama ni degree ni sawa. President pia awe hivyo. We should not have anybody in position, who is less than form four. Na hapo, President awe Executive, Commander in Chief, na tuwe na two Houses, Senate and the other, so that they can be counter balancing the activities na sheria ambazo zinapitishwa pande huu.

Com. Charles Maranga: Asante Bwana Toroitich kwa hayo maoni. Nafikiri kuna swali, subiri.

Com. Abida Ali-Aroni: Bwana Toroitich, unapendekeza regional government. Na unasema kwamba wananchi wanataka kuona service. Ningetaka utueleze katika mapendekezo yako ya regional government, hii regional government itakuwa na nini ambacho kitawezesha services kufikia wananchi, kwa vile unasema County Councils zime-fail. Kwa hivyo inamaanisha County Councils pengine hazitatumika. Na unieleze je hicho kitu ambacho unadhania regional government itafanya, haiwezi kufanyika katika unitary system ikiwa tuta-devolve, eh tutatiririsha mamlaka kufikia wananchi, katika unitary system, kitu ambacho hakijafanyika kwa wakati huu.

Na pia swali la tatu, unataka two Houses, kwa sababu unasema kutakuwa na counter balancing. Hizi two Houses, ni akina nani wataketi huko, na hiyo counter-balancing ni kitu gani, kwa sababu hatutaki kukisia mafikira yako?

Joshua Toroitich: Kwanza kwa swali la kwanza, ni kuwa (silence) to the regional level. We maintain the existing provincial boundaries without tribal inclination. We as the people of any region, we think as a people, and we can have a belonging, to being members and citizens of that region na tuta-participate, collecting revenues and budgeting for faster development and resource building, from the area of jurisdiction. Na hiyo ita-fasten development.

Mambo ya House of Parliament, there should be two Houses so that we can have the Lower House passing laws which have to be adopted by the other House. So that the other one cannot even amend the Constitution, without the Lower House accepting. So they have to be 65% and the other house it should be 85% elected members.

Com. Charles Maranga: Thank you very much and now you can sign up and give us. Colonel, atafuatiwa na Wycliff Agesa. Ako? Okey you will be next.

Col. Hastings Muhindi: Thank you Hon. Commissioners, na wananchi wenzangu. Jina langu ni Hastings Muhindi kutoka hapa Nakuru.

Kwanza nazungumzia juu ya mashamba, na nikisema kuwa nikipendekeza kwamba mashamba yote, yapeanwe na Commissioner of Lands bila kuingiliwa na authority nyingine.

Ya pili, mashamba yote ambayo ni ya serikali yapeanwe na Commissioner of Lands, na yasipewe kwa individuals bila kupitishwa na Commissioner of Lands. Mashamba yote ambayo yanapakana na mito, streams, rivulets na lakes, yawache sehemu za forest, kama water catchment areas, kuliko vile ilivyo sasa, mashamba yote yanakwenda mpaka mtoni, yanakwenda hata milimani. Kwa hivyo hakuna mahali ya kupanda miti, au re-afforestation. Pia napendekeza kwamba, kuwe na ceiling ya land ownership, individual asipitishwe ekari mia moja. Milima yote na mabonde zibaki mali ya serikali na vipandwe misitu, visiwe vile ambavyo leo milima yote imepandwa na miti yote imekatwa.

Kwa upande wa elimu ningalipenda kupendekeza kwamba Board of Governors waondolewe, kwa sababu hakuna kitu chochote cha maana wanafanya katika mashule isipokuwa kuongezea burden kwa wazazi, kulipa pesa nyingi, na wanalipwa, wengine hawana hata elimu ya kujua elimu maana yake ni nini. Na kama kuna Parents Teachers Association ambazo ni nzuri, basi zichaguliwe na wazazi na waalimu, na zitaweza kuendesha mashule bila kuwa na Body nyingine. Pia napendekeza kwamba waalimu walipwe vizuri ili waweze kuendesha kazi yao bila kupotea kwa mashule, na pia, wakilipwa vizuri, tution zitaondolewa, zile ambazo wanapenda kujiendesha kama waalimu kujitafutia pesa zingine.

Com. Charles Maranga: Malizia.

Col. Hastings Muhindi: Mambo ya sheria napendekeza kwamba kusiwe yeyote katika nchi ambaye ni above the law. Public Service, watu waajiriwe katika Public Service on merit, bila kabila moja kuwa na monopoly, au even iwe commensurate with the population or demography. Local government, this term presently is a misnomer, kwa sababu authority yote iko na Central government. Waziri mwenyewe, Councillors wanatakiwa kurudishiwa kazi yao, nao wawe wenye elimu ambao wataweza kuendesha na wawe ni watu ambao record yao ni nzuri, si criminals.

Plots zote katika miji, zirudishwe katika hali ya zamani ambapo zilikuwa zikitangazwa kwa Kenya Gazette, na tangu wakati ziliachwa kutangazwa kwa Kenya Gazette, ndiyo mambo yaliharibika, na hata land zote ambazo ni za prosperity, zimechukuliwa bila mpangilio wowote, sasa tuko kama watu ambao hawako na anything for prosperity.

National hegemony, nafikiri hiyo imeguzwa. System of government na-recommend unitary government. Majimbo tuliyaona wakati wa uhuru, wakati tuliwekewa barriers kutoka region hii kwenda nyingine, ilikuwa ni shida, hata akina mama iliwabidi watoke zile njia ndogo walikuwa wakipitia, warudi main road, wapite kwa barrier, wakaguliwe. Akiwa na ndizi anapeleka sokono, analipia. Na hiyo iliturudisha nyuma. Julize kutoka Kakamega au kutoka Busia kwenda mpaka Coast, anapita region ngapi? Na kule kwote, lazima wasimamishwe kwa barrier na kukaguliwa na kulipia. Itakuaje?

Com. Charles Maranga: Basi tupe pointi yako ya mwisho kwa sababu mimi naona wewe uko na memorandum, kwa sababu tunataka kuuliza wewe maswali.

Col. Hastings Muhindi: Asante. Nitaruka moja niongee mambo ya pensioners. Serikali inaona, kwa sababu wanalipwa pesa kidogo, kwanza waajiriwa wa serikali. Wakati wanastaafu, na wanalipwa kupitia kwa Bank, kwanza tukumbuke serikali hailipishi kodi, ile pension yao. Lakini ile pesa ikienda kwa Bank, wanalipishwa pesa nyingi sana, service charges, ledger fees, na zile zingine zote. Na wanatakiwa kuwa na sehemu ambayo wanabakiza kwa Bank kama minimum balance. Sasa inakuwa ni shida kwa yule pensioner, kubaki na chochote katika Bank ya kuweza kumuhudumia. Kwa hivyo tungaliomba, serikali au Katiba hii, iulize wale wenye Commercial Bank, waweze kuwa na heshima kwa wale ambao tunaita retired people, au senior citizens, waondolee hizo, kwa kuwaheshimu, kama nchi zingine zinazyofanya. Nchi nyingi hazilipishi au Bank nyingi hazilipishi kodi hizi.

Com. Charles Maranga: Asante, sasa ningeliza Com. Abida aulize maswali, halafu nitakuuliza moja.

Com. Abida Ali-Aroni: Colonel ningependa for record purposes, utujulisha kama bado wewe ni colonel, ama umestaafu.

Col. Hastings Muhindi: Mimi nimestaafu, lakini na-retain rank yangu.

Com. Abida Ali-Aroni: Asante, tunakaka for record purposes. Sasa, swali ambalo ningependa kukuliza, ningependa utupatie mifano ya nchi ambazo hazitozi hizi kodi ambazo umesema zinatozwa katika Bank. Halafu swali la pili, sehemu nyingi ambazo tumetembelea, watu wanaomba kwamba, wenzako ambao bado wako katika kazi, kwa wakati ambapo kuna amani, watumike kwa kutoa huduma badala ya kuketi. Sijui kama wanaketi ama wanakazi ingine wanafanya, unaelewa zaidi. Je maoni yako kwa jambo kama hilo ni nini? Wanaweza kutumika wakati ambapo tuna amani bila kuketi, kwa sababu wananchi wa kawaida wanafikiria huwa wanaketi kule katika barracks?

Col. Hastings Muhindi: Asante Madam Commissioner, swali la kwanza siwezi kupeana kinaganaga ni nchi ngapi au ni nchi gani, lakini ninajua kuna nchi kama South Africa na kwingine ambako wastaafu wanaheshimiwa, na wanapewa kama remuneration kutoka kwa formation kwa Bank. Nafikiri ziko nchi tukifanya research tutaweza kuzipata. Hata America iko hivyo, nasikia kutoka kwa huyu.

Jambo la pili katika huduma kwa wanajeshi wakati hakuna vita, mimi mwenyewe nikiwa jeshini niliandika paper nikiwa K.I.A. ambayo ilikuwa inagusia hayo. Nilikuwa naielezea kwamba wana mambo mengi wanaweza kufanya, kusaidia katika Civil Service. Wana aina nyingi za huduma ambazo wanaweza kutoa. Wako na Engineers, wanaweza kutengeneza mabarabara. Engineers wale wanaweza kupatia watu maji, kwa sababu wako na equipment ya boreholes. Wanaweza kujenga madaraja. Kuna madaktari ambao kuna sehemu zingine za nchi ambako hakuna madaktari. Madaktari wale wanaowasaidia, wakati hakuna chochote kama vita, wanakaa katika barracks na mahospitali zao. Wanaweza kwenda kusaidia kutoa huduma ya afya sehemu ambazo hazifikiki na wengine. Katika hawa Engineers, wanaweza kusaidia ku-open up sehemu ambazo ni closed,

kama vile Turkana kule, kuna sehemu nyingi ambazo zinaweza kutengenezwa na zikawa mashamba mazuri sana, wakaweza hata kupata chakula cha kujilisha kama wanajeshi. Wakaweza hata kupata chakula cha kuuza, ili wapunguze gharama kwa serikali ya kuwahudumia. Kwa hivyo kuna mengi wanaweza kufanya.

Com. Charles Maranga: Asante.

Com. Abida Ali-Aroni: Colonel ningepuliza hiyo karatasi ambayo uliandika, una njia yoyote ambayo unaweza kututumia katika Commission baada ya kikao? I think it will make very interesting reading. Kwa sababu hiki ni kitu ambacho tumeambiwa na watu wengi, lakini hatujui kama kinawezekana ama hakiwezekana?

Col. Hastings Muhindi: Kwa kweli kwa sababu naishi hapa karibu. Sijui kama naweza kupata, lakina nakumbuka niko na hiyo copy.

Com. Abida Ali-Aroni: You don't have to give us today, unaweza hata kuituma katika ofisi yetu baadaye.

Com. Charles Maranga: Basi niko na maswali mawili. Umesema sehemu zote za milima na mabonde, ziwe sehemu za serikali, na unajua sehemu nyingi za Kenya kama Meru, Kisii ni mabonde na milima. Kwa hivyo unataka sehemu hizo zote watu wahamishwe ziwe sehemu za serikali? Hiyo ni oni moja. La pili, unasema waalimu walipwe vizuri, lakini hukutuambia ni mshahara gani. Wewe ni mtu ambaye umefanya kazi na Civil Service, unafikiri mshahara mzuri wa mwaalimu ni pesa ngapi?

Col. Hastings Muhindi: Asante Bwana Commissioner. Kwanza niliposema milima na mabonde, nilimaanisha ridges and mountains, kule ambako tunapanda miti ya kuweza kutuletea mvua. Kwa sasa kumechukuliwa kuote.

Com. Charles Maranga: Wewe ni mwana jeshi, wewe umetembea Kenya hii. Milima ya upande wa Meru iko namna gani? Unasema milima kubwa kidogo?

Col. Hastings Muhindi: Mountains and ridges.

Com. Charles Maranga: Wewe ulisema hills kwanza, asante. Weka sahihi, na utupatie hiyo memorandum.

Col. Hastings Muhindi: Kuna swali ulikuwa umeniuliza.

Com. Charles Maranga: Gani? Mshahara wa mwaalimu?

Col. Hastings Muhindi: Mshahara wa mwaalimu. Mimi nadhani Bwana Commissioner, naweza kusema waalimu

wangelipwa mshahara ambao unatosha. Leo mishahara haitoshi.

Com. Charles Maranga: Minimum ni ngapi unayopendekeza?

Col. Hastings Muhindi: Minimum, ningalipenda shilingi elfu ishirini.

Com. Charles Maranga: Twenty thousand.

Col. Hastings Muhindi: Thank you Bwana Commissioner.

Com. Charles Maranga: Okey. Asante, sign up. Wycliff Egesa atafuatiwa na Odhiambo Swa Mak'Adudi. Mak'Adudi ako? Basi utafuata. Anza kwa majina. Please, we have so many people summarize in three minutes. I know you can.

Wycliff Agesa Oguda: Actually I have written nothing. I am called Wycliff Agesa Oguda. Under the C.C.A, that is the Constituency Convention Assembly, under the N.C.C. as their umbrella, actually what I am going to say today, I'll actually group it into three. Actually I'll talk about the Judiciary, the three arms of the government, about the Judiciary, the Legislature and the Executive.

The economy of this country has really collapsed.... Nominating and promoting and demoting. We find that the Executive, the office of the President, has taken all the powers, it has all the excess powers to appoint and nominate. We look at the Judiciary as combined with the Executive. I will give an example because I stay in Nakuru. You look at Nakuru courts now and you look at the Councillors that were elected in this town. Most of these Councillors were actually involved in corruption. Some of them were arrested, when they went to Court, it was a surprise, you find that they were released on bond and they are out. So what we are saying is that we split, tujaribu kupunguza zile powers ambazo the Executive iko nazo. Tujaribu kuzipunguza kabisa.

Tukikuja mambo ya Legislature, wale wabunge, yeyote ambaye anastahili kuchaguliwa kama mbunge, kama mimi, naweza kuwa na power ya ku-elect. I should have powers also to be elected, no matter the age. Isiwe lazima kuwe ati mtu amefikisha miaka ishirini na tano, ama thelathini na tano. Hapana. Iwe kwamba kwa sababu mimi nina kura naweza kupiga kura. Kwa hivyo nina haki hata mimi kuchaguliwa. Isikuje kuwe kwamba ati mtu amefikisha miaka fulani ndiyo aweze kufanya nini? Kuchaguliwa.

Ya tatu nikimalizia, ninaweza sema hivi. Tangu tulipopata ile Katiba ambayo tunasema ni Katiba mbaya, ukiangalia hiyo Katiba ambayo ni mbaya, haina utangulizi. Inasema kwamba Kenya ni nchi inayojitawala yenyewe. Haielezei hawa Wakenya wako wapi kama Wakenya. So ile Constitution ambayo tutakuwa nayo lazima iwe na utangulizi, ielezee Wakenya wako wapi,

wanafanya nini, na wanaelekea wapi. Kwa hivyo tunasema ya kwamba, tukiangalia hii Katiba, hatukuipata kwa urahisi. Hata wale wazungu waki-release the paper, they never released the paper as easily as that. Walienda kwa sababu kulikuwa na maafa. Wakenya walipigania. Mimi ningependekeza hivi kwa hii Tume ya leo ya Katiba, Katiba ambayo tunataka kuitengeneza, na we hope that you don't have a draft paper, that maybe you are comparing our views with a draft paper you might be having. What I'm saying is this. Kama ile Katiba maoni ambayo tutatoa, ni hiyo ndiyo Katiba ambayo tutakayoandikiwa.

Tunataka Wakenya wamiliki bunduki. Kwa sababu, sheria zetu lazima tuzilinde na silaha. Na mtu atasema kwamba tunasema bunduki, kila mtu atapewa bunduki na kadhalika. Watu wanatembea na silaha. Masaai wako na sword, hiyo ni silaha. Lakini bunduki kama kila Mkenya atapewa, ukiangalia wakati tulipoanza kupigana kuhusu mambo ya kutafuta tuwe na Katiba mpya, wanafunzi wamekufa, polisi wamekufa. Wananchi wa kawaida wamefuka, kwa sababu tulitaka Katiba mpya. Walikufa kwa sababu polisi walitumia silaha kwa wananchi ambao hawakuwa armed. So kama Wakenya wangukuwa armed, ambao si polisi, hatungekuwa na maafa kwa nchi hii. Kwa sababu hakuna askari atanikujia mimi nikiwa na silaha, anisimamisha kwa barabara aniulize maswali, unatoka wapi, unaelekea wapi. Ataogopa. Kwa hivyo ninasema ya kwamba kila mwananchi amiliki silaha, na hii silaha iwe hivi: Labda baada ya miezi tatu ama minne, ukipewa risasi nane, baada ya miezi mitatu ama minne, hii silaha itaenda kukaguliwa. Kama umetumia risasi moja itajulikana umetumia kwa njia gani.

Nikimalizia, asante kwa ifani yako

Com. Charles Maranga: Asante wakati wako ndio umeisha. Kwa sababu, lazima uheshimu Katiba, ama namna gani?

Wycliff Egesa Oguda: Nilimalizia nitasema hivi,

Com. Charles Maranga: Haya sema la mwisho.

Wycliff Egesa Oguda: The Provincial Administration should be scrapped totally, kuanzia kwa Asst. Chief, they serve no interest of any common Kenyan, the Chief, the PC, the DO and the other things, we elect Councillors to serve us. Thank you.

Com. Charles Maranga: Asante. Kwanza kabisa wacha nikuelezee ya kuwa, sisi kama Tume ya Kurekebisha Katiba, hatuna draft paper yoyote ambayo sisi tunalinganisha views za watu wa Kenya. Sisi maoni yenu ndiyo tutachukuwa na hizo reports mtaziona. Na hizo riporti zetu ambazo tutaandika kisheria, utaona, tunaelewana?

Wycliff Egesa Oguda: Thank you, Sir.

Com. Charles Maranga: Kwa hivyo hatuna any Constitutional Draft paper. Kitu cha pili, pengine ningekuuliza swali moja.

Moja kabisa unasema ati Wakenya wawe na bunduki, ndiyo sababu mtu yeyote asije akaulizwa chochote. Huoni kama wanaweza kuleta state of anarchy completely in the country? Kama nasema kama saa hii, kama hakuna mkubwa, hakuna mdogo, hakuna mwenye kutii, hakuna mwenye anatiiwa. So, tutafanya namna gani? Hata wewe kwa nyumba yako, wacha nikupe mfano wa nyumba yako. Ukioa bibi saa hii na una watoto wako, kila mtoto awe anasimana anakwambia, mimi, na mimi ni kiongozi hapa. Sasa utasema aje? Nakuuliza utafanya aje?

Wycliff Agesa Oguda: Labda nielezee kidogo.

Com. Charles Maranga: Na unajua watu wote sio wazuri, ndiyo sababu tuko na watu wako na hitilafu kwa jamii. Sasa, unafikiri hiyo itakuwa kitu kizuri kweli?

Wycliff Agesa Oguda: Labda watu wengine wanachukulia kwamba ati ile bunduki ukipewa, itakuwa ni vita. Ile kitu nilikuwa namaanisha ni hivi. Sisi ni sheria tunataka kulinda. Na ile nilikuwa na maanisha ni hivi tena.

Com. Charles Maranga: Wacha nikuulize, huwezi ukalinda sheria bila bunduki?

Wycliff Agesa Oguda: Hakuna nchi, na sidhani kama iko, labda nitaelezewa leo, lakini ile nimesoma mimi kulingana na vile ninajua, mambo yote ambayo yanafanywa kila nchi, wakitafuta haki zao, na ukweli wao, ni vita. Hakuna kitu kingine. Wanatumia vita kutafuta haki zao. Kwa hivyo sisi ni haki zetu tunataka tulinde, haki zetu, na nimelezea kwamba ukikutana na askari anakuuliza umetoka wapi, saa mbili loitering, saa moja loitering unashindwa. Unaulizwa loitering in your own country, unashikwa. But that police officer, ukiwa wewe you are armed, ama mkora hata akija kwako kwa nyumba, kama kweli kwangu ni hapa, na kuna wezi wakuje wajue kwamba hapa ni kwangu and I am armed. Wale wakora hawawezi kunikujia, they will fear that.

Com. Charles Maranga: Asante, kuna swali lingine. Hayo ni maoni yako anyway.

Com. Abida Ali-Aroni: Bwana Agesa ulianza kwa kulalamika kuhusu korti, na kwamba unahuzunika kuona kwamba ma-councillor walisemekana wamefanya makosa, na wakaachiliwa kwa bond. Kwa wakati huu sheria ya Kenya ni kwamba, ukishikwa na kushtakiwa kortini, kabla haujahukumiwa, unasemekana wewe hauna atia. You are not guilty until proven guilty. Sasa, hupendezwi na mambo hayo? Kwa sababu Councillor huyo ambaye unasema ni guilty, ameachiliwa nje kwanza kwa sababu magereza yamejaa. Namba mbili, he is innocent or she, lakini najua hakuna she ni he. He is innocent. Sasa unataka tubadilishe hiyo sheria ndiyo tuwe tunasema watu ni guilty until proven innocent, au unapendekeka nini?

Wycliff Agesa Oguda: Nafikiria sisi wananchi wa Nakuru, wale walipelekwa kortini haikukuwa ni mambo ya ku-approve guilty or not guilty.

Com. Charles Maranga: They were already guilty?

Wycliff Agesa Oguda: It was very correct. Wame-grab (inaudible words)

Com. Abida Ali-Aroni: Bwana Agesa, hatusemi kuhusu mafikiriyo yako. Sheria ya nchi inasema hivyo. Sasa unataka tubadilishe?

Wycliff Agesa Oguda: Badilisha hizo sheria, ziwe kwamba kama mtu is involved in corruption, there is nothing like proving him guilty. That is corruption automatically.

Com. Charles Maranga: Okey asante, nafikiri hiyo ni maoni yako, weka sahihi, na hiyo ni mzuri. Yule mwingine namuita ni Mak'Adudi. Lakini nimeona wanafunzi wengi wamefika hapa. Kama,

(Interjection- inaudible)

Com. Charles Maranga: Okey. Asante. Basi Bwana Mak'Adudi.

Odhiambo Mak'Adoul: Asante sana the Hon. Commissioners. My names are Odhiambo Swa Mak'Adou instead of Mak'adudi.

Com. Charles Maranga: Eh Odhiambo?

Odhiambo Mak'Adoul: Swa Mak'Aduol.(laughter)

Com. Charles Maranga: Mak'Aduol. Okey Mak'Aduol. (laughter) Okey. Endelea. Now now, jamani mpe wakati atoe maoni, na yeye. Toa maoni.

Odhiambo Mak'Adoul: Yes asante sana the Hon. Commissioner. My first proposal is that we would like a Constitution whereby the President is compelled to be reporting to the Parliament every year before the budget is read to stipulate to the state of how the state and the steps which the state in the course of every one year, has been realising the services to the citizens, pertaining to healthy economic services the services of basic human rights, the economic rights, the social rights and others which are very pertinent like educational rights and rights to work. That would mean the Constitution is being upheld to the extent that even the President is subject to the Constitution.

The other point is that there being a Constitutional council, comprising of all the heroes who fought for independence of the state, they have the knowledge as to why they fought for the freedom of the state, and those who led the state like former President, these people would be advising the President to lead the citizens in the correct way. In absence of this council and in most cases in Africa, has led to the decline and collapse of most countries.

The third proposal is that, we would like a Constitution whereby the Judiciary appointments are vetted by Parliament. This is one way to curb suspicion from the public of how the Judiciary handles Judicial issues when they are collating to the appointees.

They can't do work well when they are looking after who appointed them. We would like a proposal whereby we have the Supreme Courts headed by eleven Judges when sitting, and all the affiliate cases in the Supreme Court be financed by the state, because they are very exorbitant.

Concerning the Constitutional issues, there be a Constitutional Court whereby all the sitting Judges of that Constitutional Court are Judges who pass through Constitutional matters. My proposal further is that, there is a killing law in the state. This law is called the right to sue. The right to launch a matter in the Court. We call it the 'locus standi'. The 'locus standi' is killing the African very much. This law was brought by the colonialist, and is still carried by the current system. We want the Civil Societies to be recognized, that when they take a case to court, to protect the right of aggrieved party the Judiciary to recognize that body. So that because all people don't have money to take matters to court. So the organizations will be financing the protection of every citizen when infringed.

Interjection: Com. Charles Maranga. Last point.

Odhiambo Mak'Adoul: Asante sana. Another point is that, we would like a Constitution, which promotes economic growth. This is how:

One, Uganda and Tanganyika have legalized the sale and brewing of busaaa which is non-acidic. Let the Kenyans be allowed to brew and sell busaaa and busaaa clubs be established under given laws.

Further, God was not wrong to bring what we call Sativa. Sativa is one of the plants created by God just like that plant there. (laughter). Let the law recognize the growth of Sativa because Sativa as a cash crop will enable the government to get a lot of money by so growing and exporting Sativa, like in America. (Clapping and laughter). We want a Constitution, which does not look basically and primarily on political issues, but economically.

Com. Charles Maranga: Thank you very much.

Odhiambo Mak'Adoul: Thank you the Commissioner.

Com. Charles Maranga: Thank you Swa Mak’Aduol. I want to correct that. Thanks alot. I know she has some questions, but let me start with the last one here, Cannabis Sativa. You know that this is a very intoxicating plant and it has destroyed many people, because it does not put you in the right state of mind. You want that kind of product, which has actually not even been made into a medicinal form. You want to grow that kind of crop?

Odhiambo Mak’Adoul: Thank you Commissioner, that is the only question you have?

Com. Charles Maranga: No, I have another one, and the other point you said you said we lelagize busaaa. Why do you think it is right to legalize busaaa?

Odhiambo Mak’Adoul: Yah, I will start with Sativa. You’ve said it destroys people. It is people who go for it, not that plant going for the people. So if people use it to the extent that a person gets destroyed, somehow, I don’t know to what extent, but I know briefly. It is that person who is wrong. The other point is this, Sativa, culturally, that seed alone, there is this belief superstition, that we have ghosts around. The Waisilamu and and the Christians use what we call ubani ku-burn to destroy. Yes. Sativa seeds well burnt in a house of such a suspicion, it will act like that whatever.

Interjection: Com. Maranga: Which custom is that?

Odhiambo Mak’Adoul: That is our African belief. (laughter)

Com. Charles Maranga: She is asking you another question.

Odhiambo Mak’Adoul: The other point is.

Com. Charles Maranga: It is alright you will answer it later, ask the questions first.

Com. Abida Ali-Aroni: I want to ask you a clarification on your point about ‘locas standi’ You have recommended Civil Society, to be recognized to when they take cases on behalf of people. Would you wish to extend it further and say that if an individual sees another one suffering, that the law should allow that individual to go to Court on behalf of the other, other than Civil Society alone? It happens elsewhere like in Uganda.

Odhiambo Mak’Adoul: Thank you Madam Commissioner. Infact, you have just mentioned the point. I hope you got it. You’ve just mentioned the point, so there is no need to add, that if I see you for instance, being aggrieved somewhere, and I have the capability or finance or I have the knowledge, you don’t have in other ways also. Let the Constitution allow me to take your mother to Court purporting that I am you, because we are all human beings and I will be allowed to be heard on your

behalf and you will be remedied.

Com. Charles Maranga: Thank you very much, and I request you to sign now.

Odhiambo Mak'Adoul: About busaaa.

Com. Charles Maranger: No no, okey.

Odhiambo Mak'Adoul: You asked about busaaa. Busaaa is like porridge. (laughter). But it should be differentiated from changaa. Yes.

Com. Charles Maranga: Okey, thank you very much. Thank you. (laughter). Now let me have Mohammed Kariuki. Say what school you come from and which form.

Mohammed Kariuki: My name is Mohammed Kariuki, from Brasura Laqram Academy. I am presenting these points on behalf of my colleagues from Brasura.

Interjection- Com. Abida Ali-Aroni: What class?

Mohammed Kariuki: Form Four. Brasura Laqram Academy. I am presenting these points on behalf of my colleagues, that is a collection from the school. The Constitution that we want to be put in place: we should have the maximum number or rather it should specify the maximum number of political parties that we need. So that we don't have others that are out to serve individual interests. You find that the matter of confusion that is brought about when we have too many parties, and most of them do not serve what the citizens are up to.

The chairman and directors of cooperatives: We find that these people are appointed by an individual. We should have this post being advertised for and the potential people may come up and vie for it. An independent body should be put in place to take on or rather to review on the salary taken because you find that our Members of Parliament, take up very big salaries. Very fat ones indeed.

The rights of children: You find that education in Kenya, everyone is talking about education whereby you are supposed to pay for what your son or your daughter is to get. But you find that most of the people cannot afford this. So we should actually have free education, so that it can cater for those poor children in the villages.

For the case of private enterprises, there should be a minimum salary for the private sector, because you find that they are

hindering or there is overexploitation of the other sectors by these private enterprises. The Constitution to be put in place, we should have a Body that is nominating the Members of Parliament, whereby it should be on the basis of qualifications and not whereby maybe you are rejected in your Constituency and then brought back as a re-cycled commodity by an individual.

Then to sum it all, I would like to speak on the 8-4-4 system, whereby you find that the system is too long, that is you are undergoing a lot of metamorphosis and at the end of it all, you may end up losing everything. So we need a system whereby for example, you cover on a certain topic and then you are examined for that and enhance efficiency. So with that we come to the end of our draft.

Com. Charles Maranga: Thank you. It is only that you didn't tell us whether you are undergoing, complete or incomplete metamorphosis.

Mohammed Kariuki: I am undergoing incomplete metamorphosis.

Com. Charles Maranga: Thank you, any way we are going to ask you questions. None, please register and have your memo. Was there another student who was supposed to give views? Any other student from that same school. No. Thank you. Issa Gichangi, atafuatiwa na Joseph Karanja Thuo. Bwana Thuo ako, okey you will be next.

Issa Gichangi: Kwa niaba ya Jua kali Housing Co-operative Society, Bondeni, mimi naitwa Issa Gichangi. Kwanza watu hao maoni yao ndiyo tunayatoa sasa hapa kwa ujumla ni watu zaidi ya elfu nne. Wanataka Kenya iwe na Raisi mmoja na iwe ni nchi ya kidemokrasia sio ya kimajimbo.

Wanataka pia Rais mwenye nguvu zake kwa maongozi ya serikali ya Kenya. Lakini katika maongozi hayo vitaingia lapi tatu vya maongozi kila kipengela kipewe uhuru wake. Kati ya vipengela hivyo, moja yao ni mahakama. Wapewe uhuru wao bila kuingiliwa na kikundi kingine kama Executive ama Bunge. Kipengela cha pili pia Bunge iwe na uhuru wake na pia Bunge itengeneze sheria ambazo pia zitakuwa na calendar ya siku ya kuanza Bunge na kumaliza Bunge. Waonyeshe hiyo calendar Bunge inakwisha lini na itanza lini. Na wakati Rais atakapochaguliwa kabla ya siku thelathini, aapishwe hadharani kwenye mkutano wa kitaifa watu wakimuona kwamba huyu ndiye Rais ambao wamemchaguwa kwa kura zao.

Vile vile watu hao wa Bondeni walikaa kimya wakaingilia mambo ya kiafya. Wakasema Katiba ya hapo mbeleni ilikuwa imeweka Katiba ya kwamba watu wa Kenya watapata dawa bure. Sipitali ziwe ni za bure na tunataka sasa iwe hivyo hivyo, dawa ziwe bure kule hospitalini, kwa sababu watu wengi wanakufa kule kwa sababu ya kukosa pesa za kununua dawa na hali wao wanalipa kodi katika nchi hii.

Pia vile vile wanataka mortuaries zisilipishwe. Mortuaries ziwe free kwa sababu hawa watu wanalipa kodi yao na mtu

akishakufa wanalia sana, hata lodging ni bei rahisi. Mortuary imekuwa ghali kushinda lodging. Ikiwa watu lodging wanalipa mia na hamsini kulala, lakini mortuary mtu analipa shilingi mia tano kwa siku na hana blanketi, hana chakula, hana chochote. Wengine hawawekwi kwa fridge. Imekuwa ni gharama kubwa zaidi.

Pia wameingilia upande wa elimu wakasema, Katiba hiyo ya zamani, pia iliweza kufanya vizuri kwa sababu shule zilikuwa ni free kuanzia Std 1 to 8. Wanataka iwe hivyo, kwa sababu Wakenya wanalipa kodi katika njia nyingi, taxes ni nyingi za Kenya, na Mkenya mmoja kodi anayolipa inashinda mtu aliye ulaya, kodi yake. Kwa hivyo inafaa kufanya kazi nyingi, hizo pesa za taxes zao, ili kutimiza mahitaji yao. Hao watoto wasome kuanzia Std 1 mpaka 8 free education.

Na pia wakazungumzia kuhusu wale watoto ambao wanatanga tanga ovyo. Wakasema kwamba wakati wa mbele, kulikuwa na rehabilitation centres ambazo zilikuwa ni za kurehabilitate hao watoto. Serikali pia imechukua na kuzifanya mashule ya watoto matajiri kwa sababu Tumepata usaidizi na wale watoto ambao sasa wanatanga tanga, wamekosa mahali pa kupelekwa.

Com. Charles Maranga: Last point Mzee wangu.

Issa Gichangi: Last point nitagusia mambo ya local government, ambaye nitasema ya kwamba local government wapewe uhuru wao na wapewe nguvu za kuweza kuajiri watu wao, ili waweze kufanya huduma kwa wananchi, kwa sababu wanaandikiwa maofisaa wale wakubwa wakubwa na serikali na wale wengine tunawachagua kwa kura, wanapofika huko, hawawezi kusikizana kwa hivyo hiyo ndiyo inasababisha ya kwamba local government zote zime-fail katika Kenya nzima, kwa sababu ya hiyo system ambayo ililetwa ya kuajiriwa maofisi katika kwa government. Kwa hivyo Mayor pia apewe uweza wake kamili. Awe ni Executive asiwe ni ceremonial Mayor katika municipal yake, na kazi itaendelea.

Com. Charles Maranga: Thank you very much, peana memorandum yako. Oh kuna swali.

Com. Abida Ali-Aroni: Ningependa kukuuliza swali hasa kuhusu pendekezo lako la unitary system. Kwa wakati huu kwa miaka karibu arubaine tumekuwa na unitary system, na watu bado wanalalamika kwamba mambo yote yanafanyika Nairobi, na kwamba wangetaka huduma, na pia wangetaka uwezo ufike karibu na watu. Je, tutaweza aje kufanya jambo hilo ikiwa bado tuna unitary system? Swali lingine ambalo ningetaka kukuuliza ingawa leo umetwambia kwamba unawalikisha mji wa Kale Co-operative Society, kuna wakati mwigine utawakilisha Supkem. Kama mtu wa jamii ya Kiislamu, una mapendekezo yo yote kuhusu Korti ya Kadhi?

Issa Gichangi: Asante sana kwa hayo maswali matatu, nitakujibu kwa ufupi. Unitary government. Sheria ama Katiba tuliyokuwa nayo, ilikuwa ni nzuri sana. Lakini kwa sababu hatukuweka clause ya kuzuia hawa wabunge kufanya amendment katika Parliament. Ndiyo wamefanya amendment ambazo zimeharibu Katiba hiyo mpaka imefikia kiwango cha sisi kuhitaji kutaka kuwa na Katiba nyingine. Na sasa ndiyo tunasema ya kwamba ikiwa tutaunda serikali hii na kuwe kuna kipengela

ambacho kinataka kubadilishwa katika Bunge, ni lazima kuanza kipitishwe na 75 kwa mia ya kura za wabunge.

Ya pili. Kabla ya kuidhinishwa hapo, ni lazima Rais aitische mkutano wa kimataifa, na kuuliza hawa wananchi ambao wanatengeneza Katiba hii, kama ni sawa kubadilishwe hiyo Katiba, na kuweka fulani. Wakikubaliana na hiyo, ipitishwe. Na wasipokubaliana na hiyo ikae vile ilivyo na Katiba itakuwa sasa inalindwa na serikali na wanachi kwa ujumla.

Com. Charles Maranga: Basi.

Isa Gichangi: Ya pili swala, ameniuliza kuhusu korti ya Chief Kadhi, kama Muisilamu. Ningependa kumuelezea ya kwamba, tulikuwa Tumesha toa pia maoni yetu, kwa upande ya Waisilamu natukasema Chief Kadhi Court ni lazima wawe makadhi wakichaguliwa, wachaguliwe wawe wako na degree ya law, na pia wawe na degree ya sheria. Na ndiyo waweze kufanya kazi na pia hata wanaweze ku-advise upande wa pili kwa sababu wana sheria za kielimu ya kidunia na sheria za Kiislamu.

Pia ya tatu uliniulizwa kuhusu mambo ya Supkem. Mimi ni Secretary wa Supkem Nakuru District na ninawakilisha Waisilamu pia, na kule chini kwenye vijiji, naishi kule Bondeni, ambapo tuna co-operative yetu ya Mji wa Kale, pia mimi ni Chairman wa huko na ndiyo sababu natoa haya kwa maoni yao. Asante sana.

Com. Charles Maranga: Asante Mzee, asante Bwana Gichangi. Asante, na jiandikishe pale. Peter Kinyanjui. Hayuko?

Interjection: Uliita Bwana Karanja.

Com. Charles Maranga: Oh yah. Bwana Karanja. Sasa unajua kama usipofika haraka. Peter Kinyanjui ako. Peter? Hayuko. Joseph Karanja Thuo. Haya endelea, dakika mbili.

Joseph Karanja Thuo: Asante sana Chairman wa Commission hii. Langu ningetaka mwanzo kusema kuhusu Katiba ambayo tunataka tujadiliane ama tuitengeze,

Interjection- Com. Charles Maranga: Anza kwa majina.

Joseph Karanja Thuo: Majina yangu ni Joseph Karanja Thuo. Na kuhusu Katiba ambayo ningetaka tutengeneze, ningetaka tuwe na serikali ya kidemokrasia. Ni kwa sababu katika hali ya serikali ya kidemokrasia Tumeona mafanikio mengi, ni kwa sababu hata iwapo tunaweza kusema ya kwamba hatujapata mafanikio katika miaka thelathini, sisi wenyewe tunajidanganya ni kwa sababu ni uongozi wetu umekuwa mmbaya. Otherwise kama uongozi wetu ungekuwa mzuri katika mia thelathini, tungekuwa na maendeleo zaidi. Lakini ni kwa sababu ya uongozi pengine mmbaya. Kama ni hali ya utawala wa nchi yetu ya Kenya, tuko na PC wa Rift Valley province ambaye amenyimwa mamlaka. Ameambiwa kwenda ukafanye kazi, lakini kuna

mtu ambaye amemkanyanga mkia ya kwamba hawezi akasonga kupita mahali anapostahili. Kwa sababu ile kitu imefanya niseme hivyo, ni kwa sababu mambo ya kuhusu kama forests zile zimekuwa zikiharibiwa, yule mtu angekuwa answerable ni mtu kama PC wa Rift Valley, angetuambia wakati misitu na mbao zimekuwa zikikatwa, amekuwa wapi, na amekuwa amelala wapi. Lakini akienda kuuliza mtu swali kuhusu mbao na nini, anakuta kuna barua kubwa ambayo ime-sign-iwa kutoka juu.

Jambo la pili ambalo ningetaka kusema kuhusu Katiba ya Kenya, ni kuhusu hawa watoto ambao wanaranda randa mitaani. Hawa watu vile mnajaribu kusema ambavyo ni wakuu wetu, mnasema ya kwamba mnajaribu ku-eradicate illiteracy in Kenya. Lakini hali hakuna jambo mnalolifanya. Ningetaka kutahadharisha Wakenya kuhusu hali hii ya illiteracy ndani ya Kenya, kwa sababu hawaoni. Hao watoto wanaoranda randa mitaani, wanazaliwa kule mjini, wanakuwa wazee kule mjini. Huyu mtu ukikutana nayekule mjini, anakuchoma na kisu mara moja. Ni kwa sababu hajui kukaa na jamii, wala hajui kukaa na raia, wala hajui sheria inasema nini. Kwa hivyo ningetaka, wale watu wa Kenya ambao wanaishi chini ya umaskini, kwa sababu kuna level ya umaskini ndani ya Kenya, na umaskini ule kuna watu wanaishi kule chini ya umaskini, ya kwamba hawezi akapata hata shilingi moja ya kununua aspirin. Ningeuliza Katiba yetu itengenezewe, ambapo serikali yetu ya Kenya ingekuwa ikizingatia wale watu ambao wanaishi chini ya umaskini wajulikane watasoma katika shule gani, na watakuwa na mafunzo ya aina gani, ili tusiwe na watu hatari katika Kenya.

Katika observation yangu, katika maisha ya kisasa, naangalia kule mjini, naona wale watu zaidi ya $\frac{3}{4}$ katika mitaa yetu unakuta ni wale vijana wanao randa randa mitaani. Kwa hivyo tusipochunga, sisi ambao tunasema tunatengeneza Katiba, ama watu ambao wanasema ni wakuu wa nchi hii, tunakuja kuingia katika hali ya hatari sana. Kuna watu wanaishi katika utajiri mkuu usio na kipimo, na kuna wengine wanaoishi katika umaskini pia usio na kipimo. Kwa hivyo sheria ambayo mimi ningetaka siku ya leo, ningetaka sheria ambayo inazingatia kusiwe na mtu ambaye anaishi chini kama umaskini ni meza kama hii. Kusiwe mtu ambaye anaishi pale chini ya umaskini ule. Lakini kuwe na level at least, hata kama mtu hatakuwa na kitu, asiwe akilala njaa. Kwa sababu mtu akilala njaa, anakuwa wild, anakuwa kama simba. Yule mtu ambaye amelala siku mbili bila kula, akikupata wewe anakururua. Kwa hivyo ningelipenda wale watu ambao wanatengeneza Katiba, wajaribu kuzingatia sana kuhusu umaskini wa nchi hii, na wajue hao watu watalishwa namna gani.

Kuna jambo lingine nilikuwa nalo la mwisho, Bwana chairman, kuhusu waalimu na mishahara yao na wabunge na mishahara yao. Pia ningetaka kuligusa lile jambo niseme ya kwamba, kama tungekuwa na Katiba ambayo ingekuwa ikizingatia hali ya mishahara, tuwe na independent Board, ambayo iko elected ndani ya Kenya. Ambayo tukisema waalimu wanalipwa kitu kidogo sana wale watu wanaenda kule, na wanajaribu kupima maisha ya waalimu wanakaa namna gani, na wanajaribu kuchunguza wale wanalipwa wanapata mishahara kiasi gani, na maisha yao yako vipi. Wale watu wanatumwa kama ni watu mia moja, wanachunguza lile jambo na kama wanaona inastahili waalimu waongezewe mishahara, wanaongezewa mishahara. Pia kama ni upande wa wabunge, kwa wakati huu wabunge Tumesikia fununu ya kwamba it is around five hundred thousand. Kama kungekuwa na watu ambao wangechunguza, wangekwenda na kusema ya kwamba huo mishahara ni mwingi sana na haustahili kuongezwa, hata mnastahili kupunguzwa mpunguziwe mishahara, ni kwa sababu mambo yenu hayako juu kama watu

wengine.

Nikija kumalizia katika jambo hilo, ningesema ya kwamba, wale watu ambao wanastahili kuwa wakizingatiwa sana katika mji wa Kenya, Katiba ijaribu sana kuangalia madaktari. Ni kwa sababu madaktari wana uhuru wa kuuwa watu kule hospitalini, wakisikia njaa. Ikiwa unamwambia mtu akamduge mtu sindano, na anasikia njaa, anaweza kufanya lolote lile, ili apunguze wale watu, waache kum-commit sana kwa sababu mshahara wake ni kidogo. Pia katika upande wa waalimu, waangaliwe sana na wawe considered. Ni kwa sababu ndiyo wamelete mpaka wamejaribu kutuelimisha. Wakati Tumekutana siku ya leo, tujaribu kurekebisha Katiba ni kwa sababu ya vile wametuelemisha. Tumeona ile ambayo ni mbaya.

Com. Charles Maranga: Basi mhemishiwa asante. Nafikiri umetoa maoni yako kabisa. Hebu nijue uko na swali. Okey thank you. Fanya registration. Kuna mwingine hapa anaitwa Karanja Quindos. Quindos? Mwaalimu? Haya.

Karanja Quindos: Madam chairlady, I wish to present my views with two requests.

One. Though the Secretary said we should not mention personality, I would wish to mention two founding members of this nation.

Com. Charles Maranga: No, you will not.

Karanja Quindos: Well okey. What I will do, I will just wish to say, immediately after independence, Kenyans were to fight three enemies. One, was education, that is ignorance, diseases and poverty. Immediately after that, madam chairlady, things changed.

Com. Abida Maranga: Please recognize the person chairing this session, I am not chairing. Thank you.

Karanja Quindos: What I was saying is, immediately after that, we noted a change. As it was announced, I was not told I heard it with my ears, that “kuanzia leo hakuna shule ya Mzungu, hakuna hospitali ya Mzungu, na mashamba hakuna ya Mzungu” but something happened because King George Hospital was changed to Kenyatta hospital and Africans started enjoying the facilities that were being enjoyed by the Whites. Today, I fear that we are back in the 1960’s whereby we have schools for the rich, that is the private schools, whereby no poor parent can take their children. We have hospitals for the rich, whereby private hospitals, very few poor can afford to take their children. We have farming for the rich, because of late we have noted that quite a number of the rich people have adopted horticultural kind of farming, whereby they have forgotten the very important sector of subsistence farming. I wish to request the Constitution to be amended so that such activities like farming, education, and natural resources should be distributed equally, now, in our situation, than we were in before independence.

On the Federal government, I wish to totally reject Federal government because there is no way we can go to Federal government without having achieved the very important thing I call Kenya national goals. The first goal states that education should foster nationalism. You will agree with me that today national unity is lacking because when you go for Federal government, we are saying we have provincial or tribal boundaries. Whereby today the event which is the world event is to get rid of territorial boundaries and we are soon coming up with a Constitution that could serve Kenyans, not in isolation, such as people belonging to that group or village. So I wish to recommened and suggest that before Kenya thinks of going to the Federal government, we should make sure that this idea on the fixed national goals have been achieved.

Because now we talk of the second goal, national development. You will agree with me, development cannot come without including the modern technologies in farming. I wish to just quote a few communities whom historians referred to as pastoralists, but today they have changed and they are prominent farmers. That is the Kipsigis and Nandi and Turgen. They have clearly adopted modern farming, because they have allowed other communities to interact with them. In those areas whereby interaction is not allowed, whereby people are saying “lie low like envelopes”, “sitaki madoa doa” people are still in sixties. So the Constitution should make it possible for Kenyans to settle anywhere, so that people would learn from those that are coming or settling there.

Interjection- Com. Charles Maranga: Your last point.

Karanja Quindos: Then another one,

Interjection- Com. Charles Maranga: Your last point.

Karanja Quindos: The other point is on education. I have not touched on education. I think today, we have a problem in the education sector, because as a professional, I know what it means to train a child by a person who has not been trained. Majority of teachers in the private sector are not trained. I would wish that the Constitution makes it possible for Kenyan children to be taught by trained personnel and by so, I am saying those that have been trained should be employed in the private schools and enjoy the same facilities with those employed by the Kenya Teachers Service Commission.

Com. Charles Maranga: Thank you very much.

Karanja Quindos: For your kindness, there is another one.

Com. Charles Maranga: No, you know you are explaining, you have a memorandum, I think it is good we interact with you by asking you a few questions on the areas you have raised. I think the points you raised earlier were your main points. Thank

you, now, I want to ask whether Commissioner has a point to ask.

Com. Abida Ali-Aroni: Mr. Karanja, you have told us that we should not have Federal government, and you have given your reasons. My problem with you is that you don't tell us what you want. You are simply saying I don't want Federal system of government. Can you propose a system that you think we need in this country and tell us how it will improve on the lives of Kenyans by decentralizing power and services closer to the people?

Karanja Quindos: Yes, I think we should strengthen the current system, and this time, when it comes to the nomination of the Member of Parliament, we should be very careful and nominate people, who represent the majority. By that I mean we have the four major religions: Catholics, Protestants, Hinduism and Muslims. They should be nominated to represent the people in the Parliament. Again, we should make it possible for the existing civil servants and teachers to participate in politics, without necessarily having to resign or retire because as the situation stands, we cannot have the people who matter in policy-making, because once you have a need to vie for a seat, then you find you have to retire.

Interjection: Com. Charles Maranga: I think I want to ask you a question. Bwana Quindos you are saying that you want equitable distribution of resources. Which methods are we going to use to do that equitable distribution of national resources? For example, human resource, how do you force people to go and take maybe doctors to Turkana for example? And you have no housing and you have no other things, so how do we do that? I think you need to give us a way forward.

Karanja Quindos: On resources?

Com. Charles Maranga: On how we need to distribute that resource equitably. If people have land, for example, land is a resource. How do you now start redistributing that land, which formula can we use?

Karanja Quindos: The formula that I would wish to suggest is right now, we have land in Kenya where nothing has been done. I would wish that the Constitution address the issue and may be we ought to establish irrigation schemes in such lands whereby we could settle the street boys and open schools there and then start participating in a meaningful activity or economic activity that would assist in bringing development in the area.

Com. Charles Maranga: Thank you very much Bwana Karanja, now I ask you to sign and hand over your memorandum. Thank you for appearing before the Commission.

Karanja Quindos: Can I raise a point?

Com. Charles Maranga: No, please thank you very much. Simon Mwangi, you are next. Please stick to the time.

Summarize the main points. Watu wasiende story mrefu. Tuambie mapendekezo. Thank is the most important point.

Simon Mwangi: Majina yangu ni Simon Mwangi, na nimetoka hapa Lanet location. Kuna mapendekezo yangu ningetaka kutoa hapa, mawili.

Ni maoni yangu, ikiwa itawezekana katika Katiba ambayo tunatarajia itakuwa, swala la budget ya nchi hii, liwe likishugulikiwa na kamati teule ya budget itakayoteuliwa katika Bunge. Kwa sababu wakati huu tunaona mambo mengi yanatokea wakati budget tunaenda kusoma. Inakuja na mtu mmoja ameshika hivi, hakuna mtu anajua chenye kiko ndani, na akiwekelea kwa meza ikisomwa ni hivyo. Sasa inakuwa hata hakuna mtu anaweza kujua ama kutekeleza zile sheria juu zimetungwa na mtu mmoja na ni yeye tu alikuwa na nia ya kuwasilisha mbele ya Bunge. Kwa hivyo ningenelea kuundwe kamati ya Bunge ya kushugulikia budget.

Tena ningeliza ikiwezekana, hili swali la mikopo, ama madeni ya kutoka nchi za nje, imetufanya tuwe maskini zaidi ningenelea kwa maoni yangu, Katiba ambayo tunatarajia, iweke sheria ya kwamba swala la madeni liwe likijadiliwa Bugeni kabla hilo deni halijawasili hapa nchini. Ili tujue hadhari yake, ili jue kama ma-conditions, zile ambazo tunaweza pewa na wafadhili, kama zinaweza kutudhuru ama zina faida katika maisha yetu hapa nchini.

Pili, mambo ya kodi. Taxation. Hiyo mambo imekuwa ni kama ya mtu mmoja, yaani Mimistry of Finance. Hilo swali, tungetaka liwe likiandiliwa na khamati teule la budget Bungeni. Kwa sababu, mara kwa mara tunaona kama kwa mfano hili swala la TLB, umelipa hiyo TLB, muda mfupi imeondolewa. Hatujui nia yake ilikuwa nini. Nani alifanikwa na hiyo TLB? Ilikuwa tu ni kuudhi ama kufinyilia mwanachi, na zaidi, ikazuia watu wengi kuanzisha hiyo biashara ya matatu.

Tena, maoni yangu ingine ni kwamba, serikali yetu isiwe ni serikali ya kufanya biashara, ama kuanzisha miradi ya kufanya faida. Kwa mfano, tulikuwa ni hii KCC ambayo ilichukuliwa kuwa ya serikali. Baada ya wakulima wetu kupeleka maziwa kule, hiyo maziwa hakuna mtu anajua kwenye ilienda na hiyo company imebaki kuwa na madeni mengi. Kwa hivyo tungeonelea ya kwamba, miradi yote ya kulete faidi ambayo imeshikiliwa na serikali yetu, ifanyiwe privatisation ili watu wengine waweze kaunzisha biashara na zaidi, serikali kazi ibakie ikiwa ya kutoa services, yaani kuhudumia raia.

Com. Charles Maranga: Asante. Ya mwisho.

Simon Mwangi: Ya mwisho, kuwe na shule ambazo zitanzishwa za kushugulikia wafanyi biashara wadogo wadogo. Kwa mfano, siku hizi watu wengi hawawezi kumaliza shule kwa sababu ya karo, iko juu sana. Na wanapotoka nje, wote tunaona wanaanzisha biashara ya aina moja. Kama kungekuwa na uwezekano wa mafunzo kidogo, labda watu wengi wangeweza kujiendelesha, na tungepanua ushuru wa nchi yetu.

Com. Charles Maranga. Thank you. Any question? Okey asante, weka sahihi, na utupatie hiyo memorandum. Weka sahihi register. Mwingine namuita sasa ni Stephen Njogu. Utaongea Stephen, utuambie ni darasa la ngapi wewe uko, na shule gani eh? Haya.

Stephen Njogu: Kwa majina ni Stephen Njogu, kutoka Streams of Life Academy, niko darasa la saba. Lakini ninawakilisha kikundi cha watoto cha African Children's Care. Mimi kile ningetaka sana wakati Katiba inarekebishwa iyangalie ni kuhusu watoto. About rehabilitation of street children, wameachia kanisa. Sasa hata serikali imewatupa. Ukiangalia sana kama hapa Nakuru, hakuna rehabilitation ya serikali, zote ni za kanisa. (clapping).

Pia serikali inafaa iangalie na kuchunguza sana maisha ya watoto. Hauwezi kulazimisha mtoto kufanya hivi na hivi. Hii ninamaanisha kwamba watoto kupewa adhabu si vibaya, mbali ni kuwarekebisha. Wakati mnaporekebisha mtoto, unaangalia maisha ya baadaye. Maisha ya baadaye itakuwa aje? Je serikali yenyewe ikiamua hakuna adhabu kwa watoto wa shule, mnafikiria aje kwa maisha yanayokuja?

Pia ningevalia watu wanaoza wasichana wakiwa kwa shule. Hii ni kusema pia serikali, inafaa itoe share kwa community masikini masikini. Si kusema ni kwamba mzazi alitaka kumuoza msichana, kwa sababu alitaka ama ni mila, bali ni pesa na mambo mengine. Hiyo ndiyo inafanya unaona mzazi anaoesha mtoto, anamlazimisha.

Jambo la tatu, ni kuangalia upande wa shule. Mimi naona kama mtarekebisha Katiba pia ile ya nyuma msiiache. Kwa sababu mkisema ya nyuma, naona hamuangalii upande wa elimu. Ile ya zamani elimu ilikuwa ni ya bure, lakini sasa shule zote ni pesa. Mimi naona zile pesa zingekuwa zikitumiwa kwa shule ni za activity kama za kwenda tours, na vitu vingine. Lakini mambo ya shule za serikali, ziwe ni bure kutoka upande wa shule za msingi mpaka upande wa shule za upili. (clapping)

Jambo la nne ningependa kuwapea mawaidha wananchi. Wakati watoto wanapewa chanjo, wengi wanatia mdomo na kusema sijui zimewekwa virusi. Hivo mnachanganisha watoto. Tunataka haki zetu. (clapping) Ni lazima muangalie, na sio nyinyi wataalam, pia serikali wakati mnaona wazazi wanafanya mambo kama hayo, tafadhali wachukuliwe hatua. Kwa sababu hiyo ni haki yetu ya kupewa afya bora. (clapping)

Kuna pia maswali kwa serikali. Wengi wanasema, mtoto akivunja sheria arekebishe. Je mimi swali langu ni kuwauliza, mtoto wa umri wa miaka kumi na nne akivunja sheria afanywe nini? Mimi ninaona aikamatwe. Kwa sababu ukisha mkamata, nikuonesha hauna pahali pengine pa kumpeleka na ni mtoto ndogo. Kwa shivyo, wanafaa wapewe mawaidha, ya kujihuzisha na mambo kama hayo. Asanteni

Com. Charles Maranga: Keti hapo asante. Kuna swali mmoja.

Com. Abida Ali-Aroni: Stephen, ulikuwa na swali unauliza. Serikali, inafikiria aje kuhusu maisha ya watoto ikiondoa adhabu shuleni? Kwa wakati huu, serikali imeondoa adhabu ya viboko. Haijasema msiadhabiwa. Wewe unaona tupendekeze kwamba viboko virudishwe, ingawa nimesoma kwa gazeti leo, kuna mtoto alichapwa na mwaalimu akazimia upande wa Kapsabet. Na ndiyo maana serikali ikaona kwamba pengine hii adhabu ya viboko haifai, kwa sababu wakati mwingi watoto wanapata madhara kwa sababu ya viboko.

Stephen Njogu: Kusema ukweli, mimi naonelea watoe kamati ya kuchunguza mambo kama haya. Adhabu ni sawa. Adhabu mimi sioni ikikataliwa, kwa sababu mtoto akifanya kitu kibaya, ukimfukuza, kwanza ndiyo unampatia ile kichwa ngumu ya kuendelea kufanya mambo kama haya. Mimi ninaona ni sawa aadhabiwa, na iwe kuna kamati ya kuangalia mambo kama haya.

Com. Abida Ali-Aroni: Ah Ah, hatusemi msiadhabiwe. Tunauliza viboko. Hakuna njia ingine kama kupiga magoti, kufyeka, mambo kama haya?

Stephen Njogu: Kupiga magoti sasa, hiyo ni kitu ya uwanjani, wamezoea.

Com. Charles Maranga: Asante. (loud laughter from Audience). Haya mwingine, Dorcas Moraa. Basi tafadhalini mpe huyu mwanafunzi wakati ili aweze akatoa maoni yake.

Dorcas Moraa: My names are Dorcas Moraa

Com. Charles Maranga: Hebu fanya adjustment. Excuse me, you had better adjust this please.

Dorcas Moraa: My names are Dorcas Moraa, from Streams of Life Academy. I'm in Form Two. I will start by talking about education. Education is both a measure of and also the process of producing an appropriate labour force for our country's development. In order for Kenya to achieve rapid, economic development the country needs a huge reserve of well trained and educated labour force. Such labour can most effectively be prepared through an education system which appropriately, in fact a combination of theoretical knowledge and one's ethic to the country's graduates at all levels.

Health: A healthier country is a happier country. In order to make our country a healthier country, we should be encouraged to acquire beliefs, the practices and attitudes, which can enable us to avoid contracting various diseases in the first place. We must stop polluting our country, so that we can prevent various diseases which are very dangerous to our lives.

Women: Women as pillars of the family institution. In our country, women head significant number of families. For our country, developing as many women as possible should be encouraged and assisted to take up positions, in the decision making of our country. I would like to ensure that a significant number of women participate in the decision-making of our country.

Youth: A country's future is dependent on its youth. If the youth is not adequately prepared, then the future leadership of our country will obviously be jeopardized, because we know that the youth are the leaders of tomorrow. We would like the youth to be educated and trained and instilled with good moral values.

Poverty eradication: We believe that anti-poverty can only be successful if they unleash the energies of people living in poverty, and enable them to gain access to treasure, including capital, to improve their situation, especially for the young children, and for the country. I'll add by saying that, the government should rehabilitation for the street children so as to decrease the number of street children who are in the streets. Thank you.

Com. Charles Maranga: Thank you very much. Hand over your memorandum and sign. The next person is Chase Nduati. Okey please.

John Nduati: Asante sana Bwana Commissioner. Kwa majina ni John Nduati Chege and I would like to talk on the Bills of Rights. The Constitution should include a clear declaration of the rights of all people living in Kenya. No Constitution can be considered complete without such a declaration. In this Bill of Rights, nobody in Kenya should be without his or her basic daily needs. For example food, housing and clothing. And how can this be done? Answer: By giving a monthly allowance to all Kenyans above the age of 18 who are not employed and those who do not have good business that can sustain their daily needs. There should also be free medical services to all Kenyans, and also of good quality. Also, there should be free primary education and which must be compulsory one. To have this money, all people who are employed must pay a progressive tax.

The Constitution should also be designed to reserve the interests of the people the rich, poor, farmers, workers and business people. We should also have the rule of the majority, but the minority should also be protected against any injustice by the majority. How can this be done? By separating and balancing the powers of the government. There should also be respect for the rights of individuals and state, rule by the people, separation of church and state, and supremacy of the national government.

Amendment: An amendment must be proposed by 2/3 of all Members of Parliament, both elected and nominated. The amendment can become a Constitution after being supported by 3/4 of all Members of Parliament. The Constitution of Kenya, should establish the form of the national government, and define the rights and liberties of the Kenyan people. It should also list the aims of the government and methods of achieving them. The Kenyan people should have authority to make the government solve national problems. The government should have the authority to enforce law and order, collect taxes, pay public debts, regulate trade among nations and also negotiate with other governments.

The Constitution should consist of a preamble which should say this: "We, with the people of Kenya, in order to form a more perfect and united nation, we want justice, peace and development in all regions as provided in the Constitution" The

Parliament should also have powers to control all government duties. Only the Parliament has the power to make or change laws, and this cannot be done by any other body and should also be passed by 75% of all members of the House. The Parliament shall have members elected directly by the people, to serve for five years only and no person should serve as a Member of Parliament for more than two terms of five years. For a person to qualify to be elected as a Member of Parliament, he or she should be a Kenyan citizen by birth, and aged above 30 years and he should also be a resident of the area he represents in Parliament, and he should also have lived in that area for a period of seven years. This should also apply to Councillors.

Com. Charles Maranga: Last point.

John Nduati: Concerning nomination of MPs, there should be only 24 nominated Members of Parliament, decided among all political parties, with more than 12 members in Parliament. The more elected members the party has, the more nominated members it should have. That is all.

Com. Charles Maranga: Thank you very much. There is one question.

Com. Abida Ali-Aroni: You have said that you would like to see separation of Church and State. I would like you to tell us what you mean by that.

John Nduati: In some countries like Britain, we have the CPK Church there as part of the government. So, we would not like to see something like that happening in Kenya where church and state are working together as one body.

Com. Abida Ali-Aroni: Kenya is a secular state, so would you like us to retain it as such?

John Nduati: I would like to have majimbo so that we can take the power to the people.

Com. Charles Maranga: Thank you, thank you very much, sign up and give us your memorandum. Paster Emera. Atafuatiwa na Masinde Evelyne. Masinde Evelyne, yes you will be next. Full names Sir, halafu ndiyo utoe maoni yako, kwa ufupi kabisa.

Pastor Jackton Emera: Majina yangu ni Pastor Jackton Emera Okumu. Nikiwa hapa ninawakilisha kikundi kinajulikana kama Wakhwikhabira Self Help Group. Tukianza kwanza, wamenionba niwazungumzie yafuatayo. Ya kwamba uwezo ya ofisi ya Executive uweze kupewa mamlaka inayotoshea nayo. Mamlaka mengine yapunguzwe, kama kuandika na kufuta.

Ofisi hiyo pia, iwachilie mamlaka kwa Bunge liweze kuchagua ma-Commissioner, kama kwa mfano, Public Service

Commissioner, Judiciary, Police Commission. Hii, ikiwa Bunge itapewa nafasi, huyu mtu atafanya kazi, akijua ya kwamba amechaguliwa na ana watu wanaomfwata.

Ya tatu ni kuhusu mashamba. Na hapa wamesema niwazungumzie kuhusu, kuwe na sheria ambapo mwanamke, (mnipe radhi kwa kutumia hiyo lugha). Mama akiwa ameachwa na bwana yake na amezaa wasichana, lile shamba, wale wasichana wapewe nafasi ya kulirithi kwa sababu ni wazaliwa wa area hiyo.

Jambo lingine la nne ni kuhusu usalama. Usalama umeharibika kiasi ya kwamba, hata wewe mwananchi mdogo unapolala, unahofia maisha yako. Kwa sababu ya kwanza ni ya kwamba mtu atabisha, anasema yeye ni polisi, anapoingia, anaingia na bunduki, na hiyo maisha yako imeenda. Na kale ka-radio, ulikonunua ka-meenda. Kuwe na sheria ya kulinda mwananchi mkubwa na mdogo.

Provincial Administration: Administration kutoka kwa “liguru” mpaka kwa PC iondolewe; hawana kile wanachofanya, ila wanaongezea ufasadi na upigaji wa raia mdogo.

National Education: Elimu yetu imekuwa haina faida hata kidogo. Ni heri elimu iliyokuwa hapo, mtoto angetoka Form Four, aende Form five, mpaka Form Six, ndiyo aende chuo kikuu. Lakini siku hizi tunapika watoto wetu kwa shule vile tunavyopika sukuma nyumbani.

Kuhusu mambo ya dini, freedom of religion imekuwa mbaya sana, na kila mtu anajaribu kuanzisha kanisa lake kwa manufaa yake mwenyewe. Kuwe na sheria ambayo kanisa likianzishwa, serikali ijue hili kanisa limetoka wapi, na mwanzilishi anatoka wapi, kwa sababu mwananchi mdogo amekua akitumika kwa huyu Pastor ama Muinjilisti, kwa kupata faida yake mwenyewe.

Na la mwisho ni Local Government. Local government zimekosa kazi na heri ziyondolewe na zibaki katika Central Government ambayo tutapata huduma, ikiwezekana kulingana na sheria, zetu tunazotengeneza mpya. Na maoni yangu kwa Commissioner ni ya kwamba mimi nimekuwa mwaalimu wa raia, na Tumepata maswali yafuatayo: Wengi wanaamini ya kwamaba tayari Constitution imetengenezwa, na hii ni kuwaadaa wananchi ili muende tu ile yenyu mmetengeneza iko kwa cupboard, na ningeliwaomba, msiwe na hilo jambo, kwa sababu pesa nyingi, zimetumika, na wananchi wanategemea hasa huu wakati Wambui na Onyango wamepewa nafasi kuhusishwa katika kutengeneza Katiba hii. Asante.

Com Charles Maranga: Wacha nianzie swali lako la mwisho, kwanza kabisa, sisi hatujatengeneza Katiba yoyote. Hizi riporti mtazipata kwanzia constituency hadi national report. Kwa hivyo hakuna ile Katiba yoyote ambayo imeandikwa. Kama kuna mwingine ameandika, hiyo ni propaganda yake. Sisi kama Tume hatujakaa chini, tuseme hii ndiyo Katiba kulingana na maoni ya Wanakenya. Tunazidi kuchukua maoni ya Wanakenya, hivi karibuni tutaenda Western Province, kwa hivyo tukimalizia Western province, mtapata report kwa kila constituency na kila province. So hayo maneno ni ya upuzi mtupu, hakuna Katiba.

Katiba itatoka kutokana na maoni yenyu. Na kitu kingine ningetaka kuwahakikishia ya kuwa, sisi hapa tuko huru, na hayo ni maoni ya wananchi. Lakini wacha watu wakitoa maoni, watoe maoni ya ukweli, sio maoni ya kupotesha.

Mimi ningekuuliza swali moja. Hii freedom of worship, wewe unasema zile denominations ambazo zinatokea na zinatokana pengine na registration mpya serikali iwe inafanya uchunguzi kwanza. Si ni Wanakenya ambao wanatengeneza hizo makanisa? Kwa sababu hata kama wewe sasa, pengine tukifwata kabisa Kanisa lako la kwanza lilikuwa gan?. Ni lile lile uko nalo hapa ama umetengeneza lingine? Ulianza mwaka gani?

Pastor Jacton Emera: Kanisa lile ninalo na bado niko nalo.

Com. Charles Maranga: Ulianza mwaka gani?

Pastor Jacton Emera: Nikiwa mdogo.

Com. Charles Maranga: Kanisa lako linaitwa aje?

Pastor Jacton Emera: African Divine Church.

Com. Charles Maranga: Na sasa unaweza kupata iko A.I.C, iko Seventh Day Adventist, iko Catoliki, iko nini. Kwa hivyo kama ingebaki Katoliki na pengine Katoliki na maybe Pentecostal, ungeona watu wengine wangepungwa nje sana. Si ni hivyo?

Pastor Jacton Emera: Kile ninapojaribu kuzungumzia sheria iwe ya kwamba, kumetokea kwa mfano, watu wanakuja kama N.G.O, kisha anabadilisha anaanzisha kanisa.

Com. Charles Maranga: Si hiyo ni haki yake ya kuabudu? Freedom of worship?

Pastor Jacton Emera: Sidhani kama ni haki yake ya kuabudu kwa sababu, sheria ingekuako kulikuwa na Tume iliotengenezwa kuangalia kama kuna mashetani kwa mashule. Kwanza hiyo freedom of worship ilikuwa hivyo hivyo, na hiyo haikutosha.

Com. Charles Maranga: Ama ungetaka watu kanisa, kabla mtu hajaanza kanisa awe na r registration ya watu kiasi fulani? Kwa sababu watu wanaweza kuwa na kanisa hata kama ni familia, na ni kanisa yao, hakuna kitu utafanya.

Pastor Jacton Emera: Kile ninachokuzungumzia ni ya kwamba kuwe na follow-up.

Com. Charles Maranga: Okey asante.

Pastor Jacton Emera: Thank you.

Com. Charles Maranga: Okey weka sahihi, na utupatie. Masinde Evelyne, you are next. Halafu atafuatiwa na Cylus Richard Mkolwe. Mkolwe ako? Mkolwe? Yes you will be next.

Masinde Evelyne: My name is Masinde Evelyne. I'm a student at the University of Nairobi and I'm representing the Kenya Women Political Caucuss Organization. I'll start by saying that, the Kenya Women Political Caucuss is a political women's organization committed to enhancing, women's participation and visibility in public offices in Kenya. As critical stakeholders representing the interests of women of Kenya, we wish to express our dissatisfaction with the current Constitution, that they've actually been described as gender blind. As a result, the Kenya Women's Political Caucuss, recommends that:

One, section 824B should be amended as it perpetuates discrimination against women, and further promotes the practice of harmful cultural practices such as FGM, wife inheritance and forced and early marriages. The Freedom of Association should be construed and regarded to include the Freedom of Choice in Marriage. Freedom and security of persons provision should acknowledge the vulnerability of women to violence, both by public and private (inaudible) The Kenya Women's Political Caucuss calls for Affirmative Action and that 35% of seats to be reserved for women in Parliament and in all public bodies. Social, economic and cultural rights, should be protected in the Constitution and in particular knowingly infecting other people with HIV Aids, should be construed as an abuse to the right to life.

The right to employment should be protected and sexual harassment construed as denial of the right to employment. The rights of vulnerable groups, should be protected and in particular women, children and persons with disabilities.

The right to own and inherit land and other movable and imovable properties by women should be added as a right in the Constitution.

Concerning Children's rights, the principle of the best interest of the child should be incorporated. There should be free and compulsory primary education and that education for all Kenyans should be given the first priority above all other things. All Kenyans regardless of race, gender or ethnicity, should be allowed to buy their own land and live anywhere in the country without fear of being disgraced or even killed.

Com. Maranga: Last point.

Masinde Evelyne: Okey. Values included in the Constitution should include human dignity, equality, non-discrimination and

placing the country above oneself. Concerning citizenship, women have faced discrimination and in respect to citizenship, and in particular section 90 and 91, that currently renders women as second-class citizens as they do not have the ability to confirm citizenship to children born abroad of non-Kenyan fathers or to confer citizenship to their spouses.

Com. Charles Maranga: I know KWPC has a very detailed memorandum, so we'll be able to read and thank you for presenting, but just remain seated because of points of clarification.

Com. Abida Ali-Aroni: Evelyne, your recommendation that section 824B of the Constitution has been done away with, because it is discriminatory to women, when I look at that section I tend to feel that your request will also amount to discrimination against certain sections of this community. Because if you look at that section, it says that the law will allow discrimination on the basis of personal law. For instance, look at a Muslim woman. They are able to enjoy provisions of the sharia because of that clause. Today if you tell a Muslim woman to let the statutory law to apply, she will tell you no, because the sharia gives me more than what the secular law gives me. So if you remove this section entirely, don't you think you are going to discriminate against a section of the same women that you are trying to help?

Masinde Evelyne: I didn't mean that it should be removed. I mean that it should be amended to suit all the communities.

Com. Charles Maranga: Thank you, sign and hand over your memorandum. Mukolwe. Atafuatiwa na Godfrey Kanoti. Godfrey Kanoti ako? Godfrey? Okey you will be next.

Cylus Richard Mukolwe: Basi majina yangu ni Cylus Richard Mukolwe, na baada ya kuwa na nafasi ya kwenda through our Constitution for the following to submit. Katiba yetu ya Kenya, presently, I would recommend that kwa sababu inakosa pahali pa preamble ningependa hii tunatengeneza wakati huu iwe na clause ya preamble ambayo inaweza ku-capture the following proposals: Kwanza, iweze kutaja sisi ni Wanakenya. Iweze kutaja ya kwamba tuko kabila 43 or 42 for that case, kwa sababu tuliambiwa Ogiek are also coming up. Pia iweze kuwa na mambo kama directive principles ambazo zinaweza ku-address our values kulingana na our currencies or our strength kama Wanakenya related to the dollar.

Number two, I would like also like to indicate that having gone through the Constitution, I found that we have much powers invested into the Executive Arm of the government. We have for example, the Attorney General who is the Chief Adviser of the Chief Executive, who is the President, but he is at the same time sitting in Parliament and at the same time is controlling affairs in Judiciary. I feel that the Attorney General should be appointed by maybe an approval from the Parliament, to avoid interation through the office of the President, coming down to the Judiciary. Thus, you will find that where conclusion ya case ambayo ingekuwa nzuri, where justice can prevail, inakuwa intefered with in the process.

I would also like to address the issue of Trust land. We have had problems from Trust lands, especially when Councillors or

Mayors are dealing with issues of Trust land. I feel that there should be a law, which should also affiliate the people within the area of jurisdiction, so that they can have their own opinion over a decision made over the Trust land, whether it is for disposal or it is for another use as recommended by the Council Committee.

Interjection: Com. Charles Maranga: Your last point.

Cylus Richard Mukolwe: My last point, ningependa kusema about the Public Service Commission. Public Service Commission has had very little powers. You will find that in the same Constitution, clause 25, it states that Public Servants can only be in service when the Chief Executive wishes, or at his pleasure. So I feel that Public Service Commission should be an independent body, which can handle issues of Civil Servants, not finally being addressed to the Chief Executive.

Com. Charles Maranga: Thank you very much and please hand over your memorandum and sign up.

Cylus Richard Mukolwe: I have no memorandum, this was all....

Com. Charles Maranga: That's alright, that's good enough for us. It is still a memorandum. Put your name and then sign up.
Godfrey Kanoti.

Godfrey Kanoti: Bwana Chairman Commissioners, Ladies and Gentlemen. Good morning. Now if I start with the Constitution making, I would like to point out a few things. I would like Parliament to desist from amending and making new laws, now that we have a Constitutional review process.

Two, we need to entrench the Constitutional Review into the Constitution fully, and give the Constitutional review process the independence that it needs.

Second point, is the unitary government. I support that Kenya has a unitary government in which we strengthen the local authority. When we have strengthened the local authorities and we make this country very strong, I think that Kenya will get what it wants, and by so doing we phase out the Provincial Administration. So that if the government ministries are going to be represented to the people then we'll have Directors and Secretaries strengthened by the government to represent different ministries.

Also I propose that we must have Parliament and a Senate. Now this Parliament should not have any nominated MP. In this Parliament, we should not choose ministers from the sitting MPs, but from a cross-section of Kenyans who are able and a cross-section of Kenyans who have the integrity. Also, I would like the Senate to carry the people who have been nominated through unions, through organizations, through church institutions and other things which are in other people. So that that the

Senate represents the society, and the Senate will check what the Parliament has passed.

Also I would like Armed Forces to be involved in nation building. It says that, we should involve them in things like construction of roads, bridges, land reclamation and other things. Today the Armed Forces just sits waiting for war to come. We would like them to participate in the development of our nation.

Com. Charles Maranga: Last point.

Godfrey Kanoti: The last point is on medical insurance. I am proposing that the Kenya we have today in the Constitution, we see people suffering from diseases such as Aids, Malaria and other bad diseases that we are witnessing. So I am proposing that we have a Medical Insurance Fund in which all workers, or anybody who is working, will be able to be deducted some fee to cater for the Medical Insurance Card, which you are given to be able to get your treatment freely.

Com. Charles Maranga: Thank you. Thank you very much and thank you for your views. I ask you to sign up and give your memorandum. Thank you. Next is Oruko Wellington. Oruko Wellington? Okey proceed Wellington.

Wellington Oruko: My names are Wellington Oruko, a resident in Nakuru town. I would like to give my views following that so many areas have been covered or have been talked about by my fellow colleagues. So I will go back to the education system, whereby I feel that the education system that we have today should be looked into and the Constitution should state clearly, or rather to take us back to the old education system that we used to have. I can recall when we were in school, we used to be told that we were are being trained rather to become self-reliant. But today, the education which is being pumped into our children is education which is too wide and when they come out, especially when they graduate from universities, they are very raw. If you compare a Form Six student of our system and a graduate of today, you will find that there is a great difference because they are half baked. So I will urge the Commission to put a Constitution that will see into that.

Number two, go to private schools. You find that most of the private schools around are for money making, rather than for moulding our children. That is why when the results are out, mostly the Asian schools will find that the results are very poor. They will never produce somebody who is going to have a better future. Most parents, we take our students to school and find somebody has failed. During our time, you used to repeat, but today the Asian will take you even if I did even sit for that particular exam. I will be admitted in school, so long as I can pay the school fees. So the government should follow up, especially with Asian schools, and also counter-check with the kind of teachers who are employed in these private schools. The private schools employs people who failed their exams and they are underpaid in order to earn a living, but ruin the children whom they are handling.

Point No. 2, I will go to freedom of worship in the Christian fraternity. You find that our Constitution does not state clearly

whom to worship, even though we have freedom of worship. It needs to state clearly, if I am supposed to worship an idol or if I am supposed to worship God, and when it states clearly, I think we shall not have this friction whereby this one is worshipping, Masonic, this one is worshipping Devil Worship. Such things will not be there. It should also control about the churches, which are mushrooming. Churches have turned out to be businesses, whereby when I want to become rich, I start my own Church, so long as I can get a donor, and there I am. So the Constitution should control it.

No. 3 goes to Police Act. The Constitution should state that our police should have special training especially when it comes to time of handling the public.

Interjection -Com. Charles Maranga: Last point.

Wellington Oruko: They have not proved that person to be guilty, but they mishandle that person. They need to be trained especially on handling these particular people. I will go very fast. Local government,

Com. Charles Maranga: Now that's your last point.

Wellington Oruko: Yes my last point. Local government should be abolished, in the sense that they have not given us the services that we want. When you go to streets, we have so many sick people, and I think this one is Human Right, when you go the street, you find so many sick people being brought to be turned into, money generating. Somebody sick who needs to be in bed, analetwa kwa barabara, analazwa pale, watu wapite wakimuonea huruma wanapatiana pesa. Ingekuwa vyema serikali iangalie, watu kama hao, mwenye alimuleta pale kwa street ashikwe na ashtakiwe. Yule mgonjwa naye apelekwe hospitali, kama serikali haiwezi gharamia gharama ya matibabu ya huyo mtu itenge mahali iwekwe watu kama hao kuliko watu kama hao kuletwa kwenye street, wanakua mishandled, watu wanapita, jua linachoma huyo mtu, na huyo mtu ni mgonjwa.

Com. Charles Maranga: Thank you very much Bwana Wellington, and you have to hand over that small note to us. You sign up. Thank you very much. Magdalene Kipng'etich? Atafuatiwa na Francis Musyoka. Ako? Okey sawa.

Magdalene Kipng'etich: Mimi ninaitwa Magdalene Kipng'etich, mimi ni Director wa Country Micro-Entrepreneurs Women Association of Kenya ambayo iko affiliated to Women's Political Alliance. Ile nitasema ya kwanza, ni Affirmative Action. Huo ndio wimbo wetu wamama sasa. Tungependa wamama moja kwa tatu wawekwe kwa political parties, tunataka wawekwe kwa Judiciary, na tunataka wawekwe kwa local authorities na Parliament. Na ile portion ingine imebaki, sisi wamama tutachagua.

Pili, ni structure of governance. Nina-propose governance tuwe na President, na tuwe na Prime Minister ambaye atakuwa ni mama na awe ni graduate.

Tatu, nitaenda kwa Cabinet. Wakati Cabinet itakuwa appointed, tungependelea Ministry ya health iongozwe na mama, awe minister wa health. Kwa sababu tukienda ma-hospitali, hata wakati huu tukienda hospitali tutakuta mama na watoto ndiyo wako kwa laini. Mama ndiye anabeba mtoto, ama anabeba mimba miezi tisa, na anajua shida ya mtoto na anajua shida ya mama.

Nne nitaenda kwa land. I'll go to English. The land registries should be decentralised country- wide and transactions be carried out at the district level. Ndiyo mambo ya transaction zisifanywe huko kwa land.

Another point, Title Deeds, hiyo ya familia, iwe na jina ya baba na mama. Title Deed ambayo inaenda na lease ya 99, iwe absolute. No individual should own more than a 100 acres in Kenya. Those currently owning more than this should be compelled to sell the excess to the state for distribution among the landless people. All public utility land, should be Constitutionally protected, research be carried out to map out public utility land, and any other that has been grabbed by the land grabbers, and should be repossessed and given back to the state. Every Kenyan should own land and property anywhere in the country without restriction. There should be a Constitutional land Commission with 60% women representing in that Commission.

A will go to the Provincial Administration:

Com. Charles Maranga: Last point.

Magdalene Kipngetich: (Please, it is very rare to get women). Provincial Administration: Country Micro Entrepreneurs Women Association of Kenya wamependekeza ya kwamba, Provincial Administration ikae, lakini Chief awe kwa ground na awe direct to the District Commissioner na the PC should be there. If there is a person who should be scraped, it is the D.O because we don't know what he does. The D.C is on the ground and he knows the problems of the community.

I will go again to the D.D.C., that in the D.D.C we should have women NGOs represented in the DDC and also Civil Society but not to pick one. Right now we know in the D.D.C there is only one organization of women which is doing absolutely nothing for the women and in fact, the women are backwards because of that organization and I am not going to mention it. So let us have the other Women NGOs in the D.D.C.

Com. Charles Maranga: Thank you very much.

Magdalene Kipngetich: No please, just one second, Com. Maranga. I will go to the Commissions. We would request the Commission, which is the CKRC Commission to be entrenched, and also the Commission that is dealing with gender

mainstreaming, and we would also request that we have an establishment of a Food Commission na iwe na 50% women representative kwa sababu mambo ya chakula mama ndiye anajua policy.

Com. Charles Maranga: Asante sana mama.

Magdalene Kipngetch: Na nimemaliza na nimeshukuru sana.

Com. Charles Maranga: Asante. Kwa sababu wewe uko na memorandum umeandika vizuri, naona tunaweza tukasoma kwa uzuri kabisa. Asante. Weka sahihi. Francis Musyoka. Atafuatiwa na Hesbon Hongo. Ako? Yes be ready.

Francis Musyoka: Thank you Mr. Chairman and Lady Commissioner. My names are Francis Musyoka a parent living in this area. I would touch on the driving. This review must embrace on driving. Tunajua ya kwamba, waendeshaji wengi wa magari katika nchi hii yetu ni wale school drop-outs. Wale watu wamesoma wamekataa kujifunza driving. Mimi napendekeza ya kwamba driving schools in the country ziwe regulated, na ziwe Constitutionally defended, ili kusitokee mtu ambaye anaendesha gari la abiria au lake, ambaye hajapitia kwa driving school. Tumepoteza watu wetu, Tumepoteza mambo mengi, kwa sababu ya hii. Hata wale wako na driving license hapa, nikiuliza wale walienda driving schools, sitapata.

Ya pili, this Constitution should also embrace on mambo ya Wakenya kusoma vitabu na magazeti. Hivi majuzi, kulipitizwa Bill kwa Bunge ya kusema ya kwamba ukitaka kuandika kitabu ukitaka kuanzisha gazeti, Board ni shilingi milioni moja. Tafadhali, hayo ni maoni ya wachache. Tungependa, nyinyi mkizunguka mpate mawaidha kama haya. Je Wakenya hawataki kusoma vitabu, hawataki kuandika vitabu? Na je, watatoa hiyo milioni moja wapi? Na kama kweli hii Bill itakuwa ya kweli, around twenty thousand Kenyans are going to lose employment.

Ya pili. Katika budget ya Kenya, ni maoni yangu kwamba, 10% ya hiyo budget itengewe masikini na the jobless. Hii ni kwa sababu kulingina na vile nimeona mambo hii ya budget, isipokuwa ile inalipwa mshahara tu ya wafanyi kazi, pesa nyingi ile inatumwa kwa maendeleo inakuliwa. 10%, what have you. 10% ikipewa wale watu jobless, watapewa na watakuwa wakijisaidia wakitafuta kazi.

Pointi nyingine ni ya Civil Service. Civil Servants should not be forced only to discharge services in their particular departments as it is the case today. Let those who are professionals be allowed to exercise their profession where it is required.

Ya elimu nitagusia kidogo tu kwa sababu wengi wameongea.

Com. Charles Maranga: That should be the last point.

Francis Musyoka: Hii elimu iwe ya bure, na iwe ni ya lazima, na kitu kama uniform iondolewa. Kwa sababu, wale masikini kabisa, ambao hata chakula kupata ni shida, hivi viatu vinanuliwa kwa mashule, uniform hawawezi pata. Tunasumbuka sisi hapa kwa sababu watoto hawana uniforms. Kwa hivyo nafikiri uniform ikiondolewa itawezesha wazazi wale masikini zaidi, watoto wao kwenda shule.

Com. Charles Maranga: Basi asante Bwana Musyoka, lakini wewe ni mtu mmoja tunasema wale ambao wanaeneza habari, ama mtu ana-deal na Kenya News Agency. Lakini hujazungumzia kuhusu media, radio, television na mengineo. Ni kwa nini?

Francis Musyoka: Kwa sababu nafikiri, kuna kitu kimeandikwa na watu wa Media Group ile ilikatiliwa kabla ya hii Press Bill kutolewa. Tulitoa maoni yetu uko. Nilikuwa nagusia kama mzazi tu.

Com. Charles Maranga: Kwa sababu wewe ningesikia ukiongea radio, T.V. viwe kila sehemu, kila kijiji, ili watu waweze wakaweza kuona wabunge wakiongea.

Francis Musyoka: Kabisa.

Com. Charles Maranga: Asante. Okey. Hesbon. Atafuatiwa na Pau Longo, ako? Paul? Paul hayuko? Okey.

Hesbon Odet Hongo: Asante wananchi ambao wako hapa na Commissioners wetu. Jina ni Hesbon Odet Hongo. Mimi naongea kuhusu pombe ya busaa. Pombe ya busaa, ni pombe yetu kutoka zamani. Hata wakati wazee walikuwa wakipumzika, walikuwa wakipunzika na pombe ya busaa. Na nimeshangaa sana, ikiwa pombe ya busaa inaweza katiliwa area kama Rift Valley, Nyanza na Nairobi ukienda, inaendelea.

Kuhusu kazi wale watu ambao wameenda retire, pension ilipwe kwa D.C., kwa sababu kuna area zingine ambazo hakuna post bank, na hakuna bank. Kwa hivyo, nimeprefer walipe kwa D.C.

Kuhusu kura: Siku ya kura ya Wabunge na Councillors ziwe siku moja. Na ya President, iwe na siku yake.

Kuhusu security, polisi wetu wapewe sheria mpya kwa sababu wanafanya kazi ambayo, naona kama hawajui, kwa sababu wanakuta mtoto ametoka na mboga sokoni saa mbili, na wanamshika na wanampeleka kwa cell na yule mkora hawamshiki.

Watajiri: Watajiri ambao wana mashamba zaidi ya acre 150, inatakikana kuandika wananchi kwa kazi, na kama siyo hivio, wananchi wagawiwe ili walime.

Kuhusu urithi wa wasichana na vijana, urithi wa vijana na wasichana uwe pamoja kwa sababu wasichana wetu wemekaa

kama watu ambao wametupwa. Mimi nikikufa na nimeacha mali yangu, msichana akitaka kugawiwa, anasemekama ati wewe ni mtu wa kununuliwa, huwezi kurithi kitu kwa boma hii. Kwa hivyo sheria itafutie wasichana urithi kama wanataka ya baba yao.

Com. Charles Maranga: Thank you. Last point.

Hesbon Odet Hongo: Sisi watu wa Kenya tukitaka kufaulu, lazima tuache ukabila kabisa.

Com. Charles Maranga: Okey. Thank you very much. Sign up and give us your memorandum. Paul Hongo? He is not there. Francis Eboko? Francis? Ni wewe Mzee wangu? Munge Kago? Munge karibu. Atafuatiwa na Isaac Gichaiga. Isaac Gichaiga ako? Yes you will be next.

Munge Kago: Kwa jina ni Munge Kago. Sina mambo mengi, yale ningetaka kusema ni kuhusu mambo ya huu uchumi wa nchi yetu. Tumekuwa masikini sana wakati mwingi, lakini ni kukosa mpango. Nikikumbuka miaka nyingi kama thelathini au arubaine iliyopita, wazazi wetu wale walikuwako, kama vijana wanagawiwa acre tano, akitaka kufanya kazi, anatugawia shamba, anasema lima hapa, na huyo mwingine alime hapa, na huyu alime hapa. Si kusema ati tulime sisi wote pamoja, wengine watakuwa wavivu.

Sasa nchi yetu, tuna makabila nne wale wakubwa wa mataifa. Tuna Wahindi, tuna Waarabu, tuna Waafrika, na halafu hawa wengine wananchi ni akina nani hawa? Sasa mnawajua. Sasa vile nilikuwa naonelea, sijasoma sana lakini nilikuwa na maoni yangu, tafadhali. Tungegawana makaz, kwa hawa mataifa, kwa sababu hatutaki kuwafukuza tuseme ati sisi ndiyo Waafrika wenye nchi, hata hawa wenyewe dunia ni yao. Sasa vile ningenelea ni kwamba, tugawane hizi makazi. Haya, Wazungu wachukue industries, kwa sababu sisi Waafrika Tumeambiwa tutakuwa na industries na ni miaka mingi hatujakuwa na kitu chochote ambacho tunafanya. Bado tunanunua manguo za mitumba, bado magari zilizo za mitumba zinatoka tu kwa nchi zao.

Nimefikiria kama ni vizuri, katika nchi zetu tugawana makazi. Hawa Wazungu wachukue industries, na hao Wahindi wachukue hizi mabiashara, wafungue manini, ma-super market vile wanapenda. Halafu, nao Waarabu nao wadeal na hii mambo ya mafuta, kwa sababu hao ndiyo wanajua kule mafuta inatoka. Halafu, sisi Waafrika, tuchukue ukulima, kwa sababu mimi nafikiria kitu kile sisi tulikuwa tunapigania ni huu mchanga wetu. Kwa hivyo tungekuwa tukiabudu huu mchanga kama vile Wahindi wanaabudu sanamu. Huu mchanga tuwe tukiabudu. Tuchukuwe tuseme sisi, ni tuwe tukilima. Ni kweli? Naonelea kama ni hivyo. Serikali yetu ifikirie tu mambo ya ukulima, iwache kufikiria mambo ya industries, iache kufikiri mambo ya biashara za nini. Iache kufikiria.

Com. Charles Maranga: Ya mwisho.

Munge Kago: Sasa kijana mwenye nguvu, anashinda pale town, ati anauza mali mali, ati ni biashara, na anatoka na shilingi ishirini pekee yake. Na labda angelima, tungekuwa hatuna njaa, na hata ukiangalia hii mambo ya industries yote inatokana na ukulima wa mchanga. Biashara inatokana kwa mchanga. Kwa hivyo sisi tungefikiria mambo ya mchanga tu, tuaache kufikiria mambo mingi, ati tujenge magari, tujenge mandege ya kufanya nini? Tulime. Sasa hiyo tu ndiyo ilikuwa maoni yangu.

Com. Charles Maranga: Asante. Asante Mzee wangu. Asante, weka sahihi, thank you very much. Gichaiga Isaac. Your names first and be very brief to the point.

Isaac Githaiga: My names are Isaac Githaiga.

Interjection – Com Charles Maranga: Okey, siyo Gichaiga.

Isaac Githaiga: You have said ch. It is th. Thank you very much.

Nina machache tu kidogo nataka kugusia. Ya kwanza ni system of government. Ningependekeza, tuendeleo na democracy. Lakini iwe ni democracy, isiwe ni kitu kama democracy. Pili ningetaka kugusia kuhusu wale watu ambao wamekuwa kwa military, iwe ni paramilitary ama ni military yenyewe, whatever the case, wasiwe wanastaafu when they are still young. Kwa sababu, naonelea kutoka kwao wakiwa bado hawajaendelea kwa miaka, pengine ndiyo kunaleta uharibifu mwingi kwa sababu wanajua kutumia silaha na wanataka kuishi.

Ningependekeza pia chama ambacho kinasimamia Workers Union, ambacho umbrella body ni COTU, Rais asiwe anahusika kuchagua Secretary General.

Ningependekeza pia, Rais apunguziwe mamlaka. Isiwe yeye ndiye ana-appoint heads of parastatals.

Niseme pia lingine.

The three organs ambazo zinaongoza serikali yetu, which is the Judiciary, Parliament na Executive body, ziwe kila moja ikiwa independent, bila kuhusika ingine kwa ingine.

Kuhusu soko, hii vile imesemeka ati Tumekuwa na soko huru. Soko huru haisaidii common person. Inasaidia wale ambao wanazo. Unaona Tumetoa merchandise kutoka ng'ambo na zina- punguzwa bei, halafu zile tuko nazo hapa, kama ni mahindi ama whatever the case, zinakuwa floating, zinakosa soko. Ni hayo tu niko nayo.

Com. Charles Maranga: Asante Bwana Githaiga. Asante na weka memorandum yako, na uweke sahihi. Thank you very much. Mwingine ninayemuita ni Kiptoo Rep. Is it Kiptoo Rep? Yah, come.

Kiptoo Rop: Asante sana mwenye kiti wa Tume ya Katiba. Jina langu naitwa Paul Kiptoo Rop. Kwanza kabisa, hii mambo ya private schools, ningependa serikali ama Katiba, iondoe mambo ya private schools, kwa sababu kulingana na sasa vile maisha ya Kenya iko, wananchi wengi hawana kazi na matajiri wetu wanapeleka watoto kwa private schools. Hawa wananchi wa kawaida watoto wao hawawezi kupata masomo ya hali ya juu. Sasa hizi private schools, ambazo ni za girls and boys, zitupiliwe mbali kabisa, halafu turudishiwe tu moja ya serikali pekee yake.

Kwa mambo ya hospitali, tungependa tu kuwe na hospitali za serikali pekee yake. Kwa sababu hizi private hospitals, kuna madawa nyingi sana zinaibiwa kwa serikali zinapelekwa kwa private hospitals.

Halafu, kwa mambo ya powers za President, Rais asiwe above the law. Kwa sababu Rais wenye wamekuwa sasa wakiongoza hawa wawili wamepita, wamekuwa wakitumia mamlaka yao vibaya.

Kwa mambo ya waalimu na madaktari, madaktari waongezewe pesa, kwa sababu hawa ndio wanatibu wananchi. Mkiachilia madaktari, hawawezi kushugulikia wananchi wa kawaida. Sina mengi ni hayo tu.

Com. Charles Maranga: Thank you. Asante sana na weka sahihi. Next.

Mary Njambi- (deaf): Kwa majina yangu naitwa Mary Jambi. Ningependelea Katiba mpya ikitengenezwa, kuwe serikali ikitukumbuka sana. Kwa sababu kama sisi viziwi, hatutambuliwi, katika serikali, tukiwa na kama MP akiwa akitushirikisha katika mambo yetu tutafurahia.

Na kulingana na mambo ya shule, kama sisi viziwi shule zetu zimekuwa bei ghali sana, na wazazi wetu, wengine ni masikini, hawawezi tulipia shule. For example anasema yeye alifika Std. 8 na wazazi wake wakakosa pesa ya karo. Kwa hivyo angependelea serikali, elimu yao ikuwe ya bure. Atafurahia sana. Asante.

Com. Charles Maranga: Asante sana. Kuna mwingine? Okey.

Rose Muthoni - (deaf): Kwa majina yangu naitwa Rose Muthoni. Ameonelea na yeye Katiba mpya itakayo rekebishwa, iwe ikihusisha the deaf kwa kazi yoyote ya serikali, ili maisha yetu sisi kama viziwi ikuwe inalingana na hearing people.

Kama viziwi wenye wako mashambani, nao wako na shida sana kwa sababu wazazi wao hawajaelewa shida zao, na hawajatambua kama kuna elimu ya viziwi. Ningependelea nayo serikali iangalie mambo yetu.

Com. Charles Maranga: Thank you. Muambie asante. Next.

Truphena Awuor: Asante sana Commissioners. Kwa majina ninaitwa Truphena Awuor. Nimetoka hapa Nakuru na mimi ni wa Deaf Women Group. Sisi wanawake viziwi tuko na shida sana, tukiwa katika serikali yetu ya Kenya. Inaonekana hawa wamama wenzetu wengine normal women, wapepata kubaatika sana katika serikali, wengine wamekuwa MPs, wengi wameendelea sana kuliko sisi. Inaonekana the new Constitution, ikuwe ikitukumbuka sana sisi wanawake viziwi, tunataka next General Elections, tuwe na mama mmoja kiziwi. (clapping)

Com. Charles Maranga: Hebu tumulize swali. Walikuwa wamesema pengine yule ndiye angejibu, lakini alikuwa amesema wale ambao wako mashambani wanasumbuka sana. Wangetaka tufanye aje?

Sign Language Interpreter: Amesema angependelea wenye wako nyumbani wapate kuelekishwa kuhusu

Com. Charles Maranga: Huyu naye asimame ako na swali.

Sign Language Interpreter: Amesema angetaka waelemishwa huko nyumbani wazazi wao ili wakuwe wakijua kuna elimu ya viziwi.

Com. Abida Ali-Aroni: Do they want to be nominated or elected?

Sign Language Interpreter: Yeye anasema yeye hangependelea njia ya nomination. Akuwe akichaguliwa na deaf wengine.

Com. Charles Maranga: Okey. Asante, waweke sahihi wote vile walikuja. Wa kwanza kabisa, halafu wafuatane. Yule mwingine ambaye namuita sasa, ni Mark Okelo Ogola.

Mark Okelo Ogola: To the Hon. Commissioners, and my fellow citizens, good afternoon.

Com. Charles Maranga: Afternoon to you.

Mark Okelo Ogola: Okey. Now I have some observations to make on this Review process. My names are Mark Okelo Ogola. I also represent Bakers Union.

First of all I will talk about the Judiciary. On the Judiciary, I wanted to observe that Judiciary as an Arm of the government has a lot to promote democracy in a country. You find that most of our Judges, or Magistrates, or Justice are not playing their roles properly, hence corruption. I would propose, that whenever a case has been handled by a Judge or a Magistrate, and the person has appealed and he has been found to be right, then this Judge should be demoted, or fired, because they are the

people who are promoting corruption in the country. That is one.

Two, I will talk about basic rights. Now in basic rights, we realise that education, life, we have water, we have employment, as some of the rights that we have, and in order to achieve all these rights there should be an improved living standard. We cannot improve living standards in a country unless the people have good salaries. For instance, the private sectors. The private sectors do not have good salaries, and instead of having basic minimum wages, I would propose that we should have a living wage, a wage that will make somebody live. Because if you are working and you cannot sustain a family, and you cannot eat properly, then it makes no sense. So there should be a living wage, instead of basic wage.

Another thing is on education. Education basically starts from nursery school and if you are talking of free education, then we also talk about teachers. Nursery school teachers are trained by the government, because they have the tuseses, the naseses and the moseses, but they are not employed. I propose that the education system should include Nursery school teachers. TSC should take them and deploy them in different Schools.

Lastly, I will talk about lands as a resource. Land, I propose that it should be controlled by the government, such that the way one uses land should be looked into by the government. And more so they should be what we call foster of productivity. Because, like in the other countries that many things are imported in the country from, South Africa and other countries, the government helps people in forstering productivity. They give out the inputs, fertilizers and the layer's mash for those who keep chicken and so on. So, I would propose that there should be foster productivity, so that the poor farmers who cannot manage their land properly can now have the opportunity to invest on their land, and hence poverty eradication.

Com. Charles Maranga: Thank you very much, thank you that was your last point and I want to thank you for appearing before the Commission. Please sign our official register. Joseph Kinyanjui. Joseph? Ismael Onyimbo? Joseph Kamau Gathua? Atafuatiwa na Rose Wachira. Rose Wachira ako? Rose you will be next.

Joseph Kamau Gathua: Majina yangu ni Joseph Kamau Gathua. Ningetaka kuongea kuhusu wale watu ambao husimama kama MP na Concillor na wengine. Ningeonelea kwa Katiba inayo tengenezwa, watu watakaosimama kama MP, anyone vying for Parliamentary seat must be a graduate, whereby a Councillor should be at least an 'O' level, Form Four and above.

The other thing also I would like talk about is the proposal or the removal of 25% representation of at least five provinces for Presidential elections. Here I would prefer a winner to get over 51% votes nation wide. So that the President has the majority votes, that is over 51%.

On Constitutional Commissions, an Anti-corruption Commission should be formed so that the corruption can be eradicated or reduced in our society. I would propose, people involved in misappropriation of public funds, properties or grabbing should be

jailed for life. Hence, what they had stolen must be returned with interest. (clapping)

Constitution supremacy: In this part, I would suggest that any part of the Constitution, to be amended by a 90% vote in Parliament in future. Currently, it is amended by 65%. At 90% votes, I see no part of the Constitution will be exempted for amended. In this case the public should not be involved, because the representation is high at 90%.

The other thing or the last one is we find no need for Provincial Administration in some cases because Chiefs, DOs and DCs are all duplication of elected leaders, and some other government officials. In many cases, whereas people go to the Chiefs or DOs, could be students who want IDs or something like that, I think those people who need some assistance. Most of them complain of this harambee issues. Before anything is done, or their forms are filled, they are told, “oh there is a harambee ya mkubwa”. To minimize this problem, I think it is better we deal with this case, by removal of this Provincial Administration.

Com. Charles Maranga: Thank you. I think you have a memorandum and we will be more than happy if we have that memorandum and please sign our official register and hand over that. Rose Wachira. You start with your full name. Since you have a detailed memorandum, I will expect you to give us the highlights of your memorandum please. You have three minutes.

Rose Wachira: Thank you the Commissioners. My names are Rose Wachira, and I'm coming on behalf of CJTC, and I will highlight some of the points we have for the memorandum. In our memorandum, we suggested that we would like the Constitution to have a preamble, and we should like the preamble to highlight the nationhood of our country. And again, it should talk about people of Kenya, so that the people of Kenya can know that they belong, not only to the Republic, but to a State.

Then I would touch on the point of corruption. We have seen that we have got many resources in our country, it is only that if they could be well managed, the country could not be in the situation it is now of poverty. So we suggested in our memorandum that anything that is acquired in a corrupt way should be taken back by the government and then, it should be sold for the benefit of those people who are honest to the government. It should then be distributed to all the Kenyans equally. Then we saw that there are so many things which are untouched, especially when the complains come from our society. We found that the office of Ombudsman, should be established in the Constitution, so that any person can have somebody to complain to and be listened to.

On food security, we found that Kenyans are crying every now and then because we suffer alot when we don't have food. We suggested that, the farmers should be recompensated whenever there is a drought which affects the crops and then people become hungry as a result of no food. Instead of the government running here and there when the crisis comes up, in our memorandum we suggested that there is money for tax payers. So there should be established a certain fund to cater for that.

So that people can have enough food to feed on and again the government should not be harassed to look for food when the situation is worse and the people are dying.

We have got the issue of Natural Resources and we found that they should belong to the local authority so concerned, to benefit the people who are around and to be a good income earner for the people of that area.

Com. Charles Maranga: Thank you very much and I request you to hand over the memorandum. Joseph Ndung'u. Utafuatiwa na Francis Waichegi. Waichegi ako? Hayuko? Joseph Ndung'u endelea. Anza kwa majina Mzee.

Joseph Ndug'u: Mimi ni Joseph Ndung'u Ndirangu kutoka Nyamarutu village. Nina maswali mawili. Maswali yangu ni kuuliza ya kwamba, mwananchi wa kawaida, anafaa kuitwa squatter, ama mwananchi?

Com. Charles Maranga: Sasa Mzee wangu Bwana Ndung'u, hilo swali unaniuliza, ungenipa jibu wewe mwenyewe. Kwa sababu mimi kama mwana Tume, nataka mapendekezo yako. Aitwe namna gani?

Joseph Ndug'u: Sababu ya kuuliza hivyo, ni kwa vile Tumefinywa tukiitwa masquarter. Na hiyo Tume ambayo imesimamia hayo mambo.. Kama mabadiliko ingekuwako, tubadilishe hilo neno la ma-squatter. Kwa maana mtu anaweza itwa mwananchi kwa maana ana urithi katika nchi yake. Arithi nchi yake kwa makao na ukulima. Kwa sababu hiyo, ningeonelea mabadiliko ya Katiba ibadilishe jambo ambalo linazuia watu wengine kuwa na mashamba. Wako na maelfu ya ma-acre na wengine wawe hata futi moja hawana. Hivyo watu ambao ni wa kijiji kile wanafinywa kwa maana wamekaa tu. Mahali pa kutafutia watoto wao chakula hakuna. Kwa hivyo ile kazi wanafanya ngumu sana ni ya kwenda kutafuta kazi. Mzee kama mimi, kuchukua mawe, sina nguvu ya kuchukua na mjengo. Na hata nikiwa na nguvu, siwezi kupandisha mawe. Kwa hivyo tungeomba serikali, mwananchi wa kawaida airithi nchi yake acre kumi, ikiwezekana. Iwe ni urithi wa nchi.

Katiba hiyo hiyo, isimamie hata kama ni tajiri, ambaye ana mali nyingi, asiwe na mashamba Kericho, ingine iko Lodwar, ingine iko wapi, na ni mtu mmoja. Na hali wengine hawana makao. (clapping)

Com. Charles Maranga: Ya mwisho Mzee.

Joseph Ndug'u: Sheria isimamie mtu ambaye ni mwananchi hata akiwa ni tajiri. Awe na acre isizidi mia moja. Hilo ndilo pendekezo langu.

Com. Charles Maranga: Asante Mzee wangu, na nafikiri umesema kwa niaba ya watu wa Nyamarutu village. Basi kuna swali kutoka kwa Commissioner mwenzangu.

Com. Abida Ali-Aroni Aroni: Bwana Ndung'u, ningetaka utueleze, unaona tutafanya aje kuhusu hawa watu ambao umesema wana mashamba makubwa na kila sehemu? Serikali itafanya aje ili pengine tuweze kuhakikisha kwamba wana acre mia moja? Kwa sababu kama mtu alinunua mashamba yake, anyang'anywe ama inunuliwe na serikali? Halafu nataka nikuulize hivi, kwa sababu umetumia hili neno urithi wa shamba, hapa upande wa Nakuru hasa hapa town, na utanisamehe ikiwa sikuelewa sawa sawa. Ni kwamba hapa ni makao ambapo watu tofauti sehemu tofauti za nchi wakaja kukutana hapa Nakuru. Si ni ukweli? Sasa kwenu kule ulitoka kabisa ni wapi, ambapo pengine ulikosa kurithi shamba? Kwa sababu husemi mpewe na serikali, unasema mrithi, na pengine hiyo itatuletea hitilafu kidogo.

Com. Charles Maranga: Mimi kwa upande wangu, mimi niko hapa Nakuru, nilizaliwa hapa. Elementaita, kwa Wazungu ambao tuliwafukuza hapa. Tuliwafukuza kwa ajili ya kuwa na mashamba makubwa kama vile na inazidi kuendelea. Na hiyo sheria ambayo ili wasimamia Wazungu, inaonekana haikuondolewa. Sisi tulipigania uhuru ili, tupate mchanga huu. Na mpaka sasa, sheria haijasimamia mwananchi wa kawaida. Mnafanya mtu aliye na uwezo wa kusema hili ni shamba langu kutoka hapa mpaka Rongai, inakuwa hivyo, walio na uwezo. Lakini walio masikini, wanazidi kuwa masikini hata watoto wao watazidi kuwa hivyo hivyo, mpaka siku gani, ikiwa mtu hatakuwa na urithi wa nchi yake?

Com. Abida Ali-Aroni: Sawa Mzee. Sasa hawa watu wenye mashamba makubwa makubwa, unapendekeza tufanye nini?

Joseph Ndug'u: Wanyang'anywe na igawiwe watu wote, kwa maana wako kwa nchi yao.

Com. Charles Maranga: Basi asante Mzee wangu, weka sahihi. Hiyo memorandum. Kuna kitabu hapa. Kuna kitabu hapa, weka sahihi. Anthony Gabriel Muge. Wickliffe Ambwaya: Haya, anza kwa majina.

Wycliff Ambwaya: Kwa majina mimi naitwa Wycliff Ambwaya. Sasa, mimi langu ni moja tu. Pendekezo langu ni Wakenya, sheria iliyoko sasa, ambayo tunataka kurekebisha, hatuijui. Na waliokuweco mbele kujua sheria, wanatumia sheria kunyanyasa wasiojua. Walakini nasema hivi. Mfano mmoja mimi natoa, kwa sababu wewe ni mtu wa kawaida, unatembea hakuna curfew yoyote, hakuna chochote, wewe umetoka shughuli zako si mbaya, wewe unakuja, unapatikana hata na polisi wakiwa kwa patrol, wewe unashikwa, unawekwa pamoja na walevi, ati unazurura ovyo ovyo. Unazurura ovyo ovyo vipi? Na wewe uko na akili zako, unaenda zako nyumbani. Ukifika kortini, wewe unashtakiwa ati ulikuwa mlevi. Ukiwa huko kortini, wewe unashtakiwa na wale wengine ulikuwa mlevi wewe. Wakati ukiwa kortini wewe sio mlevi. Tena ulevi si eti wewe umetoka bar, unaambiwa umekunywa pombe ya chang'aa.

Pili, muuzaji hata wa pombe ya chang'aa, ni mwanadamu kama sisi. Hata kama anauza mtu anashikwa na mtoto mdogo, anapelekwa seli na mtoto. Mtoto yeye amekunywa, mtoto anauza, mtoto ana kosa gani? Kupelekwa mpaka cell na mtoto mchanga. Anapelekwa cell analala huko. Akipelekwa kortini na mtoto wake. Hiyo isiwe hivyo kabisa. Kama ni Wakenya, sisi wote ni wandugu. Nikiongea kuhusu mambo nimesikia, mambo ya majimbo sisi sote ni Wakenya, sote majimbo, hakuna

regional, ati unatoka wapi, unatoka wapi, sisi sote ni Wakenya. Tukae kama nchi jirani. Umetoka huko, umekuja hapa. Wewe ndugu yangu, wewe Muafrika mwenzangu. Wewe si Mzungu, si Muhindi, si mtu mwingine, sote tuko pamoja kama wandugu. Kama ni biashara, tufanye sote pamoja bila mapendekezo, huyu ni ndugu yangu, huyu ni nani huyu ni nani wala huyu ni nani, sote tunakuwa tu pamoja.

Com. Charles Maranga: Ya mwisho.

Wycliff Ambwaya: Ya mwisho nasema hivi. Hiyo iangaliwe, irekebishwe tafadhalini, tukae kama wandugu. Asante.

Com. Charles Maranga: Weka sahihi hapa. Weka sahihi hapa. Pastor Joshua Kamau. Pastor, karibu. Halafu utafuatiwa na Jackson Mureithi. Ako? Hayuko? Peter Chege? Okey Pastor Kamau. Mary Waithira ako. Okey utafauta.

Pastor Joshua Kamau: Ninaitwa Pastor Joshua Kamau. Nafanya na kanisa la P.E.F.A, na pia ni Waite Ecumenical Civic Education Program. Jambo la kwanza niliona Katiba yetu haina preamble. Na kwa hivyo nikawa na wazo kuhusu preamble ambayo tunaweza kuwa nayo. Nayo ni: “as we the people of Kenya, in order to form a more perfect union, we need a national unity, encourage our national language Kiswahili, put off tribalism, respect those who suffered for justice and freedom in our land and believe that Kenya belongs to all who live in it, united in our diversity, establish justice, ensure domestic tranquility, provide for a common defence and promote the general welfare, committed to building a better political order, through a popular and durable national Constitution, based on the principled, unity, peace, equality, democracy, freedom and social justice and progress conscious of our responsibility before God and mankind. May God protect our people”

Supremacy of our Constitution. The will of the people should be the basis of the government. People should have the supreme power, it would be superior to all other laws. The Constitution should be the reference points, for all the other laws and for the actions of its officials. If the people are suffering, they should be able to understand, what their Constitution says, and feel that it belongs to them. It should be taught in schools and also it should be printed in all languages possible and it should be accessible to the people. A citizen should have the right to shield and to enforce their Constitution.

Citizenship: Anybody born in Kenya and if their parents are citizens of Kenya, and those who are born outside Kenya and the parents were citizens of Kenya, should be automatic citizens of Kenya. One can be a citizen by application but in accordance with the Constitution section 98 sub section 7. Also the spouses of Kenyan citizens, regardless of gender, should be entitled to automatic citizenship. Also we should recognize dual citizenship. The documentation that Kenyans should carry as evidence of citizenship, should be Birth Certificate and a PassPort which should be evidence in the country and outside the country. Also it should a basic right for each citizen, who has reached the age of maturity, and it should not be by virtue of tribe or the District that one comes from for the sake of nationalism.

Com. Charles Maranga: Your last point Pastor, because I can see you have a memorandum. We shall read that.

Pastor Joshua Kamau: The number of political parties should be limited to at least three. All parties should be financed from the public coffer with equal distributions. Also the public should be allowed by the Constitution to call back their MPs, if they are not doing what they were elected to do. Thank you.

Com. Charles Maranga: Thank you very much Pastor. Hand over your memorandum, and sign up. Mary Waithera.

Mary Waithera: Kwa majina ni Mary Waithera natoka kule Menengai Ward Jambo ambalo ninataka kuongea ni kuhusu tabia. Kwa sababu katika manyumba zetu hakuna tabia, ningependa iwe kama sheria, kusudi niseme hivi, watoto wetu wasichana, walipotoshwa na hali ya maendeleo wakafikiri, kuwa na maendeleo ni watoto kutembea uchi. Wakati wanaenda ng'ambo, wakirudi nchi yetu, wanakuja na mavazi mpya, mavazi ya kukosa tabia. Ukiacha mtoto wako nyumbani pamoja na baba yake, anavaa kanguo kafupi, anavaa kalong'i kengine kadogo hivi. Siku mbili tatu, unakuta yule msichana wako, baba yake anamnajisi. Sasa, ningependa, Katiba ambayo tunatengeneza siku ya leo kuwe na sheria mwanamke kuvaa nguo inamfaa kama mwanamke.

Jambo la pili kwangu ni hivo tu bado nitakuwa kwa ile. Ni wakina mama ambao wameolewa. Mavasi ya mama ambaye ameolewa, na ako na bwana yake ambaye anaye nyumbani, kuna mavazi ya kimama, na ndiyo hiyo mavazi imekosa katika manyumba zetu. Mama anava 'long'i', mtoto wake anavaa 'long'i', bwana yake anavaa 'long'i'. Hata wakati tutawachagua kwenda kule Bunge, watavaa ile mini skirt, kufika kule kwa Bunge hakuna kitu atatusaidia naye kwa sababu atakwenda kuwaonesha wale wanaume wako huko, siri yetu wakina mama.

Ya tatu. Kama wamama mnataka tuwachague wawe marais wa wabunge, wabadilishe mavazi, wavae mavazi ya kimama. Kutoka mwaka wa 1963, tulikuwa na mavazi ile wamama walikuwa wakivaa, ya kiheshima. Na sasa kwa sababu hii serikali tuliyo nayo sasa ilikosa kuweka maanani kwa yale mavazi, ikawa sasa mtu avae vile anataka. Katiba tunayo. Naomba, muweke kama sheria, mama ambaye ako na bwana, akipatikana na zile nguo za miniskirt iwe ni sheria na ashtakiwe. Asanteni.

Com. Charles Maranga: Kuna swali, kuna swali mama.

Com. Abida Ali-Aroni: Mama Waithera, sheria wakati huu, Katiba ambayo tuko nayo, haijasema mama avae kimama, lakini haijasema wamama wakose kuvaa sawa sawa. Hii unaona ni sheria ama ni tabia? Kwa sababu kuna mambo ambayo yanaweza kuwekwa kwa sheria, na kuna mambo mengine ambayo ni mambo ya kinyumbani. Kwa mfano Waswahili wanasema mtoto umleavyo, ndivyo akuavyo, sawa?

Mary Waithera: Ndiyo.

Com. Abida Ali-Aroni: Sasa kuna mambo ambayo ni ya sheria na kuna mengine tunatakiwa tufanye nyumbani. Si ni ukweli? Kwa sababu hata Katiba ikisema pengine haiwezi kuingia kwako kuangalia kama mtoto wako umemfunza kuvaa sawa sawa, si ni ukweli?

Mary Waithera: Ndiyo.

Com. Abida Ali-Aroni: Asante.

Mary Waithera: Lakini nataka nikujibu hiyo swali madam. Kwa sababu kuna sheria zingine watoto wanajifunzia kule kinyumbani wanasema ukipasua nguo zake, utashtakiwa na utafungwa. Sasa kwa ajili sisi wamama tunaogopa kufungwa na kushtakiwa, tunawaachilia. Kwa hivyo, ikiwa hakuna sheria, serikali iwashike na iwafunge.

Com. Charles Maranga: Asante hiyo maoni imesikika vizuri. Kuja weka sahihi hapa. Watu wavae nguo ambazo ni safi, za heshima. Geoffrey Kariuki. Geoffrey Kariuki atafuatiwa na Joseph Gacheru. Gacheru ako? Okey basi.

Geoffrey Kariuki: Thank you Commissioners. Jina ni Geoffrey Kariuki and I'm a resident of Lanet location. First of all, I am expressing my suggestions on education. Education is a right but not a privilege to all Kenyans. Those who are in authority today acquired their education freely, or through government finances in national universities and government institutions like medical training colleges, teachers training colleges e.t.c. Today a poor Kenyan cannot be able to educate a child in primary school, leave alone secondary or university or training institution, like Kenya Polytechnic. The running of the schools and institutions, have been left in the hands of corrupt boards of governors and head teachers who keep on introducing unnecessary levy to the fees structures and burdening the poor parents to make them unable to pay for their children, who are later forced out of school before completing their certificate level.

We suggest that the New Constitution have a provision to ban the so-called Board of Governors and introduce a Central System of education, where if necessity be, parents will determine and manage the affairs of the school, but the government and the Constitution should make the Kenyan children have simple access to education to reduce illiteracy in our nation.

The new Constitution should re-introduce the National Schools Equipment Scheme, and the fees paid should go directly to the Central Treasury.

I am also elevating my views on land. First of all I will talk about regionalism. Ethnicity is promoted by lack of land. The institute of governing promises the ethnic group of their origin that they will award them with land if they only agree to play to tribal clashes. After achieving their goal, they are left with nothing. Some people tend to think that by introducing regionalism, they will be able to expand their territory and be guaranteed larger acreage of land. If land tenure is reformed, nobody will admire regionalism. If regionalism is introduced, it will promote hatred among Kenyans, and the introduction of ethnic fighting

will be encouraged by every ethnic group fighting to expand their territory.

Com. Charles Maranga: Your final point. That's your final point?

Geoffrey Kariuki: Excuse I have another point I want to present.

Com. Charles Maranga: Make that the last one. Because you have a memorandum we want you to give us the highlight, because we are going to type out your memorandum and you will see it in your report.

Geoffrey Kariuki: Let me say the last one. Land issue is a big problem facing Kenyans today. The institute of governance inherited the land tenure that was made to protect the colonialists during their stay on Kenyan land. The same was inherited by the Kenyan Institute of Government. They took very large-scaled farms, where no ordinary Kenyan could have access to have a share. They are now subdividing such farms into small scaled plots which they sell at a very high value of money. It is the natural law that every human being should live in a shelter which will only stand on land. Some of the Kenyan tycoons owning large farms of land keeps them idle without use, just because they have title deeds.

Com. Charles Maranga: Thank you. Thank you very much for your views and we are going to read everything. Thank you. Then hand over your memorandum and sign up our register. Joseph Gacheru. Start with your full names.

Joseph Gacheru: Asante sana Commissioners. Mimi naitwa Joseph Gacheru. Na nina mambo matatu hapa nataka kuzungumzia. Jambo la kwanza Tumekuwa tukizungumza jambo la corruption, ama nchi yetu imeenda vibaya wapi. Na hata sijawahi kusikia mtu hata mmoja akiguzia hiyo jambo. Mimi nilikuwa mfanyi kazi wa serikali, na tulipoandikwa kazi, hakuna mfanyi kazi wa serikali ambaye alikubaliwa kufanya business. Lakini ilipofika 1971, wale watu walikuwa wameingia katika serikali, walisema kuwe na clause, halafu ikaletwa double commission. Halafu hiyo double Commission ikakubalia ati wafanyi kazi wa serikali wawe wakifanya kazi zingine za biashara. Sasa hapo ndipo mambo yote yalianza kuharibikia katika Kenya. Sijui kama watu walijua Kenya corruption ilianza kufanyika wapi.

Sasa Permanent Secretary akakubaliwa kufanya kazi. Akaenda akafunguwa business yake. Mfanyi kazi kama Permanent Secretary wa Afya anaenda anaweka duka yake ya dawa. Sasa ikisemekana ni kufanya tender ya dawa dawa zinatoka kwa clinic yake. Hakuna pahali pengine anaweza kupeleka. Yule mwingine wa Ministry of Works, yule mwingine wa huku. Sasa mambo yote ikakuwa sana siyo kazi ya serikali inafanywa, ni kazi ya nini? Ni kazi ya watu ambao ni wa biashara inafanyika. Kazi ikaharibikia hapo.

Siku hizo headmaster hangekubaliwa kushika pesa za shule. Siku hizi, ma-headmaster ndio wanakuwa ma-cashier wa shule. Hebu niambie, kama unakubaliwa uletewe pesa hapa, na unaitisha watoto wa shule pesa, ni siku gani pesa hauwezi kula, hata

kama wewe ni binabadamu wa aina gani? Sasa inaonekana ya kwamba hata ukiangalia ma-headmaster karibu wote sasa, hakuna headmaster hana gari. Hebu jiulize headmaster huyo na mwaalimu yule mwingine, na wanapata mshahara mmoja kwa sababu gani yeye apate gari, na yule mwingini hana gari? Hiyo ni jambo ningetaka Katiba ikitengenezwa, hapo iangaliwe sana.

Tuje juu ya harambee. Unasikia kusema ukweli juzi juzi unaona mtu hata hajasikika mahali popote. Na amesha chaguliwa, anapekeekwa pengine amekuwa nominated, anawekwa Bunge, anakuwa Mjumbe, amekuwa Mbunge ametoka, pengine amekuwa Minister. Unaanza kusikia huyo mtu anatoa shilingi elfu mia tatu, elfu mia tano, elfu mia tisa, mbeleni hakuwa akitoa. Jiulize, hizo pesa, kama hajakuwa Minister, pesa hizo ameanza kutoa saa hiyo hiyo zimetoka wapi? Sisi Waafrika kwa nini hatujiulizi? Mjue kwamba huyo mtu amefanywa Minister, hizi pesa unatoa kwa harambee, si pesa zake. Na hakuna business siku hizi unaweza kutoa leo unatoa shilingi elfu mia mbili, week ingine unatoa shilingi elfu mia bili, halafu hiyo business i-survive. Haiwezekani. Hao watu ni wezi, wanaiba pesa zetu, ndio wanakuja kuonyesha nyinyi, ndiyo muwe mkifanya nini? Mkiwachagua. Kwa hivyo hiyo ni kitu tunataka tuangalie sana na hata wale watu watachaguliwa, wajue ni watu gani mnachagua, na ni watu wa calibre gani tutakuwa tukichagua.

Hapa Kenya, tunaambiwa, makabila nyinyi msiwe kabila hii, msiwe kabila hii. Lakini sisi hatuna ukabila sisi Waafrika ama sisi wananchi wa kawaida. Makabila yale yako Kenya ni makabila mawili pekee yake. Kuna kabila ya matajiri, na makabila ya masikini. Na kabila hiyo ya matajiri ni waerevu sana, kwa sababu ndio wanakuja wanagonganisha hawa watu ambao ni watu wa chini, kwa sababu hamna pesa. Mnaambiwa nyini mkiwa namna hii kabila hii itafanya namna hii. Mpaka sasa mnaona mambo inaharibika. Lakini, haja kabisa wale matajiri wanataka tujaribu nini? Tulinde mali yao. Sisi Tumedanganywa namna hiyo.

Com. Charles Maranga: Ya mwisho.

Joseph Gacheru: Ya mwisho, okey. Nilikuwa ninasema maneno ya hawa watoto ambao wanavuta gum. Tunaambiwa hapa watu wanavuta bangi, wanafanya nini na nini. Serikali inaona watoto hapa kwa street wakivuta gum. Hiyo gum ni kama bangi tu na vitu vile vingine kwa sababu inaharibu wale watoto.

Com. Charles Maranga: Unapendekeza nini?

Joseph Gacheru: Maneno ya kuvuta bangi hao watoto watafutiwe mahali ya kukaa, washikwe watolewe kwa mitaa, waende wawekwe mahali watafutiwe nini hii, wawekwe kwa nyumba wawe wakifanya kazi ama kufundishwa mambo kama hayo, na hiyo mambo itakwisha hapa.

Com. Charles Maranga: Asante. Lakini ningetaka kukuelezea kuwa kuna wabunge, pengine ma-ministers amabao wanafanya ile kazi ya haki siyo wote pengine. Kwa hivyo nafikiri hata kuna hawa watu wadogo wadogo, ambao wanapeana

harambee ya mia mbili, mia moja. Hata yeye anatoa wapi? Kwa hivyo hiyo maneno tujue. Eh nakuuliza.

Joseph Gacheru: Mimi ningetaka kama tunapata rasilimali zote zipelekwe kwa serikali, ziwe zikigawiwa huko. Hata America hakuna harambee zinafanywa huko na wameendelea kuliko sisi.

Interjection-Com. Charles Maranga: Kwa hivyo unataka harambee zitupiliwe mbali?

Joseph Gacheru: Harambee zitupiliwe mbali. Pesa zetu ziwe zinaangaliwa kwa njia nzuri zisiibiwe na hawa watu.

Com. Charles Maranga: Thank you very much. Okey. Pastor Jacob Akali.

Pastor Jacob Akali: My names are Pastor Jacob Akali, representing the Seventh Day Adventist Church around Lanet location. I have a memorandum to give to the Constitution Review Commission, that has about fifteen recommendations, but I just want to highlight the sixth recommendation.

Com. Charles Maranga: Very briefly sir.

Pastor Jacob Akali: The sixth recommendation is about the elimination and discrimination against the 7th Day Adventist in institutions. Just to go straight to some of those discriminations, I want to say, there has been denial, the Seventh Day Adventist equal opportunity, employment on the grounds of religion, noted for continued refusal to employ or to lay off the Adventist, unless they agreed to work on the 7th Day, Saturday, in both public and private sectors.

The denial of Adventist students equal opportunity in worshipping God, according to the dictates of conscience in schools, colleges and universities subjecting them to disciplinary measures, including supervision, suspension, expulsion, for failure to attend classes, write examinations and engage in work and sports activities, carried out on Sabbath day, that is Saturday. Another case is denial of the Seventh Day Adventist students equal opportunities, in the use of facilities in schools and colleges for worship on the Sabbath day on ground of being considered members of the minority not recognized by the Administration and Management, hence urged to join the other Christian religious bodies in realization of the spirit of ecumenism.

Denial of the equal opportunity during by-elections scheduled on the Sabbath day, Saturday, e.g. the recent Taveta by-election, which was held on Saturday, denying all the Adventists opportunity to vote. The other one is denial of the Adventists equal opportunity in allocation of clothes for the religious educational and health institutions, on the grounds of being labeled members of the minority.

Therefore on this case we want to make this recommendation. With reference to the above concerns, the Adventist Church

urges the Commission to consider provision in the next Constitution, for the elimination of such oppressive measures in total violation against religion liberty and free exercise of religion by the Adventist community in Kenya.

Com. Charles Maranga: Thank you very much Pastor. (Any questions?) Okey thank you, we will read your memorandum and thanks for your presentation. Please sign up. Thank you. The next one is Kariuki Gikunga. Atafuatiwa na I think Joseph Ndung'u aliongea kutoka Nyamarutu. Si aliongea? Huyu ameongea. Alex Kaiwithira. Ako? Ni wewe? I am following the names. Sasa wewe huwezi ukaniambia number. Nilikuwa siiti number. Na usifanye mchezo. Haya. Ongea Mzee.

Kariuki Gikonga: Asante sana Commissioner, kwa kunipa ruhusa kuongea.

Jina langu mimi ni Kariuki Gikong'a of Kenya Elders Peace Union Support Government. (murmur) Mimi ninasema serikali ipewe heshima ile inatakikana, kwa sababu serikali inakulinda ukiwa kwa nyumba yako. Kwa hivyo, tafadhali wapatiwe heshima. Na ni nchi moja tu ya Arabia. Huko hakuna, kwa sababu mtu akikosa anakatwa kidole, anakosa anakatwa mkono. Mnataka hiyo?

Tena sisi tunataka kuwa tunashirikiana pamoja na mambo yote, iwe kitu kimoja. Kwa sababu kama sisi hatutaki kukaa pamoja, hatuwezi kujisaidia. Kidole moja hakiwezi kuua chawa.

Maneno mengine ni ya majimbo. Majimbo ni dalili ya kuleta ukabila. Kwa sababu, ukiwa na majimbo, inaitwa Divide and Rule, gawa-uweze-kutawala. Na kugawa uweze kutawala, huo ulikuwa ni mtindo wa kibeberu, kwa sababu majimbo maana yake watu walikuwa wakiitwa wanaambiwa kwenda kando, kando, kando. Halafu Rift Valley ibaki pekee yake. Na wakaita KADU. Hiyo shida kubwa hawakujua ni nini. Sasa wengine wote wanalia majimbo. Tafadhali, mjue majimbo ni adui yetu ya ukabila.

Tena, tuna vyama vingi kabisa. Hivi vyama ni nzuri sana, kwa sababu kila mtu anataka kiti cha Presidential. Sasa hivi vyama ningemba, ikifanywa election, ikiwa ni kabila gani linaingia au ni nani, au ni nani, vyama vingine vizimwe, corruption isisumbue tena kwa sababu huyu amechaguliwa na kura za wananchi. Kwa hivyo, mambo kama hayo ndiyo tunasema msikize sana kwa sababu kama majimbo ikiendelea sana hamtasaidika.

Com. Charles Maranga: Asante Mzee wangu.

Kariuki Gikonga: Asante, neno moja tu la mwisho, ndugu yangu.

Com. Charles Maranga: Si ninaona unarudia rudia majimbo.

Kariuki Gikonga: Sorry Bwana.

Com. Charles Maranga: Maliza basi hiyo ya mwisho. Nimekupa sekunde thelathini tu.

Kariuki Gikonga: Asante sana. Maneno ya mwisho, ni mheshimiane bila kutaja kabila fulani au kabila lile. Asante sana.

Com. Charles Maranga: Asante Mzee na hiyo memorandum weka sahihi, uweke sahihi kitabu chetu rasmi. Alex Kaiguithia. Hayuko. Halafu tunataka Mary Adagala. Mary Adagala? Ametoka. Mwingine namtaka hapa ni Anthony Makaa. Uanze kwa majina. Abdala Salim ako? Margaret Ngugi? Okey utafuatia. Haya wewe ongea.

Anthony Makaa: Okey kwa majina yote ni Anthony Makaa. Na mimi na mzalendo wa Kenya. Kuna wazazi hapa na mababa zetu, wote wako hapa, na ile kitu ningependa kusema, ni economy ya Kenya imekuwa poor. Kwa sababu employment iko chini. Hakuna vijana wameandikwa kazi. Juzi wameandika Jeshi. Hiyo Jeshi wanataka watu elfu mbili na mia sita. Na Nakuru hapa, tulikuwa watu elfu tano. Je district zingine zilikuwa nyingi. Haya isitoshe.

Tutaingia kwa ukulima. Kama Pipeline, mafuta imetolewa kutoka Mombasa mpaka Uganda. Mbona hatungeweza kusaidiwa na maji. Maji sisi tuko nayo, tuko na ma-lakes na kuna ocean. Mbona haya maji hayawezi kutusaidia kwa irrigation. Irrigation ni kitu muhimu, kwa sababu itasaidia umaskini wa vijana. Kwa sababu kijana ameenda amekosa kazi, rudi kwa shamba ya baba yako, enda lima, na serikali isaidie tu sisi kuweka hii Pipeline. Hakuna haja ya kuweka mafuta, wekeni maji. Pesa iko Kenya, lakini makosa mnapenda pesa. Pesa ikakuwa ni hivyo. Pesa ni pesa. Haya hiyo ni ya maji. Pipeline ingekuwa maji, ingetusaidia miradi kwa agricultural sector. Tungefanya irrigation na tungefanya kila kitu kwa boma. Hiyo ni ya kwanza. Pipeline itolowe, tuwekewe maji.

Com. Charles Maranga: Okey asante.

Anthony Makaa: Ya pili,

Com. Charles Maranga: Na ya mwisho.

Anthony Makaa: Hii ni ya pili. Ya pili ni hivi. Rushwa. Rushwa nini? Haswa maskini wewe baba yako ni tajiri, haja gani rushwa? Rushwa imefanya Kenya iende chini. Rushwa ya nini bwana? Mnachukuwa masikini huko ametafuta, baba yake ambaye ametoroka hii domestic familia ya nini? Mtoto ameenda pale, baba yake alikuwa kumbe ni kahaba, ama mama ni kahaba, hatujui ni nani. Lakini wamesema hapa, Stephen amesema mwenyewe amesema, elimu kwa masikini. Na hawa maskini wamekuja kuapa hawa wazee wanapeana ukahaba.

Ya tatu,

Com. Charles Maranga: Hiyo ni ya mwisho, ulikuwa umetoa ya mwisho kwa hivyo,

Anthony Makaa: Young turks, ni sisi vijana.

Com. Charles Maranga: Ngonjea kuna swali. Kuna swali subiri.

Com. Abida Ali-Aroni: Anthony, sio swali, nataka kukuambia umetupatia mapendekezo mazuri, na ikiwa hukufanya vile umefanya na sitaki kukuambia ni nini, ungekuwa ni mtu mzuri sana. Kwa hivyo jaribu ukija kwa mikutano kama hii usifanye hivyo tena tafadhali. Asante.

Com. Charles Maranga: Asante, basi wewe kwenda hapo uweke sahihi, weka sahihi hapo, kitabu chetu rasmi. Okey mama anza kwa majina yako.

Margaret Ngugi: Majina ni Margaret Ngugi, Mrs. Mimi ni mkaaji wa location ya Lanet. Ninakaa katika Teachers. Maoni yale niko nayo ama ile tuko nayo wakina mama. Hawa street children waundiwe Ministry ambayo itakuwa ikichunguza mambo ya street children, kwa maana wamejaa sana, wengine kweli hawana wazazi, na wengine wanakuwa orphaned ndiyo unaona kuna shida, wanakunywa dawa za kulevya, wako na bangi, na gum. Kwa hivyo hatua ichukuliwe, ili tuunde Ministry ambayo itasaidia hawa watoto ili Kenya yetu iwe na taifa la kesho.

Ya pili ningesema Electoral Commission iwe na masanduku ambaye inaoneka ili mtu akipiga kura, yule mwingine ako pale anaona kweli imeingia. Tuondolewe haya masanduku ya black.

Haya, pale pengine ningetaka kusema ni kuhusu majimboism. Sisi Tumekataa majimboism kwa maana italeta tribalism na kutakuwa na uadui mwingi, na hata hatujaendelea sana kama America wale wako na ma-state ambayo tunaweza kusema kila majimbo hayo, ni shida sana kwa maana ukiwa na vitu vyako hapa, huwezi kupita nayo katika sehemu ingine. Kwa hivyo ni vizuri kuonelewa. Tuwe sisi ni Wakenya, na hakuna pahali ambapo huwezi kukaa kwa maana ukiwa umenunua shamba pahali fulani, hapa na pale, tuseme sisi ni Wakenya.

Pahali pengine ningesema, squatters waondolewe ili wapewe mashamba. Serikali iangalie sana kuhusu ma-squatters katika nchi yetu. Ili watu wote wawe sawa, na tuondoe poverty. Kwa maana shida zile ziko ni shida juu ya ile ingine. Ili kila mmoja afurahie katika Kenya.

Pahali pengine ningetaka kugusia, ni kuhusu harassment ya akina mama wakati wako kule prison. Hebu tuangalie sana. Katika prison, wakina mama hawakai vizuri. Tunataka wawe wakiangaliwa vizuri. Ikiwa ni mama ambaye amefungwa na mtoto,

mtoto hakufungwa. Tuangalie sana wawe wakipatiwa kazi ya nje, ile waendeleo kujenga taifa. Wengine ni kuwekelewa maneno, wengine hawajui, lakini kwa maana hawajui kujisimamia ama, kusema kesi, akiambiwa inakuwa ni shida. Kwa hivyo tuangalie sana. Na hata mavazi kule ndani, wawe wakifanyiwa kama majela zingine, ama ma-cell zingine. Kwa maana ukienda cell utakuta cell utakuta wengine wanakojoa huko. Hakuna na human rights. Kwa hivyo ijaribiwe kutengenezwe ili kila mmoja hata kama amefungwa, ataweza kujitetea na atoke. Kwa hivyo ni vizuri tuangalie kule.

Na kwingine, ni kuhusu shule. Kuhusu hawa vijana ambao wanamaliza shule. Wengine wako university, na unajua hawajapata kazi. Ministry iundwe, ambayo itaweza kusaidia hawa watoto kupata kazi ama ma-project. Kwa maana tunaona projects ni nyingi, lakini muelekeo ama msimamizi, tuwe na walie ambao wanaangalia kwa makini ili kuwe na poverty eradication Kenya.

Na ingine nikimalizia. Mtu akiwa suspect, suspect yaani ni katika police, si kupigwa na kufanywa madhara. Na wengine hata wanapigwa viboko, na hajafikishwa mahakamani. Kwa hivyo ni vizuri mtu akipelekwa kortini, afikishwe mahakamani, lakini sio kusumbuliwa ama kufungwa na kupigwa na hujafikishwa mahakamani. Kwa hivyo hata wakati jaji anaangalia, wasimamie kwa njia nzuri, kwa maana wengine ni kuwekelewa.

Com. Charles Maranga: Ya mwisho.

Margaret Ngugi: Sasa ninamaliza.

Com. Charles Maranga: Nimekupa muda mrefu kwa sababu sasa wewe ndiwe mama tena.

Margaret Ngugi: Ningetaka kuonelea, msiache nyuma kuhusu magonjwa ambayo tuko na H.I.V. Na ninafikiri hii maneno inaletwa na kuonana kimwili. Juu kuna shida nyingi sana. Katika akina mama na wale wengine, ili kumaliza poverty na magonjwa kama hayo, kuundwe Ministry ambayo itaangalia sana kwa makini vile wakina mama na wale wengine ambao wako na shida, wapatiwe angalao pesa za kujisaidia. Na pia nikimalizia, wakati wakina mama ama watu wanaitwa mikutano, ndiyo unaona hatuendelei. Kuangaliwe kama kuna allowances ambayo itakuwa ikipewa wale ambao wamechaguliwa huko mashinani. Na asanteni sana.

Com. Charles Maranga: Asante, weka sahihi na peana memorandum. Simon Mukuha? William Mwangi? Okey. Cylus Ng'anga? Stephene Rotich? Peter Kimani?

Fred Oduor, Chalango Charles? Jane Gathogo? Okey. There you are. Halafu atafuatiwa na Marcus Body ako? Hayuko. Okey, Jane Gathogo.

Jane Gathogo: Honourable Commissioners na public. Kwa majini mimi ninaitwa Jane Gathogo. Mimi ni muakilishi wa akina mama katika Bonde la Ufa, South Rift, kwa upande wa mageuzi ya Katiba, yaani N.C.E.C. Lakini nimekuja na kofia ya

I.F.E.P. Kwanza ni kutoa pole zetu kwa mmoja wenu, ambaye ni Vice Chairman, Dr. Ombaka, ambaye tulisikia aliaga jana. Kwa hivyo tunawapea pole.

Sasa niende kwa business,

Com. Charles Maranga: Na utatupa summary, main highlights, because you are going to give us the memorandum.

Jane Gathogo: Yes. I'm only going to gusa the highlights. About preamble. The new Constitution should include the following. It should have the origin, yaani, ilitoka wapi, and recognize freedom fighters, those who fought for the Kenyan independence and lost their lives, and it should include religious, Muslims, believers and non-believers. It should also include 43 tribes including Ogiek. It should ensure equity and equality before the law for all citizens regardless of gender or status. The new Constitution should be written in a simpler language in all languages like Bibilia. If I want any Bibilia, I would get it in any language. Kwa hivyo it should be available in supermarkets, book shops and not only government press. It should be a home-grown Constitution.

Tukiendelea kwa political parties, there should be only three political parties, to avoid tribalism and they should be equally financed.

Local government. Mayors, Chairpersons should be elected directly by wananchi, and Mayor should not be any Councillor from anywhere. Rules and governing Councillors: Local government should set a land for cementries and charges should be low, since wananchi are paying town service charges. Death is death, so they should set allowances for cementries.

Electoral systems and processes: Presidents should be non partisans. They should only go for two terms and should not be an MP of anywhere, and he should not be above the law.

Provincial Commissioners should only leave Chiefs and Assistant Chiefs, village elders and local communities based in the area, and they should be elected men and women in that area, and they should have a good record.

Ballot boxes should be transparent to clear any doubt like that one we are seeing there. Voters should be counted at the polling stations and announced there. Presidential elections should be held on a separate day from MPs' and Civic leaders'. Elections date should be specified in the Constitution. We should have unitary government and multi-party system always.

Land issue: Every Kenyan should at least have one acre, and if you have many, then you should have 50. Both boys and girls should inherit from their parents equally without any discriminations. All the land clashes victims should be taken back to their places, and governments should compensate them properly.

Family Law succession. Acts Cap 150 should be taught to women to know their rights.

Judiciary: Judges should be independent. They should have an experience of 10 years before one becomes a Chief Magistrate and they should be elected by their fellow advocates. We know they are learned friends.

Education: It should be free from Primary school to Secondary and cost sharing in the University and should be for both boys and girls.

Jobs opportunities should be given to both boys and girls, and when it comes to MPs when they go to Parliament, especially women, they should be given different Ministries, not only Ministry for Culture and Social Services. We know they are learned and they are good decision makers.

Woekwea: Those who are working in coffee plantations tea zones and flower farms should be well protected from those dangerous chemicals that affect them. Terms of services should be looked into seriously and they should not remain as casuals after six months. They should be well paid and meet their needs.

The last one is children's rights. Every child should have both parents and should be taken care of and loved and should be taken to school and you should not have street children because they have fathers and mothers.

Parliament should have a special committee to look into salaries of MPs. They should not be increasing salaries any time they think of and Parliament should not extend and Majimbo is for dividing Kenya. All Commissioners who have been appointed including Ghai's Commission, should come out with solutions and if it takes long, three months and should include a third of women.

Old aged people from 60 years onwards should be taken care of and orphaned children should have a special home and be given special needs, especially those who have been left by their parents due to disasters e.g. bomb blast. It should also be one man, one job.

Ya mwisho, we should have a President, who has a vision. Asante sana.

Com. Charles Maranga: Thank you very much. Asante sana, hand over your memorandum and sign. Sabastian Macharia. Yes next. Utafuatiwa na Jack Ndegwa.

Sabastian Macharia: Mimi kwa jina ninaitwa Sabastian Macharia, na ile kitu mimi kwanza naangalia sana ni vile

tunahangaishwa na hawa maaskari. Kwa upande wangu, ningetaka kusema, kama mtu ameshikwa kitu kama saa tatu hivi, kama anaelekea nyumbani, saa zingine unaenda kazi huko kwa matosti. Hawa watu wanakuharakisha sana. Kama huna kitu kidogo, unaambiwa twende mbele. Mimi kwa upande yangu, ningesema, kama unashikwa wakati wa usiku, kuwe na askari mara mbili. Wawe trained mara mbili. Kuna wale ambao wamekushika na kuna wengine ambao utaenda kuwakuta pale. Ukifika huko, kwanza wanachunguza kabla hawaja kupeleka pale mbele uwaone. Kama wale watu, walikuwa wamekushika kwa maana ama walikuwa wamekuonea njiana tu ukitembea ukienda kazini. Lakini siku hizi ukishikwa, unaambiwa mzee twende, twende. Hata kama huyu askari atakuja kukuachilia atakuachilia kitu kama saa nane hivi. Kwa hivyo, naomba, kwa upande wa askari sana, toa kitu kidogo, TTK na hawatufai. Watufanyie vyema, wawe wakituangalia.

Tena nina rudi upande wa mabibi. Bibi unamuacha kwa nyumba, unakuta amefanya madhara na anakuonyesha ataenda. Kutoka hapo tena wana mamlaka ambayo wametoa sijui Beijeing. Anakuja kukuambia hivi na hivi na hivi na hivi na wewe unakasirika unamuacha. Unaenda. Watoto ndio wanateseka. Kwa hivyo hata hapo nataka iwekwe law kidogo ama law ambayo inawashika akiwa atarudi kwao, akuachie watu wako, na yeye aende pekee yake. Nimesema hayo madogo, kwa machache, asanteni.

Com. Charles Maranga: Okey. Weka hapa sahihi kwanza.

Hon. Jack Ndegwa: Hamjambo? Mimi kwa majina naitwa Mheshimiwa Jack Ndegwa. Kwanza kabisa nataka kutoa rambi rambi zangu kwa ndugu yetu, Dr. Aoki Ombaka. Kama Daktari mnavyokumbuka tulijumuika sana na yeye katika Ufungamano, kabla hamjaenda upande ule mwingine. Twaomba hizo rambi rambi zetu mfikishe kwa wenzenu, na pia kwa jamii yake. Asante.

Mimi nilikuwa na mengi sana, lakini nimefurahi kwa sababu mengi yamepita, na nimefurahi kuona Tumefikia kiwango ambacho wengi wanaelewa vile nchi yao inaendelea. Kwa hivyo ningegusia tu machache na nitagusa tu kwa haraka haraka, Daktari nisiharibu.

Kwanza, umri wa President, Tumesikia mengi lakini sitaki nirudie. Pendekezo langu ni kwamba, President umri wa chini uwe ni 35 years na kilele kiwe 70 years.

Pili, kuchaguliwa kwa wingi, ama kuchaguliwa kwa President. Yeyote kiongozi atakayekuwa President, zaida ya ile 25%, tuwe yule President amehitimu alama 51%. Nafikiri hiyo itasaidia, yule President atakuwa amejulikana kila mkoa, na amepata wingi.

Ingingine ambayo nafikiri ni muhimu kwa sababu mengi yameguzwa hapa, ni ukulima. Hapa kwetu sisi ni wakulima. Na kama mnavyojua, hii ndiyo headquarter ya ukulima zaidi sana Kenya. Tukiangalia nyuma kidogo kulikuwa na mashamba ambayo yanainaitwa ADC na hivi leo hamna. Imenyakuliwa imekwenda. Je, mmeona kwa miaka mingi kidogo iliyopita, Tumekuwa na

njaa. Kwa sababu ya nini? Mashamba yale Tumepata kidogo kidogo Tumegawa na watu wengi hawalimi, chakula cha kupatia jamii zao na kupatia nchi yetu. Kwa hivyo ningependa, ama ningependekeza Bwana Commissioner, mashamba yote ya A.D.C yarudishwe na wale walio na mashamba makubwa kupita kiasi cha 100 acres, kama vile ilipendekezwa hapo mbele isitolewe ili tupewe. La! Yale mashamba pia yawe converted into A.D.C ili tuweze kuendelea kilimo kwa wingi. In other words, large scale farming, ili kuweza kukabiliana na wakati wa njaa, ama uchumi wetu wa Kenya. Kwa sababu largely, basically our economy depends on agriculture. Na kama hatuna hiyo large scale farms, kweli hakuna kitu tunachofanya, na ni aibu sana kwa Wakenya.

Nikizidi kupita kidogo, kuna jambo ambalo halijaguzwa na mtu hapa na ni la muhimu sana. Serikali letu kuomba. Leo hivi nyinyi nyote ni masikini, kwa sababu serikali yetu imeomba and we are all mortgaged. Ningependa, katika Katiba inayokuja, pendekezo langu ni kwamba, whatever the government will borrow from the external community, should be approved by Parliament.

Inge, ambalo ni muhimu na limeguzwa sana, ni habari ya elimu. Wakati serikali nikiangalia manifesto yetu ya KANU ama serikali wakati ilichukua kutoka kwa mbeberu, walituhidi watatoa umaskini, kutokuwa na elimu na magonjwa. Kwa hivi, pendekezo langu ni kwamba, elimu ya msingi iwe ni bure. Ya secondary, fees irudishwe chini na University, tushirikiane vile Tumekuwa tukishiriki.

Pia, kulingana na hali ya matibabu. Matibabu iwe kwamba, kabisa kweli, basic matibabu, iwe ni bure. Kwa sababu kweli, sisi wafanyikazi tunatoa ushuru. Na na ule ushuru waweza kusaidia wale watu wetu kupata matibabu ya bure. Kwa hivyo ningependekeza Commission, matibabu ikiwezekana, iwe ni bure.

Na pia hali, nikimalizia kabisa nimeona nimeongea zaidi, Bwana nisamehewe kabisa, nilikuwa nikifanya summary tu. Hali ya usalama: Kwa kweli Kenya hatuna usalama, na wenye kulipa ushuru kama mimi na wengine, tunasikitika sana kuona hatujalindwa. Na ndio umeona idhara moja ya Ministry of Tourism imekwisha kabisa kwa sababu ya kukosa usalama. Ningependa hiyo issues iwe addressed, muiangalie from various angles, from various contributions and come up with something that will help Kenyans.

Nawashukuru sana. Thank you very much, ningekuwa na mengi kidogo, lakini kwa sababu nimetii mwisho, iwe mwisho, lakini ukiniongezea kidogo, ningesema moja.

Com. Charles Maranga: Asanta Bwana Ndegwa, nimeshukuru kwa maoni yako, na weka sahihi. Paul Ng'ang'a. Wewe ndiwe Paul? Basi karibu. Joseph Kimotho ako? Okey awe karibu.

Paul Ng'anga: Majina yangu ni kama vile imeandikwa hapa.

Interjection: Com. Charles Maranga: Ah ah, tuna- record.

Paul Ng'anga: Majina yangu ni Paul Kamau Ng'ang'a na ni mfanyi-biashara. Mapendekezo yangu, hasa kuhusu Katiba, kwanza ningegusia sana mambo ya majimbo. Majimbo ni kugawanya wananchi. Kwa hivyo ningependekeza, tuwe na government of National Unity kwa sababu ndiyo inaweza kushikanisha watu wakawa kitu kimoja.

Ya pili, ningegusia kuhusu harassment ya watu na polisi. Ningependekeza, serikali irudishe hawa watu Kiganjo mara ingine. Kwa sababu, wakati wanapofundishwa, wanafundishwa kwamba raia ni adui yake. And in a state like we have, kama vile tuko na serikali ambayo tunasema tuko huru, hakuna mtu anastahiliwa kuwa harassed by mwenzake. Kwa hivyo ningependekeza kama kungewezekana, warudishwe Kiganjo kwa refresher course, wafundishwe tena waambiwe, raia siyo adui, lakini raia ni mwenzao. Harassment ya mwananchi na polisi ikwishe. Mambo ya kitu kidogo iondoke, ili watu waweze kukaa kama watu wako huru ndani ya nchi yao.

Ya tatu ningependa kupendekeza kuhusu matibabu. Matibabu kama vile manifesto ya Kanu, kama vile mheshimiwa anasema hapa, inastahili kuwa bure kama vile KANU ilisema mwanzoni. Iwe magonjwa ya kawaida, ama majonjwa ambayo inasumbua wananchi sana, iwe ni ya bure kwa sababu tunatoa ushuru kwa serikali kila wakati.

Vile vile, elimu iwe ni ya bure kwa sababu tunatoa ushuru wa kutosha kusimamia elimu na mambo ambayo yanahusika na elimu.

Com. Charles Maranga: Ya mwisho.

Paul Ng'anga: Ningeongea tu kuhusu, mambo ambayo inatusumbua katika administration. Wakati watu wanaenda huko, wanasumbuliwa sana. Badala ya kufanyiwa kazi vile inastahili, unapelekwa corner corner, corner corner, ndiyo utoe kitu kidogo. Mambo ya corruption ikwishe katika administration kwa DC, Treasury, wapi, wapi na kwa Land. Na ikiwa hivyo, tutasaidika. Asanteni sana.

Com. Charles Maranga: Asante Bwana Kimotho. Basi Mzee Ng'anga weka sahihi hapa. Joseph Kimotho, atafuatiwa na Arthur Wanaina. Okey you will be next.

Joseph Njuguna Kimotho: Majina yangu ni Joseph Njuguna Kimotho, na mimi huishi hapa Free Area. Ile kitu ningetaka kuongea kidogo ni makosa ambayo mimi huona ikiwa na serikali, na hayo makosa ni kitu ambacho serikali inataka kulipwa mshahara kabla haijafanya kazi. Sisi watu ambao watu wameshaajiriwa, tunajua mshahara hutoka baada ya siku thelathini. Lakini serikali inataka kulipwa kabla haijafanya kazi. Kuna kitu wanaita Advanced Taxation. Unakuta mtu anatakiwa alipe pesa fulani kabla hajafanya kazi. Sasa hapo, ndiyo mimi nashindwa. Kwa mfano, gari, ama gari ya matatu. Mimi hufanya kazi

ya gari ya matatu. Unatakiwa ulipe elfu kumi na tatu advance tax. Na kwa sababu hii ni gari, ikifanya accident kesho, na serikali imepata mshahara wake, wewe mwenye gari umepata mshahara kutoka wapi? Na gari limesimama. Na serikali ilichukuwa kabla hujafanya kazi. Kwa hivyo ningeliza, serikali iwe ikichukuwa mshahara, baada ya kile kitu umepata. Kwa mfano, baada ya mavuno yako, ndiyo inatakiwa iwe na taxation. Lakini sio kabla hujafanya kazi.

Na huo ndio ugonjwa ambao umepita kiasi, unaendelea mpaka kwenye fuel taxation, wanaita levy. Serikali huchukua mshahara kabla wewe haujaenda kazi. Pia kwa diesel, unaweka na unalipa diesel ikiwa na taxation, unaweka kwa tinga tinga yako ndiyo uende ukalime. Wewe hujavuna kitu ili wachukuwe tax. Si wagongoja wewe kwanza ulime, uvune, baada ya kuvuna sasa, wakati unauza mazao yako, wapate taxation? Hebu kwa mfano, mimi ni mkulima wa ngano, na nimechukuwa diesel ikiwa na taxation kwanza. Halafu baadaye imepata ajali hiyo gari, sikupata hata ndururu, na serikali iko na mamia ya mafedha ambayo nililipa tax kabla sijavuna hata kitu. Kwa hivyo ningeliza ama ningependekeza, serikali iwache kutaka kulipwa, kabla kazi haijafanywa.

Com. Charles Maranga: Basi asante. Niya ndiyo ya mwisho hiyo?

Joseph Njuguna Kimotho: Ya mwisho ningesema kitu kidogo hapo. Upande wa Kenya hii tumeongea sana mambo ya kusomesha watoto wetu. Lakini wale wamesoma, ni kama wamekuwa vile tunasema, samaki kubwa hula samaki ndogo. Unakuta yule ambaye alifanya vizuri kwa shule, akawa ako kwa laini ya Judiciary, amekuwa daktari. Huyu amekuwa mtu wa kufinya watu wale wadogo. Kama ni Magistrate, kama hajapewa kitu kidogo, hawezi kutoa hiyo sheria ikiwa ya ukweli. Anataka kitu kidogo ndiyo apige yule mtu mwingine. Kwa hivyo ningeliza hata kama ni daktari, aache kuhongwa ati ndiyo aseme wewe, kama ni kugongwa na gari, uligongwa sana na inatakiwa ulipwe pesa hii. Naye Magistrate aache ku-award watu kile kitu ambacho siyo cha haki. Naye kama ni wakili, naye anakuwa pia hata pesa zako zikipita kwa wakili, ati ndiye alisoma pia huwezi kuzipata, maanake pia atazikula zote. Kwa hivyo, wale wamesoma pia, wasimamiwe, waache kuumize wale ambao hawakusoma.

Com. Charles Maranga: Asante Mzee wangu. Basi weka sahihi, na utupe hiyo memorandum yako. Bwana Wainaina. Wakati ni wako. Atafuatiwa na John Wanjau. Wanjau ako? John Wanjau? Okey. Ongea Arthur Wainaina. Na Geoffrey Njiraini ako? Njiraini, uwe tayari.

Arthur Njuguna Wainaina: Majina yangu ni Arthur Njuguna Wainaina na mimi ni constituent wa hapa Nakuru.

Com. Charles Maranga: Tupatie maoni ya muhimu, halafu memorandum utatupa. Highlights only.

Arthur Njuguna Wainaina: On the preamble, there should be in addition to the legacy left to us by the founding father of this nation, the late Mzee Jomo Kenyatta of Harambee. This means pulling together for the unity plus “Uhuru na Kazi” and

“Hakuna cha Bure” During this present regime, our people have adopted the culture of eating which has retarded the development of the nation very greatly. Hence, for the people to change their attitude, we should have a Constitution with a preamble, which is very important. First and foremost, we should make our Constitution to be inducted with a policy of democracy and justice. This meaning there should not be any dictatorship and all are equal under the law.

Number two. It should be service and hard work. We should be all servants of the people, not be bosses, and to work very hard.

Thirdly, the preamble is self reliance for the development. This means that all of us except the disabled, should never rely on their relatives, God-fathers, MPs, Councillors, other countries, financial institutions etc. except where one asks for a loan, which should be paid with interest. To forget the present eating culture, the government should abolish Minimum Age Act. People should be motivated to volunteer for minimum benefits or nothing. Just as we did during the struggle and fighting for independence.

The other point is structure and system of government. We should retain Presidential system of government but reduce the power from it. The structure should be as follows: The President should be above partisan politics.

Number two, he should be head of state. He should be Chairman of the Cabinet and he should be Commander-in-Chief of the Army Navy, Air force or internal security in general. He should appoint Vice President who should be running mate, during his elections. He should appoint Prime Minister from his majority party or coalition of parties. He should nominate a person to replace him in his Constituency after his election. The Vice President should also be running this and also be non-partisan in politics. In case of death or incapability of the President, the Vice President should complete the remaining term, and should be in charge of internal security, that is police, prisons and others.

Com. Charles Maranga: Your last point.

Arthur Njuguna Wainaina: The Prime Minister should be appointed by the President from the majority party or coalition of party. He should be head of government business and oversee functions of it and should represent the government in parliament. His deputy Prime Minister should be deputizing from Prime Minister when he is absent who will also assist him in running the government business. In case of no confidence in the government, during elections, the Speaker of the National Assembly should run the government as a Chairman and should be assisted by Chief Justice and Attorney General. Permanent Secretaries will also stay on to assist the running of the government.

Com. Charles Maranga: Thank you very much Mr. Wainaina. We will be able to read your memorandum in detail and you will get that report. Now I will ask you sign up. The next one is Geoffrey Njiraini

Geoffrey Njiraini: Asanteni sana. Jina langu ni Geoffrey Njiraini, na mimi ni mwenyeji wa hapa. Na ile kitu mimi nitafanya ni swali nitauliza. Nyinyi Commissioners wa mageuzi ya Katiba, mmeshachunguza kama kuna makosa inaweza sababisha Katiba ibadilishwe? Na kama iko, Katiba ijayo, itafanya aje ndiyo haya makosa yasiendelee?

Com. Charles Maranga: Sasa wewe ndiwe unatakiwa utujibu, vile unataka tufanye Katiba ijayo ndiyo isiwe na makosa. Lakini unajua kitu ambacho kinaundwa na binadamu lazima kiwe na makosa. Na kitu cha kwanza kabisa, hatungekuwa na Tume ya Kurekebisha Katiba, ama hatungekuwa na Wakenya amabao wanapigania wanataka Katiba ibadilishwe kama kulikuwa kuna makosa. Inaonekana wazi kulikuwa na makosa ya kutosha.

Geoffrey Njiraini: Ilikuwa na makosa?

Com. Charles Maranga: Yah.

Geoffrey Njiraini: Katiba ijayo ni njia gani itatumia.?

Com. Charles Maranga: Sasa wewe ndiwe utatuambia. Ndiyo sababu Tumekuja kwako. Tuambie vile tutafanya ili isiwe na makosa.

Geoffrey Njiraini: Okey.

Com. Charles Maranga: Yah. Hayo maoni ndiyo tunachukuwa kwako.

Geoffrey Njiraini: Yaani nyinyi hamwezi? Hamna maoni?

Com. Charles Maranga: Eh. Wewe ndiwe uko na maoni.

Geoffrey Njiraini: Haya nitaendelea kidogo. Kuna katiba na sheria?

Com. Charles Maranga: Ni sawa, ni kweli.

Geoffrey Njiraini: Makosa ya kwanza nitakayoongea ni kuhusu hongo. Na Katiba ijayo, itazuia aje kitu kinaitwa hongo?

Geoffrey Njiraini: Tuambie wewe. Wewe ndiwe unatakiwa utuambie. Sisi hatuna maoni. Kisheria hatuna maoni, si ulisema iko Katiba na sheria? Kisheria hatuna maoni. Sasa tuambie wewe.

Geoffrey Njiraini: Kwa upande wangu mimi ninaongea, kitu cha kwanza, mkiandika Katiba ijayo, uzuiye sana kitu kinachoitwa hongo. Na utumie njia yoyote ambayo inaweza kuzuia hongo.

Com. Charles Maranga: Wewe huna njia yoyote?

Geoffrey Njiraini: Haya niko nayo. Naingia kwa utaratibu wa maofisi. Unaingia ofisi siku ya leo, unaambia kuja kesho, kesho kutwa, masaa yainapotea, baadaye hata yale unahitaji, hutimiziwi. Mimi ni maoni yangu, kuwe na maofisi yenye utaratibu. Ikiwa maofisi yale yako wakati huu yatalemewa. Kuna ofisi ambayo, ikiulizwa wakati huo huo tu kama ni ya Attorney General. Badala ya kutuma barua kwa Attorney General iwe karibu tu, nikitoka hapa nikikosewa na ofisi naingia kwa ofisi ya Attorney General.

Com. Charles Marana: Yaani unasema kwa ofisi ya malalamiko.

Geoffrey Njiraini: Si ndiyo, wizara ya Attorney General iwe karibu kabisa. UTume barua.

Com. Charles Marana: Haya asante. Kuja weka sahihi hapa Mzee. Josephat Waititu. Atafuatiwa na Njeri Ontiri. Ontiri ako? Njeri Ontiri? Hayuko. Okey Josephat.

Josephat Waititu: My dear Commissioners, members of the Press if we have any, ladies and gentlemen, my names are Josephat Njoroge Waititu a youth activist, or a politician to say. I am the Youth Coordinator for the Democratic Party of Kenya within the Lanet Ward where we are now. Apart from that, my political activities extend beyond that, I am vying.

Interjection-Com. Charles Maranga: Let me inform you that we are not interested with your C.V as far as politics is concerned. What we are interested in is what views are giving on behalf of the Party. And let us know whether you are giving it on behalf of the Party or on behalf of yourself.

Josephat Waititu: Arguing.

Com. Charles Maranga: And your time is going. I'll cut you off when the two minutes go. Any way continue. Even if it is the C.V. there is no problem.

Josephat Waititu: Start counting, when I start speaking

Com. Charles Maranga: No.

Josephat Waititu: So as I was saying, I am also the Mheshimiwa to be for Subukia Constituency. Now I have contributed on other issues, but today I would like to contribute only on the Executive and the land and property rights. As far as the President is concerned, what I would say is that he should be adequately qualified, at least up to the university level and one who is disciplined. That is to say, he should be a professional person in at least one area. If he does not make it up to the university and joins a tertiary training institution, at least our President, or person vying for the seat of the President should at least go as high as acquiring the higher national diploma in his chosen career.

What should be also stated in the Constitution, should be that no person should serve as the President of the Republic of Kenya for a period exceeding two terms of five years each. And it must be put that this clause can be protected in any way possible in our Constitution. This is one of the clauses that should never be altered because, continuing leadership for more than ten years, is in a way an insult to the people's conscious desire for change. The occupant of the office of the President, should realise that he is holding a job like any other in the land. It is therefore important that his duties and powers together with responsibilities thereon, be defined.

The President should be a symbol of our nationality. He should be the defender of our national sovereignty, the Constitution, and the continuity of our nation including representing the country in inter national forum and treaties. He must ensure proper running of the public authority and establishment of the state institutions for purposes of proper progression of the state as a unitary entity. The President, being, the Commander-in-Chief of the Armed Forces, should ensure the integrity of the state is not undermined and in case of any threat, he is the person to declare the state of war and mobilize the personnel. He should, however, uphold the law of the land, and the sanctity of the life of the inhabitants of the land. The Constitution should limit the arbitrary powers of the President, putting checks and balances and forming committees in addition to the Parliament which will consult with the President before he can announce his decisions on various issues. The arbitrary power of the President to prorogue the Parliament and decide the date of the general elections should be limited by Parliament being given powers to set its own timetable of activities and elections date being set in the Constitution itself. The President should give assent to Bills of Parliament, before they may become law.

Com. Charles Maranga: Your last point.

Josephat Waititu: Then I'll skip and go to the land. My dear Commissioners, land ownership was the sole reason for which the struggle for independence of this nation was pursued. When the colonialists came to Kenya, they took over the land that was owned by Kenyans, without paying them anything for that land. When the struggle for independence was being fought, and we established an African government, we find that these people who had earlier been concentrated in villages were not allowed to go back to their land free. Instead there came up land-buying companies in which ordinary citizens were supposed to buy shares in order to go back to their land.

Com. Charles Maranga: What do you recommend?

Josephat Waititu: You find that during the colonial days, my dear Commissioner, the White farmers used to put signs on their land that said “Private- Whites Only”. Today what landless Kenyans find, are signs that say “Private- Trespassers shall be prosecuted” The state should have devised an equitable land policy which should have given all Kenyans equal rights to own land, not necessarily based on the ability to buy. The land should be owned by the state and leased out to Kenyans for use, for a set period of time upon application depending on the use the land is to be put to. Settlement land should be given longest lease periods to allow applicants to develop the land, while agricultural land should be leased for short renewable periods.

Com. Charles Maranga: Thank you very much. Thank you Mr. Waititu. If you are a leader, then you must respect the Constitution of the day. Thank you very much.

Josephat Waititu: One last point

Com. Charles Maranga: Now I know there is no statement. I want you to hand over your memorandum, we’ll read it.

Josephat Waititu: I hope Mr. Commissioner you would have been abit fair to me. I have seen that you have really denied me time.

Com. Charles Maranga: All these Kenyans have heard that. So, it is the same leaders who start corruption. Thank you.

Joseph Waititu: It is not corruption.

Com. Charles Maranga: No that is what I am saying to them. You now want to corrupt me to give you more time. (To the audience) Please, you say no. I’m not going to accept. (clapping from audience).

Joseph Waititu: I agree they do agree with you.

Com. Charles Maranga: Yah. You see they have even acknowledged. Nicholas Langat. Karibu. Start with your full names.

Nicholas Lang’at: Kwa majina naitwa Lang’at Nicholas, mkaaji wa hapa Free Area. Jambo la kwanza, ningependa Rais wakati ujao, kuwa wakati anaenda mahali, kama ni state function, aache party politics. Kama ni party politics, iwe party politics. Kwa sababu unapata mambo imechanganywa. Huwezi jua ni wakati gani kiongozi amekuja, kama ni maneno ya

kitaifa, anaongea maneno ya kitaifa. So, tungependa President ajao awe ana separate the two.

Jambo la pili. Vile Wabunge wako na njia ya kuwa na vote of no confidence in the government. Pia, wananchi wapewe hiyo ruhusa pia kwa sababu kuna wengine ambao tunawachagua, kama ni ma-councillors, kama ni Wabunge. Wakishachaguliwa wanaenda kupoa tu huko. So pia tupewe hiyo nguvu ya vote of no confidence. Kama alipita na kura elfu mia moja, watu hamsini elfu, wakiweza kupiga sahihi, na waseme they have no confidence in the current system, Councillors wapewe hiyo nguvu.

Pia nomination: Wakati wanachama wanaenda kufanya nomination, nomination day iwe siku moja kwa vyama vyote ili losers wasiwe na nia ya cross over to other parties. Hiyo ina-weaken other parties. So kama ni nomination iwe siku moja kwa vyama vyote, wakati mmoja ili tujue who belongs to which party in particular.

Three. Upande wa Commissioners, saa zingine unapata jambo limetokea. Unapata Commissioner of Inquiries nyingi zimeundwa, zimeundwa. So hiyo vitu ambavyo vimeundwa, na Commission ambayo imekuwa inquired, iwe made public, kama trial clashes ndiyo wananchi wajue, to avoid speculation in future.

Constitution iwe inafunzwa kwa shule, ili tuache hii maneno ya Civic Education. Iwe inafunzwa right from school.

Fourth. Parliamentary election to be done separate from the Presidential election and local government. Future government should be of national unity. Corrupt individuals should not be given any public office to hold in future, na zile mali ambazo wame acquire through corruption, to be confiscated and given back to the public. (clapping)

Free education: There should be free education from Std 1 to 'O' level and then Secondary Level to be on quota system.

Com. Charles Maranga: Last point.

Nicholas Langat: Last point is on N.H.I.F. Kuna wale watu wamefanya kazi tangu zamani mpaka wame- retire lakini hawajawahi kutumia hizo pesa. So kama inawezekana, mwaka ukiisha na mtu hajatumia pesa zake, hiyo inakuwa refunded.

Charles Maranga: N.H.I.F.?

Nicholas Langat: N.H.I.F Fund. Kwa sababu itakuwa misappropriated. Pia, kuna wazee na wamama ambao wame-retire, lakini inakuwa ngumu kupata their benefits. Isiwe inakuwa postponed, ili kila mtu apate hizo benefits.

Last point: NGOs to be relocated to District level. Unapata NGOs nyingi ziko kwa District. So tunataka hizo NGOs ziende

kwa District level, ili rural people na wananchi kwa jumla waweze kufaidika.

Now last one. We want citizens, men and women, wale wanachoma mahindi, wale wanauza nyanya, wakuwe taxed. Hata kama watakuwa taxed, wapewe grace period ili mtu aweze kupata faida yake.

Com. Charles Maranga: Thank you very much. Hand over your memorandum. Francis Muna. Francis? Wapi Francis? Hayuko? Next one is Ben Gathogo. Karibu. Atafuatiwa na Muraya Mbuthia. Muraya Mbuthia ako? Yes you will be next.

Ben Gathogo: Nianze?

Com. Charles Maranga: Yah. You start with your full names.

Ben Gathogo: Kwa majina ni Ben Gathogo na nina maoni kadha kwa Tume ya Kurekeshisha Katiba, yakitoka kwa the People's Coalition. Mimi ndiye mwakilishi wa Ford People katika mtaa huu wa Nakuru. Kwanza ningesema kwamba, Katiba ijayo iwe na Preamble, ama utangulizi ambao utakaoeleza sisi ni akina nani, Tumetoka wapi, na tunanua kufanya nini kwa nchi yetu. Pili, Katiba yetu iwe na sehemu ambayo kwa Kingereza wanaita Directive Principles of State Policy. Hiyo itawezesha wananchi kujua wakati wowote ambao serikali inatoa propaganda ama uongo wa miaka mitano, kama jinsi ambavyo imekuwa kawaida kwa serikali ambazo zilikuwako hapo awali. Kwa hivyo kuwe na Directive Principles of State Policy, ili serikali hiyo isiseme ya kwamba tutafanya nini kwa kipindi hicho cha miaka mitano ili baada ya miaka mitano, wananchi wajue ni wapi serikali haikufanya jinsi ilivyowahidi.

Tatu. Ya kwamba, kuwe na review of the electoral laws. Hii ni ku-defeat the mockery of people's mandate and bring down the tyranny of the minority. Hii ni kusema ya kwamba, electoral laws zetu zibadilishwe iwekwe ya kwamba haitachaguliwa na asilimia ishirini na tano kwa kila mkoa. Na pia iongezwe ya kwamba awe na 51% of the popular votes.

Tatu. Kwa sababu ya maneno ya gender. Because we cannot make war on half of our population and expect to make a profit, ilazimishwe ya kwamba, kwa kila running mate, ikiwa President ni mwanaume, mwanamke awe ndiye running mate wake akiwa kama Vice President na iwe enshrined hivyo.

Nne. Ya kwamba katika Constitutionality, our fundamental rights ziliwe mkazo kabisa. Isiwe kama ilivyo wakati huu, tunapewa haki hizo za kimsingi na mkono wa kulia, na zinatolewa kwa mkono wa kushoto, halafu tunabaki hapo, katikati tukigaagaa. Kwa hivyo kusemekane ya kwamba those Fundamental Rights ziweko, na zisiongezwe vipengele vingine kama kusema Public Rights, Public Morality, Pulic Health etc.

Tano. I am against Majimbo because katika Bonde hili ambalo linajulikana kama Bonde la Ufa, wakati watu wa majimbo

walifika hapa, lilibadilika kutoka kwa Bonde la Ufa likawa Bonde la Kufa. Kwa hivyo ningependa ya kwamba serikali ijayo iwe ni ya Unitary government ambayo Rais ni mmoja. Kusikuwe na vipengele ambavyo vinaongozwa vya kusema ya kwamba, we want a very small Government kwa sababu ya uchumi wetu. Kwa hivyo mambo kama kusema Prime Minister, Deputy Prime Minister and all that, wanasisia wamekula Katiba yetu, sehemu kubwa sana, na imekuwa sasa ya kwamba Katiba irudi kwa wananchi. Kwa hivyo serikali iwe ndogo kiasi ambacho itawapa wananchi nafasi ya kupumua.

Com. Charles Maranga: Last point.

Ben Gathogo: Okey. Tuseme ya kwamba, bajeti ni kitu muhimu sana katika serikali yoyote. iwe kuwa wananchi wana input katika bajeti ambayo inaandikwa, ili ya kwamba isikuwe ya kwamba ni mambo ya kuwastukia na vitu ambavyo vinaongezwa. Na ya mwisho kabisa ni ya kwamba, Ministries na Ministers wapunguzwe hadi kumi na mbili pekee yake. Hizo zingine zote ambazo ni duplication ya zingine zitupiliwe mbali ili ushuru wetu utumiwe kwa njia nzuri. Asante sana.

Com. Charles Maranga: Thank you very much. Asante, hand over your memorandum. Muraya Mbuthia. Utafuatiwa na Samuel Kimaru. Samuel Kimaru? Ameondoka. This is the problem with him.

Samuel Kimaru: Nakuja.

Com. Charles Maranga: Haya, uketi hapo ungonjee. Unajua ni kwa sababu unaenda nje ndiyo--

Samuel Kimaru: (Inaudible argument)

Com. Charles Maranga: Unajua Mzee, wacha nikuulize. Wacha nikuambie hivi, ukibishana na mimi, nina haki ya kusema usiongee, upeane memorandum. Na wewe tulikuita ulikuwa observer kwanza, umebadilisha. Hii hata wananchi wakisoma, watajua ni nani ako na makosa. Karani mimi ndiye karani? Nani ameweka huyo karani? You must withdraw those remarks, otherwise I am not going to give you a chance.

Interjection – Samuel Kimaru: Inaudible remarks.

Com. Charles Maranga: Okey sawa. (to the audience)- Huyu Bwana Samuel Kimaru amesema yeye ni observer, hataki kuongea. Ameona watu wameongea amekuja amebadilisha baada ya kupita number yake. Nani ako na makosa?

Audience: Inaudible.

Com. Charles Maranga: Yes, tunafuata Katiba. Hata mimi ni mkali kama wewe. Haya endelea.

Moraya F. Mbutia: Kwanza kabisa nafikiri vizuri tupoe na turudi hapa tulipo.

Com. Charles Maranga: Hapana, ni maneno ya Kikatiba tunaongea, hiyo ni debate. Anza kwa majina yako.

Moraya F. Mbutia: Ni kweli. Okey. Majina yangu ni Muraya F. Mbutia. My first point that I would like to make is that the election of the President, whoever becomes the second, I propose that he should be the Vice President. The other point is that the President's office should have a limit of age. We know that for one to be a President, you have to be from 35 years onwards, but we should also have a maximum, that is 75 years. Otherwise beyond that somebody becomes senile and his brain does not function properly.

Now from there, the other thing that I would like to point out is that any Commission that has been appointed should be answerable to the public. We have had so many Commissions of which their findings never been told to the public and yet the public money has been used. So that one should stop forthwith.

The other one is that there should not be any nominated MP appointed a Minister. Otherwise that's an abuse of the public. Because if the public did not acknowledge, or did not want that person, then he is nominated, then later made a Minister, that is an abuse and the public will be demoralized.

Another point that I would like to make is that the date of elections should be known to everybody. It should not be used as a weapon to fight the other. It should not be a secret of a particular person.

Then from there, the other thing is that the administration, starting from the PC up to the subchief, it should be demolished and instead we should have the electoral Councillors, who will be made more powerful than they are today. They should be made more powerful in that we should elect even the clerk or the clerk should be employed by the Council, not from the Ministry whereby they become so big headed and they do what they think.

The other thing is that waiving of taxation, it has come to our knowledge, if you look at exactly what happens in Kenya, is that those people who are highly paid by the government are the very people who are given the waive of taxation. They import vehicles and do all that, whilst the common man who is very much oppressed is always taxed heavily. So that one should also be looked into.

The other one is that, all heads of Parastatals can be nominated by the President, but they should also be vetted by the Parliament, and they should be highly qualified people. Not just anybody who is appointed as a reward of having done something.

The other thing is that the constituencies should be created depending on the population and not geographical reasons. The other thing is that a lot of cars being taken outside the country should also be stopped, because you find that sometimes there are some individuals who are in our country who have taken a lot of our wealth outside the country, whilst people are impoverished in Kenya.

Com. Charles Maranga: Last point.

Moraya F. Mbutia: The other thing I would like is that it should be made a crime, if you are discovered you should be punished heavily.

The other thing I would like to say is that, there should be a relationship between the highest paid person in Kenya, and the lowest person in Kenya. Because, we are all living in the same country. We are all buying things from the same place. So there should be no way that one should be earning a million, while somebody else is earning a thousand shillings.

Com. Charles Maranga: Thank you very much, there is a question from my fellow colleague. You will hand over that memorandum. Thank you. The rest we will read.

Com. Abida Ali-Aroni: Now I want a clarification on your first point that the second person in the Presidential election should be the Vice President. Let's take an example of the last elections, 1997. Now the second highest later on became the official opposition party leader. Now if we had made him a Vice President, who would have been the 'Watch Dog' on the opposition side? That is the first question to you.

Then the second one is on the issue of constituencies. Where you are recommending that it should be based on population and not the vastness of the constituency. Now, when we travelled to North Eastern, what came out very clearly is that in some constituencies in North Eastern, an MP would take two weeks to be able to tour his constituency. The population may be very small compared to the population of let's say Nairobi, Nakuru and other places. Don't you think that one would have to consider how big a constituency is? Because the whole of North Eastern may be would be the same population as a very small constituency in some parts of the country. Where an MP would take one day to tour, whereas an MP in North Eastern cannot serve his people if we were not to consider the geographical vastness of a constituency?

Moraya F. Mbutia: Okey. Just to answer the first point, the first question that you asked about the runners up. I am of the opinion that we should also at least support the government of national unity. That is why I said that if you are the runners up, you should also come in. There will be other people behind him.

Now the second question about the vastness of an area, currently we have no problem of transport. We have got vehicles that

can actually go even in rough areas. So, I don't think that there is anything like saying that one can maybe travel in an area, within maybe two weeks. No, it is not possible currently. We have vehicles that are moving very fast..

Com. Abida Ali-Aroni: It is a reality, there are places in this country where you cannot go by car, but those are your views, thank you very much.

Moraya F. Mbuthia: Let's not argue. But just to say that sometimes you find that in those areas maybe there are also no people.

Com. Charles Maranga: Thank you very much Mr. Mbuthia. Now what you do, please sign up and give us that memorandum, and then I want Samuel Kimaru. You are next on line and you start with your full names.

Samuel Kimaru: Hamjambo wananchi? Mimi nina hasira kwa sababu ninapenda nchi yangu nikitoka maoni. Na ninaanza. Kwa jina ni Samuel Kimaru walitaja. Uteuzi wa Rais.

Interjection- Com. Charles Maranga: Mr. Kimaru, let me remind you, wewe unazungumza na Tume ya Kurekebisha Katiba. Saa hii wananchi ukizungumza, ni wasikilizaji. Sisi ndio tunachukuwa maoni. Kwa hivyo you are addressing the Commission.

Samuel Kimaru: Nizungumze na nyinyi?

Com. Charles Maranga: Yes. Thank you, address.

Samuel Kimaru: Commissioner wa Tume yetu ya kuchukua maoni. Nashukuru. Nafikiri wewe ni ndugu yangu Kwa hivyo vita tuliyokuwa nayo ni ya kujenga nchi. Kwa hivyo uteuzi wa Rais, mimi nikisema kama mtoto wa aliyepigania uhuru nikiwa na haja na uhuru wa Kenya kabisa, na nikitaka kutoa maoni ya kuijenga nchi yetu ya Kenya, mimi nasema uteuzi wa Rais ulistahili kuanzia kiwango cha umri wa miaka 35 hadi miaka 75. Akibarikiwa, afikishe hivyo.

Nchi hii yetu ni nchi tukufu na yenye amani, na tunaamiana wote. Tukiwa makabila arubaine na mbili, ni sisi kama kabila moja la Kenya. Kwa hivyo jukumu letu la kuteuwa Rais mpya mahali popote, ningependa Katiba yetu, hiyo jukumu ichukuliwe na Rais ili tuzuie furugano na tuzuie fujo, kwani nchi yetu hatuwezi kuifanya iwe kiwanja cha vita. Hiyo ninamaliza hiyo.

Mashamba, wakati uhuru ulipiganiwa, kulikuwa na mashamba tu. Kenya ilikuwa ni ile ile, lakini sasa imekuwa wengine ndio wako na mashamba. Mashamba hayo yote unaweza zunguka mraba, hata wengine wako na mashamba elfu thelathini na mbili acres. Na wako katika nchi yetu hawaandiki watu. Kule ni swara anakaa na huwezi enda, hata senyenge imeharibika

hawatangenezi. Na hawa ndiyo tu wenye kutufundisha vile serikali ilivyozorota na ni mamilionaire. Ningependa serikali yetu, vile ilichukua mashamba kwa wabeberu, na ikawalipa pesa, ilioona ni sawa inafaa, ili ichukue hayo mashamba. Hatuwezi kuitwa Wakenya, na wetu wengine wanalala barabarani, na wengine wale tajiri ndio wanachochea eti watu walifilisika, na wanajua ndiyo walifanya wafilisike. Kutaka shamba ya acre mia tano, na mwingine hana hata mahali pa kuzikwa.. Kwa hivyo serikali itoe yale mashamba, na iwalipe pesa, iwabakishie kama acre mia moja. Yule ana acre elfu mbili, abakiziwe acre mia mbili. Yule ana elfu thelathini, abakishiwe mia moja.

Tena, uhuru wa kuabudu, nchi yetu ni kama ya Israeli, na sisi tunafuata demokrasia. Hata serikali yetu ikianza kufungua mambo asubuhi ama Jeshi letu, wanaapishwa na jina la Yesu ama la Kiislamu. Na kwa hivyo, sisi ni watu wacha Mungu. Uhuru wa kuabudu ulichukuliwa kwa sababu ya furaha, wengine wakaingia na kuabudu shetani, nasikia hiyo fununu. Serikali ichunguze ni akina nani wanaleta dhambi ama ng'oki kwa nchi yetu wakiabudu shetani, ili tupate kukosa kusikilizana kwa sababu ya kuchangana demokrasia yetu ya amani ya Kenya na kuabudu shetani.

Com. Charles Maranga: Ya mwisho.

Samuel Kimaru: Wamama na wajane na shujaa wetu aliyekuwa akiitwa Dedan Kimathi, ningependa serikali hata kama itafanya harambee, alinyongewa gereza ya Kamiti Prisons na maofisa ambao waliokuwa commanders wakati alipokuwa akinyongwa, wanajua mahali aliponyongewa na akazikwa pakajengwa nyumba. Huyu achukuliwe, na awekwe vizuri ndiyo mashujaa na viongozi wetu wajue wakituongoza, siku moja watakumbukwa, isiachiliwe iwe picture tu kwa kuta za mabiashara. Na iko ndani ya uko. Na maofisa wale waliokuwa wakifanya kazi wako, ni wakongwe wameenda likizo lakini hawajakufa. Serikali yetu yenye ujuzi, ipeleleze, iwaite iwaonyeshe ni hapa. Pachimbuliwe, pajengwe mnara. Tusiaibishwe na mataifa ama tuone wale waliopigania vita vya Italia, tuone makaburi zao, na ni adui zetu, na hatuoni ya shujaa wetu. Ndiyo kijana kama huyu mkubwa wa Tume, naye wakati atakapo pumzika, tuonyeshe mtu wa kwanza kuanzisha Katiba ya demokrasia. Hiyo ndiyo uhuru maana hakuna maendeleo hata tuseme Kizungu gani, na watu wetu wako barabarani na tuko na farakano. Mimi ninaamini Rais ndiye alimwagiwa mafuta kama Daudi na ndiye anaweza kuteuwa mtu kama vile Daudi alimteuwa Suleiman.

Com. Charles Maranga: Asante Mzee wangu. Asante Bwana Kimaru. Wewe weka sahihi hapa na upeane memorandum yako. Barrack Onyango. Wapi Barrack? Barrack Onyango? Okey take mike. Tuna Wifred Muiruri. Wilfred? Okey you will be next.

Barrack Onyango: Nimesema ni asante. Kwa majina ni Barrack Onyango. Mimi ni mkaazi wa hapa Lanet. Na ningependa kutoa mchango wangu kwa upande wa elimu ya watoto wetu. Tunakuta ya kwamba siku hizi, maisha yamekuwa ni magumu kwa Mkenya ya kwamba hauwezi hata kusomesha mtoto wa nursery kwa sababu fees ya Nursery imekuwa ghali muno. Sasa mtu hawezi somesha mtoto hata katika kiwango cha Nursery, tukiacha primary. Nasikia watu wanalilia Primary, na hata Nursery, ndiyo imekuwa zaidi. Hii ni kwa sababu ya kile kitu ambacho kiliwekwa kikaitwa private schools. Hizi ma-private

schools ndizo zimefanya elimu ikawa juu zaidi. Kwa sababu, mtu ni headmaster katika shule fulani, na tena ana private school mahali fulani. Sasa inafanya akiwa kule katika shule ya serikali, anahangaisha wazazi. Halafu mzazi anadanganyika, anasema ya kwamba, sasa badala ya kupeleka mtoto katika government school, nimpeleke katika private school.

Jambo lingine ambalo ninataka kuongea ni kuhusu corruption. Ufisadi umeenea zaidi sana kwamba, sasa hata ukitaka kazi, hauwezi ukapata kazi, lazima uwe na pesa. Kwa mfano, ukienda kutafuta kazi, kwanza ni lazima uwe na mtu fulani mahali fulani, ambaye atakusimamia. Kama hauna mtu wa kukusimamia, itabidi pesa zako za mfuko zikusimamie. Kama mimi ninataka kazi, ni kumaanisha sina pesa, na ninapoenda kuitisha kazi ninaambiwa kwamba niweze kutoa shilingi elfu kumi, ndiyo nipate ile nafasi ya kazi. Majuzi tu, tulikuwa na watu ambao walikuwa wanachukuliwa katika kisosi chetu cha Jeshi. Na unakuta ya kwamba wale watu waliitwa ili waende interview, na wenye walienda interview, hakuna hata mtu mmoja aliyechukuliwa. Kwa sababu, watu tayari walikuwa wameshachukuliwa kitambo, ili kuita watu waende pale kiwanjani, ilikuwa tu ni mfano watu waweze kuona ya kwamba watu wameenda. Lakini, si hetu walichukuliwa pale kwa uwanja. Kwa sababu hii nafasi ilipeanwa kwa wale wakuu wa Jeshi na wana watu wao, na wana vijana wao. Sasa mtu anachukua mtoto wake, anamwandika kazi. Na wewe ambaye una zile qualities, za kazi ile ambaye ingefaa ufanye, unaachwa nje.

Jambo lingine ambalo ningependa kusema ni kule kusumbuliwa na polisi. Polisi wetu wa Kenya wameenda kinyume na mafunzo yale ambayo waliweza kufunzwa. Kama vile huwa ninasikia wakati ambao wanaapishwa wakienda kutolewa katika vikosi vyao. Kuna mambo ambayo ninasikia wanasema, ya kwamba wataweza kufanyia Wakenya, na inapofika huko nje, wanayabadilisha, inakuwa ni mambo yao wenyewe.

Mimi ninajua ya kwamba nina haki kama Mkenya kutembea hata mpaka saa nne kusidi niwe na sababu ya kile kitu ambacho nilikuwa, labda nimechelewa kwa kazi ama kwa shuguli fulani. Lakini Kenya hii yetu, imekuwa sasa, hata ikifika saa mbili upatikane na polisi, utaambiwa twende, makosa yako haujajua ya kwamba umepatwa ukiranda randa.

Com. Charles Maranga: Oni lako la mwisho.

Barrack Onyango: Unapoenda kule sasa tunalazimishwa kukubali kwa sababu hutaki kupelekwa rumande utasema tu ndiyo. Utaambiwa utasomewa mashtaka ambayo si ya haki, na itakubidi useme ndiyo ili usipelekwe rumande. Hivyo ni kusema ya kwamba kujua haki yako katika nchi hii ya Kenya, pia ni hata kwa upande mwingine. Kwa sababu ukimuuliza polisi ya kwamba nina haki ya kutembea mpaka wakati fulani, atakuambia wewe ni mjuaji unanyeta, na hiyo ndiyo itakuwa makosa makubwa hata unaweza wekewa vitu vingine ambavyo haukuwa navyo. Asanteni.

Com. Charles Maranga: Asante Bwana Onyango na ningekuomba ujiandikishe hapo. Wilfred Muiruri. Atafwatwa na Pastor Macharia David. Ako? Pastor Macharia David, Pastor? Kwa jina ninaitwa Wilfred Muiruri, na mimi ningetaka kwanza kitu cha kwanza President to be under the law. Rais akisema akisime vile anataka. Kama vile aliagiza waalimu, eti anaweza

andika waalimu elfu hamsini. Hiyo inatakikana aachie Ministry of Education kama waziri ashugulike na hayo mambo. Kitu kingine, ni luxury cars to be taxed for example, Mercedes Benz, BMWs na Mitsubishi Pajero. Hizi magari za watu wakubwa wakubwa hizi, zinatumiza sana kwa sababu watu kama sisi hatuna kazi na wengine wanaenda na gari ya hali ya juu na haijakatiwa tax. Na hiyo tax sisi ndiyo tunatoa.

Kitu kingine, Kenya Bureau of Standards to take care of sub-standard goods. Kenya Bureau of Standards ikipata kitu imepitisha grams, ama imekuwa chini yake wanatakiwa wachukue hatua. Wasiachie serikali ikiwasaidia. Hao wenyewe wajifanyie vile wanataka. Halafu, corruption also in the private sectors to be checked by the government. Unakuta kama ni kwa kampuni ndogo ndogo ama kwa shamba ya mtu binafsi, mtu lazima anafanya venye anataka. Ingetakikana mambo kama hayo serikali inaangalia kidogo. Unakuta umefanya kazi, na hulipwi, ama unakuta mwenye amekupeleka kazi, anataka umpe kitu kidogo, na ukimpa, ikifika saa ya kulipwa, anakuambia uende upambane na tajiri pekee yako huko.

The government should creat job opportunities. Yaani serikali ijaribu vile inaweza kutafuta nafasi za kazi ndio watu wengi waache kuwa ma-hawkers katika town. Wasiseme hapa eti wanaenda kuiba town, wanaenda kufanya window shopping. Sina mengi ni hayo tu.

Com. Charles Maranga: Asante Bwana Wilfred Muiruri, sasa nakuuliza ujiandikishe hapo na upeane hiyo memorandum. Next, tunataka Mary Adagala. Amerudi? Okey. Mwingine ambaye atafuata ni Pastor Samuel Kimaru Kamayu. Ako, ama amepeana memorandum? Okey, tunaye Ngigi Mbogo. Ngigi Mbogo? Okey uwe tayari.

Mary Adagala: My names are Mary Adagala, I am a women's leader in this town. First, I would like to say pole to one of the first Chairman wa Ghai, who passed away some few days ago. So I said pole to you. So you are here and sisi wote tuko pamoja na nyinyi.

Kitu cha kwanza, wananchi wa Nakuru, I am going to use the national languages so that every body may understand. Kitu cha kwanza, nitaongea kuhusu leadership ya wanawake. Leadership ya wanawake ni very poor. Though we have been talking, tunasema wanawake wapewe viti vya hali ya juu. Lakini, kwanza tunataka Katiba itusaidie kwanza because we have seen many examples. For example Maendeleo ya Wanawake, na hizi zingine ambazo ziko kwa NGOs, ziko nyingi. But women have benefited nothing from those NGOs or Maendeleo ya Wanawake. Kwa hivyo, wanawake ni lazima kwanza wapendane ndio wapigania leadership ya juu. Otherwise, maoni yangu itakuwa, tunataka President wa nchi hii awe ni mwanamume, Prime Minister awe ni mwanamume wanawake wapewe viti vya chini because they don't love each other, and they don't share their problems with the other women.

Ya pili, Ladies we respect you especially Beth Mugo.

Com. Charles Maranga: Mary Adagala, nilikuwa nimesema hapo awali, usitaje taje majina ya watu. Pengine hata mtu ukimsifu sana pengine hataki. Kwa hivyo sasa wewe ongea kuhusu maneno ya wanawake.

Mary Adagala: I was only giving examples.

Com. Charles Maranga: No. Don't give examples. Maybe you give examples of yourself. I have no problem with that.

Mary Adagala: Okey. Basi acha tuendele. Kuhusu mambo ya ku-nominate MPs, we don't want in the new government. Hiyo iondolewe. Kwa sababu mtu akiwa nominated, he does not respect, wale watu wako chini. Tunataka mtu ambaye ataingia kwa serikali kama MP awe amechaguliwa na wananchi. Mambo ya nominated MP, we don't want. Hiyo itupiliwe mbali.

Ingingine ni retirement and retrenchment. The government must pay these retirees and retrenchees as soon as possible. Wasiwe wakichukuwa muda mrefu, kukalisha mtu nyumbani na hali hana mapato meingine pahali anatoa. Anatakikana awe akilipwa immediately. If it is long, not more than three months.

Inayofuata ni about administration: Administration, not all of them, but some of them, should give us respect. This is because tukiwa na function, utakuta, administration wanadharau women wale wamechaguliwa wana-pick wao kuwa spokespeople na watu wa grass-roots, wanakataa hao watu. Kwa hivyo tunataka, wakati tuko na function, administration should respect women as well as men. Wasiwe wakichukua heshima, wanapea mama mmoja. Lazima watambue wale wamama wamechaguliwa na wajue wamechaguliwa na wananchi na wanawakilisha hawa. So we need respect from some of the administration.

Another one, hii ni maoni. Mwingine alisema hapa kila mtu apewe silaha hapa Kenya. Me, I disagree. Nchi nyingi ambazo zimetoa silaha kwa wananchi wao, ziko na taabu sana. Silaha hatutaki katika Kenya. Tunataka silaha ipewe yule mtu ambaye anachunga mambo ya amani, security, but not everybody. This is because tu kichukua hizi silaha tuwape mpaka watoto wetu, watatuua mpaka kwa nyumba. Na tutakuwa tukilete mambo ya uuaji katika nchi yetu, na hiyo hatutaki. Mambo ya silaha ipewe wale wanafaa kuchunga mambo ya security and everywhere, na wale wanachunga pesa kwa benki, na wale wanachunga mifugo na nini, silaha zitoke kwa watu kama hao. Na wale wanaendesha mambo yao mbali mbali, hao ndio wanatakikana kuwa na silaha. Kwa hivyo mimi nimepinga vikali ingawa ni maoni. Lakini, yangu ni tofauti.

About hospitals. Government, dawa ziko, lakini wamefanya mwananchi wa kawaida. Unakuta dawa ziko but instead, wanabeba hizi dawa wakipeleka kwa private clinics zao zile wamefungua. Utakuta mwananchi amenunua kadi and at the same time, ukienda kwa room hii, unaambiwa toa kiasi hiki. Ukienda kwa panadol, unaambiwa toa kiasa hiki. Na hiyo tunaambia government, they should stop this thing.

Com. Charles Maranga: The last point.

Mary Adagala: Wajue ya kwamba..

Com. Charles Maranga: Pointi yako ya mwisho mama, ama umemaliza?

Com. Charles Maranga: Okey let me just finish, I am almost finishing. About majimboism. About majimboism, mambo ya majimbo katika Kenya hii hatutaki. Majimbo ni ya kuleta ukubila na kugawanisha wananchi wa Kenya. Mambo ya majimbo tunafutulia mbali, tunataka Wakenya waishi kama Wakenya. They should have one President yule ataunganisha hawa pamoja vile kiongozi wa sasa anafanya. Mambo ya majimboism hatutaki katika serikali hii. Na mambo ya uchaguzi wa Urais, katika Kenya, all parties lazima wachaguliwe kutoka mashinani, kutoka chini. Mtu akitaka kuwa Rais. Asichaguliwe juu, ati awe proposed, no. We want aombe kura kutoka grassroots chini akija juu, ndiyo achaguliwe kuwa candidate wa kupigania kiti ya Urais.

Nikimalizia, I say thank you very much for your coming here.

Com. Charles Maranga: Asante, thank you very much. Sign and hand over your memorandum. Sign our official register. Ngigi Mbogo. Atafuatiwa na Charles Muriuki. Muriuki ako? Charles Muriki? Okey uwe tayari, na Francis Njogu ako? Okey, nawe uwe tayari. Thank you.

Ngigi Mbogo: Habari zenu nyote?

Com. Charles Maranga: Hatujambo.

Ngigi Mbogo: Mimi niko na mambo machache ya kuongea ingawaje sijui kama haya mambo yote kuhusu...

Com. Charles Maranga: Anza kwa majina yako.

Ngigi Mbogo: Mimi naitwa Ngigi Mbogo, na mimi ni mkaaji wa Nakuru. Mfanyi biashara. Niko na mambo machache hapa ya kuongea, lakini sijui kama yanahusu hii Commission ama iko nje ya hii Commission. Lakini kama yako nje mtanisamehe, lakini kama yako ndani basi yawe quoted.

Ningependa kuongea mambo ya insurance ya serikali Mambo ya insurance ya serikali imetuletea shida sana, hasa sisi watu wa magari, kwa ajili unakuta traffic police ako kwa barabara amesimama. Ukienda na gari bila insurance, anakuweka ndani.

Akikuweka ndani, either ufungwe ama upigwe faini. Hilo gari lako na umekata insurance likileta shida siku moja, unakuta serikali sasa haiko kwa mambo wa insurance wakati huo. Inakuachia huo mzigo. Iwe sasa ni wewe pekee yako na insurance yako. Na siku ile alikusimamisha ukate insurance, walikuwa ndani. Inastahili uwaone pia kwa ajili hata wewe ulikata insurance, kama kuna shida imekutokea, hata wewe uwe covered na sheria hiyo hiyo, kama venye inacover watu wa insurance. Kwa ajili sasa kama tuseme, gari limegongwa, limegonga mtu labda kwa barabara unakuta amepelekwa hospitali. Haya kuna haya mambo ya daktari na insurance people. Huyu mtu akishaumia, na wewe ulikata insurance. Haustahili kufuatwa tena. Anastahili insurance yenyewe ifuatwe. Sasa hapa, mtu binafsi unakuta ndiye anakuja kunadiwa vitu vyake kwa ajili ya yule mtu aliumia. Na yeye alikata insurance. Sasa yeye ni wa nani?

Nayo ile insurance ikishafilisika, na wewe ulikuwa umekata insurance, ulikuwa umeplay part yako vizuri. Ikifilisika mbona wewe unafuatua? Mbona hayo mambo yamefilisika yafilisike pamoja na hiyo insurance. Kwa nini ufuatwe na umetimiza haja yako?

The next issue ni mambo ya importations. Kama sasa mimi ni farmer. Mimi ni mkulima na inaonekana kazi yangu yote mimi hufanya, ni kama tu ku-mark time. Hakuna step forward, kwa sababu sasa, ukilima mahindi, gunia moja ni kama 700/= bob. Kuiuza ni 400/=. Sasa jamani, hata hujajilipa hata nini, iko haja gani ya mambo kama haya? So we limit these things.

Next issue ni mambo ya lawyers na madaktari. Lawyers na madaktar, wamekuwa kazi yao ni ku-collude, wanashikana mikono kwa mikono, wanalalia watu sana. Kama sasa mimi ni saw miller. Mtu anaenda anakatwa kidole kimoja mahali, anaenda kwa daktari fulani, inakuwa sasa hayo mambo ni kama alikatawa mkono mzima amekatwa. Kwa ajili sasa daktari anaongea uongo kuhusu hiyo. Haya, mtu wa insurance ana pesa anataka pesa kutoka kwa insurance labda company yangu ile imenicompensate nayo. Sasa watu hawa wawili, lazima mambo yao yachunguzwe. Yaani mienendo yao angaliwe vile inavyokuwa, ndiyo iwe favourable kwa mwananchi wa kawaida na madaktari hawa, na insurance people. Hiyo inatuletea shida sana. Unakuta mtu alikuwa amefanya kazi yake, amefanya na amekuwa masikini just at once kwa ajili ya hawa watu. Unanadiwa na yule mtu ambaye alikuja kwa hayo mambo alikuja na akaenda. Huyu hana maneno, labda ni kidole tu.

Next issue is..

Com. Charles Maranga: The last one.

Ngigi Mbogo: Notice ya kusimamishwa kazi. Kama sasa mimi ni saw miller. Serikali siku moja tu inasema, simama kazi. Hakuna notice, hakuna nini. Sasa na mimi ni mtu ambaye niko na madeni, kwa auto spares, niko na madeni ya diesel, niko na wafanyi kazi. Hawa watu wananifuata kwa sababu kazi imesimamishwa na sikuwa na pesa zingine labda nimeweka. Hiyo iyangaliwe.

Ya mwisho ni hawa manufacturers, kwa mfano, Steel Rolling Mills. Ukienda kununua vitu kwa hawa, unakuta hata kama ni

Muhindi mwenye ako next shop, kama wewe ni hardware dealer, the next shop, anauza rahisi kuliko manufacturers wenyewe huko. Na sasa hiyo ni jinsi tu ya kukutupa usije ukanunua kitu huko. Anauzia Muhindi mwenzake rahisi. Wewe unauziwa ghali. Ukienda kwa factory kununua hizo vitu, ni ghali. Ukikuja kwa Muhindi mwenyewe hapa, unaona afadhali nininue kwa huyo Muhindi, utauzia nani? Sasa ningependa serikali iyangalie hawa. Kwa hayo machache asanteni.

Com. Charles Maranga: Okey asante. Basi hiyo tuwekee sahihi na utupatie hiyo kadi. Charles Muriuki. Na Francis Njogu uwe tayari.

Charles Muriuki: Mimi kwa majina naitwa Charles Muriuki. Ningependelea kuongea juu ya ulinzi kwa maskari wa security ya usiku. Sisi maskari wa usiku tunaumia sana. Kwa kitu ya kwanza, serikali ikiongeza mshahara kama ni siku ya Labour day, watu wanaongezwa mshahara kama ni 7%, kama sasa waliongeza kama mwezi wa tano, kufika saa hii sasa kama security ingine hakuna mshahara ambao itaongezwa. Ukienda kuwa tajiri, tajiri anasema mimi ni mtu wa serikali, wewe ndiwe unaleta siasa. Anakufuta. Ukienda kwa Labour, Labour wanaongea na tajiri. Sasa sisi askari hatuna uwezo wa kujitetea, pengine ukifutwa, ukienda kwa serikali itusaidie, hatuna. Na tunataka serikali iangalie maneno kama hayo.

Na sasa maneno ya nyumbani hivi, upande wa usaidizi, sasa serikali imetoa msaada kama ni reserve huko. Kama ni watu masikini wanataka kusaidiwa, unaona kama ni kwa chief, chief anakuambia kama kwa area yake, apatiwe watu kama tano hivi, watoto wa masikini ama (unclear words) msaada. Unakuta chief ndiye anaandika hiyo maneno, anaandika watoto wake wa family yake, familia za nje hakuna. Sasa mambo kama hiyo tunaona, serikali yetu iangalie na ichague mtu mzuri wa area wa kuona hata kama mtu ni masikini atashomeshwa ama kuletewa mambo karibu kwa sababu kama wewe ni masikini huwezi kujua ile ofisi utaenda kuuliza na unasikia msaada umetolewa. Hata ukijaza majini, inachaguliwa hapa kwa chief. Ndiyo nimeona mambo kama hayo, nataka tu serikali iangalie sana na kusaidia sana sana upande wa security. Ndiyo tutaona hiyo baada ya msaada.

Com. Charles Maranga: Okey asante, Bwana Muriuki. Nakuomba uweke sahihi kitabu chetu na asante kwa maoni yako. Francis Njogu.

Francis Njogu: Kwa majina kama mlivyosikia ni Francis Njogu. Na maoni yangu ni kama yafuatavyo katika Katiba. Mimi ningependelea kuwe na kanuni ambazo zitazingatia sana sheria za Mungu katika Katiba. Kwa sababu ikiwekwa sheria ya Mungu katika Katiba, itakuwa kila ambaye amechaguliwa katika utekelezaji, atakuwa akitekeleza kazi ambayo, amechaguliwa, kwa nia ya kumtukua Mungu. Na kumtukua Mungu ni kwa kumtumikia kila mwananchi katika hali yake aliyo nayo. Awe mdogo, mkubwa, masikini au tajiri.

Ya pili, ni kuhusu mamlaka. Mamlaka yawe ni kuanzia chini kwa mwananchi wa kawaida, ili kila mwananchi wa Kenya apate kuwa amechangia katika utekelezaji wowote wa sheria katika nchi.

Jambo la tatu, ni ajira. Na kama mjuavyo, bila ajira mambo mengi hayaendi vizuri. Na serikali ambayo inajali watu wake lazima ihakikishe ya kwamba kila mwananchi ana ajira, au kila mwananchi ana sehemu ambayo wanapata, hata kama pengine huenda hana kazi, lakini ana kitu kidogo ambacho anapata ambacho kitamsaidia katika hali yake ya maisha, ili hata asije akawa ni wa kudhulumu wenzake.

La tatu, ni upande wa elimu. Mimi napendekeza ya kwamba, elimu ingetolewa kutoka shule ya msingi hadi ya upili, na iwe ni bure. Kwa sababu wengi wetu ambao hatuna ajira, au wale ambao hatupati kipato kizuri, tunashindwa kuwapeleka watoto wetu katika hizi shule za upili. Na unakuta ya kwamba katika ajira ambazo zinapatikana chache, ama katika kazi ambazo zinapatikana chache, nyingi wanastahili watu wa kutoka elimu ya kiwango cha upili. Sasa unaona ya kwamba, ikiwa ni kupitia katika level ile ya shule ya msingi, bado kuna shida. Kwa hivyo, ningependekeza ya kwamba, elimu iwe ni mpaka shule ya upili, na iwe ni bure.

Com. Charles Maranga: Ya mwisho.

Francis Njogu: Naomba kwa upande ya ajira. Ajira iwe ni moja kwa mtu mmoja. Lakini si mtu mmoja ajira anashinda wengine wanaumia, hawapati mapato. Asanteni.

Com. Charles Maranga: Asante Mzee wangu, nakuomba uweke sahihi kitabu chetu rasmi. Basi kulingana ile list ambayo tulikuwa nayo ya Tume ya Kurekeshisha Katiba, hawa ndio watu ambao walitaka kuongea mbele ya Tume. Lakini ningetaka kuuliza, kuna mtu yeyote hapa ambaye hakujiandikisha na angetaka kuongea. Nampa dakika moja. Kuja Mzee wangu. Sema jina lako.

Francis Muna: Majina yangu ni Francis Muna. Nilikuwa nimeitwa lakini kikawa nimetoka kidogo.

Com. Charles Maranga: Oh Francis Muna. Kweli nilikuwa.

Francis Muna: Ningetaka kuchangia kwa upande wa usimamizi wa zahanati, ama dispensaries. Ningetoa maoni, vile kuna cost sharing katika dispensaries zetu za Munisipali, tunajua ya kwamba kuna mapato ambayo yanapatikana. Hayo mapato kuwe na kamati ya wasimamizi kutoka kwa kijiji, ingawaje dispensary ni ya Munisipali, lakini waweze kuona ya kwamba ile faida ambayo inapatikana kutoka hiyo dispensary, inaendelea hiyo hiyo huduma katika hiyo sehemu ya kijiji hicho kwa sababu mapato hayo ni kutoka kwa wenyeji kwa hiyo pahali. Lakini kwa sasa tutaona faida ile inatoka inakwenda, halafu hata mnasikia hakuna madawa. Kwa hivyo ningependekeza hapo, ili wananchi wa kijiji amabo wanachangia hapo, wawezi kufaidika.

Ingingine ni upande wa drug abuse. Upande wa drug abuse, ningeomba serikali, kama vile tunaona katika televisheni, madawa kama cocaine yanapatikana, tunaona waking'oa mimea katika kule misitu. Tuwakumbushe ya kwamba, hayo madawa yote yanaanzia kutoka kwa kijiji, kutoka kwa watoto wetu ambao wanayatumia. Vile wanatumia pesa nyingi kule katika kuangalia huko, afadhali waje katika kijiji, watumie pesa katika kunasa wale ambao wanauza hapa. Na kama wanakijiji wakikubaliwa, wawe wana-report kwa chief. Yule mtu ambaye anauza hayo madawa, kama muda unapita na bado huyo mtu hajaondolewa katika kijiji hicho, wakubaliwe kuongea na mtu kama flying squad ambaye anaweza kuja na kumpata huyo mtu na kumuondoa katika sehemu hiyo, katika upande wa madawa ya kulevya. Kwa sababu, tunaona hata sasa, mtu anapata ploti, anajenga bar ndani ya residential area. Tungeomba serikali, ikusanye nyumba ambazo zinauza pombe, katika sehemu kama shopping centre, badala ya huko ndani kwa kijiji, kwa sababu watoto wetu wanatoroka, wanajificha. Mama anapika ndani ya nyumba na mtoto ametoka ameenda kunywa pombe. Na hiyo inakuwa ni nafasi moja ya madawa ya kulevya kama pombe.

Com. Charles Maranga: Imemalizika?

Francis Muna: Eh imemalizika. Lakini ningeomba ya kwamba, katika bar ambazo zinauza pombe, watoto wanapoenda kunywa pombe, tunaona watoto wa shule wanatoka kama ni week-end wanakuja kunywa pombe. Tafadhali kabla mtu hajauziwa pombe, atoe kipande chake, kama hajafikisha miaka kumi na nane, tafadhali asiuziwe pombe na hao wenye bar. Asante.

Com. Charles Maranga: Asante nakuomba ujiandikishe.

Basi kwa niaba ya Tume ya Kurekebisha Katiba, Tumefika mwisho wa kikao chetu hapa, upande wa Free Area, Nakuru Town Constituency na kwa wakati huu ningeomba mmoja wetu apate kutupatia maombi ya mwisho, lakini sana sana, nimepongeza watu wa Nakuru Constituency, na nimesema asanteni, na Mungu awabariki. Thank you very much, hebu tupate mtu mmoja atuombee. Nawaomba msimame ili tuweze tukaomba.

Issa Gichangi (maombi ya Kiislamu): Jina langu ni Issa Gichangi. Dhehebu langu ni la Kiislamu. Na tuombe. Bismillahi Rahman Rahim, kwa jina lako ewe Mwenyezi Mungu, uliye wa haki, Mwenyezi Mungu tunayekutegemea. Letu ni kurudisha shukuranni kubwa kwako, kwa kutuweza kutuweka katika kikao hichi ambacho Tumejadili mambo ya kitaifa, na yakakamilika. Shukurani zote zikushukie.

Ewe Mwenyezi Mungu wengi wetu wametoka katika vijiji kwa mambo haya ya kutaka kutengeneza Katiba ya nchi hii ili nchi yetu iweze kuwa na mfano mwema na njia njema zisizokuwa za ubaya. Mwenyezi Mungu yote haya ni mapenzi yako, kuwawezesha hawa jamaa kuja hapa na kuweza kutoa Katiba yao, ni maoni yao katika Katiba ambayo wanaitengeneza. Ewe Mwenyezi Mungu, kwa sababu jambo hili linaendelea mbele, uwe na viongozi wanaoshugulika na mambo haya, yale yatakayotoka, yatoke mambo mema kwa watu wako ili waweze kuongozwa katika njia wanayoipenda. Zote ni shukurani zako

Mwenyezi Mungu, kwa sababu ya guvu yako na kuwapenda watu wa Kenya. Kwa haya yote, Mwenyezi Mungu, sisi tunarudisha shukurani kwako, kwa sababu mambo haya yanaendelea Kenya mzina na uyafanye yafaulu, na yaweze kuwa ni mambo bora kwa watu wa nchi hii. Kwa hayo tunarudihsa shukurani kwako.

Ewe Mwenyezi Mungu wetu, tumeondokewa na kiongozi wako mmoja, ambaye alikuwa ni kiongozi mkubwa katika mambo haya ya Katiba. Tunakuomba uchukue moyo wake uuweke mahali pema peponi, Mwenyezi Mungu, kwa sababu sababu za kumchukuwa wewe unazijua. Sisi hatuna ubishi kwa kazi yako, tutazidi kuvumilia na kustahili mambo yako yale unayoyataka yatafanyika, na yale usiyoyataka hayatafanyika. Kwa hayo sisi tunatuma pia rambi rambi kwa jamii ya marehemu, uwaweke katika moyo wa utulivu, wawe na subira, na wakubali kwamba mambo ni ya haki, na kila mtu ataonja mauti. Kwa hayo Mwenyezi Mungu tungali sisi tunakaa tukitegemea tukijua hata wakati wowote mmoja kati yetu unaweza muita na ni lazima akubaliane na jambo hilo.

Mwenyezi Mungu kwa wale ambao tuko hapa, wengi wao ama viongozi wetu ambao tuko nao hapa, wanakaa mbali na sisi na watumia magari yao kurudi nyumbani. Ewe Mwenyezi Mungu katika safari zao, uwape njia nzuri, uwaondolee kisirani katika barabara, uwawezeshe kuwafikisha nyumbani salama ili waweze kukutana na jamii yao na kuwawezesha kueleza kwamba yale ambayo wamepata hapa ni mazuri na sote tunarudisha shukurani kwako. Kwa sababu ya mambo hayo yote mema juu yako, hatuna la kusema isipokuwa ni kurudisha shukurani kubwa kwako na kukuabudu wewe uliye Mwenyezi Mungu wa haki. Kwa hayo machache tunakushukuru sana kwa jina lako Mwenyezi Mungu wa haki, na mtume wako Mohammed, (Islam prayer).

The meeting ended at 6:00 pm.

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