

**CONSTITUTION OF KENYA REVIEW COMMISSION  
CKRC**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,  
HAMISI CONSTITUENCY  
HAMISI CATHOLIC CHURCH**

**ON**

**WEDNESDAY, 7<sup>TH</sup> AUGUST, 2002**

**CONSTITUENCY PUBLIC HEARINGS  
HAMISI CONSTITUENCY, AT HAMISI CATHOLIC CHURCH  
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## Commissioners Present

1. Ahmed Ida Salim                      Chairman
2. Kavetsa Adagala
3. Hon. Phoebe Asiyu

## Secretariat Staff

1. Maimuna Mwidau                      Programme Officer
2. Caroline Kihara                      Assistant Programme Officer
3. Josephine Ndungu                      Verbatim Recorder

### **The Meeting started at 9.45 am.**

**Coordinator:** Kwa hivi sasa mtaingea ndivyo tuanze. Good morning again. We want to start and we already have one Commissioner here and others are on the way coming. I can see. I notice that there are a number of people coming just give them one minute. They will join us.

Before we start the meeting I want to recognize the presence of the DO of this area. He is here, we have the church elder here, we have some Committee Members here who have arrived and then the rest are the people who are going to present their views we welcome them very much. Mzee Kasiera utuombee tufungue Kikao hiki.

**Kasiera:** Prayer: Mungu Baba Mwana na Roho Mtakatifu. Tunakushukuru maana tu hai na kwakua wewe umetupa uhai wa siku ya leo. Hawa ambao wamefika hapa siku ya leo Bwana ni wewe ndiyo ulewaleta na ninawaweka mikononi mwako. Maneno yote yatakao zungumzwa yatatoka kwako kwa mfundisho yaliyo mema jinzi ulivyo mfundisha Solomoni ulipo mulinza Solomoni unataka ni kupe kitu gani? Akakwambia “ninataka unipe marifa”, ndiyo busara na hawa, wewe mwenyewe utawapa busara jinzi watakavyo sema na kuzungumza mafundisho ya tatoka kwa mudomu wako. Na muweka Mwenyekiti ambae amekalia siku ya leo kwa mikono yako. Pia tuna DO wetu wa hapa Hamisi tumemuweka mikononi mwako wewe mwenyewe umongoze kwa kazi yake pamoja na viongozi wengine ambao wamefika na wale hawajafika uandamane nao ndio wafike na tupate kusikia maneno yao yatakayo toka mudomoni mwako. Tunajua maombezi yote yanatoka kwa mwokonzi wetu Yesu Kiristo anaye tufundisha na ndiye kiongozi anaye tupa neema na utakanzo wa jambo lolote tusemalo.

Tumeomba hayo machche tukijua kwamba utatuongoza. Roho wa Mungu atuongoze kwa jina la Yesu Kiristo aliye Mkombozi wetu. Amina.

**Coordinator:** I want to introduce to you the members of the Constitutional Committee who have gone around supervising the civic education in the area. We have Mr. Ereba, and Tom Mayavi, Bwana Buni. We have the Secretary Mr. Madegesio and I am here Jotham Hamisi. I have already introduced the DO. Who is here and we are expecting more people.

I also want to acknowledge the presence of the Headmistress of this school here who has helped us very much in giving out the chairs and other things from the school. Thank you very much the Headmistress.

**Com. Prof. Ahmed I. Salim.** Asante sana kwa kutukaribisha katika kikao hiki. Hamjambo? Kwanza kabisa ni ngependa kumushukuru sana kiongozi wetu wa hivi leo wa dini kwa ndua zake na maombi. Tuombi Mungu akubali ndua hizo ili tumalinze kazi yetu hii kwa njia inaofaa kwa ukamilivu. Pia nataka kumushukuru Headmistress kwa kutayarisha kikao hiki. Asante sana. Tunashukuru tena wanafunzi kwa vile tuliingea tulikuwa tumepotea kidogo pale njiani ndiyo wakatuongoza.

Hiki ni kikao cha kuchukua maoni ya wananchi ndio turundi tuandike Katiba mpya ya Kenya. Katiba ambao tunatarajea itandumu kuongoza vizazi vietu vinavyo kuja nyuma yetu. Katiba tuliyo nayo hivi sasa si Katiba iliyoandikwa kwa maoni yetu sisi wananchi. Hii ndio ya kwanza katika historia ya Kenya kuandikwa kufuatia maoni ya wananchi. Tunashukuru kwamba tuko karibu kumalinza kukusanya maoni ya wananchi Kenya nzima kila Province na Constituency. Leo ndio siku ya mwisho kesho tuanze round up yetu na baada ya hapo ni kazi muhimu ya kuandika vitu vi tatu.

Ya kwanza ni reporti juu ya Constituency. Maoni ya wananchi katika kila Constituency. Kutakua na reporti katika kila Constituency pia kutakuwa na National Report. Reporti ya jumla kabisa kuhusu maoni ya wananchi. Na tatu na muhimu zaidi ni hiyo Draft Constitution. Au Katiba mpya ilyoandikwa na ambao itaenda mbele baada ya kuandikwa kupitia stages pili muhimu. Moja ni stage ya mkutano mkubwa Uatakao fanyawa National Conference abapo kutakua na watu kiasi cha 700

kukiwemo kati yao MPs wote, wakilishi wa tatu kutoka kila District. Wakilishi wa kila dini nchini na wakilishi wa vikundi ambavyo vinaituwa margenolized groups, hawa ni walemavu, kina mama, na wale wachache katika Kenya.(marudiyo).

Wakisikilizana itapelekwa mbele Mbungni na Bunge itaidhinisha. Ikwa watu hawatasikilizana pasi kutakuwa na referendum ambapo wananchi watarudiwa kuulinzwa nje mwasema kitu gani? Kila mwananchi atakeye shiriki katika hiyo referendum atatoa maoni yake juu ya hayo mambo yenye watu hawatakuwa wamesikilizania. Lakini kama watu watakubaliana kutakuwa hakuna haja ya referendum. Hizo ndizo steps abazo zitafuatua baada ya kumalinza kukusanya maoni ya wananchi.

Kwa hivo maoni yenu ni muhimu sana na tumekuja hivi leo kuksanya maoni ya watu wa Constituency ya Hamisi na kuna njia pili za kutoa maoni. Moja ni utakuja hapa pele utatumpa jina lake mimi ni fulani na maoni ni kama ifuwatavyo. Njia ya pili ni mtu kuwa amejetaryarisha amekuja na memorandum yake asha fikiria atakalo sema ameandika, atakuja hapa na memorandum yake na tutampa wakati mfupi sana atumpe mapandekenzo yake. Wale waliohudhuria vikao vyetu hapo mbeleni na fikiri wanafahamu hii. Ya kwamba haja iliyoko kwa hakika na mapendekenzo juu ya kubadilisha Katiba. Si maelenzo mrefu ya hali ilivyo hapa Kenya zote ni Wakenya tumeishi hapa na tunajua hali yetu ya kiuchumi, elimu na vile Mbunge inavyo fanya kazi. Tunajua utajiri wetu uko namna gani na ata jinzi ya kutumia utajiri huo.

Kwa hivo mtu akija hapa aseme mimi jina langu ni fulani ningependa kutoa mapendekenzo juu ya mambo haya yafuatayo. Elimu nataka tufanye hivi moja baada ya moja. Kwa upande wa Mbunge ningependa Mbunge liwe hivi na kadhalika. Kwa upande wa uchumi na ukulime tuwe na hili na lili. Kwa njia hii kila mtu anawenza kutumia wakati tulio nao kwa njia bora zaidi. Much more effective. You can cover many proposals in five minutes very easily. Lakini ukianza kutoa maelenzo wajua katika ineo hili ni hivi na hivi tuna shinda hizi na zile kwa njia hii utarahishisha munda wetu. Kwa hivo ningependa kila moja wetu afuate njia hii.

Mtu anawenza toa maoni yake kwa lugha yeyote bora iwe ni lugha ambao inaeleweka hapa Kenya. Kiswahili, Kingereza, lugha ya mama ya aneo hili yawenza kutumika. Kama kuna haja ya mtu kutafusiri bila shika tutampata mtu kutoka kwa 3C members kutafusiri. Ni muhimu kwamba kina mama watoe maoni yao na hataWalemavu, hapa kuna shule. Members of the

Committee washugulike Headmistress, pia yuko hapa, yuko? Ametoka tungeomba kupata wanafunzi wa tatu wa nne hivi representative of the young people. Na njia ni first come first served. Yule alijiandikisha kwanza ndio atakaesikilizwa kwanza.

Sote ni sawa. Lakini wanafunzi wakija hapa tuwape nafasi kwanza ndio wa rundi shule waendeleo na masomo. Wagonjwa na hata kina mama wazee ambao wanaweza kuwa wanataka kurundi nyumbani ni vinzuri tuwape nafasi. Wa kwanza ni Hannington Chweya.

**Chweya Hannington:** From Mbanja Association. We propose as an Association that a referendum should be conducted in the following areas. Bill of Rights, Presidential term, Transition of Governance, political system, citizenship, electing and removal of the President.

On citizenship we propose that automatic citizenship to a child born of any Kenyan parent. Dual citizenship because of intermarriages. Kenyan women to be allowed to transfer citizenships to their foreign husbands. Passports must be issued as a right.

On political parties we propose that parties that garner less than five seats in the general election cease to be recognized as an official party in the next general election and that parties must be subscribed to internal democratic principles. We also propose that the elections of party officials must be held mandatorily after every four years. Parties to keep and maintain audited accounts, which are subject to scrutiny from the members of public. All candidates seeking Parliamentary seats to disclose their wealth publicly. We also propose equal access to the media for all political parties.

On Governance we propose women participation in the management of public affairs and resources. We also propose participation of all vulnerable groups including people with special abilities.

We also propose Judicial Members to be held accountable of their decisions and irresponsibility. We also propose private sector to provide services and goods that were previously provided by the state agencies.

On Legislature we propose an affirmative action to be implemented where a third of the Parliamentary seats will be reserved for women and Member of Parliament their duties be a full time job and that public debate to be conducted before a Bill is passed to become a law. On Judiciary still there be an establishment of a Supreme Court with at least nine Judges that seat together and should be the highest court on the land.

We also propose the establishment of a permanent Constitutional Court and an access to it must be a right and simple. We also propose that Legal advise be a right given to a person who is enable to hire a lawyer in Capital and Serious Offences. Criminal and Civil cases must be despised within six months from the time they are been taken to court.

On Electoral System and process we propose voters registration to be a continues exercise and also propose an Electoral Police Force to prosecute elections related offences. Issuance of Identity Cards should be within two weeks from the date of lounging a request.

On social, Cultural and economic right we propose any person who infect another with AIDS be taken as an abuse of the right to life. We also propose early or forced marriages should be taken as denial to the right of education or freedom of choice. Sexual harassment should be taken as denial to the right of employment.

On international relations Kenyans must be allowed to debate on the conventions before being rectified and that Parliament must approval the rectified convention and access the application and approval should not take more than 90 days.

Lastly we also propose the establishment of an Ombudsman office who shall check on the abuse of power and corruption and offences by public and private officers. The rest will be read in our memo by the Commissioners. Thank you.

**Com. Prof. Ahmed I. Salim:** Thank you very much that was an excellent presentation of views we noticed one after the other so many of them within five minutes. Tunaomba wengine wenye watakuja hapa mbele wajitayarishe hivo hivo. Moses Angonde.

**Angonde Moses:** I do not have a memorandum therefore I am going to present my views orally. My views are. Presidential powers to be trimmed. Judicial, Legislature and the Parliament should be independent.

A retired President who is still interested in politics should not enjoy the retirement package. Ministerial posts, Permanent Secretaries and Head of Parastatal bodies should be approved by the Government.

We should have a change in our educational system. This should be approved by the Parliament.

Given the fact that  $\frac{3}{4}$  of Kenyans are very poor, during the year of election we should not have harambee ceremonies. These ones are used to manipulate wananchi to give votes to fellow who are not supposed to be taken to Parliament.

Chiefs and Assistant Chiefs should be elected by the wananchi.

Local brews like the muratina, munazi and busaa these were traditional brews, which should be legalized. Now people are making money out of these illegally. Only changaa, which should not be legalized.

All Kenyans should be accorded Government lawyers in case they have been prosecuted in court. Thank you Commissioners.

**Com. Prof. Ahmed I Salim:** Thank you very much Bwana Moses for your views. Silas Kadhulenge.

**Silas Kadhulenge:** Thank you so much Bwana Commissioner. I have views for two people that is Kadhulenge B. Muronga and Kadhulenge A. Silas. I will address 7 things that I would want amended in the Constitution. Commission of Inquiries, Task forces, and Committees. President, Councilors, MPs salaries, we have non-performance MPs. Ministers, Government, the Education Act of Kenya, corruption, and rights of Kenyans.

Commission of Inquiries: The Constitution should stipulate a clear time limit within which this reports and recommendations from such Commissions, task forces, must be released to the public

The Presidential powers must be trimmed and he should be within the limit of other Kenyans. He should be prosecuted under the Kenyan Courts according to the law because it is fanny to imagine that the President will uphold the laws when this law cannot be used to take his/her own assets and he is a human being as we are and therefore he can also follow the law of the land.

Councillors there roles are not defined. They duplicate what Chiefs and Sub Chiefs do. The new system should do away with Councillors and their salaries be used to pay the village elders. Those are the ones who work with the people at the grass roots.

The package they receive should be used to hire teachers, Mayors, and those who work in those capacities.

MPs. Salaries just like any other public servant their enumeration should be done by Public Service Commission. They are misusing the privilege and they are exploiting the poor people of their delights.

We have non- performance MPs, Ministers, Government and the President. The Constitution should stipulate minimum mandatory duties in services, which an Member of Parliament, Minister, President and the Government should perform. MPs. Should be accounted for the constituencies. Some upon there elections they vanish and only re-surface before the elections are done. In this case I recommend that each and every constituency should have an office where the MP should come and meet his people and not to serve people from there homes.

The other thing is that the new Constitution should stipulate the maximum number of Ministries in Kenya and therefore they should, set up the functionalism of each Ministry and the post of Assistant Minister should be scrapped and be replaced with Deputy Minister.



**Interjections:** How many Ministers should we have?

**Silas Kadhulenge:** The Education Act of Kenya we understand that after one has done the KSCE that is the form four exams he fills a form to join the university but in most cases some have failed to join university and we have other chancery Public Institutions. They should be enclosed in the form whereby the student who fails to go to the university has a chance for Chancery institutions. Then the Joint Admission Board should cater for the same (repetition).

The corruption cases in Kenya. This should be checked by the Government either by increasing the salaries of the civil servants. For example the Police.

Rights of Kenyans: most people do not know their rights and therefore the Constitution should stipulate how people are going to be informed about their rights. People should be educated through organizations such as Mandeleoa ya Wanawake, or students taught in school. We have prisons in Kenya. Prisoners should be given good conducive places where they can stay.

**Com. Ahmed I. Salim:** Fanuel Alunde karibu.

**Fanuel Alunde:** Kuhusu Rais ningependelea kwamba uwenzo wa Rais upukunzwe.

Masomo. Vyoo vikuu vijisimamie na kila Chuo Ki kuu kiwe na Chancellor si Rais. Parliament imesema masomo ni bure na kwa hivo Serikali igalamie vifa vyote.

**Interjection:**

**Com. Prof Ahemd I. Salim:** Universities. Kila moja iwe na Chancellor wake? Should he be assisted or inspired by anybody else?

**Fanuel Alunde:** Kilo chuo na Chancellor wake.

Kila mwananchi anahitaji starehe zake. Hapa kwetu tuna pombe ya kiyenji inaoitwa busaa ihararishwe na iwe na wakati wa kutumia kuanzia saa kumi na moja join hadi sa pill. Baada ya saa hizo mwenye kutumia ashikwe. Administration Police waondolewe tuwe tuna Kenya Police.

**Com. Prof. Ahmed I. Salim:** Wengine wamesema AP waunganishwe na Police ni sawa? Ni tufauti na kuwatoa kabisa wa merge?

**Fanuel Alunde:** Ndiyo wa merge na kazi yao ifafanuliwe vinzuri. wakitaka Kukamata mtu ambae amekosa Police waje na search warrant sio tu kungia kwako na kukushika.

Vyama via upingani vyenye veko na wakilishi wa tano na zaidi vigaramiwe na Serikali. Rais, Mbunge, Ndiwani mwenye hatendi kazi yake vyema wananchi wawe uhuru kupiga kura ya kwamba hawana Imani na yeye.

Kuwe na wizara ambao ena ongoza dini nchini ili wa hudumu wa kanisa mbali mbali wapate kulipwa vinzuri kwa sababu wananyanyazwa. Ni hayo tu.

**Com. Prof. Ahmed I. Salim:** Kwa kawaida ningependa pendkenzo liwe wazi kidogo. Umesema kwamba wataka search warrant. Search Warrant utumia wakati Police waja kwako nyumbani si kukushika njiani lakini kuja nyumban kutafuta jambo. Lakini njiani wakitaka kukushika hakuna haja ya kutoa search warrant. Kuna searching homes and not searching bodies. Asante sana Bwana Alunde. Anayefuata ni Jotham Hamisi ambae ni moja wa wale ambao wametusaikia sana.

**Jotham Hamisi:** I am a retired Civil Servant. I have written a memorandum but I want to highlight the most important areas.

Environmental Problem: I have been going around since I retired and I have found that a lot of areas have been destroyed and this has caused a lot of problems to the environment. Water catchments areas, streams, river banks have been dug what people

call wet land have been destroyed. This will led to a very serious water shortage and is going to be a very serious problem. So I would like the Commission to send a very strong message that our country is running a risk of being a desert.

**Com. Prof. Ahmed I. Salim:** Constitution is a legal document with laws in it. What sort of laws would you propose for such?

**Jotham Hamisi:** There should be a law, which will protect the environment.

The administration of pension of Civil Servants in this country is very ad hoc. There is no consistence of issuance of pension my proposal is that there should be a machinery which will ensure that there is a regular review of pension and that if you retire at any level, that level should not earn any more pension than yourself. For example if you are a retired Permanent Secretary as from 1980, a Permanent Secretary who is retiring now should not enjoy better pension facilities than the former.

**Tenure of Office:** The thing they call retrenchment, which has interfered with the rights of the employees. Look the railway employees who have retired but they were thrown out of the houses before they were paid there dues. That was violation of rights.

**The organization of Local Government.** This has a lot of overlap. For example here in Vihiga, we have Municipality, Mbale, then the County Council and Urban Councils and this entire people are Councilors. They do the same job. I think the Ministry of Local Government should be structured in such a way that it is real, and that the resources that are gotten from road collections and fee collections and the money that is transferred from Central Government can go to development rather been consumed by the Councilors. I am proposing that there should be some restructuring to make it real and also accountable to the people.

**Corruption:** The country has a lot of corrupt employees and other people. The Traffic Police. Land Department, Court, I think they are leading. I would propose that the Traffic Police be dismantled the way it is and be manned by a female employee. I have said that because female are not very courage's to corruption. Roadblocks now is money money.

Land Administration in this country is causing a lot of problems I would propose that land be administered in three laws. The land within municipalities can be administered within the Constitutional Laws as it is at the moment. Land in the countryside should be administered within a simplified Customary Law and should be very close to the people and not to take the land case to the court or DC. The local people should be the elders and the Assistant Chief could assist.

The Provincial Administration as it is at the moment is a burden to the country. They consume a lot of resource and I think they need to restructure. I propose that we make them electric in the first place all of them if we are going to retain them. The Provincial Administration because it plays a very important role in security and other things can be retained but the people who Mann those position should be elected from lower level.

A lot of work is held up in Nairobi and is not coming down. Eg. The Elmino Roads have not been done because the decisions are made in Nairobi and are not implemented. I propose that we regionalize decisions concerning the Administration and delivery of the services. Thank you.

**Com. Prof. Ahmed I. Salim:** Asante sana. Joseph Sakwa.

**Joseph Sakwa:** I am a retired civil servant from this area. Ni tazungumzia upande wa Presidential Appointments. Ningependelea tuwe Na Ceremonial President who is elected before the general election and he should not belong to any party. The party will still provide the Prime Minister with his Deputy. This four people should lead the Government and the people should know them.

Cabinets: Ministers and their Assistants should be vetted by the Parliament. The Cabinet Ministers should not exceed 12 in number. 12 Ministers and 12 Assistants.

Local Authorities: Mimi naona kama County Council, we don't require them because we have never seen anything that they

are developing in this country except to take from the Local People and cause a lot of poverty. You can find 90% of the local shops are closed due to Local Authorities. This will alleviate poverty instead of eradicating poverty.( end of tape 1 A).

Salary of Civil Servants should be regulated because the difference is so high. Somebody gets a million and the other get Kshs. 4000/=. This is an abuse. I propose that the difference should be narrowed. All civil servants should be appointed and vetted for, those who are higher than the deputy secretary. From Deputy Secretary and above and parastatal bosses should be vetted by Parliament and even the Service Commander and Senior Police Officers.

Provincial Administration: I would propose it's abolishment more so the Provincial Commissioners posts and we retain all the others.

Constituency boundaries: I would like a Constitution to have not less than 20,000 voters. Those with less should be abolished and joined with the neighboring ones. Thank you very much.

**Com. Prof. Ahmed I. Salim:** Timothy Ahayah.

**Timothy Ahayah:** Sambai Location Development Committee. It is our view that Officers in job group Q and above be vetted by the Parliamentary Committee. The appointment of Judges and above should be based on experience and professionalism.

To avoid over employments and reducing Government expenditures. The Ministry should be reduced to 16 Ministries. We have 16 Ministers and 16 Assistant Ministers. The AG should cease to be a political representative in the Parliament.

To avoid creation of so (not clear) titles like Permanent Secretary's we propose that appointments of officers should be vetted by the Parliament.

Provincial Administration: We propose that Chiefs should be the basic, from there we go to the DC. PCs should be scrapped

because the DCs are serving the purposes of the PCs, so we have Chiefs, DO, and DCs only.

On politics we propose that political parties be limited to 10 basing on political representation in the present Parliament. We suggest that a by-election should be done away with. It is an unnecessary drainage to public funds.

We also suggested the nominations of the Members of Parliament and Councilors should be done away with since ( not understandable ladies should have a pride of the Members of Parliament, irrelevant).

We also suggested reduction of our elected members. Eg. In Nairobi they should be reduced from 78 to 4, Councilors should be reduced from 56 to 28, so that we save money.

Eligibility to Parliament we suggest MPs should be forth former and minimum qualification of C minus and should have served in public affairs for not less than 10 years. Councilors should also be O level and that one is D plus minimum.

Parliamentary sessions should be increased from three days to four days. Elections offences we suggest that the Election Commission of Kenya should be given enough power to prosecute election offenders.

Set up of the Government we propose that the Government should be composed of the President, the Prime Minister and Ministers.

Referendum: The people to retain residual powers not Parliament. Decision powers

**Interjection:** Any Change?

**Timothy Ahayah:** Any Change be by referendum.

Pensioners should be paid within three months of retirement latest. In most cases they should be paid before they leave their stations of work.

Last one: we suggest that the qualifications for the President should be: age from 45 years and he should declare his wealth before he is elected. Thank you very much.

**Com. Prof. Ahmed I. Salim:** Thank you very much Bwana Timothy Ayah for your views. Hezron Janila.

**Hezron Janila:** The following are my views. The current system of Government should be retained but the power should devolve within the Local Authority.

**Interjection:** What are you talking about?

**Hezron Janila:** I am talking about the administration. The new Constitution should provide for a provision to safeguard our cultural heritage.

The MPs job should be a full time occupation. That Mayors and Chairpersons of the Local Authorities be elected directly by the people after every five years. That election should be held after every five years as provided for in our current Constitution and the next election to be held at the end of the year.

The new Constitution should formulate a policy for one-man one job. That the National Philosophy of a country should be Upendo, Amani, na Umoja. The Official language is Kiswahili and English. The National Symbol should be used to identify Kenyan currency and not the crown of every leader who forms the Government. The National Anthem should be used in the Kenyan currency.

The Parliament should be allowed to control its own calendar. The new Constitutions should be amended by Parliament 75%

majority after the referendum involving the country citizens. That the Constitution should provide for the Executive to hand over power to an interim care taker Commission of at least five people once the Parliament is dissolved to run the Government and over see a smooth transaction of power to the new Government.

That the Constitution provide for a representative system whereby over 50% of the registered number of voters should be attained by the winning candidate. Civic, Parliamentary or Presidential.

Women and people with disability be given 10% of constituency seats . Thank you.

**Com. Prof. Ahmed I. Salim:** Thank you very much Bwana Hezron for your views. Now I call Bwana Benson Kasiera.

Please start with your name and then your views.

**Benson Kasiera:** Many people have said what I wanted to say. I will only say 2 or 3 things that are left to save time.

We have “Jera Kaun” like when a men kills a chicken for the second time in the village he is sent to “Jera Kaun”. We do not hear it happening to other people.

The appointments of Chief, Assistant Chiefs. They should be elected by the people and not to be appointed from Nairobi.

Retired Senior Government officers should not be appointed again in Senior Government Offices. We have so many people who have no jobs and a personal that has retired is re-appointed again and that reduce opportunity for other people.

Those who are vying for various seats in public offices should declare their wealth. Some have been in those seats for a long time and they end up being so rich.

**Com. Prof. Ahmed I. Salim:** Thank you very much for those views. I now call Alfred Kasiera. Karibu mzee.



**Alfred Kasiera:** Langu ni moja tu na ni juu ya ulinzi wa shamba. Ile sheria ya kusema ati mtu akikaa kwa shamba la mtu zaidi ya miaka kumi hilo shamba linakuwa lake iondolewe. Ni hilo tu Mwenyekiti.

**Com. Prof Ahmed I. Salim:** Asante sana kwa oni lako hilo muhimu kuhusi ardhi. Erick Sakawa.

**Erick Sakawa:** I want to highlight a few issues. Education: there should be proper guidelines on the intake to the institutions of higher learning. The Admission Board into these institutions should be open and transparent and should be independent of any political influence. The students are supposed to be given the rights to choose which institution they want to join according to their own capabilities. There should be mandatory primary education and emphasized and communities be well informed on the issues concerning education.

Issues concerning our bursaries and financing of educations. There should be transparency in allocations of this funds. The administration should involve the local people in choosing the right people to benefit.

Health Sector: The issue of Centralization is re-emphasized. The district health management Board and the DDC be given the mandate in the control of health sector in the district. In the issue of primary health care objectives and elements of the primary health care should be re-evaluated also the communities are supposed to be informed on the primary health care.

**Interjection:** What does that mean?

**Erick Sakwa:** That means community involvement in the support of provision health care. The issue of Primary Health Care the main objective was to de-centralize. Community to have basic knowledge on this. They should be educated. My proposal is that this should be left to the local people and not to be directed by the administrators.

The area of Constitution: Most of this people do not understand what the Constitution is; I propose that a copy of the

Constitution should be made available at the local library. Thank you.

**Com. Prof. Ahmed I Salim:** Thank you very much Erick for those views related to education and primary health care and Constitution. We want to assure you that there are plans that this Constitution should be propagated and spread all over the country and hopefully it will be done on a very simple language for the people to follow and read. We hope it will be translated into many languages. Serah Lumuli. Ni mama wa kwanza kutupa maoni yake na kama nilivyo sema hapo awali maoni ya kina mama ni muhimu. Tunaomba kwamba kabula ya kumalinza hivi leo kina mama wengi watakuja hapa mbele kama Serah kutoa maoni yao.

**Serah Lumuli:** Mimi ni Karani wa chama cha Wadada Women Group Tumeandika hapa memorandum yetu na nitasoma tu mapendekenzo.

Tunataka wamam wahusishwe katika uongozi. Wabunge na Councillor hapo tuwe na 35%.

Mashamba: Kuna wa baba wengine wanauza mashamba kama wamama hawajui. Tunataka tuhuzishwe baba akiunza shamba mama ajui akichukuwe loan mama ajue.

Elimu: elimu ya musingi iwe bure. Unakuta mama ako na watoto wengi secondary na wengine primary mtoto kila wakati anafunguzwa shule. Pia wamama wasinyanyaswe katika hii biashara ndogo ndogo. Unakuta mama anafanya biashara ya vitu vindogo ndogo na anaitishwa ushuru. Ile faida yake ndio anatumia kama ushuru.

Tunataka MP. Awe na offisi yake katika Constituency tusiwe tunaend kumona kwake nyumbani. Tukiwa na shinda tunaend offisin.

Chief na Assistant Chief wawe wakichaguliwa na wananchi. Kama hapa kwetu Hamisi hatuna mwanamke kwa cheo hiki cha Chief ama Assistant Chief. Wakichaguliwa na wananchi sisi wanawake tutakuwa na uhuru wa kuchagua yule tunataka.

**Interjection:**

**Com. Prof. Ahmed I Salim:** Mama ungependa wanawake wawe wanachaguliwa kama Chief.

**Serah Lumuli:** Ndiyo, hayo ndiyo maoni yangu.

**Com. Prof. Ahmed I Salim:** Tumefurahi kusikiliza maoni yangu ni wazi kabisa na yamegunzia mambo muhimu sana yanaohusu kila mwananchi na kila family. Asante. Dr, Meshack Isiaho.

**Meshack Isiaho:** I am trying to highlight what has already been said to the Commission. We would like to see a Constitution with an opening topic. Kichwa ya maneno Preamble.

The Constitution that we are reviewing is our independent Constitution which was handed to us in 1963 and we are reviewing for the first time in the spirit of harambee. We are united as Kenyans to make this review willingly and freely to govern our lives, children and the generation to come. Anybody that temper with the Constitution is liable for prosecution and can be sentenced to a life imprisonment or life execution. He should actually be prosecuted to die if proved guilty.

We are for Unitary Government. The area we are in is itiriki, people who live here are watiriki and we would like that to be coded because there is confusion we could very easily found confusion between Triki while our next neighbours here are Ititiji.???????

Presidential election be independent conducted separately with other elections and it should be held after 5 years, he should go for two terms and when he finish he should not come back to seek election anymore.

Forest and Groves should be recorded in the Constitution and should be given the Trustship of the local people.

Land: any Kenyan can buy land anywhere in Kenya provided he is safeguarded by the Title Deed and he should not be harassed by anybody.

Tribal boundaries should be observed very strictly.

Provincial Administration: This has a colonial otology. DC.PC.DO. We are changing that to read Area Administrative Officers we would want those titles changed because they cause a lot of fear among the wananchi.

**Interjection:** They should be referred as who?

**Meshack Isiaho:** We would like them to be Local Administrative Officers, could be a Local Divisional Officer, District Administrative Officer and Provincial Administrative Officer.

(Not clear) should be limited. There is waste of resources. MPs and Councilors who do not do their jobs should be recalled and fresh elections be carried out. (end of tape I).

**Meshack Isiaho:** I am finishing now. Parastatal bodies should go to there parent Ministries.

Votes to be counted at the polling station.

**Com. Prof. Ahmed I. Salim:** Now I call Javan Bulemi.

**Javan Bulemi:** Type of a Government: We want a combination of both Presidential and Parliamentary Government where the President will be in charge of the Army and appoint the Ambassadors and High Commissioners and receive foreign dignitaries. The Prime Minister will be the Head of the Government and will appoint Ministers and other heads. All

appointments should be approved by the Parliament and should be advised by the relevant statutory bodies like the TSC.

Provincial Administrators: this should be abolished. We want Regions to be headed by Paramount Chiefs. The Region, which is at the level of being managed by PC. will be handed by a Paramount Chief who will have Councilors from the division headed by Chief. Below the Chief there will be Assistant Chiefs. Councilor of the Paramount Chief will come from Divisions and the Councilors of the Division will come from the Locations and those of the Locations from Sub-locations.

The Courts should be Africanized so that the advocates and Judges are Africanized through Customary Law. They apply Customary and altitude.

**Interjection:**

**Com. Prof. Ahmed I. Salim:** Only Customary Law?

**Meshack Isiaho:** Today the Judges and Magistrates are very harsh. The altitude should change.

**Com. Prof. Ahmed I. Salim:** I would like before we introduce ourselves properly, I was awaiting for our colleagues to be here so that I can introduce them properly. As soon as our third colleague is here I will get into the subject of introduction. Let us listen to the views of William Yenda.

**William Yenda:** Chairman wa soko ya Kisambale tumeandika memorandum na tutampa. Mambo ambao tumependekenza.

Ministry: kwa sasa ni nyingi sana. Tunependekenza ze punguzwe 15 sikizidi kama si hivo siwe chache.

Controller and Auditor General: Kila mwaka anaadika reporti yake kwa sababu ya uzi wa pesa za Serikali na wenye kutajwa hawapelekwe kwa Korti. Awe na uwenzo wakumusitaki mtu mwenye amefanya wzi na kadhalika asitakiwe kuliko kupelekwa

kwa Attorney General.

Ingingine ni habari ya traditional brew. Pombe ya keyenyenji ningependa iwe harari, busaa, muratina na mnazi pombe ambao inatengenezwa kwa njia ya tradition. Na iwe na masaa ya kunyiwa kutoka saa nane mpaka kumi na pili.

Watu wa kuteuliwa: tungependa wao wawe vetted na Parliamentary Committee. Ministers, Ambassadors.

Uchagunzi ama nominations za MP na Councillor tunapendekenza zisweko. Kwa sababu zile njia zinatimia ku wachagua ni za kipendeleo.

Gender: Hii habari ya kusema ni lazima kina mama wapewe mamulaka. Maoni yetu ni kwamba Kenya ni uhuru na wacha watu wapigania viti.

Vyama: tuwe na vyama chache si zaidi kumi. Zingine ni sa ukabila au ukoo. Mkanisa tungependa yawe machace kwa sababu imezidi. Mengine kuhubiri kwao pengine hakuna maana ni kutukanana.

**Interjection:** Ni vipi utapunguza Mkanisa?

**William Yenda:** Pengine Administration iyangalie ya kwamba hapa kuna kanisa. Kwa nini lingine lijengwe hapo hapo tu?

**Interjection:** Kanisa uhubiri kwa njia tofauti. Kuna Mkanis mengi sana. Kuna Protestants na Independent unataka tuchague aje? Na wafuazi wafanye je? Kuna njia ambao ni bora zaidi kuhakikisha ya kwamba kanisa lina hudumia wafuazi?

**William Yenda:** Zile zina wafuanzi wengi. Zingine hazifae. Lingine ni mtu mmoja kuwa na kazi nyingi. Unakuta mtu anafanya hapa na pale, mwengine amestafu lakini bado anapeya kazi zingine.

**Com. Prof. Ahmed I. Salim:** Sasa kabula ya kuendelea mbele nina furaha kusema kwamba wenzangu wawili Ma-Commissioners wamefika sasa ata wananchi wamefika kwa wingi ndiyo wakati bora wa kuwajulisha sisi ni nani. Kwa upande wangu wa kulia ne muheshimwa Phoebe Asiyu, bila shaka so mugeni kwenu wengi wa mjua amekuwa Mbunge miaka nyingi sana an pia amehundumia wananchi katika maeneo tofuati tofauti. Kwa hivo namukaribisha. **Com. Hon, Phoebe Asiyu:**

Hamjambo wananchi? Mwezangu wa pili, wote wawili walikuwa hawajisikii vizuri wote iliwabindi kwenda kwa dakitari kidogo. Huyu ni **Com. Kavetsa Adagala.** Nafikiri wengi wa mujua ametoka kwa area hii namekuwa pia akihudumia wananchi kwa njia tofuati tofuati. Mimi na yeye kwa miaka mingi tumekuwa walimu wa Chuo Kikuu cha Nairobi. Zote wawili tukimaliza kazi hii ya munda ya kurekebisha Katiba tutarundia kazi zetu hasa ya kusomesha vijana wetu. **Com. Kavetsa Adagala.**

Hawa nao ni wasaidizi wetu. Hapa yuko Programme Officer wetu Maimuna Mwidau, Yule nae ni Coraline na hapa yuko Josphine. Wanafanya kazi muhimu sana. Kama uonavyo Josphine hapa kazi yake ni kuhakikisha ya kwamba kila oni linalo tolewa lina naswa. Programme Officer ni kuhakikisha ya kwamba kazi zetu zote sisi Commissioners na wenzake zinaenda vizuri. Nina furaha kuwa hapa. Mimi naitwa Ahmed Idah Salim na mimi ni Commissioner. Sasa tutaendelea mbele kusikiliza maoni ya wananchi. Tumeendelea vizuri sana kila mtu ametoa maoni yake katika wakati aliyopewa. Na tufuate nyayo za wenzetu wlioazisha point by point. Kama nilivyo wapia hapo awali wanafunzi wa kija tutawapa nafasi ndiyo watoe maoni yao ndiyo warundi shulani. Sasa tuanze na wanafunzi wa tata hapa.

Wa kwanza ni Leornad Ashamba. Karibu hapa mbele na uanze na jina lako. Shule yako na umri wako.

**Leoranrd Ashamba:** I am in class 8 Hamisi Primary School. I am 15 years old; I propose free education in primary and in secondary school orphan to be educated free. Thank you.

**Vincent Sidiki:** Kutoka shule ya musingi ya Hamisi, niko katika darasa la nane. Nina miaka kumi na inne.

Napendekenza utaratibu wa masomo yetu utiliwe manani. Kama kunamabadiliko ifanywe na watalamu wa elimu. Asante.

**Com. Hon. Phoebe Asiyo:** Asante ule anayekuja ni nani?

**Bevelyn:** Kutoka shule ya musingi ya Hamisi, niko darasa la nane. Ningependa mambo ya nidhamu shuleni iwachiwe walimu wenyewe. Asante

**Interjection:**

**Com. Kavetsa Adagala:** Nataka kujua maneno ya watoto, wewe ni mtoto walimu wenyewe watajizungumzia ningetaka kujua ungependa nini kama mtoto? It is very wrong for you people to take children to lobby for you. It is very wrong for you to feed adult things into these children. This people have their own life and actually they have really said nothing, they come and tell us salaries of the teachers, this people have their own lives. Everywhere we go children are told to say things on behalf of their teachers these children are far more important than you and we want their voice and their ideas in the Constitution alafu munaenda muna wa-coach hii sii exam. They cannot even speak because you told them to go and say this. It is very bad you are taking away their Constitutional rights.

**Com. Hon. Phoebe Asiyo:** Wewe ni musichana mdogo ningetaka utuambie ungu kwa masomo ya sasa, twambie hali ya nyumbani ilivyo kama ni rahisi kupata uniform, kama wazazi wako wanawenza kupata pesa rahisi ya kukusomesha? Tunataka kusikia kutoka kwako hii mambo ya walimu ya kuwambia museme shinda zao wewe si mwalimu. Ukisema walimu waruhusiwe kuchapa watoto ujue kuna watoto wameuliwa na hao walimu. Kubuka hii ni sheria itakayo kurinda maisha yako yote. Wenzangu wengine ni orphans tuambie ungetaka wasaidie aje.

**Com. Kavetsa Adagala:** Wanawake pia mkjiandikisha mkete mpaka tumalinze. Walimu mumepokonya watoto haki zao. Sasa a student is your advocate. Isn't it that a world upside down? Sasa huyo mtoto hatakuwa na mafundisho manzuri ya Katiba:



**Mebo Ihungu:** Nasimamia mandeleo ya wanawake Tiriki West. Napendekenza mambo ya Wamama iwe kama ifuatavyo.

Local Governments: candidates for Councillor ship should be tested in English and Swahili.

Electoral System and Process: establishing Regional Councils and Committees where 35% of leadership should go to women.

The rights of vulnerable group: The Constitution should protect the rest of the vulnerable groups in particular women, children and disabled. Hapa na maanisha kwamba tungependelea mwanamke moja awe Makamu wa Rais.

Tunapendekenza mwanamke akifiwa na Bwana awe anapata pension yake sawa sawa.

Wanawake wachukuwe asirimia 35 ya viti katika Mbunge. Khusu watoto ningependelea watoto wasitolewe vitisho vya kuadhibiwa. Tuwe na elimu ya kutosha na ya bure ya shule za misingi. Wazazi wasiwe wanaitishwa pesa zozote ata za kalamu.

Tuwe na shule moja kwa kila location ya watoto wa busary. Watoto walemavu wawe na shule yao. Nao watoto wa street wachukuliwe na wawekwe pahali moja apabo wata hudumia. Ni hayo tu.

**Com. Kavetsa Adagala:** Asante sana. Ali.

**Rajab Ali:** Mimi napendekenza ya kwamba watoto mayatima wabewe nafasi ya busary. Napendekenza walemevu wapewe nafasi ya masoma sawa na watoto wengine. Upande wa Mkasa auo mtu anaitwa “Malumu” huyu mtu anafaa apewe mushahara yaani awekwe kwa pay roll.

Watoto wengine wadogo napendekenza ya kwamba mzazi mwenye mtoto wake anaranda randa ovyo tu achukuliwe hatua. Ni hayo tu.

**Com. Kavetsa Adagala:** Na mzazi akisema sina pesa?

**Rajab Ali:** huwenzi kuwa na watoto na ukose pesa, ata unawenza uza ng'omba ama kuku.

**Interjection:** Noise from the audience.

**Com. Kavetsa Adagala:** Hapa si soko ni baraza. Ni mtu moja pekee yake anaye zungumza hiyo makelele sitaki. Hapa ni kimia tafadhali.

**Com. Phoebe Asiyo:** Munajua tunachukua maoni yenu ndivyo tutengeneza Katiba ni jambo la maana sana ni kama kujenga nchi mpya. Hii ni kitu itakaribisha kila mtu Kenya. Wazee, wanawake, wafanye kazi wa Serikali, watoto wa shule, hali ya mambo ya matibabu hiyo itabadilishwa kulingana nafikera zenyu. Huyu mzee amesema kwali. Lakini mungependa aseme ni heri tupate elimu ya bure kwa watoto ya tima na masikini naona mumekubaliana na mimi lakini hiyo ni sauti yangu. Sasa wacha sauti yako isikike.

**Rajab Ali:** Napendekenza watoto wenye wametoka familia maskini wasaidiwe na Serikali na hata walemavu na yatima.

**Com. Kavetsa Adagala:** Ali mwingine.

**Ali Said:** Mtu niwairadhi kwa sababu sisikii vinzuri. Yale yenye yamezungumzwa hapa ni mengi. Lakini yangu ni hii.

Tunaomba wale wachungunzi wa biasahara wawekwe kwa Katiba kama zamani.

Pili elimu ilikuwa ya bure zamani. Tunataka vile mambo ilikuwa zamani irundishwe hivo hasa shuleni. Kuna mambo nyingi tunaona imetuletea taabu. Katiba irekebishwe sawa sawa. Kwa sababu sasa wakubuwa ndiyo uwa wamechungua na Katiba.

Hawa watoto walemavu, tunasikia misaada inakuja lakini hatujui inatumia namana gani. Ukienda Nairobi kuna chokora wengi, serikali iwajengee hawa watoto shule. Kama kulikiwa na Approved school zamani kwa nini isiweko sasa? Imekuwa na ya matajiri.

**Com. Kavetsa Adagala:** Asante. Elisha.

**Elisha Manani:** Nimekuwa karani wa Serikali. Maoni yangu ni kama haya. Napendekenza ya kwamba uwenzo wa President wetu upunguzwe. Uwenzo wake mwingine upewe Parliament. Kama kuchagua Ministers na Judges.

Security in our country imekuwa mbaya sana. We individuals/common man do not get security. Napendekenza mwananchi aruhusiwe kununua firearm.

Elected Members of Parliament hawatufanyii kazi vinzuri. Tungependa tuwe na uwenzo wa kuwaondoa. Tunapendekenza tupewe uwenzo wa vote of no confidence to our MPs. Tuwe tunaweka signature ziwe kitu kama  $\frac{3}{4}$  ndiyo tumuondoe huyu Mbung. Ata Councillors.

Education: education iwe free na kama haiwezekane kutoka mwazoni iwe at a certain level. Kama ni Primary, secondary, ama university. Watu wameuza mashamba mpaka university. Mimi pangu naonelea university mwingine anawenza sema secondary ama primary.

**Interjection:** Inaudible questions.

**Elisha Manani:** Ndiyo kwa sababu ata sasa hawafiki. Mtu ataweka bidii mpaka afikishe mtoto wake hapo.

Pombe: Pombe isiwe inatengenezwa kwa nyumba za watu. Kuwe na club.

Public Servants wenye wame retire kama mimi kila wakati Serikali ikiongeza hawa wengine pesa ata sisi tuongezewe we are still Public Servants.

**Com. Kavetsa Adagala:** Haya Asante. Caleb Ighaji.

**Caleb Ighaji:** Secretary KANU Hamisi branch. I have two issues.

Education: we should have free education from nusery to secondary. We have heard a lot of problems in books this has been commercialized I recommend the Government to take over the supply of books then liing it to the parents we should have a scheme to do this work.

Parastatal bodies: Before 1967 parastatals bodies were with parent bodies in turn this bodies were moved into the office of the President. I would prefer parastatal bodies to be assigned to their parents Ministries. Any appointment within that parastatal body should be done by the Minister in charge not the President. This is all what I have. Thank you.

**Com. Kavetsa Adagala:** Okay nani inafuata. Jackson Bulimu.

**Jackson Bulimu:** I am a retired teacher. I would want to say something on Kenya leadership. Recogarnizing that leadership is an essential component of the social economic and political development of this country. Kenyans are aware that unless we have good leadership we are finished. There are some guidelines that I want to propose for good leadership.

Anybody who would like to be a leader he/she must be a Kenyan by birth, of Kenyan parents. He must be mature aged 40 and above with a minimum of forth form education. With deep knowledge of history of this country. He must have unshakable interest in the welfare of Kenyans in particular and must have a deep interest in the dignity and aspirations of Kenyans with supportive track of the records of the same.

He should not be a person looking for a job but ready to serve and develop this nation, must be on his primary objection. It is not like they way we have the young Turks they go in and after a while you see them dressed in internal suits.

He must be prepared to sacrifice himself for Kenyans. He/she must be God fearing, respectful with moral up righteousness not a criminal and not a bankrupt. A family person you refer to Exodus 18:21 it support that. Must be capable of supporting all the Kenyans be their spokesman and consult them all the time and therefore live above clanesim, tribe. He must be capable of preserving the culture of Kenyans.

Land: The people within the Land Tribunal are abusing it. They have (end of tape 2 A) a retired Magistrate.

Lastly Security: Let the Constitution emphasize that the security of this country, the people who should be employed should be very intelligent because those are the once that will know what to do with a country. You wonder when a Policeman started beating people in order to get some information. We could be like Israel where we have very intelligent boys taken to the security force it is not wise for anybody to be beaten to give the information. If the young men are taken in Aid organizations they should also be taken in Security force.

**Com. Kavetsa Adagala:** The next person is Moses Uuma.

**Moses Vuma:** Mimi ni Local Government retiree.

Napendekenza ya kwamba one person one job. Kuna vijana ambao ni wa University na hawana kazi.

**Interjection:** Inaudible.

**Moses Vuma:** Kuna sheria inasema ati ukiwachea mtu mali yako kama shamba aishe zaidi ya miaka kumi na mbili alafu ukitaka kumtoa hapa anakataa anasema ni haki yake hiyo sheria iondolewe.

Napendekenza tuhudumiwe mara moja wakati tunaenda kwa Government Offices.

Watu wenye wanatumia mali ya watu vibaya wacukuliwe hatua kali yani wasitakiwe kwa sababu wengine uwa wanahepa kulipa ata madeni.

Musichana auo mwanamke awe ana haki ya kuridhi. Mume asiwe anagawa mali peke yake.

**Com. Kavetsa Adagala:** Tafadhali kila mtu atakuwa na nafasi yake. Mbele ya Katiba kila mtu ni sawa. Peter Arap Ruto.

**Peter Arap Ruto:** Ni na mapendekenzo machache hapo. Ya kwanza kabisa ni khusu wale ma-offisa wanao staafu. Wawe wanalipwa pesa zao za uzeeni mala tu wanapo pata barua ya mwisho ya kustafu.

Title Deed iwe na majina ya bwana na bibi ndiyo Bwana akiaga dunia bibi atakuwa na uwenzo wa kugawa shamba.

Pesa zetu za Kenya ziwe zimewekwa alama maalumu kama milima au wanyama. Alama ya kichwa cha Rais na ni mtu wa kuongoza pengine miaka kumi hii inagarimu Serikali pesa kutengeneza pesa zengine.

Cost sharing hospitalini. Watu wa kawaida uwa hawaweze kugaramia matibabu kwa hivo napendekenza kuwe na matibabu ya bure.

Elimu iwe ya bure kwa mayatima. Shule kama Starehe ziondolewe kabisa zilikuwe zimetengwa wananchi wa kawaida lakini kwa hivi sasa imekuwa ya matajiri.

Uvutaji wa bangi auo wenye kufanya biashara ya ndawa za kurefia washikwe moja kwa moja badala ya kupelekwa Kortini.

**Interjection:** Noise. You have to be quite least you get an inaudible report hizi vifaa hazina nguvu sana.

**Peter Arap Ruto:** Sababu ya kusema hawa watu wasipelekwe Kortini ni, tayari wamepatikani na exhibit. Asante nimemalenza mapendekenzo yangu.

**Com. Kavetsa Adagala:** Major Thiondo

**Major Thiando:** I have looked at the current Constitution and I am quoting some of those paragraphs. The first paragraph should remain as it is. This is Chapter one. Chapter two should be changed and we should have a President who is ceremonial and not political. The Prime Minister should be political. They should be given only two terms of five years. This should apply to the MPs.

The Presidential Commission should have Armed Forces under it. The Commission of Military should be the one to appoint this not the President. Public Service Commission should not be under the President this make people fear, he appoints people who are illiterate or not wise enough to carry out there duties.

Nowadays for one to be recruited in Army you have got to pay money and you wait for a year. This is what we call corruption and it is happening everywhere medical, Armed Forces, APs.

Chapter three has no meaning. Chapter four Judiciary should also have it's own Commission. Chapter five a President should be impeached if he becomes difficult. Chapter seven should be automatic as long as we should have a Senate. In Senate we should reduce the number of MPs. MPs should come from evey district instead of having 200 MPs we should have about 100.

I recommend a two Chamber House.

This MPs should have two terms and should not be given more terms.

**Com. Hon. Phoed Asiyo:** Umesema huwenze ku backdate. Hii ni Kitaba mpya naitakuja na mambo mpya so you cannot recommend back dating of your recommendations.

**Com. Kavetsa Adagala:** What we are telling you is that with these recommendations it will start from there. That is how the law is but the President has no say.

**Major Thiondo:** Lastly in education, we should have scholarship and not bursary. Those who do not do very well their parents can meet the cost.

**Com. Hon. Phoebe Asiyo:** There are children who loose their parents and because of this their performance deteriorate do you want us to deny them the possibility of getting free education?

**Peter Arap Ruto:** Children without parents should be given free education. Asante sana.

**Com. Kavetsa Adagala:** nimekuita jina jetayarishe. Samy Alunda.

**Samy Alunda:** A retired Magistrate. I have written a memorandum which I will give to the Commissioners but I will highlight few things in Judiciary.

I recommend that we establish a Judicial Service Commission which shall have about 10 members, presently the Chief Justice is the Chairman. We are saying he should not be the Chairman because he is the one who execute the resolutions of that Judicial Service Commission. I am suggesting that the Chairman should be appointed by the President after being vetted by the Legal Parliamentary Select Committee.

First of all he should apply to the Judicial Service Commission then it will be taken to the Legal Parliamentary Select Committee then appointed by the President. He should have a Doctorate degree in law.



The Courts should remain the same that is the Subordinate courts, Kadhis Court, High court and court of Appeal but I am proposing that we have a Supreme Court, which will have jurisdiction on criminal and civil matters and also to deal with Constitutional matters.

**Interjection:** Inaudible questions.

**Samy Alunda:** I am giving the Constitutional report. I want the Government to establish office of the Ombudsman. This will deal with the complains from the republic and will have powers. For example Policeman cannot investigate another Policeman Like what happened in Kengongo. The office of the Ombudsman should do such investigations.

Pension: Pensioners are retired public officers they are old and they desire a lot of care.

**Com. Hon. Phoebe Asiyo:** At what level should the office of the Ombudsman be established?

**Samy Alunda:** It would be Central but then we shall bring it down to the Judiciary so that people are able to reach it.

Prison. This should be changed to collective center because the name prison gives a body picture. I am saying that all people who are convicted of petty offences it should be mandatory that they be placed on community service instead of going to the prison. The Magistrate will say yes or no. We want it to be a compulsory thing. I am also recommending that corporal punishment should be done away with.

Provincial Administration people have mentioned this. I want to say the District Commissioner and PC should be maintained but we change their titles they co-ordinate activities in the provinces we should call them as Provincial Co-coordinators. Divisional Coordinators, District coordinators. We have Chief, Assistant Chiefs. The village elders I suggest that they be given

salaries. Thank you Commissioners.

**Com. Kavetsa Adagala:** Sorry we do not have much time we could have talked about prisons more because you know how they are. Moses Bonyo.

**Moses Bonyo:** I would like to start with the preamble in the Constitution. It should define the boundaries of this country and should refer to this country as for Kenyans.

Parliament: This being the Supreme Organ which make the law of the land should have a research center such that it would make research on every Bill that is put before the Parliament so that we can avoid the present haphazardly laws made in that house which have turned out to be irrelevant and impracticable.

Within our system today the Parliament is used and interfered with by the Executive. I am saying the Parliament must be left independent and the Executive should be kept off from the Parliament.

I am recommending that the current system of Government Unitary Government should remain with devolution of power with the Local Authority. This will reduce the in balance in economic development because the Local Authorities would put in place the slums that they would have access to and develop the area according to the needs of the people.

This country is known to be an agricultural country and the Government has not taken interest in the development of agriculture in this country. A farmer has no means to dictate prices of what he produces there fore the agricultural land is not unutilized. I would suggest that the Government should take incentive and responsibility to plan for all the agricultural land that we have, look for the market, have the farmer plant according to the agricultural need and the market must be readily available for the products produced by the farmer..

It is therefore necessary that a farmer should be given access to soft loans. To have this accomplished I would suggest a

Farmers Bank be established which should give grant or loan so to make it easy for a farmer to produce the products that has been properly planned for

The medical services in this country are expensive and I suggest NSSF, NHIF should be used as an Insurance so that all Kenyans are exposed to medical services. Over and above the medical services should be subsidized so that it will be within the range of an ordinary person.

As Kenyans we do need security from the Central Government. Insecurity which is prevailing in this country has retarded the development in this country. Therefore it should be put in the Constitution that Government must protect its people and must provide for them. Just like a parent provides for the family. This will give what I would call patriotism. To be patriotic is reciprocal to what the Governments have done for you. Thank you very much.

**Com. Kavetsa Adagala:** Describe the Unitary Government that you want?

**Moses Bonyo:** The set of the Unitary Government that I am looking for is the Government with a President, Prime Minister, Ministers, Department and Ministries but because 80% of the population live in the rural area I am saying the devolution of power from the Central Government to the Local Government would be good enough to in effect the balance development within those regions. I am not suggesting Federal here but I am saying dissolution of power from Government to Government goes down to the people and reach them where it is needed.

**Com. Kavetsa Adagala:** What you have described at the Local level is actually Federalism. You have said Unitary but what would happen to people at the Local level is devolution and this led to Federalism while if it is Unitary and you bring the power down is Decentralization two different concepts.

**Moses Bonyo:** I do accept, then the Decentralization with a little more power equivalent to Devolution should be put in place so that the economical development comes up in a balanced home because it will now go by what the people on the ground

need

**Com. Kavetsa Adagala:** You have seen the need of the people. What you are describing is actually Federalism so that people manage their own resources do their decision making participate and benefit. That unit down there then there will be other unit all over the country. Unitary and Decentralization is like what has happened now bringing Government closer to the people like the district and other things. There are contents that we are all getting used to. You have shown what you want.

**Moses Bonyo:** Commissioner let me add this. Strategic planning cannot take effect the way it is put in place because of the bureaucracy. Therefore people do not get what they have actually planned for.

**Com. Kavetsa Adagala:** That is just what a problem is because a road can be planned. May be even this road here has been said that it is tarmac but some PS or someone in the Province pocketed the money. or that road was taken somewhere else. If it is locally here Shirikisho if you want say Majimbo has ethnic consultation but the word Shirikisho watu wanashirikiana, in that sense it will function. Then it comes down to the natural resources how much of the benefit should remain locally and how much should go to the Central Government. Thank you very much you have concern for the people which is very good.

Next person Mudeheri Motokah.

**Mudeheri Motokah:** My first point is on the economic----- those who have rooted from this country. There should be no way the Government should present a Bill to give clemency for such people. They should be made to pay for what they have done.

Immunity to the Presidency, Ministers, and other top officials of the Government of the day. Such a thing should not exist in our Constitution because they took oath of office and therefore they should be responsible of what they do. So there is no way a Bill should be passed or forced to them.

Appointments of the top officials of the Government in organizations. This should be according to professionalism. Not placing the wrong people in wrong positions causing this country an undue loss. There should be a Commission a group of professionals who sit together to look into the credential of individual's appointee.

Axation of our forest. Our forest has been taken away. The Natural Resources it is my wish that there is no forest which should be taken away in the name of settling people. It should be confirmed.

Freedom of worship: This has allowed even the devil worshippers to come and confuse the people of this country in the name of freedom of worship therefore there should be a vetting body. A body that vets who is this that is coming to bring his/her own religion and what is it?

Promotion of Civil Servants and their salary increments. What has been agreed has to be adhered to. Therefore there is no way the Government should keep on twisting workers around to deny them of there rights while they perform their duties.

**Com. Kavetsa Adagala:** Kila mtu anumia ile lugha yenye anataka. How a you going to vet who is doing what in the religion?

**Mudeheri Motakha:** This is how it has to be vetted. Tusikupaliwe dini zinazotoka pahali pengine kuja hapa kujiandikisha na kujitukunza hapa. Not every religion kila dini isije tu hapa. Kila mtu anakuja hapa kwa jina la dini.

**Com. Kavetsa Adagala:** Wengine walisema hawataki mtu awazue. Nini ita kwambia dini yangu haistahili na yangu inahistahili.

**Mudeheri Motokha:** Hiyo uhuru ndiyo tunakataa.

**Com. Hon. Phoeb Asiyu:** Sema ya kwamba dini yeyote inao ingea kwa nchi hii mpaka ichungunzwe kwanza kabula haijapata

license.

**Com. Kavetsa Adagala:** Asante sana. Lena

**Lena Inganiza:** I am going to speak about land and property rights. The Constitution should regard land ratio and ensure gender equality in land distribution.

**Interjection:**

**Com. Kavetsa Adagala:** Who will distribute?

**Lena Inganiza:** The family members who are there to distribute the land. If it is my father he must say that my daughter must have a share.

International Relation. The Minister in charge of the Ministry should transact the treaties instead of the Executive.

The Constitution should ensure that the Judicial Service Commission appoints the Judges and the magistrates.

The coming Parliament officers should not be (not clear).

Defense and National Security: The Executive to involve the emergency power in Parliamentary Select Committee. (Statement not clear).

**Com Kavetsa Adagala:** Asante sana. Daniel Amukmba.

**Daniel Amukmba:** Nina mambo machache tu. Ya kwanza ni khusu uchagunzi. Napendekeza ya kwamba Serikali itakayo kuja ipige marufuku mambo ya kupatia wananchi pesa wakati wa campaign. Wale wanaojisikia kuwa Councilor, MP. Ata Rais waonyeshe umarufu wao kwa kuazisha miradi ambao itafaidi Wakenya wote.

Naomba Serikali itakao chukua hatamu ipige marufuko majina ya kikabila ambao uwenda ataleta mizozo katika kizazi ki cha jo.

Majina kama Maragoli, Nandi, Tiriki. Serikali kupitia wazee watafute majina ambao itakuwa na usawa pande zote.

### **Interjection:**

**Com. Kavetsa Adagala:** Tutapiga marufuku mimi naitwa Kavetsa ni ta jebadirisha kwa nani?

**Daniel Amukmba:** Hii ni sehemu ambao watu wengi wame kusanyika na wanaishi pamoja. Tukitumia jina langu ni kupendekeza kabila langu na kizazi kijacho kitasema hii ni sehemu yetu.

**Com. Kavetsa Adagala:** Sorry na kuharibia wakati. Jina linasema huyu anatoka sehemu fulani.(end of tape 2).

**Daniel Amukmba:** Tatu ni khusu hotuba ya Rais. Hotuba yeyote ambao inatuliwa katika mikutano ya kitaifa. Napendekeza ya kwamba lugha ya kiswahili iwe inatumika kwa sababu ndiyo inaeleweka na Wakenya wengi kuliko kingereza.

Inne. Ni khusu masharti juu ya Wakenya wenye kuingia na wale wenye kwenda inje. Napendekeza ya kwamba Serikali iweke masharti kwa wenye wanaingia Kenya. Watu wasiwe wanaingea bila kibari kwa sababu wengine wanaichukua kama furusa ya kutimiza mipango yao ya kijabazi.

Wakenya weney kuenda inje Serikali irahishishe msharti kwa sababu ukiangalia nafasi za kazi Kenya hii zimepukuka na wakenya wengi wanawenza kuafuta kazi inje. Na pia wawe na vibari za kwenda na wajulikane wanaenda kufanya nini?

**Com. Kavetsa Adagala:** Katiba ikesema kazi ziweko zitakwa. Ikisema three thousand or millions jobs zitakuwa.

**Daniel Amukmba:** Watu wenye wanataka kazi Kenya ni wengi sana. Serikali inatafutia kila Mkenya maisha bora si kikundi ama namba fulani ya watu.

**Com. Kavetsa Adagala:** Okay Asante sana.

**Samwel Shahenza:** Mimi pedekenzo langu la kwanza. Kuna watu ambao walitoka hapa taku mwaka wa 64 kwenda kwa majirani wetu hapa. Wakati walienda huko, utakuta mtu anapo taka kumona DO. Anatoka huko mbali anakuja Kapsabet. Napendekenza ya kwamba wawe wanashugulikiwa na DO mwenye yuko karibu tuwe na office karibu.

Pili. Hapo tunaitwa Watiriki. Kila mtu akija hapa ata kama ni Mzikuyu, Mnandi, wanaitika Watiriki. Tunaomba tukenda pahli tufuati desturi za wenjenji tuishi pamoja bila mugawanyiko.

**Com. Kavetsa Adagala:** Kuna njia ya kuhararisha mtu awe Mtiriki? Fafanua kidogo ndiyo tuelewe na isaidiye wengine.

**Samuel Shahenza:** Mtu akija hapa na pesa. Unakuja nakumpa wewe plot kwa hivo mimi ndiyo nimekaribisha wewe lakini nyumae unanza kusema Kaji----- hiyo ndio nilikuwa naomba tuwe kama Watiriki si kuangalia kabila.

Sisi wengine hatujewenze. Tunaomba Serikali irundishe Busaa lakini kumi kumi na bangi ikomeshwe.

**Com. Kavetsa Adagala:** Asante sana. Saul Chegero:

**Saul Chegero:** Napendekenza Serikali ya mseto. Collations Government good Government Na tuwe na kiti ya Prime Minister.



La pili nguvu za President ziwe reduced. Kuna kazi Kenya kama key post. Kama Chairman wa Central Bank na kazi zingine.

Hizo kazi ziwe vetted na Parliament.

Tuna shinda zingine katika nchi hii ya Kenya. Uhuru wa kuzungumza. Ya faa tuwe na complete freedom of speech or press.

Hatuna uhuru.

**Interjection:**

**Com. Kavetsa Adagala:** Umesema vitu viwili unatoke vyote?

**Saul Chegero:** Nataka vyote viwili. Freedom of speech and press.

Upande wa mashamba watu wa kizozeana mashamba hiyo kesi irundi kwa upande wa wazee. Na Chiefs Act iwe scrapped off.

Kuna mashamba unakuta mtu ako na shamba kubwa kabisa ya faa mashamba ingine kama yenye iko highlands ikiwezekana mtu binafusi awe na 50 acres. Na wale landless watafutwiwe shamba wagawiwe kama acre 10 ama 5.

National Cake kama NGO donors wakileta pesa kwa nchi hii hazifikee mwananchi zinapotelewa huko juu. Ziwe zinafika kwa village na kila mwananchi apate. Ni hayo tu.

**Com. Kavetsa Adagala:** Asante sana. Dickson Aiga.

**Dickson Aiga:** Yangu ni khusu uridhi wa mashamba. Njia ambazo zinatumiwa kuridhi mashambao ni njia ambazo si nzuri sinafaa zirekebishwe. Ningependelea hivi kama mtu amepokele application ya succession kortini isiwe kwa official Tender Gazzete itangazwe katika vijiji ijulikane ya kwamba mtu fulani anaridhi mali fulani. Wananchi hawafikii hiyo Tender Gazzete.

Shamba iwe ya State. State e-control umilikaji wa shamba na mtu akitaka shamba apate tu lease kutoka kwa Serikali isije kuonekana ya kwamba kuna watu wako na mshamba kubwa na hawatumii vinzuri. Serikali ichugunze hiyo na ipeyani kwa Lease Board si kuwa Title Deed.

Uchagunzi wa President usiwe pamoja na wa Councillors na MPs. President achaguliwe kwanza na wananchi. Wakati mwingine wachague MP, na Councillor wakati wake.

Napendekenza kila Province ipatiwe jukumu ya kuandika watu wao na Public Service Commission. Kama ni Western iyandike watu si kwanzia uko Nairobi na kufanya ukabila. Tunapendekenza hiyo ifanyawe katika Provinces alafu posting inafanyiwa katika Central Government.

Environmental Health: Unakuta kama miji yetu ya Kenya kama Nairobi ina uchafu mwingi na hiyo Serikali inawenza ku-control kwa njia ya rahusu. Mtu akijenga ngorofa ajaribu kuweka mpango vyenye takatak zitatupwa. Sikutumpa tu huko na huko. Kuwe na mpango mzuri ata kwa mjengo.

President akitaka kuchaguliwa awe na term pili. Kila Province ipatiwe wakati wake wa kutoa Rais si atoke tu kwa Province moja. Yaani from Central to Rift valley, from Rift Valley to Central. Ni Hayo tu.

**Com. Kavetsa Adagala:** Nataka kukuulinza mzee. Mwanzo unasema succession itangazwe kwa kijiji alafu unasem State owned, alafu unasema no Title Deed sasa succession itakuja vipi?

Jambo likiwa la Serikali na mtu amepata Lease ya munda yaani miaka fulani akaye pale ana mali yake iwe hapo. Kunakwa na application ya succession abao itakaa na lease kwa munda fulani. Akifariki hiyo lease itaendelea.

**Com. Kavetsa Adagala:** Succession ina husu ile individual ownership ile Title Deed sasa pengine ufikiriye---ni sawa

tumeandika. Ihuga Elphas.

**Ihuga Elphas:** According to the Constitution of Kenya the President shall be elected by people.

We should have a judicial body to attend all the cases in laws and the equity arising under the Constitution. (irrelevant).

The Executive powers shall be vetted in the hands of the President. We need the Executive Commission to be established within the Government Department to ensure equity in solving poverty problems, corruption right from the Divisional level.

All Provinces should be given a chance to produce a President.

We need Nominated Councilors to have two terms only and these seats should be given to the unemployed young stars.

When the results of an election are out more so for the President the closest rival should take the Parliamentary seat. (not clear).

The President should first be elected from his constituency.

We want a Constitution that will give Kenyans enough civic education from the grass root level. The Constitution should allow the punishing of the corrupt officers. The Constitution should also create awareness for political pluralism. We are saying that if a party has to be registered we need its manifesto to circulate among all the republic. People also be allowed to vote for the parties they need.

We need legal advice for the poor who cannot afford the services of the lawyers. Our Constitution should allow establishment of various institutions that will offer jobs.

**Com. Kavetsa Adagala:** If the Member of Parliament in the President constituency is the runner up second to the President he becomes the Member of Parliament and will be of the opposite party. You know that. Okay. John Adika Adika.

**John Adika:** Maoni yangu ni haya. Tuna watoto ma yatima, wale ambao Serikali ilisema itasaidia kimasomo. Napendekenze ya kwamba hawa watoto mayatima wasaidiwe.

Rais Moi alitangaza ya kwamba watoto wawe wanasoma bure. Napendekenza ya kwamba hawa watoto wasome bure kama Rais alivyo sema wanafukunzwa kila wakati.

Mimi ni moja wawahubiri lakini wakubwa wetu uwa hawaturipe kwa hivo napendekenze wawe wanaturipa mushahara.

**Com. Kavetsa Adagala:** Mzee nataka kukuelenza ya kwamba Rais akisema huyu ni directive lakin Katiba ikisema ni lazima kuwe hivo Katiba ni kubwa kuliko Rais. Josphat Musagane.

**Josphate Musagane:** Napendekenza ya kwamba walemavu wapatiwe kazi na sector za Kiserikali ni hiyo iwe sheria.

Mtoto mulemavu asomeshwe bure kutoka shule ya musingi mpaka university. Na tuwe na Special School ya walemavu kwa kila location.

Mamulaka ya Raisi ipunguzwe. Mkuu wa sheria achaguliwe na Bunge. Directors was sector tofuati za Serikali wachaguliwe na Bunge. Speaker naye achaguliwe na wananchi. Mkamu wa Rais naye achaguliwe na Bunge. Public Service Commissioner achaguliwe na Bunge.

Tender ziwe zina idhinishwa na Bunge. ( Tax iwe independent na iwe na Commissioner).

Rais asiwe the Commander in Chief wa jeshi. Hayo ndiyo maoni yangu. Asante.

**Com. Kavetsa Adagala:** Weka hapo pia na ujiandikishe ulitoa maoni. Nedy Ediaka.

**Nedy Ediaka:** Napendekeza mfumu wa zamani wa masomo urundishwe.1-8-4-2-3.

Napendekeza ya kwamba wanawakwe wawe wakishirikishwa kwa Title Deeds. Na mashamba hayo kwa upande wa kuridhi kusiwe na kondi kubwa wakati wa kufanyia succession.

**Com. Kavetsa Adagla:** Unasema wanawake wasirikishwe aje kwa Title Deeds?

**Nedy Ediaka:** Title Deeds zeandikwe kwa jina la mume na mke.

**Com. Kavetsa Adagala:** Asante sana. John Asami.

**John Asami:** Napendekeza ya kwamba Wabunge wateule na Councillors wawe wanachukuliwa wale runners up. Yani yule amefuate mushindi.

Fee ya Councillors na MP wanapo taka kugopeya nyadhifa zao ipokunzwe. Yaani iwe kiwango ambacho kila mwananchi uwawenza kutoa.

Mtu ak-retire kutoka kwa Serikali asipewe kazi nyingine kwa shirika lolote ispokuwa ni kwa siasa tu pekee yake.

Busary inatumika kwa matajiri pekee. Kwe na mpango mzuri ndiyo wengine wanufaika.

Katibe isaidie hizi roadblocks zingoliwe zipelekwe kwa mipaka. Kinyuaji hiki cha busaa kirudishwe kilikuwa kinasaidia mwananchi sana lakini changaa na bangi zipigwe marufuku. Mtu akishikwa na police asitakiwe kwa kosa lile ameshikwa nalo nasiawekeliwe hatia.

**Com. Kavetsa Adagala:** Asante. Henry Kimose.

**Henry Kimose:** Haya ndiyo maoni yangu. Sisi watu wa Western tumeumia hatuna barabara napendekenze tuwe na barabara ya rami kutoka Majengo to Shemohoko.

Rais asiwe na uwenzo wa kuchagua yeyote sisi raia ndiyo tunauwenzo. Ata yeye wananchi ndiyo walimpa kiti.

Sisi tunaishi kama hatuna uhuru ata mtu wa kanisa anashikwa na anaadikiwa changaa au mhangi hiyo ni makosa sana kuwekelea mtu

Naulinza kwani sisi watu Wa Western hatujasoma? Nataka kuwe na usawa wa uwajiri.

**Com. Kavetsa Adagala:** Asante. Luvayo Jimumodi.

**Luvayo Jimumodi:** I would put the following proposals to the Commission. One. I would like the posts of DO/DC be localized in a way that they are advertised in Western Province and we get people from Western Province who can do those jobs. We have some of them coming from different places we sign some development projects but in real facts those projects do not actually go as per the needs of the people. So we want somebody from Western Province if the project is not completed we can get hold of him.

The President should not just appoint Ministers in various Ministries who are not even enlightened. They should know what happens in a particular Ministry. I am proposing that the Presidential appointees should be people with knowledge and educated.

The Nominated MPs should be appointed by the President but they should serve Special purposes.

Parastatal Chiefs: In most cases in Kenya you will find that the Parastatal Chiefs are rejects. I am proposing that Parastatal

Chiefs should be people with high integrity in the community and people who are professional in that particular field.

Forest is a very important asset in our lives and people have grabbed our forests. I am proposing that those ones, which have been grabbed, should be repossessed and the culprits prosecuted.

Education: We are told that education is free which is not. I am proposing that education should be free from std1 up to university level.

Police Harassment: In Kenya we are civilized and you will find that Policemen are harassing wananchi very badly. From saa moja you just go to the shop you will not go back home you are arrested. I am proposing that we have a different office which deals with the complains of the public rather than going to the same Police Station. That is all.

**Com. Kavetsa Adagala:** Thank you. Luke Kakasi. Wakina mama mukijiandikisha muvumilie kazi ya leo mwawenza kuifanya kesho. Kwa sababu hatutakuwa na siku ingine kama hii.

**Luke Kakasi:** Napendekenza malipo ya Land Title Deeds ipunguzwe auo iwe ina toliwa bure.

Wazee wa Mtaa ufanya kazi nyingi. Napendekenza wawe wanapata mushahara. Mtu akishikwa na Police napendekenza ya kwamba apelekwe kwa Korti na asitakiwe na si kumalinza siku nyingi kwa romandi.

Garama ya shule imekuwa ya juu muno kutoka form one to four. Napendekenze Serikali itupe free education kutoka form one hardi form four.

Mwakili wanalipisha pesa nyingi sana. Tunaomba Serikali itusaidie na mawakili na iwe inawalipa vinzuri.

**Com. Hon. Pheobe Asiyu:** Kuna kitu mjoa mzee ulisema naningependa utusaidie. Ungependa Title Deeds ziwe zinatoliwa

karibu na nyumbani kama kwa DO kuliko kwenda huko juu kuchukua? Okay. Asante.

**Com. Kavetsa Adagala:** Jina lako ni?

**Peter Lumasira:** Napendekenza Katiba mpya aseme hakuna cost sharing. Naomba watoto wasome bure kuwakuwa wanalipa kodi. Katiba iseme ya kwamba hizi service ziwe za bure.

President achaguliwe na wananchi siku yake pekee. Na kura zihesabiwe hapo hapo na majibu itolewe hapo.

President asiwe na uwenzo wa kuchagua wakubwa wa Ministries, hii iwe kazi ya bunge.

**Com. Kavetsa Adagala:** Mzee kunakitu kinaitwa check and balances. Tunawenze patia Mbunge nguvu nyingi na nyumae iwe kama vyenye President yuko na nguvu nyingi na iwe ya imura. Inafaa moja akichagua mwingine akaguwe. Auo mwingine anafanya shortlist na mwingine achague. Watu kadha wamesema Bungi ata kulikwa na jamaa moja kila kitu alisema Bungi. Uenda ikawa ya imura ni kweli tutatoa hizi nguvu kutoka kwa Rais tufanye balance vipi?

**Peter Lumasira:** Hiyo ni sawa Kamati sichaguliwe mbali mbali ziwe sikifanya hiyo kazi. Kamati za Bungi.

**Com. Kavetsa Adagala:** Asante sana. Masinza.

**Bernard Masinza:** Mimi ni mwalimu. Pendekenzo langu la kwanza kwa Katiba ni juu ya elimu. Ningependa elimu ya msingi na secondary iwe ya bure. Na secondary na university iwe regulated. Iwe free for poor and orphans lakini wale wanajiwenza walipe kitu kidogo.

Kuna State Farms. Nyingi ni kichaka tu, ningependa yale mashamba ya limwe na Serikali itoue kazi kwa wenye hawan kazi kwa mashamba hayo. Pia Serikali itapata chakula cha kutosha kwa wananchi na hatutakuwa tunakoba inje.



Ningependa uchagunzi uwe mara pili. Uchagunzi wa Bungi na mabaraza uwe wa kwanza ndivyo tupate mtu mwenya anaqualify kuwa Rais. Katiba inasema ya kwamba lazima mtu awe MP kwanza ndiyo achaguliwe kuwa Rais.

**Interjection:**

**Com. Kavetsa Adagala:** Kama zamani? Awe MP na President?

**Bernard Masinza:** Ndiyo awe MP na President kwa sababu amechaguliwa katika constituency yake. Pendkenzo likini ni kwamba Raisi akisha pigwa kura na asifikishe 51% huyo uchagunzi ni lazima urundiwe.

**Interjection:** rain

**Com. Kavetsa Adagala:** Tafadhali jisinye kidogo tumalinze hii kazi.

**Bernard Masinza:** Ningependa Rais awe akichaguliwa kwa miaka mitano kila kipindi na pia Serikali iwe ya Mungano yaani Coalition Government. Hapo kutakuwa na Rais na Prime Minister. Na Prime Minister atatekelenza mambo ya Kiserikali na Rais mambo ya Ceremonial functions. Hiyo itapungunza uwenzo wa Rais.

Jambo lingine ni Kuhusu Prisons zetu. Nigependa ziwe mahali pa rehabilitation not a humiliation center. Yaani kiboko kitolewe kwa jira wasichapwe wafungiwe. Kuwachapa na viboko ni kuwauminza.

Katika Judiciary. Naomba Hanging Act itolewe kwa sababu after hanging someone hatakuwa pale ku-regeret the mistake. Inatakiwa awe pale ili awe akijuta.

Defense hali ya usalama wa nchi. Ningependa wanajeshi wa nchi yetu wakati hawana kazi ya kufanya wawe wakipewa kazi

kama ya kutengeneza ma-bara bara, vitu kama ma-daraja badala ya kupatia contractors. Serikali uanga inalipa pesa zingine na wanajeshi wanakaa tu katika Barracks wakifanya michezo.

Langu la mwisho ni kuhusu land ownership. Ningependa Serikali inyakuwe yale mashamba ambao yalichukuliwa na watu yani wale wali grap. Na shamba ama property ya Serikali ambao isha nyakuliwa ichukuliwe. Kama KICC ilichukuliwa junzi na ilijengwa na pesa za uma sasa ni mali ya kundi fulani na hivo si vinzuri. Ni hiyo tu.

**Com. Kavetsa Adagala:** Coalition Government. Sasa kama tutakuwa na run-off na mtu apate 80% of the votes kwa nini kuwe na Coalition Government.

**Bernard Masinza:** Ningependa kama atachukua 80% of the votes since ha kuchukua 100% of the votes pando kuna room at least ata dominate the Government lakini Chama kile kina nafasi katika ile Serakali ama kime shinda kura ama viti kadahaa katika ile Mbunge ata akiwa na waziri moja awe katika hiyo Serekali pia.

**Com. Kavetsa Adagala:** Simon Iarini.

**Simoni Iarini:** Mimi nitaongea juu ya msitu ya Watiriki. Watiriki wamesema hivi damu yao haiwenze kumwagika hivi hivi. Ndiyo maana wakatunza msitu yao wakati wanafanya tohara wanaingia msituni si inje damu ya watoto wao isimwagike inje. Hiyo ndiyo inafanya Watiriki wapige kelele.. Mtiriki ni lazima apigwe Shigongo na angea msituni.

**Com. Kavetsa Adagala:** Mzee unawenza kutuambia zaidi juu ya hii kitu cha shigongo tuone kama itasaidia wengine?

**Simon Iarini:** Hiyo ni siri ya Mtiriki. Yule Mtiriki anaye ingea uko ndiyo anajua Shigongo inafanya kazi gani.

**Com. Hon. Phoebe Asiyo:** Mama njoo Agnet. We have a translator.

**Com. Kavetsa Adagala:** Wewe ni yeye na utranslate kila maneno anayosema.

Luya:

**Agneta Ivensi:**

**Translator:** My name is Agnet Ivensi:

**Agneta Ivensi:**

**Translator:** My views are on the “Vikulus”

**Agneta Ivensi:**

**Translator:** We village elders are doing a lot of work but we are not getting any money.

**Agneta Ivensi:**

**Translator:** We have children who are in school. How can we help ourselves?

**Agneta Ivensi:**

**Translator:** We want the Government to help us so that we can be able to get some salaries.

**Agneta Ivensi:**

**Translator:** So that we can educate our children. Those are the views that I wanted to say I am a village elder.

**Com. Kavetsa Adagala:** Asante. Jotham Angori:

**Jotham Angori:** Yangu ni tasema ya kwamba Katiba hii yetu isifuananishwe na Katiba ya Mzungu iwe katika utamaduni wetu.

Kiti cha President kisiwe kinachafuliwa ovyo ovyo na kuna yale manzuri alitutendea. Walio soma sana Kenya wasiombe kazi kama watu wa std 8 auo form four.

MP. Akichaguliwa asiwe anaenda kuona Chief ama DO.DC. lakini awe anaona mzee wa mtaa ili ampe uthabiti wa shinda za watu wake. Akipata maneno kutoka kwa mzee ndiyo atarundi kwa PC naye PC arundishie watu wa ndogo.

Watu wakitaka kujua mambo ya umasikini wawe wanaanzia Kanisani hapo ndipo watapata ukweli. Kuwe na nduka za matajiri na masikini na ile ya masikini bidhaa ziwe na bai nafuu. Ukiangliwa kama hapa sukari inatoka hapa alafu tunauziwa kwa bei ya juu. Mtu mwenye ako na elimu ya juu awe ana andika wengine.

**Com. Kavetsa Adagala:** Akimalenza masomo awe?

**Jotham Angori:** Akimalinza masoma apewe loan ndiyo aazishe kazi ndiyo aandike watu wadogo

Watu walio soma tukiwa nao kwa mikutano wasituchukuwe kama sisi ni wajinga wawe wakitupa heshima zetu.

**Com. Kavetsa Adagala:** Asante. Joel.

**Joel:** Kitu cha kwanza hapa Kenya kuna shinda nyingi sana wengine hatunjewenze na kuna wale wanafanya biashara ndogo ndogo na watu wengine wanakuja kuwanyonya. Mimi niko na school fees ya kulipa ndiyo maana na jikaanza pale ndio ni jisaidie. Hizo kazi zetu ndogo ndogo haziendelei na Serikali hatujui inapeleka hizo pesa wapi

Busaa iwe legalized ilikuwa inasaidia watu sana lakini hizo zingine zipigwe marufuku. Sina mengi sana.

**Com. Kavetsa Adagala:** Asante sana Jackson Igusa.

**Jackson Igusa:** Wazee wa Mitaa wapewe mamulaka ya kutosha. Kwa hivo Police wakishika mtu wazee wa mtaa wanafika kortini kuhakikisha ukweli wa mambo na wawe wanalipwa mushahara.

Assistant Chiefs wawe elected by the Local people within there area. Chief vile vile wachaguliwe na wenyenji. Wasiwe wakichaguliwa na PC ama DO na kuwe na kiwango cha elimu from forth form with division three and above.

Mtu akisitafuu kutoka kazi ya Serikali haifai apewe kazi ingine maana tuna watoto huku wamesoma na hawana kazi kwa hivo hizo kazi zipewe hawa watoto. Ni hayo tu.

**Com. Kavetsa Adagala:** Asante sana mzee. Timothy Ngwihi.

**Timothy Ngwihi:** Yangu ni haya japokuwa imesemwa. Mtu kama Assistant Chief. Tunataka si wenyewe tuchague Assistant Chief, hatutaki DO ama DC atuchaguliwe yule mti mwenye hatujue. Si kusema ata yule ni wa form four na mwingine wa Std 7. Ikwa ni Assistant Chief awe promoted kuwa Chief ni sawa.

Asikari Kanga (AP) wanachukua pesa kutoka kwa watu juu ya pombe. Naomba vi-labu vivunguliwe ndiyo wakose zile pesa wanachukua chukua kwa watu. Yangu ni hayo.

**Com. Kavetsa Adagala:** Okay kuna lingine la kumalinza. Next ni nani sema jina lako. Japhathe Akimahara.

**Japheth Akimahara:** Yangu ni hii. Naomba Serikali ipanuwe viwanda. Kila Sub-location ipewe Kiwanda ndio watoto wapate kazi. Kila sub-location iwe na viwanda inne. Serikali itafute njia ya kuongeza wananchi mapato.

**Interjection:**

**Com. Kavetsa Adagala:** Sema vyenye wafanyi biashara watasaidiwa?

**Japheth Akimahara:** Wawe wanatupa mikobo na kwa njia ile tutakuwa kama wananchi wengine.

**Com. Kavetsa Adagala:** Asante sana. Mwingine. Ephrahim Efeda.

**Ephrahim Efeda:** Assistant Chief tulipewa wawe wanatusaidia. Lakini Asikari wanashika watu bila Assistant Chief au mzee wa mtaa. Napendekenza hivi Serikali inaokuja ihakikishi ati hakuna mtu atakeyshikwa bila Assistant Chief kujua.

Jambo la pili. Tulikuwa na Society ya Kahawa. Napendekenza ya kwamba kahawa itunzwe na itengenzwe iwe nzuri. Na malipo iwe nzuri ndivyo tupate pesa wajukuu wasome.

**Com. Kavetsa Adagala:** mzee kungekuwa vinzuri kama wakulima wa kahawa ndiyo wangepewa nguvu za kuchagua wakubwa wao wa co-operative?

**Ephrahim Efeda:** Raia wenyewe wachague. Wakulima wa kahawa wachague.

**Com. Kavetsa Adagala:** Ata si Serikali ni Katiba unaomba. Kwa sababu Serikali inawenza kwenda kobo kobo lakini Katiba inasimama imara daima. William Igossi ni observer?

**William Igosi:** Nimetoka Tiriki East. Naomba Katiba itusaidie tuwe na Chief wa karibu. Kutoka wakati wa Kenyatta hatu jawahi kupata Chief wa karibu. Tuko na nchi kubwa sana.

Askari wanasubua watu sana wanawashika na hawawapeleke kortini ni kuwaitisha tu hongo.

Watu wa kuchoma makaa wanashikwa na pengine hiyo ni njia ya kutafuta kalo. Ningependa mtu akichoma makaa yake asishikwe kwa sababu ha kwenda msituni. Alikata miti kwa shamba lake si kwa msitu.

**Com. Kavetsa Adagala:** Hutaki kusema mambo ya utamaduni.

**William Igesi:** Sisi waimbaji wa kitamaduni tukiomba loan tunaabiwa hatujasoma. Tunaulinzwa kama tunajua kusoma kama hatujui hatuwezi kupata loan.

**Com. Kavetsa Adagala:** Asante. Alice Ayuya.

**Alice Ayuya:**

**Translator:** I want to thank you for coming here. You have remembered the people in the villages.

**Alice Ayuya:**

**Translator:** Most of us who live in the villages have been forgotten and any thing happening has never been disclosed to us.

**Alice Ayuya:**

**Translator:** Even in this Commission if you scrutinize you will discover that most of the people working in it are town dwellers.

**Alice Ayuyu:**

**Translator:** Mostly we women in reserve. We have been really forgotten.

**Alice Ayuya:**

**Translator:** When you want to do something in the Government you remember those who stay far.

**Alice Ayuya:**

**Translator:** Particularly the coming election when we elect a man to be the President we require a Vice President to be a woman.

**Alice Ayuya:**

**Translator:** We have been marginalized. That is all.

**Com. Hon. Phoebe Asiyu:** Mama unasema ya kwamba ati sisi wenye tuko kwa Katiba ni watu wa town lakini mimi ni mtu wa reserve na ishi uko Karachuonyo. Sikae Nairobi nimeitwa tu kufanya hii kazi. Si kae town.

**Com. Kavetsa Adagala:** Huyu ni Mbunge wa zamani wa Karachuonyo. Ama unasema hawa wa hapa wana Kamati?

**Alice Ayuya:** Leo mumefanya vinzuri mumetuletea Katiba karibu na ata tukapata nafasi ya kuzungumza. Maneno ingine tunasikiaka kama imepita.

**Com. Kavetsa Adagala:** Mama umesema Rais, na makamu awe mwanamke na kwa Mayor na Chairman wa County Council?

**Alice Ayuya:** Mwanamke awe wa pili tunataka tuwe sawa.

**Com. Kavetsa Adagala:** Asante. David Muyari.

**David Muyari:** Pendekenzo langu la kwanza ni kuhusu wafungwa. Wafungwa wenye kufungua miaka mingi zaidi wenye wako na wake wawe wanatengewa sehemu na Serikali apabo wake wao watakuwa wakiwatembelea hata na watoto lakini mke apewe nafasi private.

Wafungwe wawe wanapewa nafasi ya kupiga kura. Hiyo ni haki yao. Pendekenzo lingine ni, tuwe na Kamati fulani ama body fulani yenye inawenza kuwa na nguvu kuliko Magistrate ndiyo mtu akiitishwa pesa na Magistrate anawenza msitaki kwa hiyo body. (end of tape 3).

Hii itatusaidia kusaka wale Magistrate ambao na corrupt na wale wana wenza kuhudumu kwa ukweli.



**Com. Kavetsa Adagala:** Asante. Janet Mughisa.

**Janet Mughisa:** Yangu ni juu ya mayatima wale wazazi wao walikufa na ukimwi wasaidiwe. Hawo watoto wamesubuka sana. Kwa hivyo naomba mkitengeneza Katiba muwakubuke. Hawa watoto wawe wanasaidiwa kwa kila kitu.

Kitu cha pili. Upande wa wakunga, hawa wanashinda wanasaidia Serikali kuzalisha wamama na sa zingine wanashindwa kupeleka mgonjwa kwa hospitali. Ata wakimpeleka kwa health center hawasaidiwe na ile kazi wanafanya ni ya bure. Na pendekenza walipewe. Wakipeleka mgonjwa kuwe na gari tayari.

Biashara za wamama. Musaidie wamama wapate loan za kufanyia biashara. Mwanamke awe ndiyo Makamu wa Rais ni viti vingine pia viwe ivo.

Hakuna madawa kwa hospitali. Napendekenza kuwe na madawa ya kutosha hospitalini na zipatiwe wagonjwa. Na malipo iwe ndogo na masikini wapewe ndawa bure.

**Com. Kavetsa Adagala:** Asante sana. Noel Jire njoo uchangie.

**Noel Jire:** Ninatoka Kipsakweni sub-location. Pendekenzo langu liko kwa upande wa mashamba. Unakuta wakati mwingine watu wawili wame nunua shamba moja. Na wote wanapata barua. Wakipelekana Kortini wanatumia pesa nyingi sana kuhongana. Napendekenza ya kwamba Serikali iwe inachukuliwa hatua muuzaji na yule mununuwaje wa pili.

Pendekenzo la pili. Watoto juu ya kutopigwa wamekuwa na vichwa ngumu sana. Napendekenza watoto wakikosa wawe wanapelekwa kwa baraza nasi kortini.

La tatu ni raha za upuzi. Watu wanaoana wanapta watoto zaidi ya wa tatu ama wa inne na unakuta wamekosana hata

kuachana alafu watoto wanaachwa na taabu. Watu wawe wanasaidia kinidhamu wasiwe na raha za upunzi ata mama wa miaka 50 anafukunzwa na yeye ako na wajukuu.

La inne. Makanisa imekuwa ndiyo janzo cha uhalifu mahubiri imekuwa ni pesa tu. Si ati wanahubiri watu waokoke. Kwa hivo ningependekenza wahubiri wawe wanalipwa mushahara na Serikali isimamie makanisa.

**Com. Kavetsa Adagala:** Tabia ya wasichana nyumbani?

**Noel Jira:** Wasichana nyumbani na vijana wako na kiburi sana kwa hivo wachukwe na raha wapukuzwe.

**Com. Hon. Phoebe Asiyo:** Raha si mbaya sana. Kama watoto wa shule wanakuwa wakaidi wanafanya vile wanavyo taka.

Wakiwa nyumbani wanadharao wazazi tabia zao si nzuri. Wewe kama mama ungependeleya wawe wanachapwa?

**Noel Jira:** Ndiyo hiyo irundishwe hawa watoto wana raha zingine za keupuzi.

**Com. Kavetsa Aadagala:** Wakina mama wanajitetea wababa wasiwapige lakini watoto wanpigwa na mwalimu, mama na baba...

**Noel Jira:** Watoto wachapwe kidogo lakini si kuwaumza wachapwe kwa utaratibu fulani kwa sababu ata wewe mzazi ukimwangukia kwa hasira fulani unawenza kumumiza.

**Com. Kavetsa Adagala:** Na uridhi wa shamba?

**Noel Jira:** Uridhi wa mashamba mtoto wa kike apate sawa na wakiume. Kama hana mahali pa kwenda asaindiwe na watu wake.

**Com. Kavetsa Adagala:** Asante. Patrick Muhindi.

**Patrick Muhindi:** Haya ndiyo maoni yangu. Nominated MPs and Councillors this should be abolished. They should not be nominated.

Assistant Chief post should not be under the Provincial Administration. Chief should be elected by the wananchi. Village elders should be paid for their services.

Equal distribution of Administration posts among all the tribes in Kenya that PC, DC, and DO. We do not want to here that we have many PCs from one tribe. This should be passed by the Parliament. Inheritance of leadership should be avoided.

Trust Land: the Government should assist land less people with some of this land to eradicate poverty. Government should also assist Kenyans who live in stony and hilly areas. They be settled in this Trust Land and this hilly areas be converted to Government forest.

In case the MP or Councilor die before completing his term of five years, the one who seconded him after the election should automatically take over the seat. Kura ya mulolongo should be abolished.

Equal distribution of Kenyan resources. Eg development should be looked into. We do not want to here in Western Province all roads are well established and other areas people are suffering.

**Com. Kavetsa Adagala:** Asante Sana.

**Alexander Abwava:** Directors of Parastatal wawe wanachaguliwa na Parliament na wawe na security of tenure.

Office ya Attorney General iwe independent. Attorney General awe Legal Advisor to the Government na asiwe Director of

Prosecution. Prosecution should be done under the directorate of prosecution. Police wasiwe prosecutors. Ukisitaki Police hiyo kasi inatupiliwa mbali.

Mabusu wafanyie Serikali kazi kama kufiaka kwa ma-shule. Lakini unakuta Mahabusu uwafanyia Police kazi kama kuwashotia maji hivo si vinzuri.

By election the winner vote zake ziwe  $\frac{3}{4}$ . Kama watu wenye ku-vote ni 20,000 kusiwe ya kawamba mwenye ameshinda ameshinda na kura elfu tano. Iwe kama ameshinda na kura elfu kumi na tano kwa kila election.

Attorney General awe elected by the Parliament na si President. Na kuvunjwa kwa Mbunge tupatiwe fixed date. Wananchi wakae wakijua ya kwamba tarehe fulani bila shika Mbunge litakuwa limefunjwa. Si Serikali kuamua yenyewe. Ni hayo tu.

**Com. Kavetsa Adagala:** Asante sana. Kepha Sinyole.

**Kepha Sinyole:**

**Translator:** What I want to say is about the poor children.

**Kepha Sinyole:**

**Translator:** We have a school for the poor.

**Kepha Sinyole:**

**Translator:** When you take your child in such school you will find the rich man-child is already there.

**Kepha Sinyole:**

**Translator:** We have another one in Ivure for the poor children the school has been converted into a rich man school.

**Kepha Sinyole:**

**Translator:** We want the new Constitution to address the problems of the poor.

**Kepha Sinyole:**

**Translator:** There is the foreign Aid but at the end of the day it benefits the rich.

**Kepha Sinyole:**

**Translator:** So the coming in Katiba should help us those people to get Aid.

**Kepha Sinyole:**

**Translator:** The issue of the President Moi picking anybody should end. The common man to elect their leader.

**Kepha Sinyole:**

**Translator:** The MPs should sit and choose the one they want. The Local people should elect the MP.

**Kepha Sinyole:**

**Translator:** Policeman should not walk around and arrest people in the villages.

**Kepha Sinyole:**

**Translator:** We have the village elders who should take the report to the Assistant Chief that Sinyole has done wrong. Then Sub-Chief will summon me and take me to his Baraza and then proceed with my issue to court.

**Kepha Sinyole:**

**Translator:** We do not want the Policeman to keep on harassing people; we are suffering because of bribing these Policemen.

**Kepha Sinyole:**

**Translator:** We have seen those things and we are telling you to take those issues. The person who brought those things God should add him tears.

**Com. Hon. Phoebe Asiyu:** Naona kama umekasirika sana lakini uchagunzi ukifika nyinyi wananchi mtachagua mwenye munapenda hamutalazimishwa kuchagua mtu mwenye hamupende.

**Kepha Sinyole:** Ndiyo. Tunaona hapa Moi anatembea na mtu fulani tunasikia Kenyatta. Tunasikia kwa radio sana. Sisi wenyewe ndiyo tunataka kuchagua.

**Com. Kavetsa Adagala:** Huyu mzee amerundi. Sione vinzuri mzee utanisamehe.

**John Inyimiri:** Mimi napendekenza hivi. Sisi tunapata watoto wote wasichana na wavulana. Sisi Wafrika tunaendelea kukopa mambo ya inje. Tufuate sheria zetu za zamani vijana wawe wanapata shamba kutoka kwa wazee na wasichana wapate kwenye wameolewa. Ikiwa hajaolewa ni sawa lakini kama ameolewa si haki.

**Idara ya sheria Judiciary:** Mimi ningependekenza ya kwamba Rais mwenye atachaguliwa asiwe above the laws. Yaani asiwe juu ya sheria. (Marudiyo).

**Kazi:** kwa upande wa kazi watu wanalia sana kwa hivo tunapendekenza mtu moja kazi moja. Kuna watu hapa kwetu Kenya yeye Ni Permanent Secretary na pando ni Director. Hiyo ndio inafanya kazi zikosekane.

**Chiefs:** Napendekenza Chief na Assisant Chief wawe wanachaguliwa na watu. Hatutaki wachaguliwe tena na PC.

Misaada iwe inagawanya ki-mikoa.

Masomo: Masomo ya bure kuanzia darasa la kwanza hadi la nane. Shule za musingi karu ipunguzwe. Na mufuma ule wa kitabo 7-4-2- urndishwe. Hiyo ilikuwa inafanya vijana wakuwe kidogo kabula ya kujiunga na university. Ni hayo tu.

**Com. Kavetsa Adagala:** Umesema primary, na nusery?

**John Inyimiri:** Ata nusery iwe ya bure kwa sababu hawo watoto wangali wachanga. Serikali itusaidie wawe wakisoma na kupata chakula cha bure. Na walimu wao andikuwe na Serikali na wawe wanapelekwa course na Serikali.

**Com. Kavetsa Adagala:** Mtoto wa kike. Umesema ya kwamba tunaiga utamaduni wa wengine. Umekete hapo mzee na mavanzi ya kizungu. Pia haya mashmaba ina Title Deeds unataka turundi vile tulikuwa. Tunataka tuwe modern. Tumeandika maoni yako lakini tutayaweka kisasa. Kipyegon.

**John Kipyegon:** Mimi nitaongea juu ya Magistrate na Judges. Pendekenzo langu la kwanza ni Magistrate na Judges wawe appointed na Civil Servants na wakati wakufanya kazi wawe independent. Na Magistrate na Judges wasifanye kesi za mashamba. Ziwe sinafanywa na Tribunal Court of elders na wawe in service.

Advocates to keep off – taking up cases za mashamba. Uzuaji wa mashamba uwe ukitangazawa kwa mwezi tano na tuwe na mahali pa kutangaziwa kwa Administration Office. Wakati wa kuunza priority iwe kwa jamii alafu kwa jirani. Mambo ya kugawanya shamba hii inachukua pesa nyingi na mtu yule anawenza kudhibitisha ati huyu mtoto ametosheka na hili shamba ni baba na mama kukiwezekana waite survey kuweka sahihi.

La mwisho na mambo ya constituency. Constituency ziwe determined by Geographical features. Constituency zingine ni kubwa na kwa hivo ni ngumu kuzi-manage Geographically na administration. Tuko na maponde na milima such things should be considered. Boundaries za Constituency ziwe zi kirundiwa na hesabu ya idadi ya watu iwe inatolewa after every 10 years.

**Com. Kavetsa Adagala:** Ata hii ni mzuri. Ya Marakwete milima ni .... ata walituambia mumekuja na ndege ata MP wetu mpeni ndege kwa ajili ni ngumu sana kutembea huko. Hiyo ni nzuri sana mzee tumefurahia ata ya land umeiweka vinzuri sana. Asenji.

**Enos Asenji:** Nimtoka hapa Hamisi. Hayo ndiyo maoni yangu. La kwanza. Elimu Kenya iwe free. Primary education iwe free.

La pili ni Assistant Chief achaguliwe na watu wenyewe.

La tatu kila mtu afanye kazi moja. Ya inne mtu aki-retire asipewe kazi ingine. Ni hayo tu.

**Com. Hon. Phoebe Asiyu:** Enda pale uandike jina lako na kama unakaratasi utuachea. James Chahilu.

**James Chahilu:** Mapendekenzo yangu ni haya. Ningependa tuwe na Serikali ya mseto. Na kwa hiyo Serikali ya mseto tuwe na Prime Minister na afanye kazi kwa term moja si pili.

Kwa upande wa utawala uongozi usiwe wa ku-ridhi. Sub-Chief na Chiefs wapewe munda wa miaka mitano tu alafu wanapiga kura.

Katiba itoe sheria kwamba wenye hawafanyi kazi wawe wanapata at least mushahara kidogo. Watu wenye hawafanyi kazi na wamesoma.

**Interjection:**

**Com. Hon. Phoebe Asiyu:** Wapewe pesa wawe wakifanya nini? Na kama ni walevi? Yule mwenye kuripwa ametoa jasho.



**James Chahilu:** Tuwe na kiwango cha pesa yenye watakuwa wakipewa kila wakati. Village Elders iwe ni kama kazi ingine.

Iwe na malipo na iwe na kiwango ya msomo kuanzia form four.

**Com. Hon. Phoebe Asiyo:** Village elder: Unasema form four na kijana mwenyewe anafuta bangi atakuwa je village elder?

**James Chahilu:** Kutakuwa na uchagunzi watu wawe wanapigiwa kura. Kwa upande wa kura ziwe zinahesabiwa kwa polling station.

**Com. Hon. Phoebe Asiyo:** Asante sana. Fanya vile James amefanya toa mapendekenzo tu.

**Jonah Alufunzu:** Pendekenzo langu ni moja tu. To help the small scale farmer taxation should be exempted this should apply to small scale business.

Charges za Banki ziwe zinatolewa na mwenye kuripa. Yani the depositor to pay the money not the drawer. Ni hayo tu.

**Com. Hon. Phoebe Asiyo:** Asante sana Jonah. Rev. Timothy yuko karibu kuja mbele.

**Timothy Lugoye:** Maoni yangu itakuwa juu ya kanisa. Mathehabu ya kutoka inje iko na nguvu sana kwa sababu inasaidiwa. Ningependa ile Mathehabu yetu imeandikishwa hapa Kenya iwe na nguvu kama hiyo na Serikali iwe ndani. Serikali iwe na nguvu za kurinda wahubiri.

President achaguliwe na wenyenji wa Kenya wenyewe. MP, Councillors wachaguliwe na wenyenji na wa hudumie watu kwa munda wa miaka tano.

Mila za watu hazilindwi. Tunataka Katiba mpaya ichukunze mila za watu.

Mashamba yetu badala ya kwenda kwa korti kukiwa na shinda wazee wa kijiji wawe wanatatua shinda yani wenyenji Asante.

**Com. Hon. Phoebe Asiyo:** Enda pale mzee uandika jina lako kwa kitabu na kama umeandika chochote chenye ungetaka kutuachea ufanye hivo. John Musoso.

**John Musos:** Kuna ufizadi sana kwa upande wa mashamba. (not clear). Mtu awe anapewa Title Deed yake ndivyo akiunza shamba lake awe anakaa kidogo asifunkuzwe kwanza(irrelevant).

**Com. Hon. Phoebe Asiyo:** Asante sana John enda pale nyuma ujiandikishe hapo. Tuwe na Muya Musasia.

**Muya Musasia:** Tunashinda sana hapa Hamisi hatuna hospitali. Ile iko hapa ni Kaimosi na ni ya mtu binafusi.

Hii Constituency ni kubwa sana tunataka ziwe pili. Moi arituahindi hapa 1992 atatumpa Mbunge mwingine na hajawai kutupa.

Kipchukwen sub-location tuwe na dispensary.

Sukari inatengenezwa hapa petu Mumias kwa hivo tunaomba pie yake ipunguzwe. Sina maneno mangi.

**Com. Hon. Phoebe Asiyo:** Nimeandika hiyo mzee. Mambo ya kiasia atafikishwa kwa kila mtu katika nchi ya Kenya. Hi yetu ni Katiba.

**Com. Kavetsa Adagala:** Mtu akikuahindi anawenza kugeuka lakini Katiba ikisema itafanya.

**Com. Phoebe Asiyo:** Asante sana. Andika jina lako hapo mzee ndivyo ijulikane wewe uliaongea na sisi kwa siku ya leo. Jeniffer Koko. Mzee wewe nili kumpa na fasi wakati ule mwingine. Ata ulineapiwa mulikuwa darass moja na Moi.

Luya.

**Jeniffer Koko:**

**Translator:** The reason as to why I have come here today.

**Jeniffer Koko:**

**Translator:** I thank you Commissioners.

**Jennifer Koko:**

**Translator:** I will talk about the poor. (end of tape 4 A).

**Jeniffer Koko:**

**Translator:** Poor people are many.

**Jeniffer Koko:**

**Translator:** I am too poor because somebody has snatched my land. It is a 3 acre land.

**Jeniffer Koko:**

**Translator:** When I want to report this issue in the land office I found that the rich man had been there. He had already bribed the officers.

**Jeniffer Koko:**

**Translator:** When I come back the rich man comes and somehow destroys my house trying to chase me out of the plot.

**Jeniffer Koko:**

**Translator:** I am now just staying in the market place.

**Jeniffer Koko:**

**Translator:** I stay there with children who have no parents.

**Jennifer Koko:**

**Translator:** One died and I did not have a place to bury the dead.

**Jeniffer Koko:**

**Translator:** I had to walk around with the dead body for four days.

**Jeniffer Koko:**

**Translator:** I did not have a place to bury the dead. So I am saying the Government and those of you who have come here you have done very well.

**Jeniffer Koko:**

**Translator:** If the Government will be sending people like you. May be it will discover the poor within the community and they can be served.

**Jeniffer Koko:**

**Translator:** These children are in lower primary. I have a feeling for this children I keep on asking myself if I die now and this children have no shamba will they be educated?

**Jeniffer Koko:**

**Translator:** I answer myself because there is nobody to answer me.

**Jeniffer Koko:**

**Translator:** Then I don't know who can take those children or who can help me.

**Jeniffer Koko:**

**Translator:** Then I do not know who can help me.

**Jeniffer Koko:**

**Translator:** I am between this one.

**Jeniffer Koko:**

**Translator:** I am just talking about it because I have seen you around.

**Jeniffer Koko:**

**Translator:** You assist me and know where somebody like me can go.

**Jeniffer Koko:**

**Translator:** A rich man grabbing something from a poor person what can be done to him?

**Jeniffer Koko:**

**Translator:** The person who has taken my shamba. The Government should help me so that we can share that land with him because that person has taken my 3 acres for Kshs. 50,000/=.

**Com. Hon. Phoebe Asiyo:** Mama nilikuwa nikifikiri hivi. Wewe utupatie vieti alafu uende kwa DO. umuelenze habari hii aone kama atakusaidai. Asipo kukusaidia kuna chama cha wanawake ambao wanangalia mambo kama hii hapa tutawandikia barua watume mtu akutafute na uongee na yeye kabisa na usiseme kitu ya uongo useme tu haki kabisa. Kama unajua nambari ya hiyo shamba na vile ulipata na unajua ule mtu alikunyaganya na ule aliripa kshs. 50,000/= wewe uelenze tu vinzuri na hutakosa usaidizi. Lakini kwa sasa utupatie address zako na uende uone DO. Na sisi tutaongea na DO.

**Jeniffer Koko:**

**Translator:** I have already gone to the DO, DC. When I go there he ask me weather I have gone to school and I am just walking alone.

**Jeniffer Koko:**

**Translator:** I do not have anybody to help me. When they backbite me this other man just go and talk to them.

**Com. Hon. Phoebe Asiyu:** Na wewe Bwana yako yuko? Nalikuwa na shamba na hii kichaka uripata je?

**Jeniffer Koko:** Apana. Apana hakuwa na shamba. Ni ya baba yangu.

**Com. Hon. Phoebe Asiyu:** Hapo ndipo shinda iko. Watu hawamini ya kwamba unawenza kuchukua shamba la baba yako.

**Com. Kavetsa Adagala:** Luya dialect.....

**Com. Hon. Phoebe Asiyu:** Ukitupatia jina na address ni tabia Mrs Okero ambae ni mkubwa wa Faida hapa Kisumu nitamwambia akutafute alafu apeleke hiyo kesi Kortini. Na sisi tukiahidi tunatimiza.

**Jeniffer Koko:** Asante sana.

**Com. Hon. Phoebe Asiyu:** Si ngependa uje hapa kwa sababu ulikuwa umeongea ama uko ni kitu ingine?

**Henry Kipruto:** Langu kubwa ni juu ya tohara ya vijana hasa Wakiristo iheshimwe.

**Com. Hon. Phoebe Asiyu:** Tohara ya vijana ama wasichana?

**Com. Kavetsa Adagala:** Unajua hapa mama kuna tohara ya kitamaduni na ya wakiristo ya wanaume. Anasema iheshimwe

**Henry Kipruto:** Naomba Katiba ihakikishe ya kwamba kuna factory kwa mitaa ndiyo wananchi wasaindike.

**Com. Kavetsa Adagala:** Mzee umetumia nafasi zaidi.

**Com. Hon. Phoebe Asiyo:** Wewe umeongea siku nyingi. Hiyo ingine umeandika tupatie. Asante sana. Watu wameisha. Nimekuita ulikwa wapi? Highlight maneno yako.

**Alfayo Mbuni:** Kutoka Tiriki East. One. Kenya should be a Unitary State because it is a small country with a population of 30 million. Kenyans are not used to Majimbo Government and also to avoid boundaries strife. Majimbo will cause tribalism.

**Interjection:**

**Com. Hon. Phoebe Asiyo:** You have said you want Unitary Government that is all.

**Alfayo Mbuni:** Okay then I go to the next. Parliament must remain Supreme and retain 65% for any amendment of the Constitution.

Certain areas of the Constitution requires a referendum. The Electoral Commission will conduct referendum. There will be one house and not Upper and Lower.

Automatic citizenship only when the parents are Kenyans. When a father is a Kenyan. Dual Citizenship should not be allowed.

Defense: the President should be the Commander in Chief of all the Armed forces. Parliament must have a role to play during emergency times or war times. National Youth Service must cense.

Corruption must be an essential part of the Police training curriculum.

There must not be detention without trials in the court of law.

Political Parties: (asked to mention what was in the memo).

Local Government: Councillors to have a four years term. Chairman and the Mayor to have five years.

**Com. Hon. Phoebe Asiyo:** What do you have to say about handing over the power? You have written it.

**Alfayo Mbuni:** Handing over power. When the President dissolve the Parliament and conduct election the Speaker of the House or his Deputy should take his role for 90 days during which time the election is completed and after that the power will be handed back to the elected new President.

If the election delays for any reason the Speaker remains in the Office for 45 days.

**Com. Hon. Phoebe Asiyo:** Thank you very much. We will put everything from your document in our computer we will analyse your views alongside with other presentation. Thank you tumeshukuru Sana.

**Com. Hon. Phoebe Asiyo:** I just want to thank everybody who has persevered until now. It has been a long day it has been raining but you have been here with us. We have appreciated your concern for the new Constitution and for peaceful co-existence of Kenyan people. Hopefully the new Constitution will bring forth---- We want to assure you that we will do everything in our power to make sure that a new Constitution is put in place as soon as possible.



As you all know when we put the Hamisi Constituency report together we shall send it back here for you people to sit down and to see whether we have missed out any important issue that you raised with us. We will in turn compile one report and make a National Report, which will be debated by about 700 people from all over Kenya. Among the 700 one is your MP. The Commission but the Commission will be like a Secretariat.

There will be 3 people from each district. Representative of religious body, women organizations, trade unions and other interest groups. When the National Conference agrees on that document a Bill will be drafted and be represented to Parliament and the day that Bill becomes an Act of Parliament and the new Constitution is born then the old Constitution will die and we will all start operating under the new Constitution. This is what we are trying to do. You have done your best. You have played your role very well and it is this role and presentation from this Constituency that will make the over role report of the Kenyan Constitution report.

You remember Parliament in its wisdom decided that the Commission will come down here and take your views. We could have taken the views in the major town of Kenya and from the elite of this country and make a Constitution but it would never be your own Constitution. Now that you have been with us and have participated in the discussion and making of the new Constitution. This new Constitution will be your own Constitution.

We therefore hope and pray that we will defend it when it becomes the new Constitution of this land. People have not participated in the making of the Constitution the one we have now was made in England you did not sit as you are sitting now to make it. Please defend the new Constitution worth to be put in place because it is the only instrument that will ensure your human rights are observed, will ensure peaceful co-existence of our people that will ensure that the laws that bring out the new Constitution will be honoured and observed by the people of Kenya.

So with this few remarks I want to thank you again for such active participation and I assure you, your views will definitely be reflected in the new Constitution. We will finish with a prayer but I would like my sister Com. Kavetsa Adagala to say a few words before we close.

**Com. Kavetsa Adagala:** Nataka ku wajulisha ya kwamba watu wa Western hawakusahaulika wengine wamesema walisahaulika. Tulifuata alphabet kutoka Central, Coast tukandelea mpaka Western. Na sasa Kituo hiki siku hii ndiyo ya mwisho ya hearing na tumefurahi kumalinza na watu wa Hamisi na sasa tutaenda kwa shuguli zingine. Kujitayarisha kwa National report ambao itanjandiliwa vile mama amesema.

Ata wale walio kuwa wanakuja mara pili tunajua enthusiasm yenu iko hatukatae ni munda ama saa ndizo mbaya. Pendekenzo litu lilikuwa tuwe tunaenda kwa constituency weki mzima. Lakini nyinyi munasema tuenda haraka na siasa vile vile. Sasa tumekuwa hapa kwa siku tatu na tumefurahe, nyinyi ata ni afadhali mumezata siku tatu kwingine ni pili pili lakin hapa tulisema population ni ya juu na watu 200 kwa sq kilometer lazima tuwe na siku tatu. Sasa ata tukirundi na mama Asiyo hatutakuwa na haibu ati hakukuwa na watu. Tumefurahi.

Wale wengine ambao wana maoni na hawakufika hapa waandika wampe Chairman wa Kamati auo District Cordinator ako Mbale auo uweke kwa posta lakini inawenza kuchelewa. Sasa tumefurahi na Mungu awabariki. Na mjue Wakenya wengi wamesema vile wengi wenu wamesema na tutajenga Kenya mpya na itakuwa Kenya nzuri na pengine hatutabadilisha Katiba tena kwa miaka hamusini ama mia moja ijayo. Mungu awabariki.

**Hamis Chairman:** Swali langu lina leka pale umesema ya kwamba mumechukua maoni ya watu wa Hamisi mukaiweka pamoja na itarundi hapa. Sasa vile ninavyo taka kujua itarundi vipi itarundi ikiwa kama kitabu ama kama reporti ikiwa imetoka sehemu zote za Kenya?

**Com. Hon. Phoebe Asiyo:** Kila constituency itapata yao ni kuikagua. Mkikagua na kurundisha ndio tutaweka pamoja report ya Kenya.

**Com. Kavetsa Adagala:** Na elewa pia unasema National Report mtajua je? Hii ya constituency itakuwa verbatim vile mumezungumza ya National ndiyo itachukuw zote na kuweka analysis. Pando hatujaamua itakuwa je. Unajuwa 210 copies

of National Report pia lazima mufikirie garama. Tunawenza kuwahindi alafu kusemekane hakuna pesa itakuwa ni shinda.

National Conference itakuweko ya watu 700 kila district itatua watu wa tatu moja akiwa ni mwanamke. Mwingine Councilor na mwingine yule yeyote munapenda. Mtazungumza district mzima ndiyo mchaguwe hawa watu wa tatu. NGO, Kanisa. Ndiyo hivo sijui kama mumefurahi.

**Com. Hon. Phoebe Asiyu:** Lakini si lazima awe Councilor.

**Hamisi. Chairman:** Nitachakua nafasi hii kuwashukuru watu kwakushirikiani nasi mpaka hivi leo tumefika kiwango cha kuyandikisha maoni yetu. Sisi watu wa Hamisi tumeshukuru kwa sababu mumekuja mumekuwa pamoja nasi tangu muwe Hamisi kwa siku tatu ambazo mumekuwa hapa. Mumekusanya maoni yetu na tunatarajea ya kwamba mtaturundishia reporti ile itakuwa imetengenezwa ndiyo tupat kuona ya kwamba mambo yetu yameingia katika Katiba vilivyo.

Watu wenye tulisaidiana nao ni wale Civic Provider. Bila raia kupata elimu ya uma haingekuwa rahisi kwa sisi kushiriki katika mambo haya ya kuandika Katiba. Wengi wetu tulikuwa pando wabiji sana kwa mambo haya. Tunawashukuru wale wote waliojetolea ku-provide civic education mpaka hivi sasa tuna wenza kujifunika tumefaulu.

Watu wa pili ni wale waliokuwa kwa Constituency Constitutional Committee Kamati hiyo ilipo undwa na iliundwa kisheria na wengi wetu tulipiga kelele lakini hivi sasa tumejua haingwezekana bila wao. Kwa hivi Commissioners mimi nilikuwa Mwenye kiti wa Kamati ilyo husika na mipango hii na nimetoshika na kazi ya Kamati. Nawaomba ama napedekenza jambo hili kwa Commission kwamba wale waliohusika si wapate pesa lakini wapate barua ya kuwashukuru. Watu u-appreciate when they are reorganised.

**Com. Hon. Phoebe Asiyu:** Barua tutaandika na appreciation kwa hiyo kazi mumefanya itawekwa kwa register. Najua kuna manuguniko sababu mulefanya kazi na pesa zenyu. Hiyo reorganization iko na itakuwa pahali pake katika historia ya nchi yetu.

**Com. Kavetsa Adagala:** Si kupenda kwetu tulifanya budget vinzuri. Mbunge ikapitisha tukafika treasury wakasema hakuna pesa. Hakuna mtu alificha pesa mahali auo nini. Asanteni.

**Hamisi. Chairman:** Noamba kujua lenye limetukojea kwa sababu sasa kunaonekana Kamati yangu imemalinza kazi yake.

**Com. Kavetsa Adagala:** Sorry hiyo kweli Kamati nyingi zinaulenza. Kuna reporti. Kwanza nyinyi ndio mtapata hiyo reporti na kujulisha watu imekunja. Na ile ya National pia. Kile tunasema bila kuwahindi pesa ikepatikana hatuwenzi kusahau Kamati. Lakini usiseme Commissioner alisema. Najua Waluya wanapinduo pinduo.

**Hamisi Chairman:** Mwisho tupate maombi ndiyo tumealinze kazi.

Tunaomba. Kwa jina la Baba na Mwana na Roho Mtakatifu. Mungu Baba tunakuomba wewe uko pamoja nasi. Tulianza pamoja nawe na tunamalinza pamoja nawe hawa viongozi ambao wako hapa Bwana nakuomba uwape akiri kama nilivyo omba mwanzo.

Nombia ata Rais wet Daniel Arap Moi. Wewe mwenyewe utawenza kuwa pamoja naye hata Mkamu wake George Saitoti na viongozi wote wako hapa nawaombia. Wewe ndio utatuchaguliwa Rais. Wewe ulimuchaguwa Daudi na Samwel ukampaka mfuata na utatuchaguliwa ni nani atakeye kuwa Rais wetu

Naomba Baba njia zote watakazo pita wewe uwe kiongozi na wakufuate wafike nyumbani salama. Kwa jina la yesu Kiristo aliye Mkombozi wetu.

Amina.

**Hamisi Chairman:** Thank you.

The meeting ended at 5.35 P.M.

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