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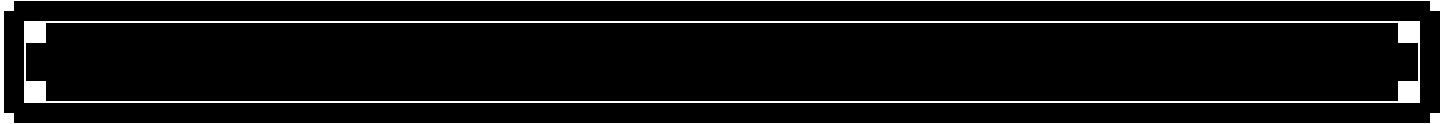
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**CONSTITUENCY PUBLIC HEARINGS, KATHIANI
CONSTITUENCY, HELD AT KATHIANI HIGH SCHOOL**

ON

15TH MAY 2002.



CONSTITUENCY PUBLIC HEARINGS, KATHIANI CONSTITUENCY HELD AT KATHIANI HIGH SCHOOL ON 15TH MAY 2002.

Present

Com. Mutakha Kangu - Chairperson
Com. Charles Maranga.
Com. Zablun Ayonga.
Com. Phoebe Asiyo.

Secretariat Staff in Attendance

Peter Kanyi – Programme Officer.
Lydia Manyoni – Assistant Programme Officer.
Jacqueline Nyumoo – Verbatim Recorder.
Rose Ngina Kimeu – District Coordinator.

The meeting was called to order 9.30 a.m, with Com. Kangu in the chair.

Mr. Mutua: The Commissioners, ladies and gentlemen and my fellow colleagues. I want to welcome you to today's great day where you are supposed to present whatever you want to be put in the next Constitution and I would like us to start with a word of prayer and I would like Mr. Ngugi to pray for us our opening prayer.

Mr. Ngugi: (Prayers) Let's pray. Mighty and everlasting Father in the name of Jesus Christ we do come unto you this morning, we thank you Jehovah God for this day and this opportunity Jehovah God even to present to the Kenyan Constitution review. I want to thank you for everybody who is here, I want to thank you for the Commissioners, I want to thank you even for them that are facilitating this day. We pray Jehovah God that you are going to guide us through out the day, we pray for them that are on the way coming, hasten their steps Jehovah God that we may start and end up together with them. In Jesus name we thank and pray, Amen.

Mr. Mutua: Basi bila kuchukua wakati mwingi, ningetaka kukaribisha coordinator wetu wa Machakos ili aweze kuchukuliwa kutoka pale, akaribishe Commissioners wetu.

Rose Ngina Kimeu: Asante sana, chairman wa constituency committee, jina langu ni Rose Kimeu, mimi ni District Coordinator wa Constitution review Commission, Machakos na kwa sababu sijawaona wengi wa members wa constituency committee, nitawa-introduce wakati ule watafika. Kwa sasa wacha nipeane wakati huu kwa Commissioners wakaweze kuendelea. Watatujulisha wao ni akina nani Tukiendelea. Asante.

Com. Kangu: Watu wa Kathiani, bwana Headmaster, district coordinator na wengine ninawasalimu hamjambo?

Response: Hatujambo.

Com. Kangu: Hamjambo tena?

Response: Hatujambo.

Com. Kangu: Siku ya leo ni siku imetayarishwa kwa watu wa Kathiani constituency kupeana maoni kwa? Tume ya kurekebisha Katiba, sio siku ya kusikiza makamishina. Ni siku ya makamishina kusikiza watu wakieleza vile wangependelea Katiba iandikwe na mbele yenu tuko makamishina watatu, kuna wanne hajaingia lakini akiingia tutajulisha yeye kwenu, kwa hivyo kama sijazungumza mengine ningependelea niwajulishe wenzangu wenye niko nao kwenu ndio muweze kujua ni akina nani wanawasikiza mkitoa maoni yenu. Kwa hivyo nitaanza na mwenzangu on my left.

Com. Ayonga: Mimi ni kamishina pastor Zablon Ayonga, hamjambo.

Com. Maranga: Mimi ni kamishina Dr. Charles Maranga, hamjambo. Na mimi nawauliza kama nyinyi wanafunzi mtoe maoni yenu kabisa ili tuweze tukajua young turks mnafikiria nini. Ama namna gani? And be free to speak.

Com. Kangu: Na mimi naitwa Mutakha Kangu ni mmoja wa makamishina. Mimi ndio nitasimamia kikao cha leo, mkitoa

maoni. Na kama sijaanza kuchukua maoni ya watu, kuna mambo machache ningependelea kuelezea ndio mujue utaratibu tutakaofuata tukichukua maoni ya watu. Maoni tunachukua kutoka kwa watu sehemu tatu.

Sehemu ya kwanza ni kwamba, unaweza toa maoni kama mtu binafsi, as an individual ukielezea wewe mwenyewe vile ungependelea mambo ya Katiba iwe.

Sehemu ya pili, unaweza toa maoni kama mtu anawakilisha kikundi cha watu chenye kimandikishwa kama kikundi.

Sehemu ya tatu, unaweza toa maoni kama mtu anawakilisha kikundi hata kama hicho kikundi hakijaandikishwa popote.

Kwa hivyo, hizo ndio sehemu tatu. Jambo la pili, maoni tunachukua tena kwa njia tatu. Njia ya kwanza ni kwamba unaweza peana maoni kwa maandishi, yaani written memorandum. Na upeane bila kuongeza mambo yoyote. Ukiwa na maoni ya aina hiyo, kama uko na haraka kwenda mahali popote, unaweza peana kwa secretariat na iweze kuandikishwa na uende na unaweka sahihi.

Njia ya pili, unaweza peana maoni yale yameandikishwa, written memorandum na pia uweze kuongeza ama kuelezea hayo maandishi yako, highlight the main issues. Na hapo tunasema usikuje na memorandum na useme unataka kusoma yote mbele yetu kwa sababu hautapata nafasi ya kusoma, kwa hivyo ukiwa na written memorandum na unataka kuielezea, you simply have to highlight the main issues na utupatie hiyo written memorandum tutaweza kuenda nayo, tutasoma, tuelewe ni nini ungependelea ifanywe.

Njia ya tatu ni kwamba unaweza peana maoni kwa mambo ya kuzungumza tu. Oral submission. Utapatiwa nafasi ya kukaa mbele yetu na uelezee mambo yako. Now, tukiwa na huo utaratibu tunasema, yule anataka kuelezea maandishi yake, tunampatia dakika tano. Na tena hiyo itategemea tukiona watu wakiongezeka wakiwa wengi ndio tupate nafasi ya kila mtu kuzungumza tunaweza punguza hata huo muda ndio tupatie wengine nafasi.

Yule anapeana maoni yenye haijaandikishwa utaratibu wetu unasema anapatiwa dakika kumi, na tena hiyo itategemea na wingi wa watu. Tukiona kuna watu wengi tutakwambia ufupishe mambo yako ndio wengine wapate nafasi.

Now, jambo la nne, ni kuhusu lugha tuyonatamia kuchukua maoni. Utaratibu wetu unasema tunatumia lugha mbili. English and Kiswahili, lakini ikiwa kuna yule angependelea kuzungumza lugha ingine ya nyumbani vile tuko Kathiani, kuna yule anataka kunena kwa kikamba we will still allow that na tunasema ikiwa unataka hivyo wakati unaandikisha pale ueleze ningependelea kuzungumza kwa kikamba ama kwa lugha ingine ndio tutengeneze mtu atakayetafsiri tuelewe unasema mambo gani.

Hayo ndiyo ningependelea niyazungumzie ndio tuweze kujua vile utaratibu utaendelea. Maneno mnayopeana mbele yetu, sisi

tunaandikisha vile unazungumza na pia tuko na tape recorder ya kuchukua mambo yako wakati unazungumza. Itakuwa inawekwa mahali wale wanatoa maoni watakuwa wanakaa hapa na ukianza kuzungumza ndio tujue ni nani anazungumza, uanze na kutaja majina yako ndio yachukuliwe na hiyo recorder.

Nimeangalia list tuko nayo hapa ninaona wengi wameandika jina moja tu lakini tungependelea wakati unaanza kuzungumza tafadhali utaje majina yako yote yaweze kunaswa ndio tuwe na record za kuonyesha ni nani alisema nini. Na baada ya kuzungumza, tuna register pale ya kuweka majina ya wale wametupatia maoni pamoja na details zingine na signature so ukimaliza hapa unaenda pale unaweka sahihi halafu ukitaka kuketi kusikiza yale wengine wanazungumza, unaweza keti. Ukitaka kutoka uende uko na ruhusa, unaweza akaenda baada ya kupeana maoni yako. Nafikiria kufikia kiwango hicho tumeelewana.

Tuko na list tunafuata hapa vile watu wanaandikisha majina pale na nataka tuanze lakini kwa sababu tuko katika Kathiani secondary school na principal ametukaribisha, na hata na yeye angependa kupeana maoni na ako na shughuli zingine za kuenda kushughulikia, nitapatia yeye nafasi ya kwanza kutuelezea maoni yake. Bwana principal chukua nafasi pale.

Mr. Mutua: The chairman of the Commission, Commissioners present, the constituency chairman who is present, members of the public who are here, first of all let me take this opportunity to welcome everybody to Kathiani High School. You are free today to use the facilities of the school and in consultation with the board you are welcome.

We have few rooms, which are next to the gate for those who may wish to use them. Bwana chairman of the Commission my names are Joshua Mutua Kimanthi. I am currently the principal of Kathiani High School. Bwana chairman I will tackle three points on the current land laws and rules. The first one, bwana chairman is that my proposal is that I would request the Commission to look into the issue of survey.

You will agree with me bwana chairman that when we can have two kinds of survey we have where we survey plots and we have where we surveys consolidation. Bwana chairman on consolidation you will find we can have settlements either in the urban areas and people given other places to farm and even keep livestock and as such we shall take care of a large mass of land, which is not being used. As I say this, I am requesting that the place for habitation be at balance with where we have deserts, where we have rocky places and leave the catchment areas and good land for agriculture and other economic use.

On land also bwana chairman, this one will also take care of the catchment areas. It will also conserve our environment and then we can now, the government can make use of the land left aside for livestock and agriculture as gazetted land where now we can have adequate food and livestock production. That is on land bwana chairman.

On education, I have two points also the current trend of running of schools in the country is board of governors in the secondary education, senate in the university and committees in the primary sector. My view here bwana chairman is that if the

PTA in those several cut off schools were given opportunity to run their schools, I think we would have fewer problems than we are facing today. The issue of conflicts in schools, the issue of disagreements would not be very much. The PTA would decide on administrators of their choice and definitely competence would be an issue.

If I look at the contemporary education system in Africa, you find that in Nigeria for instance, education is mainly private and you rarely hear of riots, you rarely here of disagreements between parents and government officials and this is mainly because a parent would choose a school of his choice and as a say to that.

The second point on education bwana chairman is on discipline. The current code of education for teachers, my other issue bwana chairman is on discipline, I was saying that that the current code of education or election for teachers stipulates that currently we have to discipline students by discussion, guidance and counselling. I am looking at it on my own point of view where I have about 800 students, where will I get time bwana chairman to talk to all these students?

Many have a variety of problems, I have departments I agree, but bwana chairman this should be streamlined somehow. In our time of education planning, we had caning actually and I want to say that a single student given two canes would serve as a warning for a month in that school because the majority would fear and stay well and we would see actually students being serious with their work.

On discipline also, when you go to the machinery of correcting indiscipline, it is long and tedious because you have to start with the board of governors, you go through all the way to the director and at the end of the day, the indisciplined student is brought back by the director. He is not on the ground, he has overlooked all your recommendations and they say no the child must go to school. That brings a lot of problems.

On the administration of education; Bwana chairman the head like myself, the principals have no security. When it comes to indiscipline and more so of the mass indiscipline like riots, the head teacher who is supposed to be always in the school actually, it is mandatory to live in school which is a boarding institution, must always confront those unruly students and ensure that they calm now, it puts everybody to a puzzle how does a fellow who is already incited calm down on talking?

The administrator is not trained as a policeman, he has no security, he is not armed, I recommend that in future and currently as you look into the views of many people, we recommend that educational administrators undergo police or armed forces training and if possible be provided in with harms. On politics: Bwana chairman this is my last point, I am looking at these issue of bribery of voters. There would be MPs bwana chairman with a lot of money either funded by parties or by NGOs or by oneself, we have managed to buy our ticket to Parliament by bribing voters. This has given us incompetent officers who are actually the managers of the Constitution in this country. I am therefore requesting the Commission to really put stiff penalties on those who bribe voters.

Secondly on politics bwana chairman, I would request that the sitting MPs are given also duration to stay in Parliament and I am proposing a maximum of two terms and why am I saying this, I am saying this because whether one has bought his way to Parliament or has been voted in by people, the first five years would act as a training a seminar kind of training and the second term of five years would actually be a watchdog to this MP and will have to come back and to a lot of good work to the people.

And lastly bwana chairman, transfer of voters from one place to another. I think this has brought confusion and we are not likely to have MPs representing the citizens of that constituency but they are representing their people and we begin from the word go in the wrong footing and eventually the MPs will run away and represent their people. Thank you bwana chairman for that short speech.

Com. Ayonga: Bwana principal I had you say, you gave Nigeria as an example of a good running private schools. Now, I don't know whether you meant to say that we should emulate that kind of an example of having private schools because I think early in this country, the schools we had many of them were private and being such there were no strikes, there were no these there were not that, but as much as schools you know what time did the heads of the government, problems began that many of them would like the high class security to be applied. Now, are you telling us that we should consider private schools to increase in the country and what about those private schools that have already been handed over to the government for running?

Mr. Mutua: Thank you bwana chairman, on the nature of education I am emphasizing here on private schools and day schools. In most cases when a parent chooses a school of himself then the child is prepared psychologically and is likely to adhere to the latter on the layout of the of that particular school. But in the current trend of education, we select students, sometimes not because of their choice. So we stay in schools and suffer homesickness and this can be a perennial problem. So, I am proposing that we emphasize more on private and day schools. Whether run by the government or in private or individuals the better? Thank you very much.

Com. Kangu: Now, asante bwana principal, you sign our records there, na kama hatujaita, we are through with you, kama hatujaita the next speaker, nataka kujulisha Commissioner mwenzetu mwenye ameingia saa hii awasalimie ajitambulishie, halafu tuendeleo.

Com. Asiyu: Asante sana Commissioner Kangu ambaye ni mwenyekiti wa kikao hiki cha mabadiliko ya Katiba hapa Kathiani Boys High School, pole nimechelewa kidogo lakini jina langu ni Phoebe Asiyu na ni Commissioner wa mambo ya kurekebisha Katiba. Asanteni.

Com. Kangu: Phoebe Asiyu wengi mnajua yeye, wamama lazima mjue yeye kwa sababu yeye ndiye alianzisha maneno ya

wamama, she is a honourable member, she has served in Parliament for a long time, kwa wakati huu she is one of the Commissioners. Sasa tumsikize bwana Muya, mwalimu wa Kathiani, bwana Muya.

Mr. Muya: The Commissioners, the employees of the Commission, the D.O Kathiani, the principal of Kathiani, the coordinator of the district and the division, the chief Kathiani, teachers, members of the public and the students, I am Mr. Muya Charles, I am the head of history and government studies Kathiani High School. I would like to present my views to the Constitution of Kenya review Commission and I want to highlight on a number of issues.

The first issue is the presidency, the second the Vice presidency, third the cabinet, fourth elections, fifth education, sixth health, seventh political parties, eight corruption, ninth nomination of members of Parliament, the next will be land and the last will be transition. I will be very brief.

The presidency - my proposal is that the President should remain as the head of state while the office of the Prime Minister should be created to be the head of government. Secondly on the presidency, the senior civil servants appointed by the President should be approved by Parliament and the President should not be above the law.

Third on the presidency, for anyone to qualify to be the President, he should gather 51% of all votes cast. A run off should be held between the first and the second candidate if there is not outright winner.

The Vice President – the Vice President should be elected directly as a running mate with President during the Presidential elections.

Three, the cabinet should be reduced to ten ministries to avoid overlapping of ministries. The post of assistant Minister should be scrapped and the post of deputy Minister should replace it and each ministry should have a single deputy Minister.

For elections - my proposal is that civic, Parliamentary and Presidential elections should be held on different dates to avoid confusion.

Secondly on elections, the constituency boundaries should be refilled to ensure that the Legislature represents all people evenly.

Three, votes should be counted on polling stations and four, the Constitution should make it illegal for Ministers and the President to use government resources for their campaigns.

And lastly on elections, the Constitution should outlaw the branding of certain areas into party zones.

Education - the Constitution should guarantee free and compulsory education. The new Constitution should make the government responsible for financing education for all children and the 8-4-4 system of education should be abolished and replaced with a more marketable system of education.

Secondly, the quarter system of education should be abolished because it promotes tribalism and the works against national integration besides lowering educational standards. It should be replaced by equal opportunity for in schools colleges and University admissions.

Health services should be free. Doctors and nurses should be paid well and be barred from running private clinics as long as they are serving public health institutions. Political parties - the Constitution should limit the political parties to at least three. They should be let to operate freely without police or government interference.

Corruption, a court should be established to deal with corruption cases. Secondly, anyone convicted of corruption dealings or abuse of office should never hold a public office and must pay all mismanaged funds or have his properties attached.

Three, the controller and auditor general's report should be acted upon immediately after it is released.

Four, the President's expenditure should be approved by Parliament and audited by auditors authorized by Parliament.

Nomination of members of Parliament. The nomination of members of Parliament and the Councillors should be abolished because party leaders only appoint their friends.

Land - the Constitution should limit the amount of land an individual can own. Land tax should be introduced to discourage the greed for land.

Lastly transition - my proposal is that in the event of the inability of the President to execute his duties, either through sickness, expiry of his term of office or other natural causes, the speaker of the National Assembly should act as President until elections are held. Thank you bwana Chairman.

Com. Kangu: Two questions from Com. Ayonga.

Com. Ayonga: Mwalimu you talked about land taxes, that the Constitution should limit the amount of land. You didn't give us limit it to what.

Com. Kangu: Any other?

Com. Ayonga: And besides that I mean in addition to that how much should be charged for land tax which should enable the grabbers to go slow.

Com. Kangu: Now, before you answer I hope you are keeping them, will you kindly elaborate on your understanding of the President as the head of state and the Prime Minister as head of government, how you are going to share out those duties. The reason I am asking that is that there are different countries that approach those things differently. Some want a ceremonial President, others share out the powers of the head of government. then two, you have said the Prime Minister will be the head of government but when you come to transition you only address transfer of power from the President to a next President, you don't address the transfer of power from the Prime Minister to another Prime Minister and you haven't said how the Prime Minister should be elected or appointed.

Com. Maranga: My question also is on transition, you have said that in the event of inability of the President to execute his duties I thought you had a Vice President who is elected directly why do you want to take away the power of the Vice President who is actually more legitimate and give it to the speaker during transition.

Mr. Muya: Thank you. I hope and trust that I will remember all the questions and answer them to the best of my ability. I will start with the question on the role of the President and the Prime Minister . My idea of a President is not a President who is powerless. I have in mind a President who shares the powers with the Prime Minister like you see the case in France. I have no idea about a President who is powerless. Let them share the powers with the Prime Minister .

Regarding land, I was only giving a proposal that land tax should be introduced. I did not want to go into the details of calculating how much. That one can possibly be left to be looked into depth once it is accepted. I have not said that it will be accepted because I have said it but my point of opinion was that it should be standard. A considerable amount of tax which can discourage people owning large tracks of land when others have got nothing.

The last question that the Commissioner asked was about transition where I have only talked about transition on the part of the President and I have maybe not tackled transition about the Prime Minister . I want to say that when the speaker the one I proposed to be the acting President will only be handling the matters that were supposed to be handled by the President. I wouldn't like the Vice President to ascend into acting as President because already he will be getting an extra mileage towards future campaigning. Thank you.

Com. Kangu: Na tafadhali wale wameingia na hawajaandikisha majina pale nje mujue tunafuata list vile watu wameandikisha kwa hivyo kama unataka kuzungunza toka pole pole bila kelele uandikishe jina lako pale. When I was recognizing people I forgot to recognize bwana D.O, D.O wenu munajua yeye salamia watu kidogo. Asante bwana D.O. Now, can we have bwana

Kateeti, mwalimu wa hapa Kathiani? He is not there, Now, can we have Nzama, bwana Nzama, no that was the principal we dealt with? Oh, deputy principal, fine.

Mr. Nzama: Thank you, the chairman of this sitting, Commissioners, local leaders, people of Kathiani constituency, students of Kathiani High School, thank you for the opportunity you have given to me to give views to the Constitution review Commission of Kenya and I am going to be very brief. I am going to look at ...

Com. Kangu: Give us your full name please.

Mr. Nzama: My names are Felix Kyalo Nzama. So the first area I am going to look at and propose is on the presidency and my proposal here is that there should be the Constitutional amendment to trim the powers of the President especially on the three areas and the Presidential appointments, the privilege of prerogative of mercy and sackings.

Number two, cabinet. I am proposing that the number of ministries be fixed to twelve by law. And the law should not allow frequent and unnecessary reshuffles.

Professionals should be appointed to head these ministries. Civil servants should have favourable working conditions and good working terms.

There should be the one-man one job policy, which is provided by law. Civil servants should not be involved in politics. The appointment of the public service Commissioners should be vetted by the Parliament.

Number four, the Legislature. If an MP misses three sittings he or she should lose the seat and this is to encourage our honourable MPs to be attending to Parliamentary sessions and I also propose that the forum for the meetings rise from the current number to around a hundred members to ensure that we have our honourable members of Parliament attend to this important debate.

Some of the key things, which sometimes have become controversial; the Constitution should provide for a referendum on such bills. For example the Donde bill. The public accounts committee recommendations should be implemented at least within 21 days.

Com. Kangu: Jaribu kuharakisha.

Mr. Nzama: Pollution; Strict laws should be put in place to check evolution especially by the plastic industries because right now we have a lot of plastics all over the country.

On Judiciary: A jury system should be started in Kenya just like in America and a supreme court should be established. Courts should be set up as per the population of an area to ensure that people have access. On education, I am proposing that the testing and evaluation of the national examination i.e the education Act should be reviewed to include the exams, which are done internally in schools. This will help to curb cheating and it also makes students disciplined and respect the institutions because they know that the schools will have a lot to do with their final grade.

Private universities should be encouraged and charters. There is a lot of bureaucracy regarding charters, this bureaucracy should be minimized. School boards should be reconstituted as the medical board.

Land; Maximum hectares of land that a person should own should be hundred hectares. This will prevent a revolution in future.

On the Electoral Commission The Commissioners chairman appointments should be subject to Parliamentary approval. Commissioners should not have party that affiliations. Electoral boundaries should be reviewed and transparent ballot boxes should be provided. Civic education and voter registration should be a continuous process.

In quality, in civil servants salaries should be reached. The government should look into the way the Asian countries have tried to tackle the population problem whereby the pension, maternity leaves, the P.A.Y.E is directly proportional to the family size, the cooperative Act should be reviewed.

Individuals should not borrow funds at the expense of the cooperative members.

Com. Kangu: Summarize since you have a written memorandum. The time is up.

Mr. Nzama: On corruption, a national restriction policy should be implemented and the ethics bill should be tied to better remunerations. There should be a review of the media bill. The current bond of one million should be reduced to two hundred thousand Kenyashillings, the Constitution review of Kenya Commissioners should not be affiliated to political parties. The armed forces should have a independent scheme of service to ensure that this members of the force are ever neutral irrespective of the government and lastly, I would propose that there is the R. Nile agreement by the countries which share this river. I think the government should review this agreement and ensure that the waters of L. Victoria are used to irrigate parts of the North Eastern province or the country, the European countries which support this agreement should provide water for the national water policy, thank you very much.

Com. Kangu: Thank you, any question? Thank you very much, you sign and hand over that copy there. Can we have Brian Muthiani he is a student from Kathiani Boys. And you just highlight since you have a written memo, this is very good coming

from Kathiani.

Brian Muthiani: Chairman, Commissioners D.O Kathiani division and citizens from Kathiani constituency and students. I am Brian Muinde Muthiani from Kathiani High School and I am the chairman of history, current affairs and law club and there is a group we sat down and came up with nine topics which should be reviewed. These are presidency, the Electoral Commission, Education, Corruption, Expenditure, Salaries, land appointments and Job opportunities.

On presidency - the President of Kenya is now the head of government and state. We should have a President as the head of state and a Prime Minister as the head of government. All should have well defined duties. 35 years is very high for one to be a President. The age limit should be reduced to about 30 years so long as the candidates have the qualifications. Also we should not have very old persons as the President. the cut edge should be about 60 years.

At present, the President appoints the Vice President; the Vice President ought to be elected together with the President as his running mate. The Vice President should campaign together with the President so that they can either be rejected or elected. The President should have 51% of votes cast. If he doesn't get 51% of all votes casted, there should be a run off between the first and the second candidate. The Presidential powers which the President enjoys now should be reduced also. The President should not be above the law.

Second, the Electoral Commission- The Electoral Commission should review the constituency boundaries to ensure fair representation in the Parliament.

The civic, Parliamentary and Presidential elections should be held at different times to avoid confusion. All provincial administrative votes should be open for competition. Anybody who qualifies can go for the seat. The number of political parties should be limited for example we should have three political parties.

The third topic is about education; The government should provide free and compulsory education for its citizens.

The quota system in education institutions should be abolished.

About corruption, anyone who has been convicted of corruption should never hold a public office again and must pay back all her his property attached.

Senior government officials should declare their wealth and its source.

Expenditure – The government expenditure should be approved by the Parliament. All President's expenses should be well

defined and recorded. Money given as loans and grants should be accounted for properly. There should be transparency on how the money will be used. Retrenchment should have an age limit. The young should not be retrenched. Cabinet expenditure should be limited and well accounted for example a cabinet Minister should have one car.

Salaries; The salaries being paid to MPs and other top government officials should be reduced. Civil servants should get a pay which corresponds to the present economy based on the rate of inflation and should be harmonized.

Land- the Constitution should provide a limit of maximum hectares of land that a person should own. There are many squatters in Kenya while thousands of hectares of land are lying idle which are not utilized.

About appointments, senior civil servants appointed by the President should be approved by the Parliament. The government appointment should be based on professionalism.

Job opportunities: One man should have one job. Nobody should own more than one job. Anybody who is actively seeking for a job should be registered at the ministry of labour and social security should be strengthened. Thank you.

Com. Kangu: Thank you very much young man, any question.

Com. Asiyu: You have told this Commission that government appointments should be based on professionalism and I agree with you. What I want to know is this, if professionals like economists and others come from one particular area of Kenya and not other areas, would you still want all these people from maybe one location, one district or one province to monopolize all the professional appointments in the country or would you be prepared to educate and promote basic capacities of other professions in other provinces to be able to get such appointments. what would you do?

Brian Muthiani: This point is based specifically on senior civil servants for example Ministers. For example we can have a Minister who in his life has been a police officer and this Minister is given the post of being the Minister of education. This Minister has not been associated with any kind of education in his life. He has spent most of the time killing people and now he is being given the post of being a Minister of education. This is not fair.

Com. Kangu: Thank you very much, you sign our register and that memorandum. Can we have Lillian Awuor, a student from Kathiani Girls. Lillian Awuor, she is not here, can we have Rachel Ndunge from Kathiani Girls, she is also not here, maybe they will come later. Mrs. Ndung'u from Kathiani Girls the principal? She is not here, and then Mr. Kimani was the principal. So we have finished with him, then Mr. Ngugi Francis of Kathiani Boys.

Mr. Ngugi: Thank you bwana chairman, my name Francis Ngugi Ng'ang'a, I am a teacher in Kathiani High School. I am

currently teaching agriculture and I just want to present problems facing agriculture. I am not going to present a memorandum. Mine is verbal I am not going to give the recommendations as such but the problems.

One of the problems now we have in this area is that agricultural land is not being properly being utilized because of the size, this Kathiani Kangundo area and the surrounding areas including the 'iveti' you find that the land is highly productive but it has been sub-divided over the years because of the inheritance and if that comes from culture and we are left with very small pieces of land that are uneconomical to tilt.

I would suggest that a way be put forward such that the settlement will be concentrated in one area and then the rest of the land will be left as large scale farms, so that they can be utilized economically. Currently in the world trade of marketing people are able to market their produce. The cost of production verses the prices at which they can sell cannot merge and that is contributing to poverty.

The other one is that pieces of land in this area are still fragmented and scattered all over the area consolidation was not done when it was being done in other areas and a way should be put forward or it should be put in the Constitution that you only own land as one piece otherwise when they are fragmented and scattered we have a problem in production in this area.

The other one is inheritance; I think the inheritance of land in this area, I am not from here but I know it has a problem, now one of them is that some people are unable to inherit land in the families they belong to especially female, children or the daughters they are unable to inherit land and become desperate turning to crime and I think it should be put forward that they should also own land from the communities they come from.

My last point is about the court that is judicial; we have a kadhi court in the Islamic law. I think we should have something similar in Christianity. Either we have a Christian court, we can have somebody like a kadhi selected by the current church leaders in the local area and such a court should arbitrate, because people have a lot of confidence with the churches, it should arbitrate some of the cases instead of taking them all the way to the court especially the land tribunal.

I think it should be handled by the church and not the elders. The elders sometimes tend to align with on one side but I believe that the current faith we have in the Bishops and the churches, if we selected the tribunal court from the local area churches or from the church leaders people would have more faith in it. I think that is all I have.

Com. Ayonga: Mwalimu you talked about the division of land, that people have made it so small that it has become uneconomical. Now, how would you want to see these people who have settled in those small pieces of land, moved and be provided for, do you serve any plan for such if we had to make land more useful and economically viable?

Com. Kangu: Just a moment, anything?

Mr. Ngugi: Yes, I think the government can allocate small plots. Something like urbanization such that everybody will be entitled to get at least a certain piece of land, near certain concentration center and then the land left behind should be operated in sizes you know being like large scale farms, you find that an area like Kiambu which has remained an economic giant up to now, we have large scale farms and they have become useful. Something similar should be applied to this area.

Com. Ayonga: But you know some people are tied to these small pieces because their loved ones have died and others are buried there and they wouldn't like to move elsewhere. Have you taken that into consideration and culture being what it is, it is so deep that people want to live where their loved ones are buried.

Mr. Ngugi: Maybe the culture is a problem but you find that the economy also on the other side is not allowing us. Now, we have milk that can't get market. We have sugarcane that we cannot sell because the prices of production cannot cope with the international sales. So we have to come to an agreement somewhere. We either abide by culture and perish or we change and continue.

Com. Kangu: Now, one question mwalimu, I agree with you that infact if you move people into towns, it will be cheaper to provide them with the facilities of good living like water, electricity, good schools, hospitals, but then you come back to what Commissioner Ayonga is saying that our people have become so attached to land and the small pieces they own, then it becomes so difficult to persuade them to see the sense in what we are saying. Some of them have done certain developments on those pieces of land they have put up houses and so on. How would you see us implement that proposal as good as it may sound?

Mr. Ngugi: I think currently like here in Kathiani you find that even the people who are better off in the farms, they are shifting towards the town centers because of insecurity. I think ultimately, much as we may want to avoid, by the end of the day that is what we are going to adopt. Because these days when you have a few you have a lot of property you cannot stay in the rural areas, you have to go to the urban centers where there is security. So culture verses- you know everything has advantages pro and cons but we have to come to an agreement somewhere or we are forced by nature. Now, we have small farms that cannot produce anything. You tilt, you take milk to the market, you find powdered milk from Europe which is cheaper than the one you produce. Next time that cow will become useless and that small piece of land will become also useless.

Com. Maranga: Excuse me, mwalimu I want to ask you a question. Now, do you realize how much money you are going to spend to build for all Kenyans to go to town areas, all of them and you know there are families of households of one to ten people and so are you aware of that? so, where are you going to put them and the land you have amalgamated into one large piece of land, who is going to plough it or who is going to be the tenant of that land. Who will be the owner, infact now the

question is who should be the ultimate owner of land, is it the individual or is it the state or is it the government?

Mr. Ngugi: I think there should be a way you own land in concession such that when you are given that piece of land you will be paying some tax to the government. When you are unable to meet the tax, you relieve that land to another person who is able to till it and pay some tax and that way we shall make the country productive.

Com. Kangu: One from her and then we finish with you.

Com. Asiyu: You have made a statement in your response to a question that many people now prefer to leave their rural homes to live in urban centers because of insecurity, but are you aware that there are very many people in this country who are running away from the cities to go to the rural areas because there is security in the rural areas.

Mr. Ngugi: Maybe, I thought the security in the rural areas is mainly for the poor but the rich you find they are trying to migrate even if not to the urban centers, small towns at least where the security is a bit organized but in the rural areas the same people will target you because you only own what they don't have and it is out of that desperation that even agriculture is not offering an alternative so they target what you have. We have maybe from personal a view we have some of our members here in schools who have been affected because they have settled in the rural areas due to insecurity.

Com. Kangu: Thank you very much, sign our register. Can we have Flora Mutisya, maendeleo ya wanawake. Is it Mutisya or Maithya?

Flora Mutisya: The Commissioners, my name is Flora Mutisya I am the divisional women group chairlady and I am representing the women group, the maendeleo ya wanawake group and on behalf of them I will present their views.

I will first start with the land property rights. The government can have the power to compulsorily acquire private land for any purpose on condition that the original owners would be compensated.

The transfer fee is very high such that people have not been able to pay transfer for their land. So the fee should be reduced to cater for every citizen but there must be some restrictions on land owned by non-citizens. There must be restriction that nobody should have more than one thousand acres of land while others have no even a quarter of an acre. Men and women should have equal access to land.

We should have joint title deed ownership. A Kenyan can own land anywhere in the country. The Kenyan Constitution should guarantee access to land for any Kenyan. Women should be allowed to have access to credit facilities. To fight poverty, girls should have a share of their father's wealth as their brothers. In case of marriage she will forfeit the right of ownership.

Environment and the natural resources - No cutting down of trees, no factory should be build within the estates.

The government and the department concerned should have powers to enforce laws on the protection of environment.

The community should be sensitized to know that the environment is for their benefit and they should be the first agents of change to protect the environment. The government should be responsible for management and protection of natural resources.

Citizenship- the following people should be regarded as Kenyan citizens. By birth and by registration. People can also be Kenyan citizens by application. Spouses of Kenyan citizens can be automatically Kenyan citizens regardless of gender.

Kenyans should have their identification cards as a prove of citizenship.

A baby born by a Kenyan citizen should be guaranteed automatic citizenship. The rights of a citizen obligations are registration cards and identification cards. The right of citizenship will depend on the manner in which the citizenship is acquired.

Political party - The Constitution should regulate the formation and management of political parties. The political parties should be minimized to two. That is the ruling party and the opposition to avoid confusion. Political parties should not be financed by the public funds. Political parties should not be financed nor supported by the government.

Structure and system of government - We should retain Presidential system of government. We should not adopt a federal system of government because it will bring confusion among Kenyans.

The local government - Mayors and council chairmen should be elected by people. The two-year term for mayors should be substituted by a five-year term to give them room to complete projects that they had initiated.

Third, there must be a minimum education qualification for the Councillors, that is they must be form four graduates all heading properly unto thee. If a Councillor becomes inactive, a vote of no confidence should be passed.

The people should determine the remuneration of Councillors. It is not necessary to have nominated Councillorsexcept for women and the disabled because it is not fairly done.

The electoral system and the process. We should have secret ballot for electing leaders. The electoral system should be designed in a way that it will increase participation of women in Parliament and local authority by preserving seats for them.

Candidates who fail nomination from one party can switch to the next one. Seats should be preserved for disabled people and the youth. The election process should be simplified because candidates pay a lot of money for registration. The election date should be specified in the Constitution for the Kenyans to be aware.

Basic rights - The Constitution should not allow death penalty except for rape cases. It should be substituted by life imprisonment. Our Constitution does not provide for fundamental rights because there is scarcity of clean water and employment for all Kenyans.

Food and education should be free from nursery school to the university level. Three, cost sharing in hospitals has caused a lot of death. Most widows in Kenya are very poor such that they cannot afford a good house.

No adequate health facilities. Maternity fee is very high for women. It should be abolished. The government should have a regard for orphans. Kenyans should have freedom of worship.

Rights of vulnerable groups - women legally married should have the right to bury their husbands in case of death. Women should jointly own title deeds with their husbands. If the man stays with a girl for a period of six months, the girl automatically should have the rights of ownership and the children will inherit the man's property.

If a man impregnates a girl he should take care of the baby until when the child will be 18 years.

Finally, the right of ownership - if a man impregnates a disabled person he should be forced to take both the mother and the child.

Parents with disabled children should not hide them but instead expose them so that the government will assist them.

Com. Kangu: If you have a written memorandum, why don't you just highlight.

Mrs. Mutisya: I am now getting to finish.

Com. Kangu: You are finalizing, fine.

Mrs. Mutisya: Wife beating should be abolished. Dowry must be enforced and especially the three goats in kamba culture should be paid.

I am now at the disabled people. Public buildings should have facilities for the disabled people. They should be given special

attention in the employment sector. They should be given opportunities in higher offices.

Child rights - children should be given basic needs. The government should consider the fate of street children and help them stop becoming mothers on the streets. Grandparents of orphans should be assisted by the government to bring up the orphans. They should be provided with land. Rape victims especially minors should be given attention. Both parents should be involved in bringing up children otherwise be prosecuted. All the Kenyans should be getting an automatic allowance at least Kenya shillings 300 per head after a period of thirty days for those who are not employed to cater for themselves. That is all.

Com. Kangu: Thank you.

Com. Maranga: There is one question I wanted to ask, it might be interesting. You have said no wife beating, but do you know there is also husband beating.

Mrs. Mutisya: That one I was talking of women, I was not talking of men. I was not talking of the husbands.

Com. Ayonga: In other words you would like to see husbands being beaten but no wife beating.

Mrs. Mutisya: But that one doesn't occur very much.

Com. Ayonga: Why don't you want to say, that no beating of any person, spouses because many men are being beaten and they are ashamed to say. Now, I have a question, a small question for you, you said that nomination seats should be reserved for women and disabled. Now, did you know also that women are 52% of the Kenyan population and they are so many, that if they wanted to bring it to Parliament or to the councils their women folk that they will do it, why should many people need reserved seats when they can take the actual seats because of numerical number? And doesn't this weaken the woman further that she cannot do her campaign unless you give her a seat. You want to be given seats in a platter?

Mrs. Mutisya: You know of late we women we have not been able to go to Parliament so that is why I was talking on behalf of them, so that if we don't get chances then we can be nominated this time.

Com. Ayonga: Can't you fight yourself?

Mrs. Mutisya: We will fight.

Com. Kangu: Let us hear mama Phoebe.

Com. Asiyu: Two questions, one on the same issue. You are aware that there are countries in this sub-region like Uganda, Tanzania, maybe in South Africa, Namibia and others who have special arrangements for women to be elected to both local authorities and Parliament by holding elections for women representatives only at the district level, so that every district will have one woman elected by the people on a political party ticket. That in this country will give women like 74 members of Parliament to start off with.

Then strong women who can face up with the men like Ngilu and others can also stand and compete alongside with men. You have not made such a recommendation. I want to know from you, that is what they call affirmative action in those countries and you also know that women in Kenya have really fought for that affirmative action to be implemented either at the district level or any other level that will be acceptable and that they have been brought back now to this Commission.

I want you to tell us because you are representing over one million women in this country, those with the membership of the maendeleo ya wanawake. Tell us whether you support this practice of affirmative action as it is done by our neighbouring countries or whether you prefer that women be nominated the way you have suggested.

Number two, you have told us that a woman should be able to inherit from her father's property but when she gets married, that property should be reverted to the father's home. Now if supposing this woman had put up a building in that area, the piece of land that was given like a shop or if it is an apartment as a business, or even a piece of land which she will then cultivate and supposing she got married to a man who does not have any land, would you still suggest that this property be reverted back to her brothers when she has nothing in the home where she belongs?

Mrs. Mutisya: I will first answer the first one, you know we women in-let's say in the local area, we are not very aware of whether that formation of other countries has been formed and this is the high time now we are knowing. So we will very much support that one for other countries that women should be enlightened to know that there should be a formation of that nomination. I would rather support that one.

The second one, you asked me about the land. That one I would rather say, whereby a woman has been married then the land should go back to the parents.

Com. Asiyu: If it is not possible to go back to the parents but where for example she has put up a building on a piece of land given to her by her father. Originally there was land, would she leave it to her brothers. Are you suggesting that she should leave this investment to her brother?

Mrs. Mutisya: Whereby the land had not been transferred to her, officially transferred to her she will leave it but not to be forced. If she wishes but if she doesn't wish she should not be forced.

Com. Kangu: May be there are issues you need to go and think about and if you want to do a personal memorandum you prepare and send to us. Thank you, sign and hand over the memorandum there. Can we now have George Ogutu a civil servant.

Mr. Ogutu: Thank you Mr. Chairman, the Commissioners, bwana D.O, teachers and students of Kathiani High School, my names are George Ogada Ogutu. I want to dwell on just two issues here.

First I want to talk about the crime rates in our country which affects everybody. I think everybody knows that right now at this moment crime rate is bothering every citizen of this country and my request was just to tell the Commissioner to look for a way of making members of the public enlightened about their own rights concerning the law of this country.

Very few people mostly in the rural areas don't know their rights according to the law as far as law is concerned and that is why the crime rate in the country has escalated to the current trend.

I want to tell the Commission to make it mandatory if it is possible for parents to account for the movement of their kids or their children. Parents should be compelled to register the behaviour of their kids because they are the ones who know the behaviours of their kids from their childhood.

They should also be compelled to ask for the wealth of their kids. If you have a son and he is not working na ni tajiri sana anatoa pesa wapi, ako na magari wewe humuulizi hushughuliki why? You should also be concerned. Ukikataa hiyo you encouraging crime. You must be compelled to ... if anything goes wrong you will also be held responsible if you cannot disclose the movement or the character of your kids.

Com. Kangu: You try and move fast.

Mr. Ogutu: I have done away with the crime and now I want to talk on politics. At the moment sheria inasema ya kwamba the winning Presidential candidate anakuwa determined na the number of votes he gathers in the general elections. I would propose that the winning Presidential candidate should be determined by the number of seats his party gathers.

The reason why I am saying this is because this will discourage this issue of numerical number ya ukabila na nini. It will also discourage the issue of defection from one party to another and it will make us more cohesive than we are now because I believe a nation should be a united nation, not a nation which is disunited kwa sababu ya misingi ya kikabila.

Ya tatu, ni kuhusu land - Land policy should be looked into. We have so many people with huge tracks of land, which are

undeveloped. Some are bushy and are being used as hide outs for criminals and wild beasts even in my rural areas where we have leopards what, let's us say hyenas but if people can be compelled to surrender the extra land that they have if they can't develop the land to others who don't have or we have a clear policy on land issue the better. I think I will stop there.

Com. Kangu: Thank you very much. Sign our register, can we have Mary Charles from Maendeleo. Mary Charles, ni wewe? Kama hayuko, tupate Florence Maithya, kama hayuko tupate John Nzioki Muli, ni wewe? Please take a seat. Wewe ndio unaitwa nana mama? Mary Charles, take the seat lakini unakaa hapa kama unaandika jina unaenda nje itakuwa mbaya. Taja majina na uanze kuzungumza mambo yako.

Mary Charles: Kwa majina ni Mary Charles. The chairman for this meeting, the Commissioners and all the participants, ladies and gentlemen. Ningelipenda nizungumze kwa kiswahili.

Com. Kangu: Sawa sawa.

Mary: Mimi ni secretary wa Maendeleo ya Wanawake Kathiani. Niko pamoja na yule amesoma maneno ya ile memorandum ya wanawake. Kwa hivyo individually ningependa tu niongeze machache. Kwanza ningelipenda niulize Commission ichunguze sana juu ya sisi wanawake. Wanawake watoto, wanawake wazima, wanawake wazee, huku pande ya rural area. Sisi huwa na taabu nyingi sana ambazo huwa hazijulikani na ningependelea sana mambo yetu yachunguzwe sana ikiwa tungependekana tuwe tunaishi kama watu

Tena ningependa niulize Commission kama ingeweza kuchunguza mambo ambayo yanatoka pesa zetu, tuseme tukiwa huku reserve sisi huwa na taabu nyingi sana ambazo ikiwa tuseme for example huku sana sisi tunajisaidia na pesa za kahawa, kahawa siku hizi hatuna pesa kutoka kwa kahawa. Imejaa kwa mashamba, hakuna pesa zinatoka kwa kahawa, tunajisaidia kusomesha watoto na hizo pesa na pia kujisaidia mambo ya kibinadamu. Tungeuliza Commission ichunguze sana juu ya kahawa, sisi imefika kiwango ya kuona haina maana hata kidogo kuwa kwa mashamba yetu kwa sababu tuna shida ya pesa na hiyo kahawa haitupatii pesa. Why? Kwa sababu wale watu wako juu pale wanakula hizo pesa, hatuzipati sisi. Kwa hivyo tungeomba Commission iangalie hiyo sana.

Pia, ningepomba Commission ichunguze sana juu ya shule ambazo ziko huku reserve. Mapato ya watu ambao wanaishi reserve ni machache sana na ikiwa mzazi hata kama anataka kusomesha na mapato yake hayako watoto, elimu ya watoto inakuwa shida sana ingawaje wanapenda kusomesha.

Kwa hivyo ningeponelea ni vizuri ili Commission iangalie hayo mambo ya shule za huku ikiwa ingeweza kutofautishana na zile za town ndio watoto wa huku reserve wapate elimu. Pia, ningepomba Commission ikiwa ingeweza kutengeneza upya mambo ya masikizano nyumbani. Sisi watu wa reserve kwa sababu wengi wetu hatujui kusoma sana sana wanawake tuna shida sana

tunapoishi na waume wetu. Sio kwamba ni wabaya ni kwa vile imekuwa hivyo na ikawa ni kama mtindo wa huku anaonelea haina maana kunijulisha mambo ambayo yanahusu for example kama land, yaani hata property tuseme properties zile ambazo mtu angepaswa kuwa nazo na kwa hivyo inakuwa ni ngumu sana kwa wanawake ikiwa kwa mfano bwanake amefariki, huyu mama anateseka sana kuchunguza kutafuta mali ya bwanake, hiyo tunaonelea sio vizuri. Na kungekuweco maandishi ya kuonyesha huyu mama anajua mahali iko, ingekuwa rahisi kujua mali yao. Kwa hivyo ningepomba Commission iangalie hiyo upya.

Naomba tena Commission ichunguze tena ikiwa kungeweza kuwa wakituma watu kwa shule za huku kutuma watu ambao wangukuja wazungumze sana na watoto kwa sababu shule za huku watoto wengi wanaweza kufanya makosa kwa sababu ya kutokujua. Sasa unajua ikiwa ni waalimu wako na kazi nyingi sana ya kusomesha watoto. Sasa tungeomba Commission ipange mpango wa kila shule huku reserve na kwingineko kuwe na Councillors wanakuja shule ili watoto wawe, yaani licha na masomo yale wanasomeshwa na mwalimu awe mtu anajielewa mwenyewe. Kwa hivyo ningeponelea ya kwamba upande huo ningesema hayo nikuongeza tu nilikuwa naongeza yale yamesemwa tu, tuko pamoja na wale wameandika na ningeponelea nitapendekeza ili tuwe hatuishi vibaya ikiwa tutapata Serikali ingine.

Com. Kangu: Thank you umemaliza ee? Asante just sign our book tupate Florence Maithya.

Mrs. Maithya: I am Florence Maithya na nitaongea na kiswahili ndio akina mama walioko nyuma ambao hawaelewi Kiingereza ndio tuelewane. Yangu ni kuzungumza juu ya akina mama kwa sababu yule chairlady tulikuwa pamoja tukiandika ile memorandum, yangu ilikuwa pamoja na hiyo ya chairlady lakini nitaongeza kitu kidogo kwa sababu wale akina mama tumeandika ile ilikuwa ni yetu kwa upande wa akina mama.

Kwa kawaida akina mama wetu wako na taabu kinyumba, wanawake kwa upande wa akina mama wanaume wengine wameacha nyumba zao na kuondoka, kwa hivyo akina mama wameachiwa kazi ngumu ya kinyumba na ndio ikaingilia kwa upande wa groups zikaingia ndio zianze kusaidiana. Kwa hivyo ningepomba kama wanaume kama wangeshikana pamoja na akina mama kama vile groups zimeingiana kama akina mama wameshikana pamoja. Sasa wanaume wangukuwa na groups kama akina mama nchi yetu ya Kenya ingekuwa imeendelea sana kwa sababu akina mama ukiangalia ndio wamevuruta maendeleo sana na wanguungwa mkono ni wanaume wao ili kwa mila zetu ingekuwa juu sana. Kwa hivyo ningepomba kamishina sijui kama wanaume wanguweza kuwa na seminars ndio wafuate akina mama wetu, ndio wawe na mwongozo mmoja ndio tuwe na maendeleo yetu. Ie ingine imesemwa ni chairlady wetu ilikuwa ni ya wasichana wetu na kwa sababu amesoma ningeponelea kwa upande wangu niachilie hapo kwa sababu mambo yetu ile tulikuwa nayo imesoma hapo. Na hatuna mengine.

Com. Kangu: Basi sign our book, na kama hatujaendelea I would like to recognize the arrival and presence of the area Member of Parliament Hon. Kaindi, bwana Kaindi welcome tuko kwako na tutakupatia nafasi baadaye kuzungumza tunataka kwanza usikize mambo ya watu wako kidogo na wewe utazungumza baadaye. Let's move to the next person John Nzioki Muli.

Mr. Muli: Kwa chairman wa Commission na Hon. Na wengine na raia wenzangu. Majina yangu ni John Nzioki Muli na mambo yale nilikuwa ningesema nimeandika...

Com. Kangu: Kama umeandika you just highlight halafu Utatupatia memorandum or if you want to give us just the memorandum and add nothing it will be up to you to tell us.

Mr. Muli: Nimeandika na nilikuwa nataka kupeana kwa hivyo sitasoma.

Com. Kangu: Peana pale na uweke sahihi. Na sasa tupate Ruth Mwasya from Maendeleo ya Wanawake.

Ruth: Asante sana bwana chairman. Yetu ilikuwa ile imesomwa hapa na chairlady lakini nataka kuongeza kitu kidogo hapo. Sisi wanawake wa huko nyumbani ama watu wa rural areas kama ingewezekana tuletewe stima kwa kila nyumba kwa sababu mnajua miti siku hizi ni ndogo, michache na hakuna miti. Tunataabika sana akina mama kwa kupika hata kwa kuona hakuna mataa. Tungeomba Commission itupatie stima.

Tena, tungeomba kama ingewezekana tujengewe barabara nzuri kwa sababu sisi akina mama tukiwa na mgonjwa tunabeba kwa mguu kwenda hospitalini, hakuna barabara nzuri.

Kile kingine tunataabika sana tukiwa kwa mazao yetu, huko rural areas hakuna mpango mzuri wa kujipatia pesa za kujisaidia. Na kile kingine naweza kuongeza kwa ile ilisomwa ni kuhusu wasichana wadogo. Tungeomba Commission kama ingewezekana wachunguze sana wale watu wana-rape watoto wachanga, wawe wanapewa hukumu ile inawezekana kwa sababu mtu anafanya kitendo kile anaona ni cha kinyama kwa mtoto, kwa hayo yote asante.

Com. Kangu: Asante basi. Nenda uweke sahihi pale mama. Tupate Anna Munyao from CBD.

Anna: Kwa majina mimi naitwa Anna. Yetu ilikuwa imesemwa na mwandishi wetu wa Maendeleo ya Wanawake. Ya kuongeza, sisi siku hizi wanawake tuko na taabu, kwa sababu wale wanawake wanaoendesha ya biashara hakuna barabara nzuri. Wanabeba mizigo na mgongo mtu akitoka hapa anaelekea Machakos mgongo anapeleka vitu vyake huko.

Kile kingine, wale wazazi wanazaa siku hizi tuko hatarini sana. Hakuna pesa, hakuna kitu ya kujisaidia. Kujisaidia mvua ile iko mwaka huu ni mvua inayoonyesha ni nzuri lakini wakati mwingine mvua hakuna. Kazi ya wanaume ya hakuna, ni kibarua tu. Wanawake wa siku hizi tuko hatarini sana. Watoto wa shule saa yote unaona wanafukuzwa, hakuna kile kitu wanaitishwa na mwalimu. Masomo siku hizi ni ngumu, kile kingine naongeza hapo ukiona watoto, wengine wako na nguo mbaya na fee ya

mtoto ni mzazi, hakuna kitu. Tukilima hakuna shamba.

Siku hizi, mwaka huu kuna mvua tunapata chakula kidogo. Ni hayo tu.

Com. Kangu: Ni hayo tu. Asante sana. Kuna swali moja mama, ngoja.

Com. Asiyu: Umetueleza shida ya akina mama na pia umetueleza shida ya watoto kwa ajili ya umaskini yaani hakuna mapato, kama hakuna mvua wanaume hawana kazi. Lakini ungetuambia unataka tuandike pendekezo gani kwa Katiba. Kama ni mambo ya watoto, ungependa kwa mfano tuseme kuwe na elimu ya bure kutoka class one mpaka kiwango fulani ili wale wazazi maskini pia watoto wao waende shule.

Pili, ungependa kusema nini juu ya ukosefu wa kazi. Unaona ni njia gani nchi hii inaweza kujiendesha kwa kupata kazi kwa wale wanaume wasio na kazi.

Anna: Serikali isaidie.

Com. Asiyu: Kwa mambo gani? Umesema jambo moja.

Anna: Tupatiwe elimu ya bure kutoka std. One, two, three, four kufika eight.

Com. Asiyu: Kufika class mne peke yake?

Anna: Kufika eight.

Com. Asiyu: Na mambo ya umaskini ifanywe namna gani?

Anna: Mambo ya umaskini hiyo ni moja ya kumaliza umaskini kwa sababu kuna wamama hawana kitu na hakuna kazi na mtu anataka kusomesha watoto,

Com. Asiyu: Hiyo tumesikia, sasa wewe upendekeze Katiba iseme namna gani?

Anna: Katiba iseme watu wasaidiwe. Sijui watasaidiwa na nini. Kwa ni kisomo tu cha bure.

Com. Asiyu: Na tumefahamu basi asante sana.

Com. Kangu: Asante mama wewe umepeana maoni vizuri, unasema Katiba iangalie uchumi uwe mzuri, sawa sawa? Nenda uweke sahihi na kuna mama Dorothy Kiilu wa maendeleo. I hope hakuna mambo mingi ya kuongeza.

Dorothy: Mimi naitwa Dorothy Kiilo wa Maendeleo ya Wanawake. Commissioner nataka kuongeza kitu kidogo tu lakini yale mengi yamesemwa. Sisi wanawake tuko na taabu. Tunataka ututetee ukirudi huko. Wanaume tunakaa nao kwa nyumba na mtu hataki kwenda kufanya kazi na wewe mama unajua pahali unaweza kuenda ufanye kazi kidogo upate pesa ili uje utolee mtoto fees. Naye anaku-damp kwa nyumba, hataki kukupatia ruhusa ya kwenda ufanye kabiashara ili upate kitu, anataka mukae hapo tu. Tunataka Commissioner ukienda huko hata ikiwa ni seminar ya kuwekea wanaume ambao wako kichwa yao iko chini, hawataki maendeleo, uwafundishe ili tutoe umaskini kwa nyumba. Yangu ya imefikia hapo. Asante.

Com. Kangu: Tunyamaze tumsikize mwingine, mama amesema mambo ya muhimu. Kusema kweli ukienda rural areas mara mingi wanaume hawataki kufanya kazi, ni kuondoka kwenda kutembea jioni wanarudi wanataka chakula kama hakuna wanapiga mama na najua haya mmesikia. Si ni kweli? Basi tumsikize chief Charles M. Ngalama. Yuko ama hapana? Kuja tu uzungumze bwana chief hata na wewe uko na maneno ya kutueleza.

Com. Maranga: Hapana ogopa D.O, pengine anaogopa D.O.

Com. Kangu: D.O hana shida, wewe kuja uzungumze maneno yako, huu ni mkutano wetu. Basi kama hataki basi tumsikize assistant chief James K. Muzee. Hata na yeye hapana taka? Basi wacha niwaeleze hivi, sheria tunayo yenye tunapata inasema yeyote mkenya ako ruhusa kupeana maoni yake, hata D.O akitaka kupeana maoni yake atatueleza. Anatayarisha na hiyo sheria tena inasema, ikiwa kuna mtu yeyote hataki kutoa maoni mbele ya watu anataka tumsikize kando peke yake tutamruhusu sasa bwana chief, bwana assistant chief ikiwa unataka tukusikize in camera utueleze tutakusikiza because we want to hear views from everybody si ni kweli?

Na kama unataka kupeana written memorandum, utapeana. Jana tulikuwa muuma andu na tulisikiza mpaka tu five chiefs and assistant chiefs wakatupatia maoni ya muhimu sana. Kwa sababu kuna wale wanakuja wanatuambia hawa watu wote toa, lakini nyinyi mko with the story of the other side. You must tell us na msipokuja kutuambia we may not know the other side of the story, tunaielewana? Basi tusonge kwa wengine watafikiria watatuambia baadaye. Paul K. Makau. Pia yeye ni assistant chief, Alice Nduku, chairlady KANU, basi songa mbele.

Alice Nduku: Kwa majina naitwa Alice Nduku na mimi ni chairlady wa sub-location kutoka Ngoleni, KANU. Sisi wamama tuko na shida wakati wa kulea watoto. Shida zetu ni tunaposomesha wasichana wetu unaweza kumpeleka kwa shule na pengine umetafuta karo kwa shida na akimaliza mwaka mmoja anachukua mimba, anazaa mtoto ile shule amekoma kuenda shule, anakuja anazaa, unamuonya usirudie haya nitatunza huyu mtoto, utarudi shule. Huyu mtoto, yule alimtungua mimba anamnyemelea tena, anamueka ingine.

Mimi nasema hawa watu kwa sababu hawana heshima na ndivyo wafunzwe vile wanaweza kukaa, maana wanaongeza shida kwa nyumba na huyo kijana hana nguvu za kumuoa huyo msichana, anampea watoto kama wawili na anamuacha. Sasa inakubidi kuwa na shida, inaendelea nyumbani. Sasa nauliza kama inawezekana kutafutwe adhabu ya hao watu wawili. Wakionywa ikiwa hawaoani, wafungwe ama wapewe adhabu kwa sababu wanazaa watoto na wanawaacha hivyo, mtoto hana baba, na ana mama na hana msaidizi mwingine. Sasa itakuwa shida kwa nyanya yake kwa kuwa anakuwa na mzigo mkubwa. Kwa hivyo hawa watu wawili wachukuliwe hatua ili waonyeshwe haya ni makosa kufanya hii na hawaoani na hawana kitu, hii ni kufanya nchi yetu iendelee kuwa na chokoraa hawa na kwa hivyo naomba Serikali ichukue hii kama sheria moja ili kuwatunza watoto hawa wa aina hiyo. Kwa hivyo maneno yangu ni hayo nakoma hapo.

Com. Kangu: Asante basi weka sahihi kwa kitabu na kuna mwalimu kutoka Kathiani Girls na students tulikuwa tumewaita mapema walikuwa hawajaingia nasikia sasa wamerudi. Wa kwanza alikuwa Lillian Awuor, mwanafunzi, yuko?

Lillian Awuor: I am Lillian Awuor from Kathiani Girls and these are some of the views we would like to propose as students. First, there is brain drain in the society, that is you get a person learning for more than ten years you go to school after university, then there is a man who is over 80 years, he still has the job while you are young, you got a family and you can't provide for their needs because you don't have a job while that guy who is over 80 or 90 years still working and has the job.

The second one is institutional discrimination. These are some of the problems we face in schools such as this one because you get a person or a student ...

(Interjection)

Com. Kangu: Use the mic so that we can hear well.

Awuor: A student from a school like Kathiani Girls does the exams and passes, maybe he gets a A- and then another student from a famous school like precious blood or those national schools, once you go to the higher level education of the person who has that C- or C+ because she was in a better school than yours has higher chances of getting an opportunity while you have done better than her.

We were suggesting for fair salaries in the society. Here we were suggesting that people should be paid the labourers should be paid according to the number of hours they work. The sum of labourers who do very less in the society while they are the most paid while those who do a lot of work like teachers in the society they are lowly paid.

Fourthly, freedom of the press - The press doesn't have freedom to express their views in a way, they are restricted in some ways, in that you find that the journalists are treated harshly, other times they may print a story about those big guys and then

they are sued because they are trying to interfere with their private life. How are we to know how our leaders are if we only see them as those dictators we see them in television when they come they say you should do this and don't do that, while we don't know their social life and then patriotism:

Like in our country, our leaders always tell us to be patriotic to our country while they themselves have other investments outside the country, it is not bad well but if they could have invested in our country I guess we could be more rich and then they expect the leaders of tomorrow like us to be patriotic to our country while they themselves are not patriotic.

Sixthly, we suggested that campaigning should cease because in most of the cases we see people voting for the wrong people. for example, a person comes to a place like this, most of the people are not well off. He gives them money, people won't vote for that person because they want the person to be their leader but they vote for that person because that person has provided so much to them.

Seventhly, we want equal distribution of teachers in schools. There are some schools which have so many teachers and others have less teachers and they have so many students. You may find that in a school there is only one biology teacher while in other schools there are teachers who don't they have at least a class once a week. So we were saying that we should have equal distribution of teachers in schools.

And then there is insecurity in the society: That is in the old times when you come across or when you meet a policeman you would feel you are secure, but nowadays it is not the same. You see a policeman and you feel insecure because of the things they do to the people in the society. People see a policeman, see like me when I see a policeman a just see a thief, a murderer, a rapist what they are doing to people in the society.

Then we were saying that there should be exploitation of Kenyan resources. The resources in Kenya should not be left to individuals. The government should run the exploitation of those resources and make better use of them instead of importing some things from other countries while we have not exploited ours.

And lastly the government to recognize our emergencies in that if there is an accident, the people involved first should be taken to an hospital instead of those policemen trying to tell us eti 'ngojeni kwanza mapolisi wakuje,' hapo hivyo kuna mtu amegongwa na gari and then the policemen are telling people ' ngojeni polisi wengine wakuje, they take the necessary statements as who is on fault instead of rushing the person who is there to the hospital and there are some cases like a child is drowning in a river,the child anaachiliwa hapo, nobody bothers, they bother after 24 hours or 36 hours when if it was a person from another country like tourists, immediately they get the information that a certain person has drowned in a certain river, you will see all the policemen, all the lifesavers in Kenya being hurried to go to that place to save that guy. Meaning that the Kenyans have no importance, those people from other countries have more importance than us. so we would like them to recognize our

emergencies, that's all.

Com. Asiyu: I want to ask you about the press, you have said that you want the press to tell us the other side of leaders, which is not normally portrayed when you see them on television talking. But you also know about the so called bad press, the gutter press, who create stories and sometimes will come to a leader and say that this story that you have created if you give me ten thousand shillings, we are going to publish it. This gutter press has no address, it has no physical place you can reach them, so that you can sue to be heard for justice to be done, would you still recommend in such circumstances that the gutter press be given the freedom to not only soil the names of people of Kenya but also soil the name of this country.

Awuor: In such cases, No.

Com. Kangu: Now, young girl you mentioned that our leaders are not patriotic, they invest Kenyan resources abroad. What would be your recommendation? Already we know there are those who have a lot of wealth invested out there, what should we do about it on that issue of investing outside the country?

Awuor: I guess that should be banned, investing outside our country.

Com. Kangu: And those who have already invested there can we recover that property?

Com. Asiyu: But these policemen, you see a policeman you see a thief, you see a rapist and you see a murderer, what do we do? Sack them; retrench them over all those vices, what are the recommendations?

Awuor: Not retrenching but I think the problem with them is that they are lowly paid.

Com. Asiyu: The salaries?

Awuor: Yes, that is why they behave like that. If they were paid to the recommended amount, I guess they would be doing their work well.

Com. Kangu: Thank you very much, sign our register there and Rachel Ndunge mwalimu from the same school, Kathiani Girls, Rachel Ndunge, is she there. She has gone out, she has given the memorandum. So, what about Mrs. Ndungu, she hasn't come, fine. So, let's go to Anna Wambua CBD? she has spoken. Now, Wilfred Nduso, I am sorry. Oh Winfred, I am sorry.

Winfred: Kwa majina ni Winfred Nduso CBD agent. Mimi sina la kuongeza ila yale yamesemwa na chama. Asante.

Com. Kangu: And the group of maendeleo, kama ninaita wewe na hauna la kuongeza, useme tu ukikaa mahali uko halafu we go to the next person. Tupate John Wambua senior clerical officer, John Wambua. Yuko ama hapana? Hayuko. Tupate Joseph Nduva a youth.

Joseph: Kwa jina naitwa Joseph Nduva. Yangu nimeandika na nitayasoma Waendeleo kuwa chini ya usimamizi wa Serikali kuu na kueleza vilivyo. Pasiwe na madiwani wateule popote pale. Ni hayo tu.

Com. Kangu: Thank you. Weka sahihi pale. Na bwana Ngalama.

Mulwa: My name is Charles Mulwa Ngalama. I am the chairman na wale wengine tumeandamana nao, yangu nitachangia kidogo tu.

First is the county council, second is education, third salaries of the civil servants, fourth, relieving food, fifth health, sixth retrenchment.

Upande wa county council - The revenue collected per location should be returned to the specific areas because we don't understand what revenue vile wanatumia. Now, if the top itapewa watarudisha kwa location, chief and Councillor should be there because the chief is the chairman of the locational development.

Education - The issue of education should be free from standard one to university because many people who are genius are losing education because of lack of money.

Salaries: civil servants for example those who are in low groups, they are suffering very much because they don't have enough salary and when we come to the sickness, haijui huyu ako na pesa ama hana pesa. The same thing medical allowances should be equal to every civil servant.

Relief food - instead of being given food, I suggest to be provided with water only. If it is boreholes, dams instead of relief food. We suggest to be funded money for dams or boreholes and the creation of gabions along the rivers.

Health - hospitals should be free for treatment. Retrenchment should be looked into very much because many of the people who had stretched their.. Retrenchment is causing a lot of poverty and the crime rate and yet the government is fighting for supporting ...reducing poverty in a way that they are using money to see that they are eradicating poverty. Retrenchment is causing more poverty, crime rate and yet the government is using a lot of money to fight the same, so we don't support retrenchment.

Com. Kangu: Is that all?

Mulwa: Yes.

Com. Kangu: Thank you, anything? Asante na uweke sahihi pale. Tupate Michael Nzau, hayuko? Basi tupate Grace M. Mulwa businesslady.

Grace: Kwa majina naitwa Grace Mulwa, I am a businesslady.

Com. Kangu: Chukua hiyo microphone na usishike hapo mwisho kwa sababu hapo ndio..

Grace: Langu la kusema ni ile imeongezwa na ma-chairlady wetu, nitaongeza kidogo. sasa sisi wanawake tuko na shida nyingi sana kwa vile umesikia tuko na shida ya aina hii. Vile umesikia watu wanataka kufanya kazi kama mama, na anazuiwa kwenda kufanya hiyo kazi. Sasa tutafanya nini ndio nyinyi mtusaidie ndio umaskini usiwe. Kwa sababu najisaidia sana na kusomesha mtoto na akifika form four hawezi kupata kazi. Nimeuza kale kashamba kangu na hakuna kazi amepata.

Siku hizi ndio unasikia watu wakisema masomo haina maana kwa sababu sina mtu wa kunisaidia ili mtoto wangu apate kazi. Nikiwa niko na mtu wa kunisaidia anaweza pata kazi. Lakini kama sina mtu hatapata kazi. kingine ni vile umesikia hiyo ni risk allowance. Wale wanafanya kazi kuna wengine wanasema habari ya risk na huyo mtu anaenda kufanya kazi pahali pabaya na huyo mtu anashika shika uchafu sana na risk allowance inaletewa wengine na wengine hawapati na kila mtu anashika shika uchafu.

Ikiwa ni kama hawa watu wa maofisini, anapata risk allowance lakini kuna mtu yule anashikashika uchafu sana huko tuseme kama kwa ma-wards na hapati risk allowance. Kwa hivyo kama munaweza kutusaidia munaweza kusaidia hawa watu wako na hiyo shida kwa sababu ile ingine mmeongezewa hiyo salary inakuwa ni nyingi mtu anafanya kazi nyingi sana. Inasemekana mtu vile amesoma ndio anapata lakini kazi ile mtu anafanya akiwa chini anafanya kazi mingi sana. ni hayo tu mtusaidie Katiba kwa kutuungalilie watoto wetu wakisoma wapate kazi wale hawana kitu cha kujisaidia. Asanteni.

Com. Kangu: Asante, na tupate, Mary M. Nthiani.

Mary: Chairman na makamishina wote na wale walioko hapa kwa mkutano huu. Yangu ni kusema, jina ni Mary Nduku Nthiani. Ninazungumzia mambo ya nyumbani, mambo ya nyumbani namna gani? Sisi wanawake tumepata shida sana. Wanawake wamekuwa watu wasio na maana kwa wanaume, kwa maana wanawake wameuawa kinyama, kila siku na hatujui ni kitu gani kinawafanya wanaume waue wanawake na wanawake ni dawa ya wanaume, na sijui ni kwa nini mwanamke auawe na mwanamume. Na kama mwanamke hayuko kwa nyumba, hiyo nyumba haina raha. Watoto wanauawa kila wakati na kazi

nyingi za nyumbani wanawake ndio wanafanya na wanawake ndio wanatafuta pesa na wanaongoza watoto na wanaongoza hata wanyama walioko nyumbani na mwanamume akija anaanza kumpiga yule bibi, na yeye mwanamume ameondoka asubuhi na mapema kama saa kumi na mbili hata wengine hawajulikani na watoto wao.

Com. Ayonga: Kwa hivyo toa maoni.

Mary: Nasema wanawake wapatiwe haki yao na waache kupigwa, na waache kuuawa. Kwa hivyo makamishina waangalie hilo neno.

Kingine, sisi wanawake mabwana wetu wanaenda kufanya kazi na sasa kuna retire ya wanaume na wafanyikazi hata wanawake na hiyo retire ikifika mtu akimaliza kazi yake anaambiwa aende nyumbani na akipata hii barua ya kuenda nyumbani hana pesa, sasa huyu mtu akija nyumbani na hana pesa amekuwa kama yule ambaye hakufanya kazi kwa hivyo ninasema kamishina mtu akipatiwa retire apatiwe hata pesa zake aende nazo nyumbani mara moja.

Kingine tuna wanawake wanaofanya kazi na hiyo wanawake wakifanya kazi na wengine wanazaa wanaenda maternity wapatiwe muda wa kupumzika ili yule mwanamke apate nguvu ya kuenda kazini na atengeneze mtoto wake na huyo mtoto awe na nguvu. Kwa maana wanaume hawajui kuzaa kama ni kitu kigumu sana, lakini wanawake wanazaa na wanasikia mwili hauna nguvu lakini wanapatiwa siku kidogo sana za kurudi kazini. Kwa hivyo ninasema wanawake wapatiwe nafasi nzuri, akipatiwa maternity leave. Apatiwe nafasi nzuri ya kupata nguvu, akunywe ile supu na atengeneze mtoto wake. Ndio tunakunywa supu ndio tunapata nguvu ya kuenda kazi.

Kwa hivyo kuna ingine mwanamke kama mimi, bwana yangu akifa wale wandugu wa yule bwana wanakuja kunyakua ile mali yangu na mimi ndio nilikuwa bibi wa huyo bwana na akifa ile mali yangu inanyakuliwa na ndugu zake na ninaambiwa niondoke. Sasa nitaenda wapi na kwetu hakuna nyumba? Mahali nilitoka kwa baba yangu nilikata hiyo kauli na sina mali huko kwa baba yangu. Sasa hiyo Commissioners muangalie. Mwanamke, bwanake akifa ile mali iko ya bwana ilikuwa ni ya bwana na bibi, na watoto wake. Kwa hivyo muangalie hapo.

Upande wa hospitali - hospitali sisi tuko na taabu sana, mwanamke akizaa anatakikana pesa hata akiwa mgonjwa anaititshwa pesa na hizi pesa hakuna kwa hivyo dawa zikiwa za bure ni vizuri. Hospitali iwe ya bure kwa maana wengine ni maskini na wengine wanakufa shauri ya kukosa pesa. Mtu akipelekwa huko kwa kupasuliwa ni elfu moja, kwingine ni elfu mbili na wengine hawajui noti ya elfu ni gani, hata hawajui inaandikwa namna gani. Pesa ya elfu ni kubwa sana kama wakati wa leo na sisi hatufanyi kazi tunakaa nyumbani. Kwa hivyo matibabu yawe ya bure.

Upande wa elimu - elimu kama ikiwezekana kutoka nursery mpaka university iwe ya bure.

Kuna kitu kingine, ile tunachagua ma-MP na tunachagua ma-Councillor, hiyo ni hali moja. MP kama tunamchagua na hatusikii akizungumza habari ya kwetu mahali alichaguliwa kama bado kumaliza mwaka tumtoe, aondoke kabisa aturudie tumchague mwingine kwa maana tukimchagua amalize miaka tano na anajua hakuna ingine anaenda anakaa na anatusahau, hata hajui sisi ni akina nani. Anaenda kabisa na anangojea ile miaka tano tena aje atuitishe kura. Hiyo tumekataa. Kama ni mwaka mmoja tuangalie anatufanyia nini tuseme huyu mtu atoke, tumchague mwingine, hata Councillor namna hiyo. Kwa hivyo tunaona kitu cha namna hiyo ni kibaya sana kwa mtu tunayemchagua na anakaa miaka tano na anajua nitamaliza ile miaka mitano tena niende niwaitishe kura. Sasa tumeamka na tumejua hali ya dunia iko namna gani, kwa hivyo makamishina mujue tumeamka. Na wale tunawachagua wajue tumeamka.

Na kuna ingine, ile kiwango ya lugha kama Kenyaiwe na lugha mbili Kiingereza na Kiswahili.

Ile ingine, ni ukabila. Sisi hatutaki ukabila, kama mkenyahata akitoka hapa aende akae Busia ni mkenya, hata akitoka hapa aende Marsabit ni mkenyana tunataka kila mkenyaawe na uhuru ya kukaa kila mahali anataka. Kama sisi tuko hapa Kathiani, mtu akitoka Marsabit anakaa hapa Kathiani, tunajua yeye yuko kwao. Kwa hivyo sisi hatutaki ukabila.

Upande mwingine tunataka kama title deed zinatoka kama mimi bwana yangu amekufa nipatiwe title deed ya ile mali yangu kwa maana mimi ndio nilikuwa bibi wa yule mtu. Nipatiwe title ya mali ya bwanangu. Kwa hivyo kitu kingine ni unywaji wa pombe. Unywaji wa pombe sisi hatutaki, wamama wamepata taabu sana kwa unywaji wa pombe. Wanaume wamekuwa hata hawana nguvu ya wanawake kwa shauri ya pombe na hii pombe imetiwa madawa mingi sana inaharibu watoto wetu, inaharibu mabwana wetu na hiyo pombe sisi hatutaki, ile pombe inaharibu watoto wetu na hiyo pombe inaharibu watoto wetu sisi hatutaki.

Kuna kitu kingine, tuna ma-chief na assistant chief na zamani walikuwa wanafanya mambo mengi ya kusaidia DC na hayo mambo sijui yametupiliwa mbali kwa hivyo ningesema makamishina hayo mambo, hiyo kazi ilikuwa ya assistant chief na chief wafanye ili DC awe na kazi nyepesi kwa maana kazi yote ikiwa ya DC, sisi tutakuwa hatuna huruma nzuri. Kwa hivyo ningesema yale mambo yalikuwa ya zamani ya akina chief, assistant chief watufanyie, ili DC awe na mambo kidogo. kwa maana ninaonelea DC saa ingine anakuwa na mambo mengi na tunapata huduma isiyo nzuri.

Kwa hivyo kitu kingine ni tamaduni wetu. Kila kabila iko na utamaduni zao. Kama sisi Wakamba tunajua kitu kinaitwa 'kithitu' ndio inafanya sisi tusinyang'anye watu wengine mali yao, kwa hivyo hicho kithitu tunataka kiwe namna hiyo vile kilikuwa zamani. Kithitu kiwe upande wa Ukambani kwa maana sisi ni Wakamba na tunajua nikikupatia kithitu huwezi kuninyang'anya mali yangu. Kithitu iwe! Kama kamishina hujui kithitu uniulize ni nini.

Com. Kangu: Ninaelewa kithitu kabisa mama.

Mary: Kwa hivyo kila mtu ana utamaduni wake. Na kila tamaduni sisi kama Wakamba kama bibi anaolewa na hakuna zile mbuzi tatu za kuoa bibi hiyo ndio harusi ya mkamba. Kama mtu hapeleki hizo mbuzi kwa baba ya msichana, hana bibi, hiyo mbuzi iwe mahali pale kwa maana hiyo ndio harusi ya mkamba na kama hakuna hiyo mbuzi bibi hakuna.

Kuna kitu kingine, mwanamume anaoa bibi na huyo bibi mwanamume akiona ako na gharama kubwa anamtupilia mbali. Anazaa watoto watano, wasita na anamtupilia mbali kwa maana anaona mambo ni magumu na anaona uchumi ni mgumu, na bibi anaenda na watoto wake, na huyo bibi anaenda anakaa anapata kibarua anatumza hao watoto wake na watoto wanakuwa na huyo bibi bado kuolewa na mtu mwingine, yeye anakaa anatumza watoto wake. Hawa watoto wakiwa wakubwa wanataka kurudi kwa baba yao, kwa maana watoto hawajui shida iliyokuweco ya mama na baba, watoto wanataka kurudi kwa baba yao, watoto wajengewe na huyu bwana kwa maana yeye ndio aliwazaa hawa watoto na mahali nilitoka kwa huyu bwana sikupata mtoto mwingine. Nilienda na hawa watoto na nikakaa na nikapata shida na hawa watoto na nikawalea, wakiwa wakubwa warudi kwa baba yao, na wakirudi huyu baba awakatie hawa watoto shamba yao wajenge. Kwa maana nikienda kwa huyu bwana sikuwa na watoto, ndiye alinipatia watoto na kama ningekuwa peke yangu siwezi kupata mtoto lakini nikiwa na bwana ninapata mtoto. Na huyu mtoto ni wa huyu bwana.

Com. Kangu: Jaribu kumaliza mama ingawaje maneno yako ni mazuri.

Mary: Kitu ingine sisi tuna wasichana na msichana leo hataki kuolewa. Msichana akikaa kwa baba yake agawiwe shamba pamoja na yule kijana, huyu msichana ni mtoto kama yule kijana na akikataa kuolewa kwa maana siwezi kuweka msichana kamba nimuuzae akae kwa baba yake na apatiwe shamba pamoja na kijana. Lakini yule aliolewa akae kwa bwana yake, kwa hivyo maneno yangu yanakoma hapo.

Com. Asiyu: Mama Umeongea juu ya uchovu wa wanawake wakipata watoto, unataka wapewe nafasi nzuri ya kupumzika kabla ya hawajarudi kazini, yaani maternity leave lakini hajapendekeza ni muda gani.

Mary: Wapewe miezi mitatu.

Com. Asiyu: Na hii kithitu, unaona hapa Ukambani iendelee namna hiyo. Na kuna makabila mengine wana kitu kama hicho cha kithitu tena kama wajaluo wana muuma, wengine wana ingine. Ungependelea hata makabila wengine waendelee na hiyo tabia yao ya zamani?

Mary: Si kila kabila wako na utamaduni wao na sijui wajaluo wanapendekeza nini. Sasa kama wako hapa tukajadiliana ndio vizuri. sasa nitatoa wapi wajaluo na kama wako hapa, tutajadiliana.

Com. Asiyu: Shida yangu ni kwa vile ulisema ya kwamba kuwe na lugha mbili tu. Kiswahili na Kiingereza. Sasa kama hakuna

lugha hata hizi tabia hakuna. Tuendeleo na kuongea lugha yetu au tuseme hii lugha mbili peke yake, tuache lugha zetu.

Mary: Hapana lugha zetu ziko na hiyo ndio lugha ya mama. Tunataka ile ingine ya kutembelea nchi zingine. Hiyo ndio kitu nilikuwa nasema. Kamishina kuna kitu nimesahau, naweza kusema?

Com. Kangu: Sema hiyo umesahau.

Mary: nimesahau upande wa shule. Sisi kama wazazi, tumesikia ile adhabu ya kiboko imeondolewa na, hata sisi watoto wetu nyumbani tunashika kiboko na wengine watoto wetu hata wengine ni wakubwa kushinda waalimu. Na hawa waalimu watoto wetu wameona waalimu ni kitu kidogo sana, hata wanapuza hawa waalimu kwa maana kiboko imeondolewa. Kama ingewezekana, ningesema kiboko ndio kinatunza mtoto hata nyumbani. Kiboko ndio kinatunza mtoto hata nyumbani sisi tunashika kiboko. Kwa hivyo Ningependekeza waalimu wasiumize watoto lakini kiboko kirudishwe.

Com. Asiyu: Wachape hawa?

Mary: Wachape hawa kwa maana waalimu ni wazazi na kama hii kiboko kimewekwa chini, hata watoto wetu wataharibika na watoto watapiga waalimu.

Com. Kangu: Sawa asante sana. mama asante sana andikisha pale, umesema maneno mazuri tunaelewa mambo ya kithitu, hata mimi najua clan huku Ukambani mbai wakichukua hatua, hakuna mtu anacheza. So, mama amesema pengine kwa administration of justice turuhusu mambo ya kinyumbani isaidie na pengine itasaidia kwa shida nyingi. Tumsikize sasa Francis Kimondio. Amezungumza kwa niaba yako, asante sana basi bwana Francis. Tupate bwana Boori. Okey, tupate Peter Muli, chief, amezungumza fine na Samuel Mumo, PTA chairman. Imesemwa na Mary tayari. James Ngisiu, ni Ngisiu ama ni Nguyo? James Nguyo, endelea.

Nguyo: Nashukuru chairman wa Commission hii, makamishina na wote walio hapa. maoni yangu ni kama ...

Com. Ayonga: Majina kwanza

Nguyo: Majina yangu ni James Nguyo. Maoni yangu kwa kweli yametolewa na wengi lakini kuna moja tu ningetaka niongezee. Ningependa nitoe maoni kuhusu utawala. Unajua utawala ni laini ndefu sana inanzia huko chini kwa mzee wa kijiji, assistant chief, D.O na kwenda juu na wote najua ni maafisa. Najua kwa hakika kila ofisaa ana kazi yake ambayo huwa anatekeleza na naenda tu kutoa maoni kuhusu yule ofisaa wa chini sana mzee wa kijiji. Huyu mzee kama afisaa huwa anafanya kazi kwa njia tu ya kujitolea (voluntarily). Na ni maoni yangu kwamba hii Commission naiuliza kwa maoni huyo kama ofisaa apewe mshahara, awe akilipwa ndio apate kutekeleza kazi yake vizuri. Hayo ndio yalikuwa maoni yangu. Asante sana.

Com. Kangu: Na swali moja, kwa wakati huu hao wazee wengi, wanachaguliwa na ma-chief na assistant chiefs wakiwekwa kwa mshahara sasa tuwe na proper employment procedures ama waendeleo kuwa watu ambao wamechaguliwa na chiefs.

Nguyo: Kuwe na proper... njia ya employment.

Com. Kangu: Weka sahihi. Nafikiria kwa sasa tumpatie mheshimiwa nafasi na yeye aweze kunena yale ako nayo.

Hon. Kaindi: Asante sana. Kwanza ningetaka kuchukua nafasi hii kwa niaba ya watu wote wa Kathiani, raia na wananchi kuwakaribisha nyinyi Commissioners mkiongozwa na daktari Mutakha Kangu, ma-Commissioners ambao wamefika hapa Phoebe Asiyo, com. Charles Maranga na Pastor Ayonga. Shukrani kwa kufika, nadhani mmeona watu wetu wako tayari kutoa maoni yao kuhusu sehemu hii muhimu zaidi ya nchi yetu. Sisi tukiwa watoto wadogo hapo zamani tulikuwa tunaona viongozi kama akina Martin Shikuku na wengine wakijivunia vile walitoka nchi ya Kenyawakaenda kule uingereza Lancaster House kuandika Katiba. Mimi naitwa mheshimiwa Kyalo Kaindi, mbungewa Kathiani.

Tukiangalia safari iliyopigwa na viongozi wetu wazalendo miaka ya sitini, kutoka nchi ya Kenyawaende mpaka Lancaster House uingereza wakaandike Katiba, hata mpaka wa leo ni jambo la historia. Na sisi ikiwa wananchi wa Kenyawenyewe tumepewa nafasi ya kuandika Katiba yetu, hii ndio the first issue ya human rights. Hakuwezi kuwa jambo lingine muhimu kuliko hili. Hata wakati mwingine nilikuwa nafikiria ukumbi kama huu utakuwa umejaa kwa sababu ni wakati wa historia kuandika upya Katiba yetu. Ningetaka kusema sheria ambazo sisi kama Bunge hutumia zinatokana na Katiba.

Katiba ambayo iliandikwa wakati ule na Katiba ambayo imekuwa ikirekebishwa muda kwa muda wakati kwa wakati na Bunge letu. Kwa hivyo wakati mnaandika Katiba leo mjue mnatuandikia zile sheria ambazo tutakuwa tukizitumia katika Bunge. Kwa hivyo umuhimu wa maoni yenu, umuhimu wa yale maoni ambayo mnatoa leo ni umuhimu wa juu zaidi. Yale utayaeleza leo hapa, unatengeneza sheria ambazo mbungewako atatumia, ambayo nchi yako itatumia, ambayo President wako atatumia kwa vizazi vijavyo kwa miaka mingi sana. Kwa hivyo ukitoa maoni na nimesikia vile mnayatoa ni maoni ya muhimu sana. Nilikuwa nataka kuyasema yale ili niweze kusema machache pia.

Ninajua leo na kesho tunafanya hapa, kesho tutakuwa sehemu ya Athi River, nimepitia asubuhi niangalie vile wanavyojitayarisha na huko ni wengi na mtawakuta wengi sana, wako tayari pia kutoa maoni kama hapa. Ningetaka kuguzia kidogo mambo mawili matatu kwa sababu nimesikia wananchi wetu hapa wamejaribu kuyaeleza yale yao na yale wanayaeleza ni mambo ambayo yatajenga nchi yetu.

Jambo moja ambayo kabisa nimesikia wakizungumza ni ile protection ama vile tunaweza kusaidia watoto wetu ambao ni minors na mama mmoja ameongea sana, kusema shida ambayo wanapata, shida kubwa tuta-protect wale watoto wadogo kwa njia gani, na wanapendekeza kuwe na njia ya ku-protect ama ya kusaidia wale ijapokuwa hawasemi ni kwa njia gani, wanasema

Katika sheria yetu tuwe na sehemu ambayo inaweza kusema wewe ukiadhibu mtoto ama ukiumiza mtoto lazima uchukuliwe hatua hii. Nimesikia wakisema yale na ni mambo ambayo ni lazima na sisi pia tuhaikikishe yamesemekana vile yalivyo.

Sehemu ya watoto wameongea juu ya watoto ambao wanazaliwa nje ya ndo na nimesikia wakiongea na wakitoa maoni yao kusema watoto hawa ambao wewe unazaa mtoto na unatoroka, unaacha pengine mama ama na mama pia anatoroka, anaachia mzigo mama mzazi, wanasema tuwe na sheria na tuwe na kifungo kimoja Katika sheria ambacho kinaweza kusaidia na kuhakikisha wewe ambaye umetoroka na umezaa una jukumu la kuangalia kwamba yule mtoto amelindwa na amelelewa vilivyo. Wanasema kwa hivyo sheria za watoto ijapokuwa tumekuwa tukipitisha bungeni, wanazingatia ziwe ni sheria ambazo zinaweza kuangalia tukizaa mtoto, you are responsible kuangalia maneno ya yule mtoto.

Nimesikia kidogo wakiongea juu ya uhuru wa magazeti na nimefurahi kwa sababu wamekuwa very clear. Tuko na mtoto mmoja msichana amesema waandishi wa magazeti wapewe uhuru wao waweze kuandika na hiyo ni sawasawa, lakini nimesikia Commissioner akiuliza, je, na wale wanaandika maneno ambayo ni ya uchafu, maneno ambayo hayajathibitishwa wafanye nini? Mimi nataka kusema katika Kenyayetu ni lazima tutofautishe juu ya gutter press na magazeti na vyombo vya habari ambavyo vinatoa habari ambayo ni ya kweli, ukitaka kujua wamekuwa licenced unaweza kwenda K.B.C, ukitaka kwenda kwa standard unajua standard wako kwa ofisi fulani, ukitaka kwenda kwa nation wako ofisi fulani, kwa hivyo hata ukitaka kuwapeleka kotini kwa matamshi yao, kwa maandishi yao, unajua utawapata wapi.

Juzi, labda hamjui katika Bunge letu, tumeona hata mawaziri wamefungwa minyororo, wanaambiwa bibi yako alizaa na mhindi, wanaambiwa fulani alifanya hivi, yaani ni maneno machafu ya kuharibia watu sifa kwa sababu yule waziri hawezi kusimama na kiongozi, hawezi kusimama na kukanusha kusema sasa bibi yangu hakuzaa mhindi. Ataleta bibi yake asimamisha mbele ya nchini ya Kenya yote, aonekane hakuzaa na mhindi kweli? Kwa hivyo tunasema tuwe na sehemu mbili za uandikishaji. Tuwe na magazeti ambayo yanatambulika na yakiandika yaandike maneno ambayo ni ya kweli. Na magazeti yaache kuandika maneno ya siasa peke yake. Yaandike maneno ambayo yanasemwa hapa maneno ya raia, maneno ya maendeleo ya nchi yetu. Hapana maneno ya siasa siku zote. Ukifungua nation leo ni maneno ya siasa, ukifungua standard ni maneno ya siasa, ukifungua people ni maneno ya siasa, lakini maneno ambayo yanahusu raia wetu hapa yanapewa huku ndani kidogo kidogo ndio yanapewa sehemu kidogo. tunataka maneno ya maendeleo ya nchi yetu, mipangilio ya nchi yetu katika vyombo vya kama radio yapewe umuhimu zaidi na haya ndio yale mambo nimesikia kidogo yakitoka kwenu. Amesema kitu kimoja ambacho ni cha maana sana, tuwe na uzalendo wananchi wa kenya. Uzalendo ni kusema nini? Mali yako ikiwa wewe umepata mali, kwa nini unataka mali uende upeleke uingereza. Unataka kupeleka South Africa ya kufanya nini? Kwa nini hutaki ile mali pia ifaidi wananchi wetu. Ikiwa umepeleka benki zetu hapa, ikiwa ni standard bank, wananchi wetu wataweza kujipatia huduma ya loans, wanaweza kufaidika na zile pesa zako. Lakini ukipeleka nje wananchi wamesema very clearly hiyo ni makosa. Wangependelea sehemu ile kubwa ibaki hapa nchini kwetu. Na mimi nina hakika wanasema jambo moja. Hakuna ubaya mwananchi wa Kenya kwenda kufanya kazi nchi ingine, na hakuna ubaya hata mwananchi wa Kenya kuanzisha viwanda na kutafuta mali sehemu zingine kwa sababu wananchi wetu wa Kenya wameenda sehemu nyingi kufanya hiyo. Lakini tuwe na sehemu moja kidogo ambayo wakipata

mapato kule inaweza kurudi hapa nchini na kufaidi wananchi wetu.

Maneno ya upigaji wa kura, tunakubaliana na hawa 100%, pesa zikome wananchi waweze kuchagua viongozi, sio kupitia kwa pesa wachague viongozi kwa sababu kiongozi anafaa na anaweza, na yale ndio wanasema wazi lakini ni rahisi kusema yale lakini Rais akipitia Kathiani wanataka pesa. Labda tuko na nusu ya sehemu ya hawa ambao watataka kuningojea pale nje wanione tukimaliza hiki kikao. Waniambie mheshimiwa maneno ya busfare iko namna gani? Mheshimiwa hata lunch sijakula na yale mtayaandika wapi kwa katiba. Si ni nyinyi, tutaandika wapi sehemu hiyo? Kwa sababu tukitoka tutakuwa na mkutano mkubwa, labda wengine watatoka kule kuangalia kama mheshimiwa sasa anaweza kuwa anabeba kitu.

Ikiwa tutaweza kusaidia watu wetu, walikuwa wametengeneza civic education, masomo ili watu wetu waweze kuelewa haki zao vile wanaweza kujimudu, kujimiliki na kuendesha mambo yao. Civic education iwe continuous. Hapana, kwa sababu tunaandika katiba inapewa na inaenda. Makanisa yetu yamekuwa yakiendelea kuandika kwa nini hawajapewa nguvu za kuendelea kuandikisha, kuendelea kupeana hiyo elimu katika sehemu za makanisa? Kwa nini pesa zimepewa vikundi fulani wakati huu wa katiba. Ninajua ni kwa nini kwa sababu tunataka kuelimisha watu wetu, lakini kwa sababu tumeonelea ni jambo la kufaa, tunauliza wananchi wetu wawe wakipewa yale. Ikiwa ni kupitia kwa makanisa ama vikundi vya akina mama hawa, hawa wamama wana sehemu kubwa zaidi kama hapa kwetu Kathiani.

Kila sub-location iko na vikundi hazihesabiki za akina mama. Wako na utaratibu wao, utakuta tuko na chairlady, tuko na nani wanafuatana mpaka chini. Kwa hivyo ikiwa tunapendekeza civic education, kwa nini tusikuwe na wamama ambao wameelimishwa katika vile vikundi, wawe wanaweza kuelimisha wale wengine wakati wamekutanika kule kwa mikutano yao. Kwa nini tusitafute vikundi kutoka Nairobi, kutoka kwingine ambao ni professionals kwa nini? Ile lugha ya wamama, ile hawa wamama wanaelewa wao wenyewe na mimi nina hakika baina ya wale wamama na ile lugha yao wanaweza kupeana elimu ya kutosha na ya kufaa zaidi ambao wataielewa wao wenyewe.

Mwingine amezungumza juu ya kazi ya polisi, role ya polisi na msichana amesema, ako na shida sana. mimi nikitoka Nairobi, Athi River kupitia sehemu hiyo, nimekuta vituo kama nne, traffic police. One kilometer traffic police anasimamisha gari, another kilometer traffic police anasimamisha magari, hata hawana aibu ile kitu wanataka ni pesa na unaona wakichukua tu, ni pesa, ni pesa. Ni sheria gani ambayo tumekosea? Sasa polisi wamekuwa ni idara ingine ya kuokota kodi, kodi ambayo haitufikii sisi wenyewe ijapokuwa matumbo yao na watoto wao. Ni lazima tuwe na sheria ambazo zinaongea katika nchi yetu. Mheshimiwa anaona polisi anaungana na hana njia ya kumwambia 'ee officer simamisha hiyo' our laws must speak. Sheria zetu ziweze kuongea. Kusikuwe kuko na sheria ya polisi. Polisi si sheria ya raia, sote ni wananchi wa kenya, na ikiwa yule anafanya makosa, tuwe na njia ya kushika yule na kuhakikisha makosa hayafanyiki tukiyaona wazi.

Taabu ya sheria zetu ambazo tuko nazo leo, ni kwa sababu sheria moja inasema wewe ukipatikana unaiba kuku, miaka kumi na viboko. Mwingine akichukua milioni moja, anafungwa miezi mitatu ama mwaka mmoja. Tuko na shida kidogo hapo kwa sababu kwa nini sheria inaangalia yule mwananchi wa chini kabisa. Ndiyo, kuiba kuku si kitu kizuru, si ni kweli? Lakini huyu

ameiba milioni ishirini, milioni mia moja ameangamiza idaya ya serikali ambayo ingesaidia wananchi maelfu na maelfu. Yeye anapewa miezi mitatu. We must avoid discrimination and ambiguity it in our laws. Kwa nini judge aambiwe kwa mfano, unaweza kumtoa fine ya shilingi kutoka elfu moja mpaka milioni moja, kutoka elfu mbili mpaka elfu mia tano. Si ma-judge ni binadamu. Mishahara iko pale chini. Basi, ndiyo inatupatia ile nafasi ya ufisafi. Unakuta katika koti zetu kuna makarani wa kulainisha hiyo na kuwa na kangaroo courts. Judge amesema wewe hata usipojitetea, utakuwa na nini? Na shida. Hata imefika kwa ma chief wetu hawa, unakuta kangaroo courts. Raia akishikwa amebeba kuku kwa sababu yule mama amesema hawataki pombe kuna anaachiliwa na hajulikani aliachiliwa kwa njia gani. Sheria zetu ziwe specific. Tuwe na sheria ambazo hazina discrimination. Sheria ambazo ni straight forward. Ukiwa umeiba, umeiba na hukumu ni hii. Why are we subjecting our laws to interpretation mahali kwingine? Kwa sababu interpretation ndiyo inaleta shida, discrimination ndiyo inaleta shida, tuwe na sheria ambazo zinaweza kuzungumza. Raia anajua makosa ni makosa. Umeiba kuku, utafungwa hii na maneno kwisha. Siyo eti judge aangalie kama atakufunga mwaka mmoja na uliiba kama yule mwingine, yule mwingine alifungwa miezi, wewe unafungwa miaka kumi. Lazima tuwe na sheria ambazo zinaangalia watu wetu. Sheria siyo za kuangamiza nchi, sheria ni za kurekebisha nchi. Na ikiwa tunaelewa sheria si za kuangamiza ni za kurekebisha, basi tutengeneze sheria na kurekebisha. Kwa mfano ukiangalia zile sheria hata sisi tunatengeneza kule Bunge, all the time, Commissioners wa income tax kupitia kwa wizara ya finance, wanasema, fine mwaka huu kila budget, usipofanya hii, fine inakuwa kutoka elfu kumi hadi mia moja mpaka siku hizi zingine zimefika milioni moja na hatuelezwi ni wananchi wangapi ambao hawaku comply na hiyo. Why always have stiff penalties, stiff penalties. Kwa nini? Ndiyo tumesema hata makosa mengine katika nchi yetu, hakuna haja ya mtu kupelekwa kule jela. Kuja hapa utulimie barabara zetu, kuja hapa ujenge hospitali zetu ukisimamiwa. Community polising badala ya kupeleka mtu ambaye ameiba kuku, leta hapa kwetu. Wacha tukienda kwa assistant chief tukakute watu wanatufanyia barabara zetu. Kwa sababu ni wengi tutapeleka Machakos kufanya nini? Unawapeleka Langata kufanya nini? Sheria si ya kuuwa, sheria ni ya kutengeneza. Wakienda kule jela, wamejazana huko, ukimwi umejaa kule, ukienda jela siku hizi, ni afadhali hata kunyongwa. Kwa sababu huko utakufa na ukimwi. Kutoka ni ngumu sana. Kwa hivyo tunataka sheria ambazo zinasema makosa kama yale, yarekebishwe hapa kwetu na tuwe na sheria ambayo inaweza kuhakikisha kuwa wananchi wetu, tunawatumia kwa kurekebisha badala ya kumaliza na kuua.

Iko mama amesema kitu ambacho ni cha muhimu sana. Disaster, emergency. Msichana alisema sheria zetu zihakikishe umuhimu wa maisha ya watu wetu. Haupelekwi chini? Umuhimu wa maisha ya watu wa Kenya. Siku hizi ukipita unasikia, hii manhole, watoto wa shule wawili waliingia, wananchi nimeona Nairobi wakilalamika, tumejaribu kuita police, tumejaribu kuita watu wa city council, hakuna mtu anakuja kutusaidia kutoa mwili. Kwa nini sisi hatuna furaha na umuhimu wa maisha yetu. Kwa nini tunachukua maisha yetu kama mzaa, kama mchezo tu. Vyombo vyetu kupitia kwa sheria. Tuandike sheria ya mwananchi wa Kenya iwe ni sheria ya kuangalia mwananchi ya Kenya. Juzi kule ngambo, mtoto mdogo wa shule alipotea wakiwa katika trip ya shule. The whole country, G.S.U., nani, wote walitoka nje, kwenda kutafuta yule mtoto. Leo siingilii vyombo vya security, lakini majeshi yetu wanalala huko. Ni watu gani wanafanyia huduma. Hakuna vita, ni vita gani tumeenda kupigana?

Siku hizi tuko na department ya engineering katika jeshi, wangukuwa wakitusaidia kutengeneza barabara yetu as part of service kwa wananchi wetu. Kwa nini tuko na sheria ambayo G.S.U. yetu inaenda huko mbali na wananchi wanakaa sehemu ingine? nataka kuwapatia mfano wa ajabu, ukienda katika nchi ya Israel, kule Israel, na nimekaa Israel miezi sita, yule mtu anauza dukani, unakuta huyo ndiyo pilot wa mandege yao kukitokea vita, anaenda kupigana. Every year, lazima aende thirty days active service katika jeshi. Regular army yao, iko na watu wachache sana. Wakati huo ilikuwa askari, elfu mia tatu peke yake. Na wale wengine wako katika huduma zile za kawaida. Wanasaidia kujenga nchi. Sisi kama nchi tunajiwekea mzigo mkubwa. Kulipa jeshi ambayo haifanyi kazi. Tukitarajia siku moja tutaenda kwa vita, na wakati hakuna vita, tuendelee kuwalipa kama hawafanyi chochote? Wasaidiane na sisi. Siku hizi, ukienda army, wako na architects, wako na engineers, wako na tractors za kutosha ambazo wangukuwa wanasaidia nchi wetu nazo. Kwa hivyo pesa zetu ambazo tunalipa ziambatane na ile kazi ambayo inapewa.

Com. Kangu: Haya mheshimiwa jaribu kumaliza.

M.P. Kyalo Kaindi: Haya, sasa nitasema yangu machache. Kidogo tu. Ninataka kusema hivi, katika kusaidia wananchi wetu kwa sababu sisi kama wabunge tuko na shida kubwa sana. Mwananchi anafikiria kazi ya mbuga ni kujenga barabara, kazi ya mbuga ni kujenga hospitali, kazi ya mbuga ni kujenga mashule, Hapana! Ile kodi nyinyi mnatoa ndiyo inatakikana kufanya kazi hiyo, lakini itafanya na njia gani? Tunataka tuanzishe katika katiba, kitu ambacho tunaita consolidated fund katika kila constituency. Tuwe na trust fund and not consolidated. Trust fund zianzishwe katika kila constituency. Na ziwe zinagharamiwa directly kutoka consolidated funds, zile pesa zinakusanywa huko, sehemu moja, iwe inaletwa kwetu directly. Ikiwa ni D.O na division yake ya Kathiani, ikiwa anasimamia elfu kumi, hata machiefs wakati wanaketi na kamati zao za maendeleo, kutakuwa na umuhimu, kwa sababu watakuwa wanazungumzia pesa ambazo ziko. Kwa hivyo tunasema, tuwe na funds ambazo zimetengenezwa, ili maneno haya ya harambee ambayo yamewekelewa wananchi wetu na umasikini wao kazi ngumu sana, ikome. Harambee tubakize vitu kama harusi na makanisa. Lakini maneno ya shule, ziwe zinagharamiwa kutoka sehemu hiyo, ili wananchi wetu waweze kupumua na kufanya kazi yao. Si harambee, kila siku harambee, kila siku, na bado tunatoa kodi yetu.

Ile ingine wananchi wa Kenya wako na shida nayo ni kitu kinaitwa medical insurance. Ukienda nchi zingine, hata kama America, ukipewa nafasi ya kwenda huko, hata ikiwa ni mtoto wako, utaambiwa matibabu kule ngambo hayawezekani, ni gharama kubwa sana. Lazima upewe insurance. Na mimi nina propose, ninasema hivi, yule mtu hufanya kazi na kupewa mshahara kwa kampuni anaweza kulipa hiyo. Na mama yangu na wamama na wale wanakaa huko nyumbani watalipa kwa njia gani? Na suluhisho ni moja tu, sisi zote tunalipa kodi. Ukinunua unga, umelipa kodi inaitwa sales tax. Tutengeneze sheria katika bunge. Sehemu moja, hata ikiwa ni 5% ya sales tax yetu yote, igawiwe raia wa Kenya wote kama contribution yao ya medical cover. Na ukikataa kutumia yako ya mwaka huu, inapelekwa mbele ili siku ile utaweza kulazwa kwa hospitali, uwe matibabu yako yanaweza kugaramiwa. Tusipokuwa na insurance cover ya wananchi wa Kenya, tutaendelea kuumia, hata tukisema mahospitali yawe ya free, itakuwa ni kazi ya bure. Tupatie watu wetu capacity ya kufanya hayo mambo.

Ya mwisho ambayo ninataka kuongea juu yake ni, land tenure: Maneno ya umilikiaji wa ardhi. Sehemu hii yetu, kutoka mitamboni Kathiani, sehemu hii yote nikiwa mtoto mdogo, 1975, wali-declare areas hizo kutoka 1971, adjudication areas. Mpaka wa leo, hakuna title deeds, kwa nini? Makaratasi kule Ruaraka hayapatikani, headquarter haijatoa pesa za kutosha. Lazima tu-decentralise milikiaji wa ardhi. Kusikiliza yale makesi yako hapa kwetu, iwe katika district, ili hii kazi iwe rahisi kwa sababu ukienda kwa district leo, watakuambia tunangojea headquarter. Na headquarters inakuambia Ruaraka's technical area bado haijatoa na wananchi wanaendelea kuteseka, kuumia, hawana title deed mwaka nenda mwaka rudi. Mimi niko na mambo mengi na ninajua siwezi kuyasema yote. Nilikuwa ninataka kuwapatia tu nafasi mtoe maoni yenu mukijua mutakumbukwa katika historia ya nchi ya Kenya. Wakati unaandikisha pale, utakuwa kama Martin Shikuku, Lancaster House.

Tuliandika katiba ya Kenya. Je, wewe uliandika maoni gani ama ulikaa nyumbani kilimia kahawa yako? Na haujui kahawa itakufaida kwa njia gani bila kuandika sheria nzuri? Kwa hivyo muandike vile munaona mukifanya, mimi ninataka kusema hawa Commissioners wapewe nafasi ya kutosha, wamalize kazi yao, ama munasema namna gani?

Audience: Ndio.

Hon. Kaindi: Kwa sababu sasa tunasikia watakatwa. Hata leo, katika Bunge huko, iko mazungumzo kali, tutawaongeza miezi miwili, miezi mitatu, kwa nini tunafanya mambo ambayo siyo ya kweli. Bunge ya Kenya sisi ndiyo tulikosea hawa, for three years tulikuwa tunazozana, safari ya kwanza, tukaenda Bomas of Kenya, tutaandika katiba namna gani, na wakati Mungu amekusaidia, hata kupitia vyombo vya makanisa, wakaingilia ndani kule Ufungamano, Wakati sisi zote tumesema mungu ametusaidia tumepata Commissioners, wacha wachukue maoni na tuandike Katiba, tena zile siasa zetu na ugonjwa wetu, tunaanza kusema tena hata miezi nane zaidi, waende nyumbani wengine wanataka pesa. Nani anataka pesa katika hawa? I know them, Phoebe Asiyo alikuwa mbunge kama mimi nikiwa shule. Maranga amekuwa ... nani hajui hawa? Tunaanza kusema wanataka wajiongezee pesa. Pesa gani? Tunakubaliana katiba ni muhimu ama si muhimu?

Crowd: Ni muhimu!

M.P. Kyalo Kaindi: Na kwa nini tusiwapatie nafasi ya kuandika katiba. Mimi nasema tuwapatie.

Lakini la mwisho ya Kathiani ni moja, katika zile sheria za kutengeneza boundary ama mipaka ya sehemu ambazo tunawakilisha katika bunge, mimi constituency yangu inatoka Nairobi, kule Embakasi, ninagawanya na Mwenje. Ninaenda umasaini ninagawanya na Prof. Saitoti, ninaenda sehemu ya kule Kasarani ninagawanya na Muchiri. Inapitia sehemu hii yote ndiyo hiyo inapita hapa tuko ni kama tuko katikati, inaenda mpaka milimani ya Mbooni. Hiyo ni constituency ya aina gani? Mheshimiwa kwani ni mvua? Anaweza kuwa sehemu hizo zote wakati moja na njia gani? Tunasema wakati tunatengeneza katiba, hata sehemu za Electoral Commission, zitengenezwe, tuwe na nafasi ambayo tunaweza ku-review boundaries zetu za sehemu za uakilishi ili tuwe na constituency ya Kathiani vile wananchi wanataka, constituency ya mji kama Athi River vile wanataka, ili huduma ikuwe rahisi. Otherwise tutaendelea kusema, Kaindi alikuja hapa kwetu mwaka mwingine. Na ukipitia hapa, raia milioni na milioni wanataka huduma. We are 93,000 people sehemu ya Kathiani division. Athi River division, 67,000 people

look at all that, na wabungewengine wanawakilisha watu elfu tatu, enda kule Marsabit, waziri mmoja anawakilisha elfu tatu, registered voters. Sasa ikiwa anawawakilisha elfu tatu na mimi ninawakilisha, sasa tumeandikisha 67,000 people, na ni kwa sababu watu hawakuelezwa, Athi River yenyewe inaweza hata kuandikisha hata 50,000 people peke yake. Tutahudumia wananchi wetu kwa njia gani ikiwa mambo yako namna hiyo? Kwa hivyo katika mipaka tukumbuke wakati huu tunaandika katiba, sehemu iwekwe ya kusema mipaka pia ibadilishwe. Asanteni sana.

Com. Kangu: Basi, asante mheshimiwa kwa maneno umenena mazuri. Na mimi nataka kuongeza kwamba, if Kenyans squander this opportunity, mtalia. It is a very rare opportunity we have, kama wa Kenyasisi wenyewe kujadili na kuzungumzia mambo tuamue tunataka kuendesha maneno kwa njia fulani. Na ni maneno yataendesha maisha yenu kwa mda mrefu. Saa zingine hata siyo ninyi wenyewe. Ni watoto wenu. Lakini kuna wengine wanataka kuendesha sasa kama tulianzisha tu maneno ya kuangalia kura hii yenye inakuja saa hii. Ukikubali yaende hivyo, mtalia. We must not squander this opportunity. Imechukua wa Kenya 10 years to fight to get this opportunity. Ikipita saa hii tumetengeneza katiba mbaya, baada ya miaka mitano muanze kusema tena katiba mbaya? Kuna wale wataambia ninyi, si mmetengeneza katiba juzi tena munataka kutengeneza namna gani? Hamjui itawachukua mda wa kiasi gani tena kupigana na kusema itengenezwe. So let us not squander the opportunity.

Nataka tuendele mpaka saa saba na nusu, halafu tutachukua break ya about 35 minutes ndiyo tena turudi, tuweze kuendelea. Sasa tumsikize Raphael M. Makau ama assistant chief hautaki kuzungumza? Basi sawasawa kama umezungumza, Joel Munyao, business mana. Hayuko. Reverend Gideon Mbithi, tumsikilize basi bwana reverend.

Rev. Gideon Mbithi: Basi, asante sana mwenye kiti na Commissioners wale wengine pamoja na honourable M.P. na wananchi wote. Ningetaka kuanza na education. Katika maneno ya mashule, ni maoni yangu ya kwamba Constitution ipatiane nafasi ili kuwe na elimu ya bure kuanzia standard one mpaka university na ikiwezekana, ikiwa kuna mahitaji mengine ambayo yatahitaji kuchangiwa, Constitution ipatiane nafasi ya kwanza kwa orphans, watoto ambao hawana wazazi na masikini kuanzia grass root, labda kila sub-chief waweze kujua kuna orphans wangapi na hali ya umaskini pale na apeane majina ili watoto wale waweze kupatiwa elimu na wachangiwe kwa mahitaji mengine bure.

Na katika maneno ya shule, mimi pia ningesema ya kwamba, ikiwezekana, kila shule iwe na department ya guidance and counselling. Kila shule kuanzia primary, secondary, university, ziwe na department ya guidance and counseling ikisimamiwa ikiwezekana na kiongozi ama pastor ambaye amehitimu katika masomo ya counseling asimamie upande wa hiyo department. Na ikiwezekana, apatiwe nafasi ya ku-guide mwalimu mkuu katika hali ya canning. Iwe canning kwa kweli inaweza kuwa shida hapa na pale lakini baada ya counseling, apatiane guidance mwalimu mkuu mtoto mgani anastahili canning, mtoto mgani anahitahili guidance, mtoto mgani anahitahili counseling, mtoto mgani anahitahili kuongelehwa na mzazi, iwe ako na roho hiyo katika masomo.

Na katika upande wa pili ningetaja juu ya land tenure. Kwa mfano ingawaje imezungumziwa, ningesema ya kwamba katikati ya katiba tuwe na nafasi na proper description of the family unit. Family unit iwe properly described kwamba ni baba, mama na watoto. Na ikiwezekana, katika registered property za jamii, ziwe joint. Kwamba, kama ni mzee ako na bibi na watoto, yule huenda akafariki kwanza, asiachie wengine taabu. Wawe directly katika all registered properties, kama ni mtoto na amefikisha miaka kumi na nane awe partaker au awe jointly pamoja na mzazi ili baadaye ikiwa mmoja atakuwa deceased, yule ataachwa aweze automatically bila shida, kuweza kuangalia mali ya mzazi. Na pia pale, ikiwezekana, kwa sababu kuna watu wengi wenye uwezo na shida inakuwa land. Kuna watu wanakaa bure kwa vile hakuna mahali ya kulima, kuna watu wanakaa bure kwa vile hawana shamba nzuri za kulisha. Ikiwezekana kuwe na limit, iwe kila mwananchi asipate zaidi ya, ikiwezekana, heka mia moja za ardhi ili hata kama ni kununua, ikifikisha kiasi hicho, ile ingine iko juu, iwe ni ya serikali na serikali inaweza kugawia wananchi ama jambo kama hilo.

Ile ingine ningependa kutaja, ni juu ya judiciary ama makesi. Constitution ingefaa sana kama ingeonyesha mambo ambayo ni basic. Mambo yale ya chini kama vile mambo ya ndoa, na mambo ya land, na mambo ya crime, na mambo ya riots na yale mambo basic, Constitution ipatiane nafasi katika kila location ama sub-location tuwe na muungano ama kamati za viongozi wa makanisa. Ili badala ya kupeleka, kama ni mtu amekufa, na anatakikana kuzikwa na hajulikani atazikwa na nani, badala yakupelekwa kotini, kwanza, hawa viongozi wa makanisa waangalie na wapatie courts recommendations kwa sababu, kila wakati mtu anapofariki, hapo ni rahisi upate mtu wa kanisa, kama jamii iko na shida, utapata mtu wa kanisa karibu na ni rahisi aweze kujua kiini cha ile shida. Na ikiwa atashindwa na kuwa na solution, Constitution ingepatiana nafasi, hawa watu wa makanisa wawe wa kwanza kusikiliza na hata kama hawatatua, ikiwa mwishowe wataenda kotini, wapeane recommendations zao kwa koti.

Na pia kama vile mnenaji mwingine alisema, kama katika nchi zingine, dini imepatiwa umuhimu wa ku-guide society na utakuta katika nchi zingine, kuna sheria law na dini iko karibu sana na wananchi. Pia katika nchi yetu na sasa community ambao tuko hapa, tuseme Kathiani, ni community ambayo sana sana ni ya kikristo. Constitution ingepatiana nafasi ili ukristo uwe na nguvu na uweze kupatiwa nafasi katika Judiciary. Iwe kunaweza kuwa na kamati ya church Ministers ambao wamehitimu, kwa sababu kuna church Ministers ambao wamehitimu, iwe wanaweza kuwa na kamati kuanzia katika location na kusikiliza mambo mengine ambayo wanaweza kupatiana guidance hata katika koti. Kwa hivyo, Judiciary ingeangalia sana ama Constitution ingepeana nafasi ili kuwe na nafasi ya wachungaji na viongozi wa makanisa waweze kupatiana mwelekeo katika mambo mengine ambayo yanahitaji kuangaliwa kupitia katika hali ya kiroho. Kwa sababu wakati mwingine, mtu anaweza kupelekwa kotini na akuwe mbaya zaidi, iwe shida yake sio yale makosa alifanya, lakini shida yake ni kiroho. Na kwa hivyo kama hiyo ndiyo shida yake, kufungwa hakutamsaidia, lakini kukiwa na kamati kama hii, inaweza kuangalia ni jinsi gani inaweza kusaidia watu wa jinsi hiyo, kwa sababu kusudi ni kufanya mtu awe mzuri sio kumuharibu zaidi.

Jambo lingine ningetaja pale ni juu ya tax. Kodi ambayo tunalipa kwa central government na, ambayo wananchi wanalipa kwa local government ama kwa county councils, Constitution ingepatiana nafasi ama ingeacha mwelekeo ya kwamba, kila kodi

inalipwa na mwananchi ijulikane inayolipwa kufanyia kazi gani. Na hakuna nafasi mwananchi aweze kujua kama hiyo kodi iliingia katika kazi hizo, na ikiwa si hivyo, Constitution ipatie mwananchi nafasi ya kukataa kulipa kodi ikiwa haikuingia katika jambo lile ambalo lilikusudiwa. Na ama kushtaki the specific authority. Ikiwa ni county council, Mwananchi wa kawaida apatiwe nafasi ya kushtaki county council ikiwa hawaleti maendeleo kama vile vilivyo ama kama vile vilivyo andikwa.

Ile ingine ni farming - Katika hali ya ukulimaji, nchi yetu na community hii ambayo ni community ya ukulima kwa vile hakuna njia ingine ya kuleta mapato isipokuwa katika hali ya ukulima. Na hii ni sehemu nzuri ambapo kahawa inatoka vizuri na french beans na matunda na vegetables kama vile nyanya na kadhalika, na zinatoka vizuri na kwa wingi, kwa wingi zaidi kulingana na vile zimeangaliwa. Lakini kidogo ni kama haisaidii kabisa, na mwananchi imefika mahali, anaona hata afadhali asilime kabisa kwa vile nyingi za mapato ambayo inatoka katika ukulima, yanaharibika. Hata mahindi yanayotoka kwa wingi yanaharibika. French beans kwa wingi, zinaharibika, na nyanya na matunda mengine hata kahawa sasa ni kama haina kazi.

Comm. : Tafadhali tuende haraka.

Rev.Gideon Mbithi: Ok. Ninge-recommend kama Constitution ingepatiana nafasi ya serikali kuwa na reserve, ya kuweza kununua mapato ambao wananchi wanatoa. Wanalipa wananchi na serikali wanatafuta market ya kuuza.

Ile ingine ni jua kali artisan - Constitution ingeweka mkazo kwa hii ili katika kila kijiji kuwa na nafasi ya wale ambao hawana masomo, waweze kuwa na production katika hali ya jua kali production.

Ile ingine ni sand harvesting na mineral water. Hizo raw materials ni plenty. Kwa hivyo Constitution ingepatiana nafasi ya jinsi serikali inaweza kusaidia ili those commodities ziweze kuwa developed tuweze kuwa na kiwanda cha kutoa maji, Mineral water kwa vile it is natural and it is plenty, na labda serikali itupatie nafasi ama kiwanda ambacho kinaweza ku-develop sand ambayo also is plenty. Ile ingine ni katika hali ya uchumi. Lakini ndiyo hiyo nimetaja.

Ile ingine ni katika hali ya siasa, politics - kama ingewezekana, Constitution ingeweka nafasi katika kila polling station ambayo inaandikisha watu na kura zinapigwa, kura zihesabiwe hapo na wananchi waelezwe on the spot zile results za their polling stations. Kama ingewezekana pia Constitution apatiane nafasi kwa provincial administration kuanzia sub chief mpaka P.C., wachaguliwe na wana nchi na wapatiwe term, kama five years term. Na mayor wa towns na chairmen wa councils wachaguliwe directly na wananchi. Na katika hali ya afya, Constitution ipeane nafasi kwa kila mwananchi apate matibabu ya bure. Basi ni hayo, asante.

Com. Kangu: Thank you. Asante basi reverend, weka sahihi nafikiria tumsikilize bwana D.O kabla hatujaenda break ndiyo turudi na kuendelea na wengine.

D.O: Honourable Commissioners, honourable Kyalo Kaindi, M.P. Kathiani, wale wote leo wamefika hapa, kwanza kabisa yangu ni kuwashukuru Commissioners, tunajua muko na kazi ngumu.

Com. Kangu: Mention the names.

D.O: Nitashukuru kanisa kwa sababu tunajua munaendelea kufanya kazi muhimu ambayo pia ni ngumu. Pia ningependa kushukuru mweshimiwa wetu ambaye pia siku ya leo ako na sisi. Pia ningependa kushukuru wale wote wamefika hapa leo kupeana maoni yao kwa sababu wakati tulijua siku ya leo munakuja, mimi mwenyewe pamoja na coordinator na ofisi ya chama ya Constitution al review, tuli publicise ndiyo leo wameweza kufika hapa, kwa hivyo ningependa kushukuru wale wote wamefika.

Pamoja na hiyo ningependa tu kuongeza mambo mawili, matatu. Moja ya kwanza ni violation against women or may be domestic violation. Hii hasa imekuwa ngumu sana kwa akina mama kwa sababu tunaona wakina mama saa zingine wanachapwa na wanaume na zaidi. Kuna zile zingine labda tunazichukua kama ni assault au kwa njia ingine lakini nyingi inawachwa pale nyuma, ikichukuliwa tu lightly maybe a problem between a man and a woman. What I am suggesting is that, any violation against a man or a woman, hii domestic violence, haya maneno ya kuchapa should be taken seriously and illegal, should be taken as an assault. Kama ni kidogo kama ni kubwa, it should be looked at seriously. If it is an assault, it is an assault. Kama mtu amechapa bibi yake, kama amechapa labda mama mwingine au mama amechapa bwana au mtu mwingine, all of it should be assault. But what I have in mind is actually the one against women.

Then we also have rape, which is becoming actually a problem kwa hii Kenyayetu. Sana sana tunapata wanaume waki rape wanawake, labda hata wanawake pia sasa, wanaweza ku rape labda watoto au wana induce watoto wadogo wanaume. So what I feel is that we are giving a very light sentence kwa hawa watu. Sometime you might go into testing them for HIV and probably give a heavy convict. But what I am suggesting is that, these rape cases should not be taken lightly, it should be actually given a sentence which is equivalent to a murder case because if you can see a man who is HIV positive then rapes somebody and he is given a three years or seven years sentence, then all of them will die finally, I think this one should be taken seriously and be considered as a murder, whether the man is HIV positive, whether the woman is HIV positive or not, we should form an equal kind of sentence which should be equivalent to that one of murder.

Then the other one is a police power, especially the power of prosecution in that the police are the ones who arrest may be suspects and then take them to court for prosecution. What I am suggesting is that we should have an independent body whereby if a police officer arrests them, then they should be handed to that kind of authority or body together with the suspects and they charge them. Then this body should look and then take them to court. We know the court is there as an independent body standing between the police and the suspect, but we should have in mind that when a police officer takes them there, at any cost, they would like to win the case, that means they are very much biased. So I think we should have an independent

prosecution body.

The issue of the street boys. Actually it is becoming security and also environmental hazard. There should be a provision for these street boys seriously.

The other one is also parliamentary powers. We know that Parliament is the supreme law making body but we should not make them extreme. I think there should be a body or rather even a Commission, which should look into some of the things they pass. Some of the issues might be touching the nation very much and the passing of those issues might be politically instigated. So I think there should be a body, whether it is a court or a Commission, something should be there to counter check some of the things which may appear abnormal. Especially when it comes to their terms, like the salaries, now they have actually awarded themselves a very high salary when people of Kenya are being retrenched. I think there should be a body which should be checking some of these things. Even the law itself, now our worry is that if the Parliament refuses to accept even the Constitution now we are proposing, then what is going to happen is a disaster which may arise. I think something should be there to counter check some of these things.

The other one is HIV aids which is becoming a disaster in this country and all over the world. The Kenyan government has really tried by forming even some Commissions, some committees at all levels, but it doesn't seem to do a lot of work because the epidemic is still spreading and it is also destroying. We are very much worried. And what I am suggesting is that we have the public health act which is already there under which also may be the HIV falls as an health hazard. But I am suggesting that there should be a supplementary kind of act which should be in place to deal specifically with this HIV AIDS situation then I think we will be able to address the problem squarely and we will be able to save this nation.

Finally is the civic education - It is very much important for actually the community. Even right now as we are trying to bring our views, our problem is that we may have not much education about what we are trying to talk about. I think there should be a civic education system in place all through such as people will be taught, this is what is wrong according to the Kenyan law, according to Kenya Constitution and this is what is right. At least some basic education which should be in place such that when we take people to court, this principle or this idea of ignorance, not being a disease of course we say that ignorance is not a disease, but if we have been teaching our people on some life issues, then we can also justify that ignorance should not be defence because some of them have been enlightened. I think that is all I have.

Com. Kangu: Ngoja kidogo.

Com. Asiyu: D.O., I wanted to ask you one or two questions. When we were in the other constituency the Member of Parliament told us that the Provincial Administration stop people from coming to ask to give us their views. And in fact, on that same day the chief had called a baraza next to where we were receiving views and there were a lot of complaints about the

Provincial Administration not being very keen on this process. Today it is the opposite; we are seeing chiefs and the assistant chiefs and you in particular giving us your views, which are how, it should be. Why should there be such a big difference between one constituency and another?

Number two, you have made some very strong recommendations about violence against people, about rape and about police arresting prostitutes who I believe are usually women yet no one person can prostitute without the other. And we do not know why these policemen don't arrest men prostitutes; they seem more to be arresting women prostitutes. How can we help, what would you like to see in the new Constitution that would result in the police not harassing people but being helpful to them. We were told this morning might be you were not here, that you see a policeman you see death, you see a thief and you also see a rapist. This is the eye of the beholder, the way the people now see the policemen. What are your recommendations because in your position you should be able to help us so that we know what to put down as our recommendations in the Constitution.

D.O.: Yes, I think the differences within the divisions of the constituencies I think those are probably regional issues or difference or personal issues depending on may be the leaders and how they take. But I think for us, Kathiani division, we have decided to come and present our view that is our position. And then as far as I think, the policing issues are concerned, actually somebody has also said that the low salary is also a problem, that is why probably people go into corruption. I think there should be also, by the way Madam I said, police taking suspects on a brutal process, but there should be disciplinary measures which are in place and I hope the government is already doing something, the Commissioner of police is doing a lot, such that sometimes we find even people being interdicted or may be taken to court on the spot. I think that one should be encouraged.

Then there should also be a guidance and counseling. There should be also may be regular courses and also may be salaries, allowances and other remunerations. I think it is also better for that one to be looked at.

Com. Kangu: I have a specific question bwana D.O. First of all I want to comment you for this kind of a scenario where you have come forward to give us views. And you are not the only one, even when we went to Kipini, I think the D.O was (inaudible) so I think these are personal differences.

I have got two questions may be I want you to clarify. You have said street children are becoming a security and health hazard. What do you recommend the new Constitution to do? That is one point.

Number two, you have also commended on civic education, how do you want us to improve on the deliverance of civic education to all Kenyans knowing that about 70% of our people are illiterate.

D.O.: I think on the civic education, I am suggesting that probably there be a body attached to Judiciary, which should be there. And then they will be able to go round may be the districts, and they should be there existing even in the districts and may be even at the court such that these people when they are there, somebody must not even need to go to even necessarily

going to a lawyer. But might be able to go to an office and might be able to get some clarifications. They might go may be around the districts and then they be able to tell people exactly how the Constitution and the law of Kenya looks like especially at least the basic ones. They should be given this one in the language they understand. Vernacular language, the law should be interpreted even into vernacular languages and it should be able to reach the farmers. So just like any other employee or civil servants, these people should be there to go round and teach the public.

And then also on the street children, we are aware that there are these probation offices. We also have these NGOs and the other charity organisations, which are really trying to look into the matter. But what I am saying is that, I think the government should come forward in a stronger manner to ensure that the plight of these children should be taken care of. We do not like to seeing these boys on the streets in a miserable situation.

Com. Kangu: Thank you. Bado mumeweka bwana D.O katika waiting?

D.O.: No, I think we are through with you.

Com. Kangu: Thank you bwana D.O.

Comm. Kangu: Tunaona watu wamekuwa wengi na ninafikiria ile break tulikuwa tunasema tukienda tutapoteza muda. Tunataka tuendele, may be two of our colleagues can go, when they come back the others go so that tusifike jioni na watu wengi hawajasikizwa. So tutaendelea tusikize Mary Masibe. Mary Masibe yuko? Kama hayuko, Joyce Musau. Kama hayuko Beth Kitheka. Na kama huyo hayuko, tusikize Mwenda Mwanzia? John K. Konzo, businessman. Yuko ama hapana? Henry Muli, mwalimu Henry Muli. Where are they all these teachers? Then Mwalimu Mulwa David. Joseph Wambua, assistant chief Joseph Wambua. Sawasawa, then John Wambua, mkulima. Samuel Kitili, Mkulima. Haya, kuja bwana Kitili. Basi tusikize bwana Kitili. Please, tunyamaze tumsikize bwana Kitili. Samwel Kitili.

Samwel Kitili: Niko hapa.

Com. Kangu: Basi tusikize wewe.

Samwel Kitili: Ninasema ni asante sana ma Commissioners, wa

Com. Kangu: Anza kwa majina yako kamili.

Samwel Kitili: Jina langu naitwa Samwel Kitili. Ninasema asante sana kwa Commissioner na kamati yake. Na yangu ni swali moja. Watu wameongea hapa mambo mengi sana, yale yanahusu watu. Lakini kuna kitu kimoja, sijui serikali inasahau ni nini?

Au ni namna gani? Kuna kitu kimoja tuliletewa na mzungu kutoka zamani. Yaani, mzungu, sijui kama muliangalia vile mzungu anaona?

Com. Kangu: Wale wanazungumza wakati tunamsikiza mwenzenu, tafadhali msifanye hivo. Kama unataka kutoka nje, unatoka polepole bila kuleta kelele nyingi ndio tumsikize bwana Kitili. Endelea bwana Kitili.

Samwel Kitili: Na mzungu zamani wakati alikuja nchi hii, alizunguka yote akaona taabu ile utapata watu baadaye. Na akasema, atatafuta mti ile inaweza kuwa mzee kama mimi na bibi yangu au inaweza kusaidia watoto wetu kwa sababu kama una watoto na hauna mambo mengine ya kukusanya pesa. Kwa hivyo, nilikuwa ninauliza Commissioner, kuna kitu moja kinanisumbua lakini sijui ni kwa nini na serikali iko. Na nyinyi ndio mnapeleka ripoti ya kila watu na taabu yao, ipi na ile na ile. Kuna mti wetu hapa tunalima na unaitwa kahawa. Na hiyo ndiyo ilikuwa inasaidia mzee kama mimi na bibi yule hana bwana na mtu mwingine kama yule hana nguvu. Kwa sababu tukivuna, kuvuna haina taabu, lakini tukipeleka kwa machine kule, pesa yenyewe, inapotea huko hata sisi tunashangaa ni kwa nini. Hata ndio mimi nilikuwa ninauliza Commissioners. Haya mambo ya taabu yote, mulikuwa munapelekwa seminar na munaambiwa vile msikize taabu za watu, hiyo tutafanya nini? Kwa sababu mwaka huu, watu niliona hawataki kulima kahawa kwa sababu wanasikia ni kama dangerous kuchukua pesa yote, eti sisi watu wa Kathiani hapa, wanatuambia pesa inaenda na bank na hiyo bank hatujui ni nini? Na pesa zingine zimeliwa na watu binafsi na hiyo ni mali yetu na baada ya serikali kumfuata na kumwambia vile mzungu alikuwa akiweka. Kwa sababu siku hii, mzungu zamani alikuwa anaweka, kama unadaiwa utachukuliwa mali yako, au utapigiwa kithitu ndio ikumalize kwa sababu huyo mtu hana nguvu siku hizi. Hiyo ndiyo mzungu alikuwa anaona ni rahisi kwa mtu yule hana nguvu. Kwa hivyo mimi ninauliza, hiyo kitu utafanya naye nini? Itabadilika namna gani?

Com. Kangu: Lingine?

Samwel Kitili: Nyingine, sisi huko kwetu, yaani hapa area hii, tuna taabu nyingine. Unaona sasa tuna MP, Sasa tuko naye hapa na kama wakati unaweza kuwa mtu anaenda (inaudible) kufukuzana, atuambie nyinyi munafanya hii, munafanya hii kwa sababu D.O yuko huku. Mnaona kama hiyo kulipa tunaliwa wakiwa hapa, na munaona wale watu wanakula sisi na hawataki kurudi hapa watuambiye, nyinyi munasumbua watu wale hawana nguvu, lakini kwa sababu ujuzi uko mbele yao ndiyo tunawapeleka namna hii, namna hii, ndiyo hawa watu wapate ile kitu yao. Sasa hapo, tutafanya nini? Hayo ndiyo maoni yangu.

Com. Kangu: Asante basi, jilandikishe pale mzee wangu. Na tusikize Zacharia Kimeu, Hayuko? Paul Muli, karibu bwana.

Paul Muli: Asante sana, mimi nimeshukuru siku hii ya leo kuongea mada zangu juu ya hii kamati ya marekebisho ya katiba.

Com. Kangu: Tuambie majina.

Paul Muli: Mimi kwa majina ni Paul M. Muli ama Mbusia Muli. Mimi nilikuwa ninataka kuongea juu ya vitu tano ama sita. Kwanza, nilikuwa ninataka kuongea maneno kuhusu ardhi. Haya mambo ya ardhi, mimi ningependelea kuwekwe sheria ya kwamba kuwe na usawa kwa ardhi kwa kila mwananchi kuambatana na eneo la nchi yetu. Hii mambo ya ardhi kuambatana na maoni yangu, imeleta madhara mengi kwa mwananchi wa kawaida kwa maana unaweza ukapata mwananchi amevunjiwa eneo lake, mahali alikuwa anakaa, either na baraza la mji au serikali lenyewe limechukua hiyo sehemu kwa minajili ya maendeleo ya serikali ama faida ya serikali na mwananchi wa kawaida kama mzalendo hafai kukataa sehemu yake ikichukuliwa na serikali. Kwa hivyo mimi ninaona hayo mambo ya squatter ama landless ipigwe marufuku na kuwe na sheria ya kwamba kila mwananchi apate ardhi sawasawa na kila mtu sawasawa vile ako na kitambulisho kama yule mwingine.

Ya pili ni kuhusu benefit after retirement. Baada ya kufanya kazi. Mimi ninaelewa barabara kabisa haya mambo ya retrenchment iliguzia wananchi wengi na upande huo hao wananchi wamepata mateso mengi kupitia retrenchment ama kufutwa kazi bila njia nzuri. Kwa mfano, unaweza pata mtu, ama mwananchi alikuwa amejiriwa halafu akaachishwa kazi na kuachishwa kazi hapatiwi ile benefits zake ama services zake na inakwishia yeye bila kupata chochote na yeye amehudumu. Kwa hivyo, mimi ninajua kabisa kabisa iko corruption kubwa kwa upande wa benefits na retrenchment. Na ningepomba kamati hii iweke clause ya kwamba kuundwe kamati ambayo itachunguza haya maneno ya watu wale walipatiwa retrenchments, na watu wale wamefutwa kazi, kuangalia ya kwamba kila mwananchi amepata haki yake. Kwa mfano, mimi nina mashaidi wengi ambao nimeona wamefanya kazi, miaka kama ishirini imepita, amefutwa kazi, amehudumu zaidi ya miaka kumi, saba na hata wa sasa hajapata hata sumuni kwa ile huduma yake, na unapenda pale kwa ile kampuni au idara, ile lugha inayotumiwa pale ni ya kwamba eti file imepotea. Sasa tunashindwa kabisa kujua hizi file ni za aina gani. Hizo ningepomba kamati itengeneze mswada ambazo utafaidi mfanyi kazi wowote ambaye ameachishwa kazi yake apate haki yake kwa wakati. Upande wa N.S.S.F na N.H.I.F. Hiyo ni insurance mbili ambao ni za kiserikali. Mimi ningepomba hii kamati kuwa na mswada ya kwamba kama wewe ulikuwa mwanachama wa N.S.S.F, ukisimamishwa kazi yako, na hautoi huu mchango, uwe unapatiwa pesa yako mara moja baada ya kuacha kazi bila kuwekewa pesa yako na haikunufaishi.

Upande wa national insurance fund. Hii ni sabamba na N.S.S.F, hii ningepomba commission iangalie ya kwamba, kama ulikuwa mwana chama wa N.H.I.F na kazi yako umeachishwa...

Interjection:

Com. Kangu: Jaribu kuharakisha.

Paul Muli: Ule uanachama wako maanake ulikuwa mshirika, uwe unarudishiwa zile hela zako, ama uwe unawekwa mwana chama wa kudumu na unatafutiwa njia ya kutekeleza ule uanachama wako.

Upande wa ukimwi. Mimi ninatowa maoni yangu kuhusu hili jambo la ukimwi. Mimi ninaona ni sawasawa kwa hili jambo la

ukimwi serikali ingetoa hukumu ama jukumu ya sheria ya kwamba, kila mwananchi kupitia registration ya I.D. akaguliwe halafu adhibitishwe kama ana ukimwi au la. Na iwe ndani ya kitambulisho chake. Watoto pia vile vile, na kama ni mtu ana ukimwi anaowa mtu ana ukimwi mwenzake. Na kama hauna, unaowa yule hana. Na mimi ninajua mada kama hiyo, wale hawana ukimwi, watakaa salama na tutajizuia kwa mambo kama hayo.

Ya mwisho, nilikuwa ninataka kuongea mambo ya local governments ama serikali ya wilaya. Mimi ningetoa maoni, hii serikali ya wilaya ...

Interjection:

Com. Kangu: Na uwe unamaliza sasa.

Paul Muli: Hii serikali ya wilaya ivunjiliwe mbali na badala yake hii kazi yake ichukuliwe na wizara ya magereza kwa maana utapata wafungwa wengi hukaa magerezani bila faida yoyote na hii kazi ya mabaraza ya wilaya, wanaajiri watu wengi ambao wanapata pesa ya bure na wafungwa wananchi wengine wanakaa magerezani. Kwa hivyo ningenelea hii wizara ya local government ivunjiliwe na badala yake, hii idara ya magereza ichukuwe hilo jukumu la kutengeneza miji.

Na upande ya kodi, uwe unachukuliwa kupitia matengenezo ya bidhaa na mambo ya kodi za chini chini zivunjiliwe mbali ndiyo watu wawe rahisi kufanya biashara bila matatizo mengi. Asante sana.

Com. Kangu: Asante. Na mwalimu Makau J.M.

Makau J.M: Thank you Mr. Chairman...

Com. Kangu: Your full names first.

Makau J.M: I am James Makau from Kathiani High School. Many of the issues that I had in mind have be exhausted but I want to pin point a few. I would start with education.

Now it is my own view that education system should be based on job opportunities that are available in our country. What I have in mind is that the government should know what is available, the oportunities which are there so that as we train our people, we are not training them aimlessly. We should know what is in the market, so that as we train them, they will be absorbed. I think we should not use so much money in training people when we know that they will not be able to be employed.

Our system should also encourage specialization. We should be able to identify our talents early enough so that we do not

educate our people also blindly. We have had cases where may be because we have naot been able to identify our students talents, we end up having the wrong jobs, but I feel that if you were able to identify these talents and then encourage them, I think that would be better so that we train people in the right professions. Still on education, I also thought that we should be training our professionals to enable them have upward mobility. You find that today, if you have to go for further training, you are to pay a lot of money of course which is of course a problem, and I felt that if you have qualified, you should be able to be given the opportunity and the government should be paying for the same or may be the course should be subsidized so that it can be affordable because like today if I want to go to get a doctorate or may be masters which of course I have qualified and I am supposed to pay over thousands of shillings which may be I cannot afford and on this case I will stay at my level of education although I want to continue. So I think the government should look into that issue.

The other thing is on appointments, especially when, I think when the President is trying to appoint M.P.s as Ministers, he should be able to get their background so that he may be able to know what type of Ministers he is trying to appoint. May be when he was once a, may be a chief or when he was once may be a teacher, or when he was once somewhere, how was his conduct? How does his background, may be potrayed. I think that would be better because we would know what kind of Ministers we have and what kind of people we are having. On the same appointment, I think the government Ministerial appointment should be based on professionalism whereby we should not have people who are not qualified being appointed or may be they are qualified but they are apointed on the wrong ministries. For example, may be I am a doctor, or we have a doctor who is an M.P. and he is given the ministry of education, I think that is trying to misuse the opportunity, he should be appointed on the right area of specialization so that he can be able to execute his duties properly because he is qualified in that area because I am sure he will be able to know what he is doing.

Now job opportunities: I thought that on the area of administrative posts, this should be done on community basis so that development may be realized. What I have in mind is that the wearer of the shoe knows where the shoe is hurting most. And I thought that if I am from around, as long as I qualify for this post, I am the person who knows what is eating my people. I am the person who knows what is the problem with our people, so when we get somebody from coast or from western Kenya, he may not be able to know what problems these people were facing and therefore I thought, that should be checked because he will be able to also develop his area because he knows while he is doing the development, it is for his people and it would be affecting his people.

Population control. Sir, I had a few observations, I feel that in order to encourage our people to control population, the government should be able to use positive incentives. For example, may be the government should come up with a policy to educate the first two children for the couples free of charge to whatever level they can afford or they can qualify. Then from there, may be from the third child, may be some kind of a tax should be levied to discourage a lot of child bearing or a lot of increase in population.

On political parties, Sir, I feel that we should have limited political parties. Of course what I have in mind is two political parties which of course if we have the ruling party, the other one automatically becomes the opposition party. That way, we would be avoiding a lot of confusion, and the government should be able to fund all political parties because they are Kenyan parties, and people, all of them are tax payers. On the same issue Mr. Chairman, I feel that the candidates should be given equal air time especially during campaign times, so that they can air their policies to the wananchi so that wananchi can be able to select their Presidential candidates without favour or without being confused. Similarly, we should not have the air waves being reserved for some people, we should have equal air waves for everybody.

On the system of government, Sir, I feel that at present, Kenya cannot afford a federal type of government. We should still continue with the system that we have, because our economy cannot allow for this kind of system of government.

On leave, especially where we have working class, it is my observation that men should also get maternity leave which is payable like that one of their women counterparts. This one will enable them to nurse their spouses and may be if my wife is expectant, I should be able to get take some leave so that I can be able to take care of her which of course...

Com. Kangu: Summarise.

Makau J. M.: Will be able to reduce strains.

On development Sir, I feel that projects and other development issues should not be based on political affiliation because as Kenyans, we all pay taxes and everybody is entitled to get some development benefits. So let us not have development being a political affiliation whereby, if you don't vote for this party, you don't get development. I think that is not proper.

Finally, there is also the issue of land - I think there should be a maximum number of acres that I should hold so that we don't have a lot of landless people. We should not have people who have thousands of acres of land while the others do not have land. I think we should have a maximum which you cannot go beyond.

On the local government, Sir, I feel that as much as we are in the process of trying to eradicate poverty or reduce poverty, some of their policies are unproductive and they increase poverty in the course. For example, whereby we are told, people should may be build permanent kiosks; and we know that the definition of a kiosk is not suppose to be permanent. So I don't see why a small or a very poor man should be, may be sell all his animals just to build a permanent kiosk while that money would have been elsewhere productively may be by buying stock. So I think that these people should consider also our poor people. With that, I want to say thank you so much.

Com. Kangu: Thank you very much. May be how many acres of land do you recommend. Just an average to each

member.

Makau J. M.: On acres of land, I would say 20 acres are the maximum that one should have.

Com. Kangu: Thank you, you can sign there. Domnic Muasa. He is not there. Moses Masila. Sammy Maivia, Rhoda M. Peter.

Rhoda M. Peter: Mimi ninasema asante kwa chairman. Kwanza ninataka kuzungumza..

Com. Kangu: Majina.

Rhoda M. Peter: Majina yangu ni Rhoda Mukulu Peter.

Com Kangu: Rhoda?

Rhoda M. Peter: Mukulu Peter.

Com. Kangu: Endelea,

Rhoda M. Peter: Ya kwanza ninataka kuzungumzia juu ya elimu. Sisi wakina mama wa mashambani tunaeimisha watoto wetu na shida. Kwa sababu wamama ndiyo wanabaki nyumbani. Mtoto akifika shuleni, unaona mtoto anafukuzwa kwa sababu, tuseme kama vitu vinatakikana shuleni. Hiyo kwanza ningesema maoni yangu, mtoto astahili kufukuzwa shuleni kwa sababu mtoto hana hatia.

Ya pili, ninataka kuongea juu ya mtoto na mzazi. Tunasomesha mtoto kwa shida, akimaliza masomo yake, anapata kazi. Sasa kama mimi sasa niwe nimesoma, nimemaliza masomo yangu, nimepata kazi. Mimi ninasahau wazazi wangu walionisomesha na shida. Ningetoa kama maoni yangu, mtoto, mahali anafanya kazi iwe ikitolewa percentage fulani kwa mzazi. Mtoto anatolewa kitu fulani kinarudi kwa mzazi kwa sababu watoto wengine wanasahau kabisa wazazi wao.

Ya tatu, mimi ninataka kuzungumzia juu ya civic education. Hii civic education, tunataka sisi wamama, tupate walimu ambao mtu anaweza kuzungumzia lugha ndiyo tupate kuelimika tujue haki zetu, kwa sababu kama ni walimu wa kutoka nje, mtu anakuja anafundisha wazazi wale wa zamani, sasa kama tuseme wazazi waliyotuzaa, huyo mama haelewi kile kitu anasomesha kwa kiswahili. Kwa hivyo tunataka walimu ambao wanaweza kuzungumzia lugha ile mzazi wa chini anaweza kusikia. Maoni yangu ni walimu, kila kabila iwe na walimu ambao wanasikia lugha na wanajua kile kitu wanasomesha wamama wale wengine.

Inginge ninasema, wanaume wawekewe seminars. Wanaume wale wanakaa huku mashambani wawekewe seminars kwa

sababu sisi wamama tumeungana kwa vikundi, tunajaribu kujiendelesha maisha na saa zile unatoka kwa kikundi, ina kuwa tena ni shida kwa sababu, labda sasa bwana yako anaanza kusema ulikuwa hivi, hivi ndiyo wajue umuhimu wa vikundi vya wanawake. Na ndiyo wawe wakitupa hata nafasi ya kutosha ya kuenda kwa vikundi.

Tena ninazungumzia kuhusu wakubwa, wakubwa wa kila aina. Wakubwa wananyanyasa watu wa chini. Kwa sababa sasa kama mimi, ninapeleka ripoti yangu kwa chief kwamba niko na shida Fulani. Chief mpaka aniitische kitu kidogo, na mimi naenda huko kwa sababu ya shida. Kwa hivyo mimi ninatoa maoni kuwa hiyo kitu kidogo iishe.

Ingingine, ninasema kama ni mtu amefikisha umri wa kutoka kazini, atoke kazini ndiyo watoto wale tunaelimisha na shida wapate kazi.

Ya mwisho, mimi ninataka kuongea juu ya wamama wajane. Mtu anawachwa na bwana yake, amewachiwa mali, anauza, kama ni plots, zinaisha na anarudi tena kwa shida. Inastahili wamama waungane na watoto wao ndiyo kama ni kitu wanauza, wawe wakishauriana. Mtoto na mzazi, ndio mzazi asinyanyase watoto. Na ningetoa kama maoni yangu, mama apewe haki yake nyumbani kwa sababu wanaume, vile bibilia inasema nyinyi ndiyo kichwa, umekaa tu kama kichwa. Tunataka kama ni mbuzi tunauza, tunauza pamoja, kama ni title deed, inaandikwa jina la bibi na jina la bwana. Yangu ni hayo.

Com. Kangu: Mlikuwa na chairman, sasa hauna la kuongeza. Peter Kioko. Raphael Kimanthi. Mukulima Raphael Kimanthi. Bwana Peter Mbithi. Johanes Ilio na Justus Musyoka ama wewe ni nani. Haya kuja ita jina lako, nimeita. Ok basi, Justus Musyoka.

Justus Musyoka: Kwa majina yangu ni Justus Musyoka. Kwanza mimi ninasema, katiba ile itapangwa sasa, muda ya wabungeiwe miaka miwili. Ipunguzwe kutoka miaka mitano hadi miaka miwili. Na tena ninaonelea kwamba katiba ambayo itatengenezwa, iprovide legal assistance to the abused children and family.

Na muda wa ma Commissioners uongezwe ili tuweze kuwa na katiba ambayo itatumikia wakenya bila tasishwi yeyote.

Com. Kangu: Thank you, basi weka sahihi pale. Joseph M. Kioko, Mwalimu Toi, Nyiva Mbithi. Abedneko Pasei, Pastor Kuria. Hayuko. Charles mwanzia. Hayuko. Paul Mangua. Charles Ngugi. Matheka Kaleli. Jones Matheke. Maureen Mweni. Ni wewe? Hapana. Sammy Mwathe. Thomas Mutiso. Benard Mutiso. W. Kasyoka. Haya endelea basi.

Stansos Wambua Kasyoka: Well, my names are Stansos Wambua Kasyoka and I want to present some few points. Though some of my points have been said, I will make sure that I do not repeat them.

First, I will start with the review process should not be linked with the life of Parliament. Actually, Kenyans should be given time to effectively review the Constitution well.

Second, I would like to talk on free education and free health care for all Kenyans. As it was guaranteed in the first independent Constitution, this be guaranteed to all the Kenyans and should be paid for through the local authorities.

Governance: There should be a Executive power Parliament and Judiciary which should be independent. The chief Executive of government should be the President, Vice President and Prime Minister and may be two deputies to the Prime Minister. The Vice President, should be appointed by the President through Parliamentary vetting and he should be a person qualified to be an M.P but not necessarily a civic M.P. Prime Minister should be an M.P. and head of the cabinet. The two deputies to the Prime Minister, one should head the Parliamentary affairs and the other one be in charge of foreign affairs.

Judiciary: If possible, Judiciary should be independent and all the Judges, Magistrates and Chief Justice be appointed by the Judiciary staff through Parliamentary heading. They should be appointed people of integrity and moral standing in a society. Incorruptible people and the record should be very well. Having good qualifications and good service.

The cabinet- The Ministers should not necessarily be M.P.s. The President should appoint Ministers from qualified Kenyans, who are incorruptible, to head ministries according their professions. And he should present his nominations to the Parliament for vetting. On this point, there should be chance to assist the President. If in case he goes wrong, and there should be chance to recall an M.P. if the constituents he is presenting is not satisfied by his services and also the Councillors.

Land law- Much more has been said about land but I have my own view of the land law of Kenya. There should be an equal share of all the land in Kenya and the land in Kenya should be equal in value, not at present case where a acre of land in Kathiani is 10,000 and an acre of land in Machakos town is a million. So it should be equal in value.

Provincial administration- In the new Constitution, the provincial administration should be faced out and instead be replaced with elders from the communities headed by a chief order afforded by the local authority which should have powers to oversee everything.

The local authority: The local authority should be given powers to collect revenues and sources and be in charge of their own resources from the locality and the Councillor infact local authority should vett and employ the chief officers not the central government. The Mayors and the Chairmen should be elected directly by the wananchi. The local authority should be given powers to look for funds from foreign countries directly not through a Minister of Finance or the government.

Protection of human rights: There is a different view, human rights should be guaranteed to all the Kenyans. But not only human rights, generally I would like to class this one from men, women and children.

The Electoral Commission of Kenya- should be independent headed by a chairman chosen or elected among the elected Commissioners who should be elected by Parliamentary parties, parties which have MPs, which has more than five MPs in Parliament, and a Commission should not have more than nine Commissioners. The Electoral Commission should be given chance and powers to plan the elections, conduct civic education and conduct elections. The Electoral Commission chairman should not be given powers to keep the calendar for Parliamentary and civic elections.

Com. Maranga: Summarize. ‘

Kasyoka Wambua: There should be also a special court to deal with elections offences where by the judge incharge of that court should be an ex-officio of the Electoral Commission of Kenya.

Gender - Up to now Kenyans should be sensitive about gender issues and I would like next Constitution a lot of consideration to be given to gender equality starting with around a quarter of seating MPs should be women, nomination seats should be preserved for women in Parliament and in the local councils, around a quarter of those seats will be preserved for women in the local authorities and Parliament. And also there should be at least three seats in Parliament for the youth and at least one seats in Parliament for the disadvantaged, (disabled, blind and all that).

Com. Kangu: Your time is up.

Kasyoka Wambua: Equal representation in Parliament, every constituency should have equal number of wananchi to the other.

Com. Ayonga: Zungunza polepole, sauti iko juu sana na watu hakuna hapa unaongelesha.

Kasyoka Wambua: Nilikuwa nafikiria wako wengi sana. Working rules, in the next Constitution we should consider paying Kenyans according to the work they do. Some people in Kenya are highly paid yet they do less work, so in the next Constitution we should pay people according to the working hours and the kind of work they do. The Constitution should create an office of ombudsman. May be to conclude, the Constitution should be written in very simple language and in as many languages as Kenyans speak and if possible it should be included in our school curriculum right from standard five for all those who can understand.

The Kenyan police - the next Constitution in fair governance, the Kenyan police should be trained on basic human rights and the Kenyan police force should be the highest of the wananchi. The wananchi should go to police stations to seek help but not

to stagger every time.

Com. Kangu: Give us your written memorandum. Strictly one minute.

Kasyoka: Freedom of worship, whereas the Constitution guarantees the freedom of worship there should be a Commission to fit future application for registration of sect and churches in order to avoid the devil worship because some people have gone in front of freedom of worship and brought a lot of nonsense in the worship.

Code of dress in Kenya- we should have a code of dress in Kenya mostly for women to avoid cases of rape and everything. If we are said to avoid rape and get our people dress in bad manner that one will not end there.

To end with, I would like to mention on succession issue, Kenya should have a clear policy on succession and I will propose this way, in case the President dies or he finishes his two terms, the following people should be there should be considered to succeed the President, the Vice President, the Prime Minister, the speaker of the National Assembly and in the duration between the President's death, or in the transition period between the election and nomination of the President, the chairman of the Electoral Commission should act as the country's chief Executive. Those are my contributions.

Com. Kangu: Sasa mimi nikuulize swali moja, our forefathers and mothers used not to put on clothes but men were not raping women because they had no clothes. How is this dressing associated with men raping women?

Kasyoka: I have an answer to your question. Our forefathers were disciplined, today most of things it has become difficult to control our people so to go with times that is why I am pressing that if we can have a code of dress it can help reduce rape.

Com. Ayonga: Don't you think that we should change from inside, our values and not clothes because if you base rape on clothing, we have seen many women who have been raped who were dressing properly. But these rapists ...

Kasyoka: In addition to clothes you know also women rape men.

Com. Ayonga: Are we not making ourselves too cheap?

Com. Asiyo: Mimi nina taka kukuliza kitu moja kijana. Unataka tuandike nini kwa katiba juu ya mambo ya rape, unasema nguo haifanyi kitu kwa wale sema kabila yangu sisi tulikuwa hatuvai nguo, kitu kidogo tulikuwa tuna weka hapa mwanaume au mwanamke na wanaenda hakuna mtu ali rape mwingine. Unataka tuseme nini kwa Katiba?

Kasyoka: Myself I am not talking of rape I am talking of a code of dressing for Kenyans to avoid some cases of rape and bad manners in dressing.

Com. Maranga: I think there is a question I want to ask you, it is about equal access to land and equal value, how will the Constitution ensure that?

Kasyoka: If the Constitution gives guidelines, the land in Kenya is equal because I believe my land in Kathiani should have

same value with your land in Kisii, so I am saying that if the Commission can give guidelines, let us have equal land because the land in Kenya is just where it is.

Com. Maranga: Don't you know there are factors which make some land for what they are, for example land in Eldoret, if you are telling me that you want a centralized government offices in Kathiani and other areas may be that is how you want to have your land but so long as some big towns like Nairobi attract employment than Kathiani, there is not way you can change that attraction.

Kasyoka: The big question is, if you make the land value equal you almost Kenyans people equal.

Com. Ayonga: Thank you leave your memo there. Now you have a different chairman and I have my own rules. (Enjoy your lunch) Nilikuwa ninataka wale mko huko mbali njoo katika hivi viti vya hapa hili tuongee pole pole mimi mtindo wangu ni ingine. Kati yenu hapa ni wangapi wale ambao mnakaa hapa kwa kuongea, kila mmoja anataka aongee, kidogo tu, kidogo ina-mean dakika ngapi, five minutes hiyo ndio tulikuwa nayo asubui hatuendi na five minutes kwa maana nina ona wengi wenu nyuso zenu zimeanza kugeuka kwa ajili ya njaa na pahali uliwasha ngombe hujaenda kuto upeleke iende kunywa maji. Kwa hivyo nikiwapa dakika tatu tatu itawatosha? Sasa nataka nikikuambia dakika yako imekwisha unawacha, nataka kila mmoja atii. Sasa ninaita majina, kuna jina hapa la, majina tena mliandika vibaya, huyu ni nani, Kimilu Muleli.

Com. Asiyu: Tutasoma majina alafu mtajua vile mnafuatana. Kuna Stanely Gachoka, Musembi, Fredrick Mutua, Joshua Kioko, Taula Kilonzo atafuatwa na Edward Nzioka, alafu Patricia Musembi atafuata yeye. Jane, Dominic Kiiio Joseph Kimeu, utaongea nyuma Kilonzo.

Com. Asiyu: Basi tuanze.

Taula Kilonzo: Kwa majina naitwa Thomas Taula Kilonzo ninatoa shukrani kwa ma-Commissioners wetu wamekuja huku Kathiani na wazee na wamama. Yangu nina ongea juu ya wafanyi kazi wa mashambani sana sana wale wameandikwa nyumbani. Nataka katiba yetu ione mambo ya wafanyi wa nyumbani sana sana ambao tunaandikwa mashambani. Kwa sababu hawakutoa mishahara yetu wakasema ni mishahara ya aina gani walitushia tushushane na bwana. Na bwana anakuumiza akiniambia ni elfu moja ni elfu moja, na sasa tunataka tuambiwe mshahara yetu ya watu wa nyumbani ni kiasi gani ili tukienda kufanya kazi tuwe tukijua ni kiasi gani ya mshahara wetu.

Ya pili, nauliza mambo ya police, mahari panafanyika msiba ama mtu ajiuwe ukienda kupiga report kwa police unaambiwa hakuna gari ya kuja mahari pamefanyika hayo mambo hakuna gari huko kwa station ya police. Unaulizwa uko na pesa ya kukomboa taxi ama uweke gari mafuta. Kwa hivyo sisi wananchi tunaumia sana kwa mambo ya kwenda kupiga report kwa police

Com. Ayonga: Kwa hivyo unatakaje?

Kilonzo: Kwa hivyo tunataka hizo vitio za police ziweke magari.

Ya tatu, na ndio ya kumaliza. Mimi ni mwimbaji na mimi ninauliza kwa nini Kenyainataka watu wa nje ata uko upande wa

Zaire wanapitia sana huku cassetes zao ndio zina uzwa zetu za hapa Kenyazimikomewa. Kwa hivyo ninataka serikali yetu ya Kenyainue muziki ya wachezaji wa Kenya wale ma-brokers, kuna ma-brokers ukitoa cassette yako anakuja anachukua anaenda ana-dabb anaendelea na kuuza. Kwa hivyo tunataka sisi yaani hapa Kenyatuinuliwe kwa sababu hakuna kazi ingine, kipawa ya mtu ni kipawa yake.

Com. Asiyu: Asante sana bwana Kilonzo, wewe iko cassette moja leo hapa kwako ninunue? Una cassette, sasa utauzaje viitu kama unawacha nyumbani?

Com. Asiyu: Sasa bwana Joseph Kimeu, ebu Roda uwe tayari, Agnes Ngura, Paul Wambua, kwa hivyo huyu Joseph Kimeu ndio aongee Kwanza.

Joseph Kimeu: My names are Joseph Kimeu, according to my proposals as concern the Constitution , many points have been put across and it is not good to debate them so I think it is wise to omit those which have been mentioned and I read the ones which have not been mentioned.

The first one is according to Presidential powers I think they should be reduced.

Point two, provincial administration should be scraped and replaced with elected officials who are accountable to the electorate.

Three, there should be independent judiciary. Next is there should be independent Electoral Commission to mann the elections.

The Vice President should be elected directly by the voters. A mayor should be elected directly by the voters.

The point of squatters in Kenya, I think it is not good to have any squarter in Kenya, so there must be a law to protect them to have a land.

Elected MPs should be answerable to the electorate that if at all they fail to serve them they should be called back and replaced.

About senior civil servants, there should be a body in charge of appointing them to the relevant offices, for example parastatals, judiciary and the like.

About mass media, there should be indipendent body to be incharge of them incase they breach the contract.

About government land grabbing, there should be a law to protect all, there should be a law to be used to embark a punishment on those who grabbe the land.

Com. Ayonga: You have a memo, why don't you tell us the main points because you are going to give us that for us to read.

Kimeu: I am finishing it is only two points.

Com. Ayonga: but just tell us the points don't read word by word.

Kimeu: About education, the current system of education to be replaced with the old one.

Com. Kangu: You have half a minute; you are wasting your time in making long gaps

Kimeu: I am through

Com. Ayonga: then give your memo to him.

Com. Asiyu: Now we have... Joseph Kimeu is the one who has talked, then you just have to give us your names because we do not have any other names here now

Com. Ayonga: No I have a one,

Com. Asiyu: Okay, is there Sammy Mumo, Jonathan, Mrs Jane Njiri Julius Wambua, Mary Mutiso, haya kuja utafuatwa na Josephine Musile alafu Beatrice Kakumbi, lakini Beatrice alikuwa ameongea sujui kwa nini anataka tena ninakumbuka alikuwa ameongea. Okey you can go ahead Mary.

Mary Mutiso: I am a teacher at Kathiani high school; I would like to make a number of recommendations. Now one is about security, I am aware that the current Constitution had provisions for security but my main recommendations is that we deal more with enforcement because we have rules and laws which have not been enforced. I would like to in this point of security, I would like to divide it into two, one is about crime.

Now, I would like to recommend that the police force, the government should make sure that we have a police force which has a high morale because the current situation is almost like a state of anarchy. Examples are like in terms of the Mungiki and in the last one month, I have had experience of robbery, personally and Mungiki. They controlled routes in Nairobi and like yesterday, they took over one route, 102 and they harassed people, infact they chased matatus. I expected to see that even in the news or anywhere but it wasn't. So, I would like to recommend that something is done about enforcement of laws and regulations because they are there.

About the traffic policemen, I think the government at its present situation just turns its back because our MP himself has said he has passed and seen people taking kitu kidogo, police force stations what is the government doing and that MP is our government part of our representative. So I would like enforcement to be taken seriously, law enforcement.

Now, another part of security is about disaster preparedness. We have had a number of disasters, both natural and some of them manmade. Examples are like the mtongwe very, disaster, the kyanguli, the floods, the mad and the landslides, most of what the government is doing now is to react to something that has already taken place. I would like to recommend that the government like the other countries take a step to prevent these things. Like the mtongwe ferry disaster was mainly as a

result of rules.

The kyanguli issue again when you look at it again when you look at it you see that it is because of some certain things that were not in place. Things like mud, landslides we know that floods must take place because we are having weather forecast everyday. So we should have experts to detect these things in time and prevent them because we are losing very many lives. I have a rumour that the volcanoes in Kenya some of them are about to erupt, they are at time. I would like to recommend that the government has experts like volcanologist who will detect these things in time. Like now I am very worried, my mother is in Nakuru and... may be any time I might get a report that she was covered.

In other countries like in Japan and in many countries where we have volcanoes we have people who are detecting these things in time and they can be prevented. Even the lava flows can be diverted from settlements so let us not cure, let us prevent. Let the government have such security measures.

Now, another thing I would like to talk about and I would like maybe my ignorance to be excused is about this review process.

Com. Ayonga: About?

Mary: About this Constitutional review process. Now I think it is a very noble task that you are undertaking. But I think the timing is wrong because for one, we are reviewing a process, you are going from place to place asking for opinions and what is the level of awareness of our people that we are asking these opinions from. So what I think we should do now it not to review the Constitution but to review our attitudes and these attitude should be reviewed from the government level down to the people. for example for the government, we have heard very many Commissions which have come with very good reports but those are just shelved.

So if we don't review the governments attitude and opinion, then we are backing up a wrong tree. Nothing is going to come out of this. Then I think I don't know the process that you are going to undergo before this becomes laws, that is why I am saying that you excuse my ignorance but I would like to say that the timing is also wrong. These current government for the last many years, I think over thirty years. What have they done with the Constitution that they had before? What I would like to recommend is that it is good we are collecting the views but let this be enforced or let this rule be drawn by another new government of new people who have not biased opinion from the past. That is what I am recommending. So let us collect the views but let not the current government neglect to have this. So the thing to do now is to educate people to vote properly so that they bring in a proper government and we get a good Constitution drawn which we are going to follow.

I think the last one that I want to talk about is distribution of resources. I have been viewing a certain situation, just one example in Kathiani with a lot of dismay and that is to do with the divisional officers office. The facilities that are at his

disposal. As you are all aware, he is a very hardworking and conscious man, but three quarters of his time is taken in repair of an old land rover, which cannot take him anywhere. If it was mine I would just dump it. So I would like to recommend that all the offices get the equivalent kind of facilities or the like. We have divisional offices all over the country but I think the Nairobi one and the major towns they get more facilities than the rural one. So, instead of having like we can see very nice cars here. Instead of having these very big ones for a few people, I would like to recommend that we have just simple vehicles affordable vehicles to all the areas. That is resources, I would like also like the roads let's have uniform resources. If there is a road in Baringo, let there be a tarmac road. If it is a policy that all districts should have roads up to a certain kilometer let all the districts have the same facility. And even if it is teachers, all facilities including personnel, let them be uniform. I would like to answer a question you have asked in the morning about the gutter press. We had a lot about freedom of press. I wouldn't like to say that we have complete freedom. I would not advocate for that, because as it is we parents are hurting because of that complete freedom. You walk around Nairobi town you find magazines which are unpalatable, you don't want your children to see pornographics. So you asked a question in the morning that what do you do about these gutter press you cannot even trace those people who are responsible for writing this press.

I would like to recommend that we act from what we have. Like if there is a dirty magazine in a news stand, arrest the seller then he will lead you to where he got it (the distributor) so that we remove that, there should be also some censorship of press. We have some very bad programmes on television, which are not... I don't believe they are good for our children. Like, wrestling in the KBC is now I think three to four days a week. I know I might be told to control my children but also we would like that. so let us not have complete freedom of press. Let us have certain rules and regulations, the videos that we are buying they have certain regulations, not suitable for children under 18 and so on and so forth. So those are my views.

Com. Ayonga: I want to thank you mama for those good views that you have given to us and I think all things they are not building our nation like that with gutter press, it is destroying and not that we don't know the source because if they are carried by someone and he is sitting on the verandah somewhere selling them in the city, then this person can tell the source of the material and I think we have relaxed in such a way that we are going to reap it through our children which will be very very unfortunate. Thank you for your views.

Mary: like the Mungiki who are applying a certain route and they are a nuisance, they are holding pangas and rungas where are the police at that time?

Com. Ayonga: Correct, and we know those people's views are not good, when a person is carrying a panga amongst people and making shouts of someone who has gone mental upstairs you know that he is there to destroy.

Com. Asiyu: I just want to make a very brief remark regarding the some of those important views. I am glad that you asked about the materials that you see in our T.V. but the children because of their curiosity, they read all the trash and they know it

is so bad for their future. We know that in many parts of the world they have things like vodka, whiskey and so on are never advertised and if they are done, they are done very late at night, where during the day they are talking about these cheap alcohol that is made in china and and other places and other bad drinks. I was talking to a student who told me that these things are there. But as you have said even music in France, you can only play 20% of foreign music, that is by law. 80% is French to music. If this country I think all trash is being poured here. I am happy that we are having this dialogue with some people because I am convinced that during this dialogue, you will find some common denominators that can work for all Kenyans although you don't seem to agree that this will be the process to help us people to come closer together as Kenyans. Because people have told us they want to leave as Kenyans. They have told us that they want to live as Kenyans and I just want to say that other people have the same. That they really don't want to see bad things, they don't want to see pornography and all those things. Television programmes, no Kenyans are going to see them but do we actually now we have the gut, now, because you have told us, we can specifically say that in the new Constitution we were told and we can say that we can only write what the people have told us this is a very important view that is coming from you and we want you to take it serious and make your recommendations.

Mary: I agree, with the constitutional review process and I agree it is a noble task but the problem is the implementation, and the implementation I believe is out of your hands.

Com. Asiyu: This is the only Commission which even the president has no control over because it is not a Presidential Commission, we were set up by the Parliament, and they have rules that only we who can dismiss as Commissioners whose behavior is perhaps is not in accord with our own rules and it is only Parliament that can dissolve it but knowing the Parliament is strongly for this process. I don't think the Parliament would want to dissolve this process.

Mary: So these views once you are through you will compile them it will not be shelved like the other reports.

Com. Asiyu: Let me just explain to you what we will do. We will analyse those views you have given to us, we will write a report, we will bring it back here in Kathiani, you will talk about it, you will read that report, any body can read, you will make additional recommendations if you did not have any recommendations, then we will draft a bill and first of all we will invite Kenyans to come to Nairobi to discuss those recommendations

Com. Ayonga: with all Parliament members.

Com. Asiyu: All members of Parliament, three people from each district, one of them should be a woman and we will see they discuss that report until we agree on some of these important issues you have Raised I don't believe any Kenyan will refuse your recommendations. Then after that we will take these things to Parliament to now pass it as it is. So nobody can interfere with this process up to the end, if we do not agree at the national conference, we will have a referendum.

Mary: So at the parliament level if we have the wrong Ministers and the wrong candidates they can...

Com. Ayonga: No they can't change

Com. Asiyu: because they will be with us at the national conference and Kenyans will stop them from refusing to accept.

Mary: Thank you I am very happy about all that.

Com. Ayonga: Thank you for your concern mama thank you, may God bless you, go there write your name.

Com. Asiyu: Is Josephine Mutinda here, Kakumbi, Munyao Musyoki ndio imeandikwa hapa, kuja mbele bwana Munyao, Kimenye Kamau, Jimmy Ndolo. Sasa tuchukue wale wazee wamekuja wamechelewa na hawajiandikisha majina yao.

Com. Ayonga: Ngoja, just a moment wazee nyinyi mpoe, wale ambao register lakini hawakusikia majina wale walio register tu, chukua kiti hapo sema jina wewe ni nani,

Com. Asiyu: Na kama umeandika, huwezi kusoma. You will just give, that document belongs to us now. And it is our property. Just touch on the main points and then hand it over.

John Munyao: Thank you very much for offering me this chance I am John Munyao Kilonzo I am a teacher, and I am a unionist because I am the Vice chairman of KNUT Machakos branch. Looking into the Constitution that we have, we know it has very many good things because if they were not good we would not have gone so far that much we have had since independent, however, there are things we need to look into.

One is wherever you have a...

Interjection:

Com. Asiyu: Watu wasiongee tafadhali, tusikie mtu mmoja, mngependa aongee kwa kiswahili au lugha ingine,

Munyao: Naweza kuongea kwa kiswahili. Katika katiba ile tulio nayo haina utangulizi, we would like it to have a kitangulizi ile inaonyesha Kenyayetu ni nchi ya aina gani ningependa Kenyaiwe nchi ya amani, nchi ya umoja, nchi ambayo inafuata demokrasia na pale the rule of law should be respected and the individual rights are paramount.

Amendment ama kugeuza- katiba iliyoko ni nzuri lakini vile imekuwa ikigeuzwa imekuwa ikigeuzwa vibaya kwa kupendelea labda mtu fulani na tuna ushahidi kuna wakati mwingine ilifanywa kwa dakika hamsini kwa sababu mtu mmoja alikuwa anapendelewa. Tungependa ikiwa kuna Constitutional amendment kuwe na sehemu mbili. Kuwe na ile sehemu ambayo inaweza kufanywa na Bunge peke yake, wakati wanapenda kuwe na sehemu zile ambazo haziwezi kufanywa na Bunge kabla hazijapewa wenyeji wakazichunguza. Kuwe na referendum, ifanyiwe recommendations by Parliament.

Ile ingine ni Legislature, kuwa na chamber cha Bungetumeona madhala yake sababu wakati watu wanaozungumzia kitu wa kiwa pamoja wanaweza kusahau pande zingine. Kwa hivyo ningependa warudishe ile sehemu ilikuwepo ya kuwa na chamber cha pili.

Kile kingine wale ambao watachaguliwa kwa bunge, ningependelea wawe na minimum qualifications si ati kila mtu anaweza kuenda Bunge kwa sababu siwezi kwenda kutengeza sheria na mimi sijui lugha na sijui kile kina ongelewa huko. Mimi ninaenda huko kuharibu wakati wa wananchi. Kwa hivyo tunataka kuwe na qualification per person zile zingefuatwa wakati

mtu anapatiwa kiti cha kwenda Bunge.

Com. Ayonga: Na hizo qualifications ni gani?

Munyao: Ningesema mtu awe amefanya mpaka kidato cha nne huyo mtu anaweza kuwa mbunge.

Kile kingine ni katika representation in Parliament. Tumeona na tunashangaa katika Bunge unakuta mbunge anasimamia watu elfu kumi na mtu mwingine ana represent watu elfu mia moja kwa hivyo unaona hiyo representation is not propotional. Tunge penda watu wafanyiwe representation in Parliament propotionally ikiwa tuseme constituency yetu iko na watu wengi iwe na wajumbe wengi, ikiwa iko na watu wachache iwe na wachache, kwa hivyo kuwe na provision katika Constitution inaonyesha mjumbe mmoja anafaa watu wangapi kama kwa mfano hapa Kathiani tuko na watu karibu elfu mia moja. Huyo ana ongea watu elfu kumi na huyu watu elfu mia moja, hiyo haifai.

Ile ingine ningesema katika nomination to members of Parliament wale wanafanyiwa nomination, nomination nayo pia ifanyiwe na proportion age representation in Parliament iwe ile chama ilipata watu wengi pia ipatiwe watu wengi. Na hii nomination isifanyiwe tu mtu kuonekana lakini awe hana kazi anafanya. Ningependa public service ifanyiwe representation in Parliament wakati wa nomination, organization zipatiwe representation in Parliament, union wapatwe representaion, minority groups wapatiwe representation. It is a wonder we have minority groups in Kenya who will never see Parliament if we go by the way we are going. We have the Asians, they are Kenyans and they need the representation. We have the disabled and the disadvantaged. We need to have these people represented when nomination is being put into consideration.

The other thing is about Parliament having a permanent timetable. We need to have a timetable one, which start from election to dissolution of Parliament. Hakuna mtu anaweza kuwa ana uwezo wa kuvunja bunge. Bunge iwe inajivunja yenyewe na Katiba. Tunajua tumechaguana leo na tunajua hii Bunge itamaliza kazi yake mwaka fulani siku fulani.

Ile ingine citizenship, we are loosing very useful resources from our people, human resources, that is what I am saying. Wakati mtu anakuwa Kenya anaenda anakuwa raia wa Denmark, kama tunajua wakimbiaji, anaenda kuwa raia wa America kwa sababu Kenyayetu haina provision ya dual citizenship. Huyo mtu hawezi kuwa mkenyatena. Anaacha kuwa mkenyana ni wetu. Kwa hivyo ningependelea ikiwa kunawezekana tuwe tunaweza kupatia watu wetu, wanaweza kuwa citizen wa nchi zingine na wanaendelea still kuwa citizens wa Kenya.

Kile kingine ni shida ya citizenship inaweza kuingia. Ninaenda America au mtoto wangu anaenda America na aoe huko. Akioa huko masharti ya yule bibi yake kuwa mkenya inakuwa ngumu, kwa hivyo inamfanya huyo mtoto wangu hajifanye mwamerica badala ya kurudi Kenya. Kwa hivyo ningesema ikiwa mkenya anaoa mwanamke kutoka nchi ingine, huyu mwanamke anakuwa automatically Kenyan citizen if the marriage is legalized in Kenya

Ile ingine ni political party mandate and defection, we are fed up with our politicians. Mtu anasimama kwa Bunge anasema mimi leo sita kuwa wa chama kile kingine kilichonichagua na anaendelea kukaa kwa bunge, huko ni kutusi wale waliomchagua. The law is there which says ni lazima huyu mtu aandike kwa bunge, andikie speaker. Tunasema provision ya katiba iseme, mtu akiongea adharani hata ikiwa ni kwa soko hapa Kathiani akisema sasa sioni maana ya kile chama kilichonichagua iwe ni verbal, iwe ni written, ikisha ingia kwa wananchi huyu mtu kutoka saa hiyo anaacha kuwa mtu amechaguliwa na badala yake kuchaguliwe mwingine sababu wengine hata karibu nusu ya Bunge tulionayo ni ya watu watoro waliotoroka vyama vyao. Kama ni katika merging ikuwa ni merging, mki-merge vyama viwili, chama kile kidogo kilitaka kimezwe na kile kikubwa wale wamemezwa mara moja wanapoteza ubunge wao, warudi kwao wakachaguliwe tena hakuna haja ya mtu alichaguliwa na watu na anageuka anaingia imani hii anaendelea kuwa still mbunge.

Com. Ayonga: Maliza sasa mzee,

Munyao: Unajua nilikuwa na vitu vingi vya kusema lakini viko hapa. Ile ya mwisho ningependa moja, ni habari ya retirement. Kama ninaona hapa mbele yangu kuna mzee mwenzangu umesha- retire najua. Wakati una- retire unakuta mtu anaenda nyumbani na anakaa miaka miwili bila kupata benefit zake na unashangaa kwa nini na huyu mtu wakati alikuwa anafanya kazi, employer wake alikuwa anajua huyu mtu ataenda nyumbani. Kwa hivyo ningesema hivi wakati unafiikia wakati wa retirement benefit zako zina fanyiwa preparation unazipata wakati unapoondoka, usiwe unaambiwa uongojee. Ziwe zinakuwa automatic na zinaingia.

Com. Ayonga: Asante, si umesema hiyo ndiyo ya mwisho tafadhali tupe hiyo karatasi na asante kwa maoni yako. Now, yule mwingine alikuwa nani? Wewe ni nani? chukuwa mic, mzee umesahau tupe mic yetu, iko kwa mkono wako. Sasa wewe tupe majina yako ukitumia hiyo.

Julius Kitavi: Majina ni Julius Kitavi, kitu cha kwanza unakuta siku hizi umesomesha mtoto na umeuza kila kitu na ukienda mahali popote kwa ofisi kuuliza kazi unaambiwa toa chai kidogo na you have undergone up to diploma level, and you have nothing in the pocket to give that particular person. Something of that sort should be followed by the government for those people who do such things.

Ya pili, ni juu ya colleges. Unakuta college zingine unaendelea na unambiwa hakuna kazi watu ni wengi, hakuna kazi unaweza kupata especially now days waalimu. Unamaliza course ya ualimu na hakuna kazi, ukiuliza unambiwa hata wengine wanaenda, wanafutwa kazi na wewe ndio umetoka college na hakuna mahali utaenda, so our government should think after college where we should go and what we should do because now days they are taking us to colleges, you complete the college, no job no matter whether it is university level, you go to university up to diploma level you find there is no job.

Com. Ayonga: Tafadhali wale wanaongea wanaweza kwenda kuongea nje maneno yenu tuwe na baraza moja.

Kitavi: So our government should, if not so I think the education in Kenya now days is going down because there is no need of unasomesha mtoto anamaliza shule, umeharibu kila kitu na unaambiwa hakuna kazi.

Com. Asiyu: Tunataka utuambie kwa katiba tuandike namna gani mambo hayo

Kitavi: They should have a change especially the working systems. These years of working should be reduced they are many because you find some of them they are working more than forty up to fifty years and the government is not aware of these people.

Com. Asiyu: Thank you, unaweza kujiandikisha jina kule, sasa ni huyu mzee, sema majina yako.

John Kirio: Nitaongea kidogo tu, kwa hivyo mimi yangu ni habari ya elimu, elimu ningetaka iwe ni ya bure kutoka nursery mpaka university na hata course za waalimu zote, ziwe ni za bure, zilipiwe na Serikali.

Ile ingine ni habari ya hospitali kutibiwa, ningetaka watu wote wawe wakitibiwa bure ata wale wanalazwa hata maiti iwe ikichukuliwa bure si kulipishwa.

Ile ingine ningetaka katiba iandikwe kwa lugha zote zile ziko Kenya ili iwe inafahamika na watu wote. Sina lingine.

Com. Ayonga: Asante mzee umetupa mambo ma tatu, elimu ipatikane bure mpaka university, hospitali watupe free treatment. Kulikuweco wale nyinyi mnakaa hapa wewe unataka kuongea? Uje?

Joseph Mulu: Asante kwa mwenye kiti, mimi ninaitwa Joseph Mulu Mwasia. Yangu ninaongea kuhusu human rights. Mimi kama mkenya natoka hapa naenda Busia, naenda Mombasa, nikinunua shamba huko na pesa zangu nauziwa baadaye kuingia kwa ingine wanasema huyu ni mtoro hawezi kuwa ni wa shamba hii na mimi ni mkenya na nimelipa pesa yangu. Mimi nilikuwa nafanya nini wa.... Mimi nauliza, mimi natoka hapa kama mkenya

Com. Asiyu: Hiyo tumesikia. Unapendekeza namna gani?

Mulu: Napendekeza kila mkenyaakienda pahali popote, akinunua sehemu awe mtu wa hapo bila kuambia ati wewe ni kabila hii.

Ya pili, naongea juu ya mashamba na wale wanauza na wanunuaji. Mtu anaweza akatoka hapa anaenda mbali ananunua shamba na hiyo shamba iwe imeuziwa mtu mwingine, kwa mteja mmoja, ndio nauliza hiyo katiba irekebishwe iwe mnunuaji ni mmoja si wawili.

Point ingine ni upande wa security. Inafaa kuwa upande ya serikali kwa office za Serikali, sababu mwenye kiti wa central ...ndiye anajua mambo ya security upande wa district, provincial ndio office ya Rais inawekwa. Mimi ninaunga mkono ile iko sasa.

Com. Ayonga: Asante asante sana kwa maoni yako enda kule ujiandikishe nani yule tena mwingine. Tafadhali tuwe kimya ili tuweze kumsikia.

Peter Nzau: Mimi naitwa Peter Nzau Mutua, kwa mapendekezo yangu ningetaka kuuliza Commissioner, ninajua imezungumziwa lakini nitazungumza. Free education kutoka nursery mpaka standard eight.

Ya pili, ningepili iwe pendekezo, administrators na chiefs wawe wakipewa transfer kama ma-officer wale wengine wa serikali.

Ya tatu, ningetaka kupendekeza local government ile ambayo inachukua revenue kwa soko yoyote kuwe na Commission ya pesa, kiasi fulani za kuendesha area hiyo pesa zinatoka. Nimemaliza.

Com. Ayonga: Asante sana Peter Nzau, unaweza kuenda kule ujiandikishe na huyo aliye kuwa karibu sana, huyu ambaye anasimama tena anarudi kwa kiti wewe kuja ndugu yangu kama uko tayari. Si wewe ulikuwa unataka kuongea na mbona nikikulenga hutaki kuniangalia? wewe endelea. Tafadhali huyu akimaliza you are next.

Joseph Musyoka Muindi: Asante Commissioner, majina yangu naitwa Joseph Musyoka Muindi. Nina maoni kidogo tu, na nitaguzia vile umesema tuguzie kwa ufupi. Kwa kweli sisi wana Kenya tuna shida wale ambao hawajasoma, pengine hata wale wamesoma kama sisi. Namba moja Katiba, sisi tukielezwa hali ya katiba hatujui katiba ni nini, sasa tungeuliza yenyewe tuelezewe katiba ni nini na ile lugha ambayo tungewza kujua katiba ni nini. Ikiwa ni uchaguzi au ni nini imeandikwa kule ndani ndio tuweze kuelewa mzee kama mimi katiba ni nini.

Ya tatu, vile ilikuwa zamani kama mwaka wa sitini kuja kufika mwaka wa sabini, kulikuwa kuna wakubwa ndio hatukatai na kukawa na wadogo na maduka yalikuwa ya watu wakubwa na maduka ya watu wadogo lakini tunge fuatilia pale ndani kwa wazungu, tukakuta wakubwa wako na mshahara mkubwa na wanarudisha kwao pahali ambapo wametoka ule mshahara mkubwa ambao ungepewa yule mdogo ambaye hajiwezi. Kwa nini Kenya hatuwezi kupendana namna hiyo ikiwa wazungu walipendana au vile wazee wa zamani walikuwa wanapendana?

Com. Ayonga: Maoni yako ni nini? Unataka tuandike nini kwa Katiba?

Muindi: Bwana chairman kama ningepilizwa maoni yangu unaweza kuwa na elfu mia tatu na mimi mtu wa chini kabisa niko na mia moja. Kweli tukiangalia undani hizo pesa kweli zinaweza kwa yule mtu ako chini yule ambaye hajiwezi mkulima.

Ya tatu Serikali, ndio tuna serikali na ambayo ni mtukufu Rais na ni President na vile tunajua tulikuwa na Gatundu baada yake. Kukawekwa stima, kukawekwa maji ya kunyunyiziwa tukawa tunasikia Gatundu. Je, hizo pesa huwa kwa serikali ama huwa ni za wenyewe kwa vile utakuta mashamba makubwa kwa huyu tuseme President yeyote utakuta kuna vitu nyingi kwa hiyo area tuseme kama hii Kathiani mmekuja, na ndio swali langu au maoni yangu mnijibu niweze kuelewa kwa sababu sielewi. Hiyo pesa huwa ya serikali au ya mwenyewe hiyo inafanya kazi area hiyo?

Ya nne, tuna-minister hapa kwetu na vile sijui kama imesemwa na mwingine pengine amesema na lugha ambayo sielewi, utakuta tuna Minister, sisi wananchi tumemchagua na ukitembea na ile kumchagua kwa ukweli utakuta haikuwa mapendeleo yetu kumchagua ni ile laini fupi ndio imepita. Je, huyu mtu hata hatujamuona, mtu hata miaka tano ikwishe hautakuwa umemuona na bado tunaambiwa ni mbunge, hata sehemu zingine hafiki. Tutajuaje huyu mtu anatutetea au hutetei kwa sababu hatumuoni hata hatumsikii.

Com. Ayonga: Lakini sasa mzee ebu nikuongoze, wewe ndio utuambie huyo Minister ambaye hujamuona kwa miaka mitano unataka tufanye aje.

Muindi: Si maendeleo, hakuna kitu kingine tunamtakia hatuletei maendeleo.

Com. Ayonga: inakuwa huyo mtu humuoni na ulimchagua na amekwenda miaka mtano hujamuona kwa hivyo unapendekeza nini?

Muindi: kama hatutoshelezi aseme kwa serikali tuchague watatu au wanne wawe wanaweza kutufikia.

Com. Asiyu: kwa kweli wewe unasadiki kuwa mjumbe kama huyu anaweza kwenda kwa serikali aseme yeye hawezi kufanya kazi aondolewa na Serikali?

Muindi: si kwa serikali ni sisi tumeshindwa sababu hatumuoni tumeshidwa sasa.

Com. Asiyu: kitu utuambie ni hii, nchi zingine wanafanya hivi kama mjumbe hawezi kufanya kazi yake kwa muda fulani, wananchi wanaweza kuka pamoja wakaandika memoradum wakapeleka kwa speaker ikionekana ni kweli hakuna fitina ndani ya hayo mambo kuna kitu kinaitwa sheria ya return, halafu anarudi mambo yake yanatengenezwa alafu mwingine achaguliwe lakini vile unaongea huwezi kutusaidia kuandika katiba wewe.

Com. Ayonga: Asante na dakika zako zimekwisha. Ya mwisho ni nini hebu nione

Muindi: Ya mwisho ni hasa sisi wakulima, tulikuwa tunauliza kama ingewezekana hii maji hata umepitia Athi River umeiona umepitia kila mahali, hii maji hakuna yeyote anatusaidia na inapita inatiririka na unasikia ukambani kuna njaa?

Com. Ayonga: na si mnasaidiwa?

Muindi: tunasaidiwa na upande ya hayo maji? pendekezo langu hayo maji kama yangehifadhiwa hayo maji tu tuyatumie wakamba tuwache kufa na njaa.

Com. Asiyu: Mungu atawapatia si ndio sasa wewe useme sisi tupendekeze mjengewe damu kwa ile river ishike dam kando kando ndio mpate kuwa na maji ya wanyama na ya nyumbani na ya kuweka irrigation. Sasa unatuambia mambo hatusikii.

Com. Kangu: Thank you umeuliza lakini Commissioner amekuambia ungalisema tunataka maji haya yazuliwe, ili yaweze kufanyiwa irrigation na wanyama pia yaweze kupata maji ya kunywa. Enda kule uandikishe jina. Sema majina yako kamili.

Moses Wambua Masila: Asante sana jina langu ni moses Wambua Masila. Jambo la kwanza la kusema ni hili la administration, tukianza na assistant chiefs. Mimi ningependekeza ya kwamba mtu kama assistant chief na chiefs hawa wangepaswa wawe wanachaguliwa na wenyeji kwenye wanawakilisha kwenye zile sehemu zao.

Ya pili ni sehemu zenye nimeona mzee mwenzangu amesita kidogo lakini pole kwa kusema hivyo. ni kuhusu ya hawa wabunge, ningeliza wabungekama hawatimizi matakwa ya watu wawe wanapigiwa kura ya kutokuwa na imani nao kwa vile wanaumiza wale walienda kuwawakilisha.

Inginge ni jambo la elimu, sasa haya maneno ya elimu saa zingine mimi ni mzazi na tunaenda tunaambiwa jambo kama vile President alisema jambo hili na hili lisifanywe. Watu tuseme kuanzia hawa ma-DO wanakuja wanakuwa na mipango ingine. Sasa huwa tunashindwa tutafuata nani kuna viongozi pale mwenye anatuambia vile tunaelekea, na kuna mwingine hapa anasema huyu President hayuko hapa maendeleo ni yetu, sasa hii inakuwa ni mvutano katikati ya sisi wazazi kwa vile tunaona kama kuna unyanyasaji katikati ya hawa wakuu wa elimu.

Com. Kangu: Kwa hivyo sasa tupe pendekezo lako.

Moses: Pendekezo letu ni wawe wana announce kila kitu kama President amesema kitu iwe amepitisha, kuliko kuja kuambiwa ati hapa President anajenga kwao. Kwa vile sisi tunaona saa zingine kuna hii activity, siku hizi tuseme wakati kama huu watoto wangali wanafukuziwa hiyi activity fee na President hiyo alipiga marufuku kabisa, sasa sisi tunashindwa hii inaenda namna hii, hii inarudi tena huku.

Ile ingine ya mwisho, mhesimiwa ningeliza ni hawa wabungetuwe tunajua hesabu ya mishahara yao, kwa sababu wengine wanajiwekea mishahara mikubwa na vile hawafanyi kazi. Kuna wengine hata tangu hiyo Bungeifunguliwe hawajaenda huko kwa Bunge tuseme masiku kama ishirini hivi na bado unasikia wengine wanalalamika wanalipwa more than five hundred thousand. Sasa unajua hiyo nikuchukua pesa za watu bila kufanya, kazi kwa hivyo hiyo ningeliza upunguzwe sana. Asante.

Com. Ayonga: Thank you

Com. Asiyu: Lakini unataka kutuambia Bunge kama mtu hajafika mara nne bila sababu yeyote, anaweza kupoteza kiti chake. Kwa hivyo sijui kama wanakaa siku ishirini kama hawajaenda bunge.

Moses: Hiyo sijajua na kuna wakati mbungewetu alikaa karibu hata karibu mihula tatu bila kusikia akiwakilisha area yetu.

Com. Ayonga: pengine alikuwa akifanya technical appearance, tafadhali ujiandikishe huko. Na tena wakati mwingine wewe fanya bidii uwe unaenda kule Parliament kuna gallery huko ambako unaweza ukaketi, ukaangalia wabunge wanafanya nini, uone kama huyu wako analala, anauliza maswali au anafanya nini. Katika hawa nimemaliza nataka kusonga kuna mtu hapa ambaye nimemuacha kuja. Lakini ndugu yangu your face is familiar.

Stephen: Thank you for this opportunity; my names are Stephen Nzui a teacher at Kathiani Girls. Honorable Commissioners and members I would like to kindly draw your attention to the following areas in the Constitution which call for review and if possible some amendment.

One, we have the Vice President. It is to the interest of the citizens that the Constitution provides that the Vice President be elected by the people during the national general elections that is the person who comes second in the result for the elections automatically becomes the Vice-President.

Secondly, we need a society in which social and economical justice is guaranteed, that is there should be a Constitutional amendment to make a provision for the government to set minimum salaries at all levels of employment that will curb the problem of exploitation over money. We also have basic education for all then for that the Constitution should have a clause which commits the government to take responsibility to ensure basic education for children where parents are unable to pay for it and for that I think that basic education is a human right.

Then there is public health, and for this the Act governing cost sharing in public hospitals need to be reviewed since some people are unable to pay the medical expenses. That is all I had.

Com. Ayonga: Thank you mwalimu ni kitu kizuri kuwa na walimu wakati mwingine wanapofanya summary na unaweza

kuenda kule ujiandikishe na kama hiyo karatasi yako unaweza kuwacha uache. Niliona mzee mwenye kofia. Lakini mtu mwingine anaonekana hapa, okey ongea kwa vile umefika, sema majina yako.

Twambui: Mimi ni former Councillor wa area hii vile vile mimi ni trade unionist wa zamani tangu uhuru mpaka sasa. Nataka kutoa tu mapendekezo kidogo kuhusu uchaguzi. Katiba tulio nayo sasa wakati huu kunachaguliwa President wakati wa uchaguzi, mjumbe, Councillor lakini wakati tunaanza kufanya kazi unakuta Councillor analipwa pesa kidogo sana na yeye ndiye ako hapa chini na wananchi na matatizo yote ya sehemu inaletwa kwake na wananchi ili aweze kuwasaidia lakini kama analipwa shilingi elfu tisa atasaidia nani? Ingelifaa kama kweli watu wamechaguliwa watatu malipo ionekane kulingana na uwakilishaji wa wingi wa watu. Kwa mfano kama saa hii nasikia wajumbe wanalipwa shilingi elfu mia tano, na constituency moja unaweza kukuta iko na ma-councillor wanne au watano, inafaa hiyo pesa igawanywe ile inalipwea mjumbe huyo kwa kusimamia constituency pesa yake igawanywe kulinganishwa na ma-coucilor ili ma-Councillor wale wako area yake walipwe, ile pesa ikilinganishwa iwe sawa na ile analipwa yeye mwenyewe.

Usimamizi wa Councillor au county councils na municipality. Utakuta ma-Councillor wanasemekana ndio wenye kusimamia, hao ndio wenye council kwa sababu without Councillor there is no council, lakini hawana uwezo wanaangaishwa na senior officers ambao hawana uwezo wa kuwafuta. Now, if you have given responsibility without authourity it is useless. Infaa Councillorswapewe uwezo wa kusimamia councils zao, wawe na uwezo wa kuandika na kufuta yule anayepatikana na makosa. Lakini kwa wakati huu unajua vile iko, huwezi kufuta clerk, uwezi treasurer kwa sababu hao wameandikwa na council. Ndio unaona council zetu zina kuwa na shida na mambo mengi kwa sababu ma-Councillorshawa uwezo wa ku-manage na kusimamia council hiyo. System yetu ya serikali mimi ningeunga mkono iwe ya vyama vingi, au ningependekeza iwe ya vyama viwili.

Pili, ningependekeza hivi President awe ceremonial President asiwe na uwezo kwa popote anaenda kwa mkutano anatengeneza sheria zake huko na inanza kufanya kazi wakati huo. Bungeinafanya kazi gani? Sheria zinafaa zitungwe na Bungena zile zimetungwa na Bungendizo zinafaa kufanya kazi lakini si sheria za kutangaza popote. Mtu anapoenda anasema hii kufika leo hii nimesema hii. hiyo haina ya system ya serikali kwa wakati huu tunataka kuwe na ceremonial President mapendekezo yangu, kuwe na Vice President, kuwe na Prime Minister , kuwe na deputy Prime Minister wawili.

Katika mambo hiyo ya system ningelipendekeza kujiandikisha kwa kura kuendele kama vile mambo ya vipande inavyoendelea bila kukoma.

Com. Ayonga: Mzee malizia.

Twambui: Yangu ni mengi sijui utanikatiza katikati.

Com. Ayonga: Kuna wengine ambao wamengoja hapa toka asubuhi mzee.

Twambui: Okey, umenikatiza sasa nimepotea. Hiyo nitawachia hapo. Niende kwa point ingine, ukimwi. Hii ugonjwa nimesikia mambo mengi serikali inalia nasikia mambo mingi juu ya ukimwi. Na mapendekezo yangu ni haya, kama inawezekana iwekwe katika katiba yetu wananchi wote wa Kenya wachunguzwe ili kujulikane wale wako na ukimwi ni wangapi na wale wasio na ukimwi ni wangapi. Na kama mwananchi wa Kenya anaenda nje akirudi tena anafanyiwa uchunguzi kama yeye pengine ako na ugonjwa huo, na ikiwezikana watu wale wanapatikana na ugonjwa hii ikiwezekana watenganishwe na watu wengine, kwa maana sasa unapona huu ugonjwa unazidi ni vile mnasema wapatiwe mapenzi, kuwe na hii kuwe na hii halafu wanaendelea kuongeza, ugonjwa unaendelea kuenea kumaliza vijana ambao wanatakiwa wajenge nchi hii. Kama inaweza kuwekwa hiyo ingekuwa vizuri.

Mambo ya kazi ya retirement - ningependekeza watu wafanye kazi miaka arobaini na tano waweze ku-retire katika public service au kwa private sectors, ili kupatia vijana ambao wamemaliza mashule na hawana kazi nao nafasi waweze kufanya kazi. Sasa katiba tuliyo nayo watu wanafanya kazi miaka sabini na wale wamesoma wanahangaika huku watapata wapi kazi kama mtu anafanya kazi miaka sabini. Ningependekeza miaka ipunguzwe.

Police wa AP- ningependekeza hiyo iunganishwe ikuwe moja. Mimi sioni haja ya AP, wakati anakamata mtu haendi kotini kumshtaki, anakamata na anapeleka kwa polisi, na ndiye anaenda kushitaki na inakuwa long process, wastage of money and time. Ingeliunganishwa iwe Jeshi moja, wawe wanafanya kazi moja, na hiyo inaweza kufanya mambo ya sheria inaenda karibu bara bara.

Nataka kupendekeza mimi mkamba. Sisi tuko na clan ama mbai na siku hizi imemalizika nguvu na ndiyo ilikuwa inasaidia serikali kwa kuweza kuadhibu watu kutoka katika boma ikiwa wanafanya makosa ambayo hayaambatani na sheria za Wakamba. Nami nafikiri makabila mengine katika Kenya wako na clans. Ningelipendekeza kama ikiwezekana clanism iingizwe katika katiba na wale watu wako na clan zao wapatiwe uwezo wa kuweza kuadhibu wale wanaokosa na wanaopotea njia kwa sababu siku hizi utakuta watoto hawasikii, hawaheshimu wazazi na hakuna jambo wanafanyiwa. Ikiwa tutaacha tu kuwa ati sehemu yetu ya sheria ndiyo itafanya kazi hii ndio unaona uhalifu umezidi na watu wengi wajeuri wametapaka. Kwa hivyo nipendekezo langu kama itakubaliwa iingizwe na ipatiwe uwezo kama vile ilikuwa.

Ya mwisho, hawa chokora au watoto wanaitwa chokora wametapaka nchi yetu wanatoka mji mkubwa sasa wanakuja huku. Hawa watoto wanaanza kunywa gum, bhangi nyingi na bado serikali inaona na sioni ile hatua inachukua. Ningelipendekeza hivi, watoto hawa wanazaliwa na watu, nataka katika katiba iingizwe mambo ya chokora kwa sababu miaka ijayo itakuwa shida sana kwa watu na ingelifaa iingizwe kwa katiba na serikali ichukue jukumu la kukusanya watoto wote wale wanaorandaranda katika sokoni na kuchunguza kweli kama ni chokora wa kweli wenye hawana wazazi. Wakipatikana hawana wazazi wajengewe, sitaki kusema jela au shule, wajengewe makao wapatiwe elimu huko

wafundishwe kazi huko wazuiliwe huko bila kuachiliwa na kuja kutangatanga na wasomeshe na serikali. Na wale wengine wakichunguzwa waonekane wazazi ndio wanawaachilia ovyo ovyo na wana uwezo wa kulea watoto wao, ningelipendekeza iingizwe kwa katiba hao wazazi walazimishwe kuchukua nakuangalia na kulea watoto wao. Na ikiwa serikali haiwezi kupata pesa za kuweza kugharamia gharama hii, ni heri au mimi napendekeza iongezwe hata kama ni sumuni juu ya kodi ambayo inayotozwa raia ili kuweze kupatikana pesa ya kuwalea na kuwasomesha watoto hawa.

Com. Ayonga: Thank so much mzee kwa maoni yako mazuri ambayo umetupa

Twambui: Mimi nilikuwa nataka kukaa masaa mawili nikitoa maoni yangu. Lakini naona wewe unanikazana.

Com. Ayonga: lakini kitu ambacho ungefanya mzee kwenda andika hatam ukiandika page kumi halafu uletee hiyo itaenda kuwekwa kwa computer maneno yako yote tumeshapata your main points.

Twambui: Sasa mimi nataka kuuliza swali sijui wewe utanijibu?

Com. Ayonga: Siulizwi maswali.

Twambui: kama wewe hujibu, maoni yangu ni hii, hii Commission ya marekebisho ya katiba, iwekwe permanent iwe inaweza kukaa baada ya miaka kumi inakaa tena kuanza kuchunguza maendeleo ile imefanywa na katiba iliyomaliza miaka kumi ili watu waanze kutoa maoni yao juu ya katiba mpya kubadilisha vigumu vigumu. Education hii sasa ya civic haikuwa nzuri kwa sababu hatujui katiba ni nini tunaambiwa kubadilisha katiba nitabadilisha katiba gani na ile ya mbele mimi sijui?

Com. Ayonga: Asante sana mzee kwa maoni yako.

Twambui: Kwa hivyo iwe na nafasi ili raia waweze kupatiwa civic education waweze kuelewa kubadilisha katiba ni nini na kutengeneza katiba ni nini.

Com. Ayonga: Asante sana. Wapi huyu, ni wewe, ndipo nitaanza list ingine. Tafadhali keti na chukua microphone, sema majina yako.

Paul Kamanga: Naitwa Paul Kamanga. Asante kwa mwenye kiti kwa kunipa wakati huu niwe nikisema machache kuhusu huu mkutano. Asante sana. Yangu ni moja ambaye ninasema hivi.

Tutaanza na shule - Ningelipendekeza mimi mwenyewe kama inawezekana kuanzia nursery mpaka university iwe ni line moja, masomo ya free.

Ya pili, nimesikia mtu mwingine hapa ameahidi ya kwamba kuna kitu kimoja ambacho kinaitwa pombe. Pombe, nitaongea kwa

kifupi kuhusu pombe. Hiyo pombe ambayo tunayosema hapa, ni pombe ya muratina kwetu lakini tukienda pwani huko siutakuta wagama na ukikuta wagama hao wagama ukiwakataza hiyo pombe ya kugema huko kwa minazi hawa si utawaua au wataweka kamba? Sasa ningependekeza mimi kwa maoni yangu sasa sisi muacha mila ni mtumwa na sisi hatutaki tuwache mila kwanza tunataka to follow mila yetu. Kuna pombe ile ambayo tunaenda kuoana na hiyo pombe. Nikipeleka zile mbuzi tatu unapeleka na pombe. Ukipeleka kila kitu kwa shemeji wako unapeleka na pombe. Sasa hii pombe mliyosema ni mbaya, inaweza kuwa ni mbaya kivipi?

Com. Ayonga: Wewe tuambie unatakaje?

Paul: Sasa ningependekeza hii pombe iwe kidogo lakini sio zaidi. Kwa kusema ukweli, mimi kwangu mimi, mwenyewe kuna gari ambayo imewekwa hapo na shetani hata sio mimi nimeweka mimi ile ya kusema ile ya kusaga miwa. Na hiyo gari iking'olewa hapo hata yule anakuja kung'oa hiyo gari yeye mwenyewe atakutana mashetani yake sababu mimi sio mimi niliweka hapo ndani iliwekwa na mwenyewe. Kwa hivyo ninataka waandike hichoo kitu.

Com. Ayonga: Gari gani iko kwako?

Paul: Iko gari moja ambayo ni ya kusaga miwa na hiyo gari mimi ninasaga miwa wakati ule nimeambiwa nisage miwa na hiyo shetani. Lakini sisagi kila wakati.

Com. Ayonga: Hebu tusikie haya maneno ya Paul ni mageni kwa wengine wetu pengine nyinyi mnaelewa kitu anachosema na tuko hapa kwa kusikia, tuelewe ni kitu gani Paul anasema tupeleke, kwa hivyo mtuachie nafasi ya kumsikia.

Paul: Kwa hivyo, hiyo gari ambayo vile nimeikuta hapo, sio mimi nilienda nikaitengeneza nikaiweka hapo, imeletwa na shetani hapo. Na sasa wakati ule mimi nimeambiwa nisage hiyo miwa kidogo ninaenda na nunua halafu nasaga kapombe kidogo alafu nakuja na wamwagia hapo chini ndio iwe kikao ya family yangu. Sasa mimi sinywi pombe mimi mwenyewe. Lakini hiyo pombe mnayosema, ninataka iandikwe isiwe nyingi lakini iwe kidogo.

Com. Ayonga: Asante, asante, Paul hiyo tumesikia.

Paul: Nikiongeza kidogo, kile kiko mimi mwenyewe ningependekeza serikali ichukue jukumu la kuangalia shule vile zilivyo, sababu shule kumekuwa na wanyanyasaji sana ningependelea shule ziingiliwe sana, sababu ziko na shida sana.

Com. Ayonga: Thank you so much could you please now go and register your name there. Now, katika wale niliokuwa nao hapa zamani nimewamaliza, thank you. Wale niokuwa nanyi hapa nimewamaliza hakuna ubaya chairman, could you please take your place. Na ambavyo chairman naona una memorandum kubwa kabisa tafadhali utupe summary ya maneno yako makubwa

makubwa na ikiwa kuna mengi hayo utupe tubebe. Go ahead.

Kilonzo: Thank you chairman of this sitting and the other Commissioners. My names are J.M.Kilonzo, John Mutuku Kilonzo. I will dwell on education, the presidency, agriculture, the police force and registration.

Ningetaka katiba ya leo ambayo tunaenda kuandikisha isimpe Rais atakaye kuwepo ruhusa ya kusimamia majeshi.

Number ya pili, ningetaka Rais atakayekuweko asikuwe head of universities lakini universities zisimamiwe na wale ambao wamekuwa ma-professionals wale wamehitimu katika eneo hili.

Ningependekeza kwamba wale ambao wamehitimu katika mambo kadha wa kadha wasimamie department zao politically. Ningeuliza pia katiba ambayo tunaendelea kutengeneza isimruhusu Rais atakayekuweko asimamie Judiciary. Ningetaka pia katiba itakayokuweko isimruhusu Rais a-appoint the most senior civil servants in this country wachaguliwe na Parliament.

Katika masomo ningeluliza education system iliyoko ya 8-4-4 ikuwe scrapped na tupewe ile system tulikuwa nayo zamani na badala ya kuwa na three semesters in one year tuwe na two semesters ili watoto wetu wawe na wakati wakutosha wa kupumzika. Ningependekeza kwamba katika katiba ijayo sheria itolewe ya kwamba watoto wakienda likizo iwe ni likizo lakini sio coaching.

Ningetaka wale waliotengeneza 8-4-4 system wakiwa na makusudi ya kuharibu watoto wetu wajaribiwe kotini kwa huu mpango kwa sababu haikutengenezwa na nia nzuri. Ningependekeza katika masomo pia watoto wote baada ya kumaliza form four walio na C plain and above, waruhusiwe kujiunga na vyo vikiu hata kama ni day scholars, kwa sababu C plain na kuendelea na juu ni mtu ambaye ametosha kupata shahada ya aina yoyote atakama ni ya doctorate ama lawyer ama whatever it is and profession. Wanafunzi wote wapewe loan kama itawezekana na walipe baada ya kumaliza chuo kikuu wale ambao wamepata C plain and above to create more lecture halls na tuandike more educationists in the universities badala ya kuzuia watoto wetu wasisome kwa sababu ya few facilities in our universities.

Kuhusu agriculture ningeomba mito yetu ambayo iko katika kila eneo la Kenya, we do what we call damming ili watu waweze kujitosheleza kwa chakula irrigation iwe provided tufungie mito mahali inawezekana halafu tu-improve our income by irrigating the wastelands which lies idle all the way to Mombasa from the highlands.

Kuhusu polisi, ningeomba polisi igawe mara kadha pamoja na the departments that are there ningeomba, number one, kitu ambacho kinaitwa medical police kiundwe katika nchi hii. Ilikuwa katika nchi ya South Africa na mtu wa kwanza, police wa kwanza kufika mahali kuna ajali ni medical police, kazi yao ni kuchukuwa wale ambao wameumia na kupeleka hospitalini. Ningeomba hio katiba ianzishe a department of medical police. Tukuwe na corruption police, tukuwe na traffic police, tuwe na

personal security police na criminal police. Pia ningeomba, askari wote ambo tuko nao ili tuondoe culture ya corruption in our police force na warudishe jina nzuri wawe retrenched tena na wapewe mishahara ambayo ni afadhali kidogo

Ile ingine ningesema kwa sababu kipande chetu, our ID card is only recognized in our villages and in our small towns ukifika katika airport utajua kile unabeba ni karatasi. Ningeomba kila mwananchi wa Kenya apewe passport badala ya kipande kwa sababu hii itatuwezesha kufanya kazi duniani kote na pili tukitoka nje ya nchi hii tutakuwa tuna weza kutambulikana.

Na ya mwisho ningeomba kwamba wale ambao wangetaka viti vya kila aina uBungena local government wasiruhusiwe kutumia pesa lakini watumie manifesto yao ambayo itaweza kutuambia watafanya nini katika nchi hii na character yao itumike kama viongozi wa kesho. Na iandikwe itakuwa ni hatia mtu kutumia pesa katika campaign atumie qualities zake na manifesto yake itusaidie. Thank so much unless there is a question.

Com. Ayonga: Huyu alikuwa Mr. John Mutuku Kilonzo ambaye ni chairman wa three Cs na bwana Kilonzo tunashukuru sana kwa hayo uliyoyasema na unaweza kutupa hiyo nini? Itakubidi uandike tena utupe kesho. Thank so much.

Kilonzo: Any question?

Com. Ayonga: It is very clear, it is straightforward. Kuna yeyote hapa ambaye amebaki kwa maana naona nimemaliza wale watu wangu nilio kuja nao na tafadhali usiongee just because unataka kuongea. Ongea kwa maana kuna point ambayo uliyotaka kusema ambayo haijasemwa. Usiongee tu kwamba watu walio kuja hapa waliongea uanze kurudia vile vile vilivyosemwa. Kama kuna jambo, una mzigo katika moyo wako na jambo hilo halijasemwa, unaweza kuja uliseme. Ni nani aliye na jambo linalomsukuma ambalo halijasemwa? Sasa nikiangalia nyinyi wawili naona huyu ni kama mzee, hebu muweke mikono yenu juu nione mzee, wewe unaangalia wapi mimi ninasema mikono. Ni hawa watatu, haya kuja mmoja wenu halafu mwingine afuate na mwingine afuate, keti kwa hicho kiti.

Bernard Mutiso: Mimi naitwa Bernard Mutiso. Ninataka kutoa mapendekezo yangu kuhusu hii sheria inatumiwa na local government, hii ya plot. Ukijenga plot yako na umenunua hiyo plot na ukajenga wewe mwenyewe na shida, mwisho unaona mtu mwingine anakuja kukuambia lazima uwe ukilipa hii plot. Hiyo sheria imepitishwa na wakoloni. Kwa hivyo ninaomba serikali yetu iondoe hiyo sheria.

Ingingine ni hii katiba inaturuhusu tuwe tukipatiwa title deeds na hiyo title deed niwe nikilipa na nikiendelea na kulipa nikimaliza miaka 97 hiyo kichaka lazima ni-renew kama mtu mgeni nchi hii. Kwa hivyo hiyo sheria inaonekana imepitishwa vibaya.

Com. Ayonga: Asante mzee, ya tatu.

Mutiso: Ya tatu, ni serikali yetu inataka kuondoa umaskini, lakini haitusaidii kwa hilo neno kwa sababu serikali kutoka mtu wa kwanza mpaka wa mwisho, huyu wa mwisho halipwi na huyu ni huyu mtu anaitwa mzee wa kijiji anaweza fanya kazi miaka mia na hapatiwi chochote na ni mtu anafanya kazi sana kwa hivyo sheria bado haijaangaliwa ilikuwa ni ile ile tu ilipitishwa na kikoloni. Kwa hivyo ninamba serikali yetu ikiwa inataka kumaliza umasikini nchi hii iangalie hiyo vitu viwili inaumiza mkaazi wa nchi hii akafanywa kama mgeni.

Com. Ayonga: Hebu mzee ngoja, enda kule ujiandikishe, yule mzee mwingine nimengoja, akapinga jinsi nilivyosema nilikuwa nalenga yule lakini umekuja endelea tu kijana

Alfonse Mutinda: My name is Alfonse Mutinda Kateti; I have only two things to suggest.

First is about the election. During Presidential elections I would suggest the leading candidate if he does not earn more than half of the total votes cast, we should have a second round whereby the leading candidate and number two they should go and people should vote again to select now the best out of the two.

Number two, is about land inheritance. There has been a lot of people not being not contented by the way people inherit the land especially in cases of polygamy. You find that it has been done in a traditional way, nowadays such that he let say a man has got two wives, the land is divided depending on the number of wives if they are two it is divided half way and you find that one of the wives might have only one child and another one has around ten and you see these ten children may start complaining because of the way the land has been divided. So I would rather suggest the Commission to come up with a clear way of dividing depending on the number of children but not the number of wives.

Com. Ayonga: Thank very much bwana Alfonse Kateti, unaweza kwenda kule ujiandikishe. Mzee sema majina yako.

Jacob Musyoki: Jina langu ninaitwa Jacob Musyoki Kilumba. Maoni yangu nazungumzia jambo moja tu uchaguzi wa county council. Maoni yangu ningependelea uchaguzi uendeleo namna ulivyo endelea hapo mbeleni. Huku watu (inaudible).....

Ingingine kitu nataka isiwe na mchanganyiko ni mayor, mayor mwenyewe achaguliwe na wananchi na wawe wakichaguliwa wawili kila sehemu, wakichagua mayor waende kwa ofisi ya council ili wachague mayor. Asichaguliwe na council peke yake.

Com. Ayonga: Asante sana mzee ulisema ulikuwa na oni moja tu. Asante sana unaweza kuenda kule ujiandikishe. You say you have one point, one point-one minute. And teacher you know there is summary and please summarise what is it that you forgot, we had already listened to her, I am just briefing other Commissioners.

Mary Nyawira: My name is Mary Nyawira, I did not forget you gave me three minutes instead of five, that is about the harambee. I think harambee, the fund Raisings in the country, they should be controlled because you find the President and Ministers and many other people they make contributions and if you look at those contributions versus their income you wonder where this money is coming from. So I think the money, they should control it in such a way that they know, let us say you are

told he gave one million today, he gave five hundred thousand, tomorrow I do not know he will have to be a multi-millionaire to give that kind of contributions. So I think they should check if he gives a contribution whoever it is at whatever level he should have indication from whom that money has been gotten, so that we control sometimes these fund Raisings we are bulldozed if it is an officer may be the divisional officer is having a fund Raising, he will force people to give him money. So I think they should control so that people are not bulldozed to give money and also these people who are contributing are not supposed to steal money so that their popularity is based on how much contribution they are giving, and also they should declare, if they are contributing more than their income they should declare where this money is coming from. Thank you.

Com. Ayonga: Thank you that was a nice ...

Interjection:

Com. Kangu: What is the best mechanism of controlling these people?

Mary: I have given two; one is to ensure that if somebody is contributing they are monitored because we get announcement even on the public media. If the contributions they make are above their income they should declare where the rest is coming from.

Com. Kangu: Why not just ask them for income tax on what is over and above and taxing?

Mary: That is what I am talking about, declaration so that we don't get these problems of bulldozing and also stealing to do that.

Com. Ayonga: Thank you now as chairman I want to stand and when I stand I am declaring something. I want to thank you all who have participated during the afternoon section and chairman wa hapa wa three Cs na bwana DO nadhani mumeona kwamba kila mmoja amesema mpaka ameishiwa and I want to thank you for your patience, I have seen many school children come in and come out because of the period I think they come during breaks and then they go back. I want to thank you for the very mature contribution you have made, what you have told us, what we have written in our notes and what we have recorded in the machine will not cheat and it will not skip anything. Even a small cough that you had it has been recorded that you coughed when you were giving your views. I want to now bring this meeting to a close I am sure the good Lord who helped us to come here has helped us to go through our programme. Is there anyone here who would volunteer to say a word of closing prayer before we leave? Mzee kuna microphone hapo,

From the crowd: tunawashukuru kwa kuja huku kwetu Ukambani.

