

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS,**

**MWALA CONSTITUENCY, HELD AT MAKUTANO A.I.C HALL**

**ON**

**MONDAY 13<sup>TH</sup> MAY 2002**

**CONSTITUENCY PUBLIC HEARINGS, MWALA CONSTITUENCY, HELD AT MAKUTANO A.I.C HALL**  
**ON 13<sup>TH</sup> MAY 2002**

**Present:**

1. Com. Mutakha Kangu
2. Com. Pastor Ayonga
3. Com. Phoebe Asiyu
4. Com. Charles Maranga

**Secretariat in attendance:**

1. Programme Officer – Peter Kanyi
2. Asst. Prog. Officer - Lydia Manyoni
3. Verbatim Recorder - Jackline Nyamoo
4. District Co-ordinator – Rose Kimeu

**The meeting started at 10.00 a.m with Com. Dr. Maranga in the Chair**

**Prayer :** Kwe isitwa ya Asa na ya Mwana na ya Veva Mutheu utwike uu. Mwia twi mbee waku yu saani uu usu tuitunga muvea nundu wa Makomishina aya mokie vamwe na andu kuka kunengane maoni moo ala metethya syana sya uni. Tuineena kila tuineena Mwiai kithiwe kyumite kwaku lakini ti makanywani maitu. Mwiai tongoesya group ino sya andu ila syi nziani sitanamba uvika syavika Mwiai tuyiulwa ni kuukatha na kuumia. Mwiai utwiee. Mwiai utwiee. Kwe isitwa ya Asa, ya Mwana, ya Veva Mutheu, utwike uu. Tumukathe Yesu Kristo. Tene na tene utwike uu.

**Rose Kimeu :** My name is Rose Kimeu I am the District Co-ordinator, Machakos and with us here are Commissioners from

the Constitution of Kenya Review Commission. They will later introduce themselves, but let me say that it is good that you people have come so that we may be able to start in good time.

**Rose Kimeu:** Ekai nasye amwaitu nikwithiwa ninywe ngwona mukie twiyumbanie kunengane mawoni maitu kwa Tume ino ukuvindua Katibaka nthi yaitu ya Kenya. Nimwisi ivinda niyivikite yila ithye tukwendeka tunengane mawoni maitu. Nitwiwanie kiu? Nimwiyumbanisye kuite mawoni menyu? Nayu tuinenge mwanya ii Komishena metawanie nimo aau ni kenda tuendee kuma vau. Nitweewana? Mimuvea.

**Rose Kimeu :** Let me give this chance to the Commissioners they will introduce themselves and we will proceed from there.

**Com. Dr. Maranga :** Asante sana nafikiri tutaongea kwa lugha ya Kiswahili ndio watu wengi waweze wakasikiliza kwa hivyo, huu ni mkutano wa Tume ya kurekebisha Katiba na tunataka kuwakaribisha kidogo lakini kabla hatujaongea vile mtatoa maoni, hebu tuweza kuwajulisha ni wakina nani wako hapa leo. Mimi naitwa Dr. Charles Maranga ni Commissioner. Na mimi ni Pastor Zablon Ayonga, Commissioner. Watu wa makutano ‘mwache watu’, ‘mwawauseu’ mimi naitwa Mutakha Kangu.

**Com. Dr. Maranga :** Basi kutoka huko tunasema Tume ya kurekebisha Katiba au Makao Makuu ya Tume ya kurekebisha Katiba tunao wale ambao tuko na wao ambao tunasema ni Secretariat, ama wale watu ambao wanasaidia katika hii kazi ya Tume ya kurekebisha Katiba. Tuko na Bwana Kanyi ambaye ni Programme Officer, vile vile mwingine hapo ambaye anafanya recording anaitwa Barbra lakini jina yake ingine sijui lakini tunamwita Barbra. Na mwingine hapa anaitwa Lydia, hawa wote wanashugulika na kazi ya kurekebisha Katiba. Pengine ningependa Co-ordinator wa hapa atujulishie kama kuna wale ambao tunaita Constituency Constitutional Committee members kama kuna yeyeto, kama hakuna basi tutaendelea na programme.

**Rose Kimeu :** Ningependa kusema kwamba watu wa, ama members wa Constituency Constitutional Committee bado hajaingia, nimeona mama mmoja, Juliana Muli ni mmoja wa wale ni Constituency Constitutional Committee members wa hapa, wale wengine pengine bado wako njiani.

**Com. Dr. Maranga :** Asante. Basi leo Commissioners wengine hapa wamekubali niwe mwenyekiti wa mkutano wa leo. Kwa hivyo mimi nitajaribu kuwapatia ile masharti ambao pengine, tunaweza tukafwata tukitoa maoni. La kwanza kabisa ni kuwa kama unataka kuongea mbele ya Tume ya kurekebisha Katiba ni vizuri ujiandikishe, na unaona yuhu mama – anaitwa nani, Muli – Mama Juliana Muli ndio anafanya registration ama ndio anaandikisha watu wale ambao wanataka kuongea. Kama hutaki kuongea unaweza vile vile ukajaza jina lako na useme hutaki kuongea. Tunaelewana?

Na mtu hapa anaweza akaleta memorandum, ukileta memorandum unaweza ukaiwacha bila ya kuongea ama kama una maoni unaweza ukayatoa.

Na sisi kama Tume tunapeana kwa watu dakika tano ile uweze ukatoa maoni yako. Kwa hivyo unatoa maoni yako kwa dakika ngapi ? Tano. Kwa hivyo wakati unatoa maoni uwe na kabisa uhakika yakuwa maoni yako yale ya muhimu umeyatoa kwa hizo dakika tano. Sisi kama wanatume tunataka kumpa kila mtu, kila mwananchi wa Kenya wakati ambao anaweza akatoa maoni yake. Kwa hivyo tunafikiria hiyo ndio masharti sisi tutafwata.

Na sisi tunafwata vile watu wamejiandikisha, uwezi ukainua mkono at mimi nataka kuongea. Tunafwata list ile ambao tunapewa kutoka kwa mama Juliana Muli kwa hivyo vile umekuja, unajiandikisha na tutakuita ili uweze ukakaa mahali hapo utoe maoni yako na hiki kitu cha kunasa sauti, inanasa wewe vizuri vile unaongea kwa sababu tunataka kuweka ile tunasema record ya Tume ya kurekebisha Katiba. Kwa sababu hii ni maneno ya muhimu katika nchi yetu ya Kenya. Kwa hivyo mimi sasa nataka kuanza na naomba Juliana Muli utupatie ile list iko hapo, ili tuweze tukaanza kuita wale watu wa kwanza.

Haya, na ile lugha yakutumia ya kutoa maoni, unaweza ukatumia lugha ya Kiingereza, unaweza ukatumia lugha ya Kiswahili ama lugha ya mama, kwa upande huu nafikiri ni lugha ya Kikamba, lakini utuelezee ili tuweze tukauliza District Co-ordinator aweze akajua ni nani anaweza akatafsiri. Kwa hivyo mimi sasa nataka kuita mtu wa kwanza kabisa anaitwa Kyalo Kimata. Kyalo basi ukae, you have a place, kuna mahali anakaa? Pande ile? Haya Kyalo kaa pande ile

**Kyalo Kimata :** Sasa Ma-Commissioner tuko na shida, kwa sababu hawa watu wetu hatujui katiba, kile ningepomba kwanza tungefunzwa hii kitu ili tuelewe ni nini katiba. Tungeingia kwa shule watu wafunzwe vizuri waelewe maana ya katiba, hiyo ndio kitu ambao kina muhimu kiingendelea kwa katiba.

Kili kingine tunaona powers, nguvu za Executive ni nyingi sana na tunataka, we want all those powers of the President to be trimmed, because Executive has a lot of power.

**Com. Dr. Maranga :** Naomba kina mama muwe kimya tusikilize maoni ya mzee.

**Kyalo Kimata :** We want that power of the President to be trimmed, Executive.

**Com. Dr. Maranga :** Akina mama tunawaomba tafadhalini msionge, kwa sababu sasa tunasikiliza maono.

**Kyalo Kimata :** We have another problem of Judiciary. Judiciary should be independent from another organ of the powers of this country. We felt that there should be no kind of interference from Executive or Judiciary, that is one very important thing. Parliament should be given more power than any other organ because they are the ones who made these laws of this country.

There is another thing of gender issue of this acclamations of women. Women should be given the powers like men's. Because they have all the rights like men anyway, they should be given at least balancing of the powers to women.

Another thing we should address the issues of disabilities of people because they belong to our society and they have the right to be here, to be recognized like anyone, so that their rights should be addressed in the Constitution.

Another thing is the distribution of National Resources, to other areas. That kind of thing, Commissioners, you should cater for those people, distribution of our National Resources is unfair to some areas.

Land issues – Land is one of the very major and important things. Land should not be dished out the way the Government is doing, it should have at least a mechanism to be put in place so that it is distributed equally to all mwananchi.

Citizens of this country – We should also look on this foreigners who come here they should at least be given time either to be incorporated in our Constitutions because now, foreigners should be registered.

**Com. Dr. Maranga :** (inaudible) Songea karibu halafu. Mwingine ambaye nataka kumwita sasa anaitwa Councillor Mary Kivulu. Councillor Mary?

**Councillor Mary Kivulu :** Kwa majina naitwa Councillor Mary Mueni Kivulu. Mimi ndio councillor wa Makutano Location, here in Mwala Division. Yangu, nataka kwanza kulalamika. Kwa sababu Commissioners wa Mwala Constituency wale ambao mlikuwa mmetupatia, hajapatia wananchi huduma ile inatakikana. Wananchi hata hawaelewei kabisa ni nini hapa tunakuja kuongelewa, kwa kutoa hii maoni kwa siku ya leo. Hata wengi wao hawajui, lakini wale ambao wamejua pengine ndio watakuja watoe maoni lakini, mkienda mjue ya kwamba katika Mwala Division watu wote hawajui ni wachache sana.

Nitaendelea na kutoa maoni yangu. Na kwanza nitaanza na Registrar of persons - Nimeona hiyo kama mimi ni kiongozi wa area hii nimeona ikileta shida sana, haswa kwa akina mama na mimi ninaomba, sijui kwa Katiba iko namna gani kwa kupindua kipande ikiwa mama ameolewa?

Kubadilisha kipande imekuwa so expensive kwa upande wa mama, sijui ni kwa nini wanaume hawaambiwi pia walipe pesa saa ile mabibi zao wanabadilisha kipande, sijui kwa nini na akina mama wanaambiwa walipe there some expense na hiyo exercise inafanyiwa katika Distirct level lazima mama aende kortini kwanza aape kwamba ameolewa na maneno ingine mingi na mkiangalia vile, tukiona vile tuko na shida sana ya pesa, saa ingine mama anakaa mpaka anakuwa mzee hata kabla hajabadilisha kipande. Na kwa bahati mbaya bwana wake akifariki, kua kuna shida sana, katika ile mali ameachiwa na bwana yake.

Mnajua ya kwamba katika Public Trustee ndio pesa hutumwa huko, na pia kuna shida sana kama huyo mama hajabadilisha hiyo kipande. Kwa hivyo mimi nauliza, ikiwa huduma serikali ilisema huduma ipelekwe katika mwananchi, that is, tuseme kwa DO's office. Katika Katiba iwekwe hiyo, iletwe, kubadilisha kipande iletwe katika divisional level, lakini siyo district level kwa

sababu tuko na poverty nyingi sana katika hii na katika Kenya kwa jumla.

Ili ingine nitaongea, nikijua ya kwamba kuna Council ambayo ilifuniwa katika katiba ile ya zamani, na powers nyingi mmepewa Chief Officers, imepewa Chief Officers na ikiwa inawezekana na ikiwa hii serikali yetu inataka Kenya yetu wananchi wawe na mali na wawe wanajitegemea sana, tunataka powers za Council zirudishwe kwa ma-Councillors.

Na ile pesa wananchi wanatoa izilipe Councillors na Chief Officers na wafanyi kazi wa Council, iwekwe katika kit ambayo itarudia hawa wananchi wapewe huduma. Kama vile ilikuwa zamani ndio tuweze kuwa na Community Workers, Community Nurses na CBS, ambao wanalipwa na serikali lakini siyo pesa za wananchi zile ambazo wanalipa .

Kile kingine, mimi nitaongea, nitaongea juu ya utamaduni, utamaduni mwingi katika clans kwa sababu Kenya tuko na tribe nyingi ziko na design mbali, mbali tunataka kila kabila ikae tu na ile custom yao. Lakini kuna zingine pia zinafanya watu. Haswa akina mama, zinafanya watu na hizo zichunguzwe katika clan level. Na kila kabila iwachiwe vile inataka ikae, ikiwa bwana ndio “ananunua” mama, ikiwa bibi ndio “ananunua” bwana, wakae namna hiyo, lakini tusichanganyishwe pamoja tukuwe vile wale wengine wanafanya ama wale wengine wanafanya tukae pamoja hapana mimi nataka kila clan ikae na ile custom law yao.

Kile kingine mimi nataka kuongea, nataka kuongea juu ya watoto – sisi tunasikia, ‘say yes to children’ in big towns, cities like Nairobi, Kisumu, Mombasa. Na mahali kuna watoto wengi ambao wanahitaji huduma sana ni katika rural areas. Kwa hivyo ikiwa kuna jambo ambalo limekuja la Kenya ikiwa ni la mtoto, ikiwa ni la mama, ikiwa ni la baba, watu wote wawe treated equally.

Watoto wa reserve wako na shida nyingi sana sana na hata mimi nataka kuuliza ikiwa inawezekana, katika office ya DO tuwe na department ya watoto, kwa sababu ndio tuwe tunapeleka mashida ya watoto katika department hiyo ikiwa inawezekana. Ndio tusiwe saa zote tunapeleka manane kwa cities, na wale watoto ambao wako na shida sana kila siku ni katika rural area. Kwa hivyo, ikiwa katiba pia ni katiba ya watoto wale wa rural reserve, huku reserve tunataka wapewe equal representation katika divisional level, na ikiwezekana sana katika locational level. Tunataka hii katiba ikitengenezwa itengenezwe katiba ya watu wa Kenya na siyo katiba ya watu wa sehemu moja ya Kenya.

Kili kingine mimi nataka kuongea, nitaongea sana kwa sababu jusi tulikuwa tukitoa maoni vile Wabunge watalipwa na vile Rais wa nchi hii atalipwa mshahara. Nafikiri hiyo pia ni sehemu ya katiba. Mkikumbuka ya kwamba watu hawa wamechagua Wabunge katika Kenya, yote na Wabunge wengi wametoroka their electorates, they have run away from their electorate they have gone and stayed in Nairobi or elsewhere, hawasikii wananchi na wananchi wanawahitaji sana wanaitaji huduma yao. Tunataka katika katiba mueleze kwamba yule bunge ambayo si accountable ama available katika mwananchi anaweza kwenda kushtakiwa wapi na hawa wananchi ndio aitwa arudi nyumbani achukuwe mashida ya wananchi wake.

Kwa hivyo pia hiyo kwa sababa inashika wale watu ambao wanaitaji huduma ya Mbunge sana, wataambiwa waende ku-complain wapi? Ikiwa inawezekana. Kwa hivyo ikiwa inawezekana, katika katiba ndio iwe ni kitu ambao hata anaweza pelekwa hata kortini na wananchi iwekwe katika katiba kwamba Mbunge wenu akiwa si available mnaweza kwenda mahali fulani huyo ndio mta-complain kwake kwa sababu kwa wakati huu hatujui na tuko na shida nyingi sana.

**Com. Dr. Maranga :** (inaudible).

**Councillor Mary Kivulu :** Najaribu kumalizia. Mimi niko na maoni mengi sana ya kuongea,.

**Com. Dr. Maranga :** (inaudible).

**Councillor Mary Kivulu :** Nitaandika. Asante. Lakini nataka pia kumalizia na kusema ya kwamba, wananchi waendeleo na kufundishwa katiba ni nini, ikiwa inawezekana. Tuko na Ma-CDS ambao wanaweza kusaidiana na Committee ya Constituency, tuko na Ma-Councillors na viongozi, na viongozi wa clan, Pastors na wale wengine. Kwa hivyo mimi nitaandika maoni yangu nitume kwa office yenu Nairobi na nimeshukuru sana.

**Com. Dr. Maranga :** Asante sana. Anayefwata anaitwa Jonathan Muthoga. Haya enda huku anza --- yako una dakika tano.

**Jonathan Muthoga :** Asante, kwanza nawasalimu wote hamjambo

**Commissioners :** Hatujambo

**Jonathan Muthoga :** Nitaongea nikisimama.

**Com. Dr. Maranga :** Sawa tu.

**Jonathan Muthoga :** Asante, yangu nimeandika lakini nitaenda upesi isipokuwa nitaenda kikawaida. Kwanza kili mimi nataka sana kusema ni watu wengi hawajui katiba ni nini. Na hiyo ni kitu ya muhimu sana watu kuelimishwa kujua katiba ni nini, kwa sababu ukiongea kitu ambao hukijui uwezi kujua ndani yake kuna nini. Hiyo ni kitu moja ambao ningetaka iwe na urekebisho sana.

Ile ya pili ni madaraka, tukiangalia katika serikali ama nchi yetu ya Kenya madaraka yako pande moja na kama ingewezekana hii madaraka iteremshwe kwa kila mtu. Kwa sababu tunaanzia na wazee wa wale tunaita Elders. Wengine wao wana madaraka wanakaa tuu na madaraka yote iko juu sana kwa hivyo kama ni maoni yangu, ningesema hiyo madaraka iteremshwe iwe na watu yote.

Kile kingine kama Kenya iko makabila 42 kuna ile tunaita bendera ya Kenya na kama ni hiyo pendera ya Kenya vile tunaona katikati kuna ile marangi na ile ni sawa. Lakini tukiangalia kuna mishale kuna ngao na makabila mengine hawatamii ngao ama hawatamii nini. So we want it to be in common vile nikiona hii nijue ni bendera yangu ukiona ile ujue ni bendera yako, iwe namna hiyo. Hiyo ni maoni yangu.

Ile ingine ni matajiri na maskini, tukiangalia sana kuna gap between the poor and the rich wengine matajiri wako juu sana, wako juu sana na maskini wako chini sana. Na hiyo kama katiba ingeingizwa ile ya kamili gap ingekuwa kidogo kwa sababu unaona mtu alikuwa na check plot kama kumi na yeye ni peke yake na tuseme ana watoto watano na mwingine ana watoto kumi na hana mahali so there is a gap there. Na kama katiba ingekubali hiyo ingeongewa ili watu wote kwa sababu wote tu wakenya tuwe na togetherness ama nearness kwa hivyo hiyo hali ya tajiri na maskini ingekuwa kidogo.

Ile ingine kuna kitu ambao kilijulikana kama wale wanaitwa wakili. Mawakili tuseme hawa watu siku hizi sana ni lazima wafanyiwe turubini ile tuweke tarubini kwa sababu mtu akiwa maskini na mwingine ni tajiri na tajiri anachukuwa wakili na yule maskini ndio mwenye kulalamika ndio mwenye haki, huyo tajiri ataenda tena asukume na pesa asukume huyo tajiri na huyo maskini aendeleo kuumia. Kwa hivyo there a point there to see how you can do it to equalize. Hiyo ni juu ya mawakili kuangaliwa juu yao.

Ile ingine ni juu ya watoto, siku hizi tunaona watoto wa siku hizi tunalalamika sana kusema watoto hawana nithamu hawana nini. Lakini ile iko ni tabia ambayo sisi hurekebisha sana, kwa sababu mtoto, bibilia inasema vile mtoto umleavyo ndivyo akuwavyo. Na katika bibilia inasema kutumia fimbo kwa mtoto. Na siku hizi kuna vikwazo sana kwa watoto kwa sababu ukijaribu hata mwalimu anaogopa kutumia hata wazazi wanaogopa kutumia hata mwingine anaogopa kutumia kwa sababu ukiongea na mtoto ama umseme kitu au umpige kidogo, mzazi anaenda chukua wakili na ule mtu alikuwa anarekebisha tabia ya mtoto, kwa hivyo hali ya watoto ikiwezekana iangaliwe sana.

Ile ingine ni juu ya harusi – siku hizi kuna matatizo katika harusi sana kwa sababu kuna harusi ya kanisani kuna harusi ya nyumbani na hizo harusi saa ingine zinaleta matatizo, kwa mfano mama na mtoto wake amemlea wako na nyumba yao na harusi tunaingia manyumbani, ikiingia yule ameolewa, hiyo mali yote anachukua inakuwa ni yake. Na yule mzazi ameza mtoto na nani na nani kwa sababu ya harusi na kwa sababu ya hii, certificate ya marriage kila kitu inasemekana ni yake na yule mzazi kwa sababu hana la kufanya hajui afanye nini, yeye anaangamia, kwa hivyo kama hii harusi ingeangaliwa kiindani kungekuwa na point ya kuongea kwa hivyo naona hiyo iwe katika hiyo.

Ile ingine tuna watu katika nchi yetu. Tuna wale vilema, tuna wale hawana macho, tuna wale wengine wa haina hiyo, si mapenzi yao wawe hivyo. Na kama tukisema, ukikuta kwa njia unaona saa ingine anaomba azaidiwe, si mapenzi yake awe kilema ama nini, ako na right kama mimi na kama wewe. Kwa hivyo kama hiyo katiba ingerekebishwa hawa watu wawe na position hata



kama ni Ministry yao wawe wakitendewa, wakijua wako katika the same line with the normal person. Hiyo ndio naonelea katika hiyo, hawa ni vilema. Hiyo ya vilema namalizia hapo.

Ile ingine ni watu wale wanafanya kazi. Tuko na watu ambao walipigania hii uhuru wa hapa zamani sana kama wakina Paulo Ngei wengine na wengine, na akina Kisoi wale tukiwa watoto tulisikia walifanya. Watu wa aina hii lazima wakumbukwe kwa kitu, either watengewe kitu ama wawe na appraisal of some sort. Wawe wakikumbwa kwa sababu walipigania na tungali tunakula matunda yao. Tena wale watumishi wame-retire tuseme walifanyia serikali mambo na wamefanya miaka mingi wawe wakiongezwa tuseme miaka ya retirement kama Kenya ni 55 year na hiyo 55 years tukiangalia watu wengi wana-retire wangali vijana sana kama ingeenda up to 68 years kwa sababu sasa wako na experience na wakitoka nyumbani wengine wako na ujuzi hata kuliko wengine wanaandikwa juzi juzi hiyo kama ikifanyiwa prolonging abit to 68 years, hiyo ujuzi ingetumika. Kwa sababu si wazee sana. Kwa hivyo nilionelea kama hiyo inakubalika iandikwe.

Ile ingine ni juu ya madini – kanisa siku hizi madini zimeingia sana katika nchi na zingine sijui kama zote zinaongea lugha moja? Lakini kama ni maoni yangu hizo dini tungekuwa na limit. Ama interview kwa sababu zingine zinaimba wimbo unakuta huyu mwingine anasikia huyu anafanya hii zingine zinakuja na maofu na kwa sababu they are free even myself I can join any, I can form mine I can say anything because I have license to talk. Kwa hivyo kama ni maoni yangu hizo dini zingefanyiwa tarubini ili.

**Com. Dr. Maranga :**

(inaudible).

**Jonathan Muthoga :** oh, nimeenda pole, okay wacha nimalizie. Ile ningesema ingine ni serikali kufungua katika rural areas kama hapa, tukiwa na Jua Kali industry, ingetufanyia mambo mazuri kwa sababu wengine watu wako hapa na wafanyiwe loaning na hizo loaning serikali ikitufanyia itakuwa ya maana.

Ile ingine ni ile ya ile kuhongwa, wengine wa ile ya kuongwa sijui itafanywa nini kwa sababu mtu anawezasema ukweli lakini kwa sababu hana kitu ya kupeana yule anasema uwongo ndio anakubaliwa. Kwa hivyo hiyo sijui tutafanya nini?

Ya mwisho, watu, serikali lazima ijue kuongezeka kwa watu. Watu wanaongezeka na wana mahali wanyama wana kithaka kubwa tunaenda kuwaangalia na watu hawana makao. So if the Government can look at that strong point and others, I think that will help. Thank you very much.

**Com. Dr. Maranga :** Asante Bwana Muthoga. Yule mwingine ambao tunamuita sasa ni Dominic M. Kiilu.

**Dominic M. Kiilu :** Well, I would like to begin by greeting you, the Chairman of this meeting, Commissioners and the entire congregation, good morning.

Okay, thank you. I would like to begin talking about--

**Interjection :**

(inaudible).

**Dominic M. Kiilu :** I am Dominic Munyao Kiilu. I would like to begin by saying that the language which has been used in making the Constitution is too difficult, so if you as Commissioners would just simplify the language so that the common man would understand what is written and what they are required to do. It would be very welcome.

Coming to our country Kenya you will find that Kenya is a society with many tribes, we have had around 42, and all these people belong to Kenya, and therefore they are the citizens of this country, hence they should have some power. When you look at the Constitution you will find that formerly before some serious changes had been made, it favoured the citizens, now the citizens are being left powerless and yet the country Kenya belongs to them.

So in this connection therefore, I feel that because of late, we have been choosing leaders, beginning with the President, members of Parliament, Councillors, I feel if at all the common man has got to be given power, we have also to extend election of Ministers, Ministerial posts, they should be extended to the citizens so that they elect them. And through that may be Ministers will know that they have been elected by people and at one time or another, they may be dropped, when the need arises.

In this case therefore, after electing the Executive which seems to have more power than any other Arm of the government, they will work under the directions of the common man and hence will may be in one way or the other, try to bring down the corruption which has been happening because these have been, that is electing of ministers has been done by only one person or a few and therefore he works using his directives.

Another I feel should come there, we have now this post of the Secretary to the Cabinet who is chief civil servant. He has been formerly elected by the President and I feel that such a person should also be elected by the civil service and given freedom to execute his duty.

Another thing which has brought a lot of problems, Kenya being one of the most corrupt countries, rather if I might say, this one has been brought about by one person choosing the people he thinks will execute his duties properly and therefore we should give Judiciary to execute their duties freely without interference with any other part.

Another point is of course of the sharing of the Kenyan resources : This one has been left to be shared between very few people in the country those who have been empowered or have been given powers to execute such duties, so I feel that if a committee is elected by the ministers we elect to look into details about this matters concerning sharing of resources may be

Kenya would be better placed than it is now. I don't have more to think about. Thank you very much.

**Com. Dr. Maranga :** And the next is, there is a request from a teacher who is going back to school, Dominic Mithuka. Dominic? Ni wewe? Please give your views in five minutes, if you have a memorandum you will give it to us so just summarise the main points. I have just given you a special—

**Dominic Mithuka :** I am Dominic Mwaniki Mithuka, I have prepared my points, I have covered Parliament, the Executive, Basic rights and the Judiciary. I would request that I be given at least ten minutes, please?

**Com. Dr. Maranga :** No, I will give you five minutes, give us just the main points because we are going to read that memorandum.

**Dominic Mithuka :** I will start with Parliament where I will just request that if it is possible MPs salaries be determined by the public. Because I feel it is against natural justice where somebody determines his own salary. On this note the Electoral Commission of Kenya should appoint a Co-ordinator in each Constituency to whom the MP will be answerable to, with powers to recall the MP to meet the electorate if or when need be. If it is possible, this Co-ordinator in each Constituency should be given powers to force MP to come and meet the electorate when they need him because for more than two decades we have been represented by absent MPs whom we don't see until they come back again for election. They don't in fact, practically they don't help anybody, they enrich themselves.

The issue of nominated MPs should be done away with. Those people do not respect anybody and those are the people who shout in the August House, they have nothing, they are not answerable to anybody, and I feel these are the people who are not subjected to the electorate. So please if it is possible, they be done away with. And if it is possible, the State should co-sponsor political parties during the campaigns because these political parties are representing the tax payers and I feel they deserve equal share not only in the airwaves but also in the funding.

Executive - The President should have Masters degree and above, we want to be led by learned people, people who can make decision of their own, people who will not wait to be told, we think this is right. We want gentlemen, gentle ladies who are learned because we have very many learned people who can fit in these offices. And he should never run for more than two terms of five years each, but his powers should also be trimmed because excess powers also erodes the rule of law so if they are reduced, we will be very happy.

We should also have checks and balances in the three Arms of the government for example the President or the Head of State, be it a Prime Minister or a President, he should not be allowed to appoint Administrators of Justice because they will be answerable to him and therefore, they will do everything in reference to their employer. I feel that one it has not been proper.

The other thing is on the basic rights where one insecurity where we have had in the past loss of lives, properties especially in the Semi-Arid areas, where we have nomads and this is something that has been touching to all of us. Because we are all Kenyans and if people in Turkana are attacked by rustlers from either Ethiopia or Karamajong Uganda, we also feel touched because we have relatives working in those areas, sometimes they are killed there. Would the government make a point of installing security, our force in this areas which they know are not very secure so that those brothers in those areas are also secure. I think, I feel it is the responsibility of the government to whom we pay the taxes, to provide security and if people were killed we feel very much touched.

Then the other thing that has also been very contentious is about the public service vehicles, public has really suffered. We have no power over the touts, the “makanga”, we are packed in matatus in case of an accident the insurance will not compensate, because you were not insured. Please could the government do something about controlling the fares, we have really suffered and especially during the holidays, like Easter or Christmas. Please could the government ask the Ministry of Transport to determine fares between destinations because I feel the Ministry should know destinations and then determine, because common man has really suffered over this.

Insurance companies we should through some light because some of them have been quite sly, when somebody dies they do not compensate the people who depended on the or are dependent on the deceased, in fact those companies have really made people feel that they have been cheated for quite sometimes.

Another thing is advocates – Some of them have not been sincere, when it comes to an issue of somebody who was involved in an accident it take not less than a decade to be compensated, this person has died, left children in school, they don't go to school, and if this money is paid by the insurance for example, they will deceased's children will not see the money because he left a wife who was illiterate, she won't know where to go for this and the like. Please I would request if it is possible, the Provincial Administration, especially the Assistant Chiefs be given powers because these are the people who know us, in fact from home, by name and everything and these are the people you can consult, lack if it is an advocate, then the advocate are with the insurance so that channel can help the common man.

We cannot fail to talk about Police brutality, I think that we have had very many cases where people have been shot dead when they were innocent, it has been in the press. We have had people beaten to death, others dying inside cells, please could we have something to be done where if a Police Officer is involved in extracting just information from somebody forcefully and then goes beyond human level then this person should also lose his job. There are very many people looking for jobs.

Crime from this level to that level which is called petty offences, these people could be retained in Chief's camp instead of police prisons so that may be we could have these overcrowding, reduced in the prison because this overcrowding also kills

people because of (inaudible).

We have things like health, today in Kenya I overheard about two three people telling me or saying or we were discussing somewhere that it is better to face death than to fall sick, it is very expensive to fall sick in Kenya. Could the Government that collects taxes from us provide us with free health care, because today a poor man, if a poor man falls sick, I think he just prepares himself for his funeral because he has to die if he cannot afford the drugs. (I am very sorry I am taking abit long).

**Com. Dr. Maranga :** (inaudible)

The others is, I have put it in written but allow me to talk about Judiciary for one minute. Appointment of Administrators of Justice be done by an independent commission, to whom they should be answerable.

Things like rape should fall under the Hanging Act because they are quite traumatizing and especially on the minors. Things like the issue which was in Makadara Law Courts last week, that one has --- point country wide and may be beyond, because if such a person can be freed surely 'mamas' will never be free. In fact it is something that I feel if it could be possible and Sir, Commissioners, I would request you, if you could assist me and it be put in things like the talk show over the radio where --- so that such a thing could be discussed because we felt touched. Because such a person should never be left free, and you will never know how it feels until it happens either to your wife, to your daughter or possibly to your parent because you never know when the rapist comes, so please this thing is very touching, and I felt that I cannot leave it untouched.

And the last one, if it is possible, Law Courts should be Administered by two people in the bench to avoid people being compromised. Because we expect them to administer justice, and if it is one person he can easily be compromised, if they are two at least, two or three, I think the justice could be done. Thank you.

**Com. Dr. Maranga :** He is going to ask you a question. Com. Ayonga would like to ask you a question.

**Com. Pastor Ayonga:** Mwalimu, I didn't follow when you said that Presidents should be learned people, did you say so?

**Dominic Mithuka :** Yah, we wanted the to be elected as President, we wanted at least someone who would have Masters and above.

**Com. Pastor Ayonga :** Yes, and you said must have Masters and above? What are the benefits of this? And what do you mean by learned person? You think a person who has Masters and above is the only learned person and a person without any degree can't be learned?

**Dominic Mithuka :** Can be learned but I felt that I would give that suggestion because there is, these learned people, I felt are the ones we should propose for the big post, it is my proposal Sir.

**Com. Pastor Ayonga :** I hope you know the history of the British people, that Winston Churchill who lead the English people during the Second World War, had no degree, and yet we pride when we have an English degree and he did a tremendous work. Our first President of this country, Mzee Jomo Kenyatta, had no degree but he fought for freedom and he was a very good President, why should you think a person with MA and above, is the person whom we should look for Presidency?

**Dominic Mithuka :** Ah, it wa just a proposal Sir, and I felt a proposal would be subject to discussion and I appreciate the way you have –

**Com. Pastor Ayonga :** (inaudible) the Chair.

**Dominic Mithuka:** It is a proposal because you know Sir, Sir, Sir, when we went to school, we want to be compensated.

**Com. Dr. Maranga :** Thank you, thank you, just a minute. I think there is another question.

**Com. Mutakha Kangu:** Dominic you have proposed, the qualification for the President, will you also propose to us qualifications for MPs, for Councillors and for people in other leadership position.

**Dominic Mithuka:** I would propose an MP should also be a graduate Sir, the reason why I am proposing this, is because we went to school and by the time we finished we found that at home, there wa not even a goat, we have exhausted the family and on this note you find that, we have the scarcity of jobs. Gentlemen have gone up to the university graduated and there is no job.

And if we could put this one across so that may be we give them the opportunities, I think we will be doing some justice. Because we want to show people that education is very important in our society. That is why Commissioner so and so is in the Chair because he was in the school his agemate so and so who never went to school and he is not in that Chair. That is what I am proposing.

**Com. Mutakha Kangu :** But I am hoping you didn't talk about ----- it will affect their minds.

**Dominic Mithuka :** Sir, it is here, Sir, in written.

**Com. Dr. Maranga:** Thank you now sign up the memorandum, I mean sign our official register. Thank you very much, we are very happy with your views. Now the next person is, anaitwa Agnes M. Mutinda. Agnes Mutinda? Karibu mama.

**Agnes Mutinda :** Nyie nineena na Kikamba nundu nikyo ninisi

**Com. Dr. Maranga :** Mama una dakika tano kutoa maoni yako.

**Translator to Agnes Mutinda:** wina ndatika itano, na uyambia na mayitwa maku.

**Agnes Mutinda:** *Nitawa Agnes Mune*

**Translator :** Anaitwa Agnes Mune

**Agnes Mutinda:** *na tiwa kikundi kitawa Kwatanio ya Kitaita*

**Translator :** She is in a women group known as Kwatanio

**Agnes Mutinda :** *yakwatanie miongo itano na nyanya, twakwana nitwaakie sukulu Mwala, sivitali Mwala na kwina ithye nitwinaa*

**Translator :** Anasema walishikana 1968 na kazi yao ni kujenga mashule na kutunga nyimbo.

**Agnes Mutinda :** *na twauma vau twaaka sukulu girls Mwala na kwina*

**Translator :** Ndio walijenga Mwala girls.

**Agnes Mutinda :** *na twauma vau twavanda vamba*

**Translator :** They planted cotton.

**Agnes Mutinda :** *na twasomethya syana miongo itatu*

**Translator :** They educated 30 children

**Agnes Mutinda:** *na twaumasya kila mundu silingi ikumi*

**Translator :** Contributing each ten shillings

**Agnes Mutinda:** *na twi andu miongo nyaanya na atano*

**Translator :** They are 85 people in that group.

**Agnes Mutinda :** *na twauma vau twauwa nguku sya grade miongo nyanya na ili*

**Translator :** Walianza kufuga kuku 1983.

**Agnes Mutinda :** *tuendee ona ngwatanio yaitu na kwina, twi ngua ila twinaa nayo, yi vendela wa Kenya*

**Translator :** Their uniform has national flag of Kenya

**Agnes Mutinda** : ithye nithye twithuwia na tuinengawe kindu ona liu na savuni

**Translator** : Ndio wanajisimamie na hawapati chochote kutoka kwa serikali.

**Agnes Mutinda** : Ayumbe mayuka Mwala nithye tumathokasya valua kuma kwa CDA na kwa chief

**Translator** : Wajumbe ama wageni wakija Mwala ndio huwakaribisha kwa nyimbo.

**Agnes Mutinda** : na maitunengae kindu ona liu

**Translator** : Na hawawapatii chochote hata chakula.

**Agnes Mutinda**: na twikulya andu aa ma Katiba kana ithye no twi ma Katiba kaa ka Kenya

**Translator** : Wanauliza the Commissioners of the Constitution kama wao siyo wanakenya and they are not covered in the Constitution.

**Agnes Mutinda**: na ethiwa twi ma Katiba tukaumilila va?

**Translator** : Na kama ni wa hiyo katiba watatokelea wapi?

**Agnes Mutinda**: tulea ukulya nundu twithwaa twetelee usungio

**Translator** : Hawaulizii kwa sababu wanangojea majibu

**Agnes Mutinda**: vatonyeka nundu ni tukuie na ngya, twikulya silikali utuive pension ya miaka ila twinite

**Translator** : Sababu ni wazee na wamefanya kazi sana na tena ni maskini wanauliza serikali iwalipe pension ya ile miaka yote wameimba.

**Com. Dr. Maranga** : Maliza.

**Agnes Mutinda** : Mimi namaliza.



**Com. Dr. Maranga :** Haya maliza mama, tumeshukuru kwa maoni yako na atuwekee sahihi na atuajie hiyo memorandum yake, hata kama imeandikwa kwa lugha ya Kikamba. Haya yule mwingine ambaye naita anaitwa Rose Ndambuki. Rose Ndambuki

**Rose Ndambuki :** Nyie isitwa yakwa nitawa Rose Ndambuki

**Translator :** Anaitwa Rose Ndambuki

**Rose Ndambuki:** Kuma ikuthuni ya Wuumisyo wa Kitaita kana women group

**Translator :** From Umisyo wa Kitaita Women Group

**Rose Ndambuki:** Ithye thina witu nitwithiitwe na thina mwingi kuma yila twambie group isu yaitu

**Translator :** Wamepatwa na shida nyingi kutoka mwanzoni, walipoanza hiyo group.

**Rose Ndambuki:** nitwithaa twina ngwatanio ya kutethania kimuvea wa kusomethya syana syitu

**Translator :** Wanasaidiana kuelimisha watoto

**Rose Ndambuki:** kwakwa masukulu, kwaka sivitali

**Translator :** Kujenga shule, kujenga ma-hospitali.

**Rose Ndambuki :** na mathina maitu ma misyini yaitu

**Translator :** And their personal problems.

**Rose Ndambuki:** indi twithiwa na mathima maingi nudu vai andu matukwataa moko

**Translator :** Lakini walifanya hiyo kazi hawapati usaidizi.

**Rose Ndambuki:** indi twithiwa na thina na twethiwa twina wia kwoundu tuyaona mundu tutonya kukulya

**Translator :** Pia wamekuwa na shida na wanaogopa kwa sababu hakuna yeyote wanaweza uliza.

**Rose Ndambuki:** kitumi nundu tuyaona mundu utonya kwithiwa atonya utumilya

**Translator :** Kwa sababu hawakuona yeyote anaweza kutoa maoni yao.

**Rose Ndambuki:** Kwoou thina witu ni atii

**Translator :** Shid yaho ndi hii.

**Rose Ndambuki:** ithye ni twithiwa twi ngya

**Translator :** Wao ni masikini

**Rose Ndambuki:** na nituthiwa tukite kwithiwa myaka yitu yiendee na kuthela

**Translator :** Na pia wanaendelea na kuwa wazee

**Rose Ndambuki:** na tuina syindu tutonya kutia syana syitu

**Translator:** Hawana mahali wanaweza kuachia watoto wao

**Rose Ndambuki:** syana syitu syisoma na mathina

**Translator :** Watoto wao wanasoma kwa mashida

**Rose Ndambuki:** ona mbingi imwe syi nyumba

**Translator :** Na wengine hawaendi mashule wako nyumbani.

**Rose Ndambuki:** kitumi nundu tuina syindu sya kututethya kana kusyumisya masukuluni

**Translator :** Sababu hawana karo ya shule.

**Rose Ndambuki:** kitumi nundu tuina andu matonya isa itukwata mbau kwooundu wa kututethesya syana syitu

**Translator :** Na hawana watu wanaweza kuwasaidia kusomesha watoto wao.

**Rose Ndambuki:** Ethywa ni nguku twinasyo nosyo tuuta tukaumisya syana syitu kilungu kya sukulu

**Translator :** Zile kuku wanafuga wanawatolea watoto shule.

**Rose Ndambuki:** Indi yu tutienasyo nundu nisyiuka syikaminwa ni mauwau ma mithemba

**Translator :** Lakini kwa sasa sababu ya magonjwa zote zimeangamia.

**Rose Ndambuki:** Indi tutonya umukulya inywe ta mutwikie andu matwika kwithiwa ta mwi anyanyae maitu ma silikali

**Translator :** Wanauliza kama nyinyi sababu mmekuwa rafiki zao kutoka kwa serikali,

**Rose Ndambuki:** vatonyeka tukwatanie imwe na Mwiai waitu

**Translator:** Tukishikana pamoja na Mungu wao

**Rose Ndambuki:** Mututetheesye kwa kila tutonya kwithiwa tutonya umukulya mututetheesya na kila mutonya kutwilila na moko menyu kwooundu wa kusuvia misyi yaitu na syana syitu masukuni

**Translator :** Muwasaidia na kile mnaweza ndio waendeleo na kulea watoto wao vizuri

**Rose Ndambuki :** Kwou twikulya atii?

**Translator :** Wanauliza hivi?

**Rose Ndambuki:** Inywe Katiba ta tuona, mwatata usyisya ona metho maitu group yaitu nimuona kana no tukui na twina vinya motwikisya okaindo siwe kwithia no twethiwa ti na muyo wa kutethya ila tathi kumwinia vaya tumwetelee

**Translator :** Wanaomba sababu wao wamekuwa wazee kama mna kitu muwapatie ndio kazi iendeleo.

**Rose Ndambuki:** kwou ithye tutonya kukulya ta inywe twithaa tumwikwetye ila mukuka kuya kwitu Mwala na tithaa tisi kana twina aeni ma ndai mukoka twiatheu ngua syitu tuwaa na mbesa kuma ngusuni oila mwisyi twina vinya

**Translator :** Sababu wana imani na nyinyi wanaomba usaidizi.

**Rose Ndambuki:** Kwou wise kwithia kana ni mwatulilikana kwa kilakindu kyonthe

**Translator :** Muwakumbuke kwa kila kitu chochote

**Rose Ndambuki:** Kitumi nundu mwithaa mukite musyi na mwithaa mukite kwithia asyai ta mwi syana syitu

**Translator :** Sababu mumekuja nyumbani na mumewapata kama wazazi

**Rose Ndambuki :** ithye tukamuvokea

**Translator :** Wao wanampokea vizuri

**Rose Ndambuki:** Na tukamunenga kila tumunengae kila tumunengae na twamina umutuma vaya muiithi kwikala nthi na muivindya

**Translator :** Wanawapatia kile, anasema mkikuja wanawapatia kile mnataka kama watoto wao, na nyinyi wakimtuma wanaenda muna –

**Com. Dr. Maranga :** You tell us.

**Translator:** She is saying that ---

**Rose Ndambuki:** kwou thye twina thina mwingi nundu ila twamutuma inye mukethiwa ta mwi metho maitu kana matu maitu kwa kwithukiisya mathina maitu mutungie, inywe muiithi muivindya.

**Translator :** Kwa hivyo wako na mashida, sababu wakimtuma muende kusiliza shida zao mnanyamaza.

**Rose Ndambuki:** Kitumi niki? Na thye twina thina na muienda kwiwa mathina maitu

**Translator :** Anauliza sababu ni nini na wao wana ma-shida na hamtaki kusikiliza shida zao.

**Rose Ndambuki:** kwou twiwe tei na muimanya kana vala mututia nimwisaa o kutusyokea kwou tukwatane moko imwe nenyu

**Translator :** Anawauliza muwaonee huruma na mshikane mikono pamoja na wao

**Rose Ndambuki:** nivika vau

**Translator :** Anakomea hapo.

**Com. Dr. Maranga :** Asante mwambie hivi. Sisi hapa tukijukua maoni yao tutaangalie shida yao.

**Translator to Rose Ndambuki:** mwkwia nundu yu niwamatavya mathina menyu nimeusyisya muikethiwe na thina

**Rose Ndambuki :** Asante sana na nengi Ngai ethiwe nenyu

**Translator :** Mungu akuwe na ninyi

**Com. Dr. Maranga :** Yule anayefwata ni Monica Thiongo. Monica Thiongo? Hayuko, haya twende kwa mwingine. Mutindi Munuve, Mutindi Munuve? Hayuko. Agnes Kisoo. Agnes? Haya. Ama, wewe ndio Agnes? Unataka kuongea? Anaitwa Agnes Kisoo.

**Agnes Kisoo :** Nitawa Agnes Kisoo

**Translator :** Anaitwa Agnes Kisoo.

**Agnes Kisoo:** ninyie Chairlady wa Kitaita

**Translator :** She is in charity of Taita Women Group

**Com. Dr. Maranga :** Taita?

**Translator :** Kititaita

**Agnes Kisoo:** ninyie niamainia asu

**Translator :** Anawatungia wimbo

**Agnes Kisoo:** na mathina maitu nikwithiwa kuya na tweetwa tuyienda tuyina na tuyinuka na tuimathiwa ngali

**Translator :** Shida zao ni wakiitwa wakaitwa mahali wanaenda na hawatafutiwii gari.

**Agnes Kisoo:** Tweetwa Kangundo no ithye twikomboea ngali

**Translator:** Wakiitwa Kangundo ndio wanajitafutia gari wanajipileka huko.

**Agnes Kisoo:** tweetwa Masaku no ithye twikomboea ngali

**Translator :** Wakiitwa Machakos ni wao wanatafuta gari.

**Agnes Kisoo:** twiwa twithiwa twia theu na no thye twithiuwia iatu na no thye twithiuwia savani

**Translator :** Wanaambiwa wakuwe wasafi na ndio wanajinunulia kila kitu.

**Com. Dr. Maranga :** Tafadhalini mkae kimya huyu mama akiongea.

**Agnes Kisoo :** twiawa ni chief kuma ofisini wa D.O

**Translator :** Anasema wanaambiwa na chief kutoka ofisini ya DO wakuwe wasafi na ndio wao wanajinunulia kila kitu

**Agnes Kisoo :** valua kuma kwa CDA

**Translator :** Pia barua kutoka kwa CBA inakuja inawaambia hivyo.

**Agnes Kisoo:** Kwou mathina ala twinamo nikukulya ii tene twitawaa niki? Tutlistini ya syindu na nengi twenuka nitusuania mo nimenuka malika ngalini naitu tuyinuka na maau tuyithia syana ikomie na mbui kithekani na utethyo tuiwona wa kwinuka kana wa kuthi

**Translator :** Wanauliza ni kwa nini wanaitwa kuimba kama hawapatiwi chochote na warudi nyumbani wanafika usiku wanapata watoto wamelala hakuna chakula na wanafikiria wale wamewaita wameenda salama.

**Agnes Kisoo :** we mundu usu utwitaa no utumathia utethyo ni kana tukona tikakuwa ni ngali kana akatumathia utethyo tukasyomethya syan isu?

**Translator :** Wanauliza kwanini huyo anawaita hawatafutii njia za kusomesha watoto ama za kutafuta gari.

**Agnes Kisoo:** niki kusomethya syana na vandu va kumathiwa wia isyoka nyumba tuyuka kuima nayu syana syitu ni kuima natiu nitukuima mathina maingi tuina mano twaiwaa nula unutuluthya nundu syana syi o musyi

**Translator :** Pia anauliza ni kwanini wanasomesha watoto na wakimaliza shule hawapati kazi wanarudi nyumbani kulima na wao.

**Agnes Kisoo:** nitakwasya ethiwa nimutonya andu ma Katiba nikutwosele vau nengi ko ve undu ute pension, tene mundu athukuma akua tyo ununengwa retire na inewa pension aithi utethya andu ma musyi

**Translator :** Wanasema kama inawezekana waangaliwe sababu sasa wamekuwa wamama na wanataka pension.

**Agnes Kisoo:** mo andu asu matwitaa tumainia no matataa kwona mathina ma kutwita twi akuu tukaenda nthi yiana uu na tuisyoka tuikomboa ngali tuyuka musyi, ithye ene tukunite ndii

**Translator :** Wanauliza kwanini hawa wanawaita kuwambia hawaoni shida yao na wao ni mama wawatafutie kama ni gari au ama wapatiwe usaidizi.

**Agnes Kisoo:** na nundu katiba na ndeto ila ingi syonthe nota iia tuandike, mweitwosele ethiwa vai maana ma kuvituka vau nisyiwa twiwe twikale nthi tuthiane o vau musyi

**Translator :** Wanasema muwachukulie at their level na waachwe wapumzike nyumbani

**Agnes Kisoo :** nundu andu asu namainia na neetwa namatwaia valua twathi nimungulya liu nakwa ndina mbesa na ndinaetewa na twika umenania vau, tumathiwe nzia ila tutonya uthi nayo

**Translator :** Sababu kama Chairlady akipata barua ya invitation, anapeleka kikundi chake na hawapati chochote, na wakirudi nyumbani sasa complaint inanza kukuja kwake. Kwanini amewapeleka na hakuna chochote?

**Agnes Kisoo :** kwou kikundi kii naambiie ni maeo nayu ndi maeo na ninikue e na noniendee naitwa na ndina utethyo ii yu kondmosetwe ni thina wa kutongesya nadu mate na kindu nakwa ndina kindu

**Translator :** Anasema ana shida mingi, yaani anasema alianza hiyo kikundi kama alikuwa na neno na sasa hana ni mzee na amekuwa vile unamuona sababu ya shida na anataka waangaliwe.

**Agnes Kisoo:** na vau nduivikaa vau

**Translator:** Amekomea hapo

**Com. Dr. Maranga :** Asante mama. Ngoja kidogo mama kuna swali unaulizwa.

**Com. Mutakha Kangu :** Mama umesema umeimba mpaka meno imepotea yote?

**Agnes Kisoo:** ii nambie ni mwiitu

**Translator :** anasema alianza kama alikuwa msichana

**Agnes Kisoo:** na nai na maeo on the nayu ndina mo

**Translator :** Na alikuwa na meno yote na sasa hana.

**Com. Mutakha Kangu :** Na kwa wakati huu wote hizi nyimbo kuna zozote mumeweka kwa cassette munaweza uza?

**Translator to Agnes :** ivinda yiu yoonthe ve mbathi mwekie vandu ta kasetini mwithie ni mutonya uta?

**Agnes Kisoo:** twonaa mundu wa utwita nisyosawa na tuyonaa mundu wa ututungia akatwikia vandu

**Translator :** Anasema wakati wanaimba zinajukuliwa kama na media na wahaoni response.

**Com. Mutakha Kangu :** Hawaoni?

**Translator:** Hawaoni.

**Com. Mutakha Kangu :** So maombi yenu ni kwamba kama kuna watu wakuimba kama nyinyi wapate njia ya kusaidiwa, kama wanaitwa kuimba wawe wanaimba kwa kulipwa hapana kutumiwa bure? Si ndio hivyo?

**Translator to Agnes :** kwou thina wenyu ila mweetwa mukaine withie nimutonya kuivya ni mwithia muyina mana

**Translator to Commissioner :** Anasema hivyo



**Com. Mutakha Kangu :** Asante.

**Com. Dr. Maranga :** Okay asante mama, nashukuru. Tuweke sahihi kitabu chetu rasmi. Mwingine anaitwa Musyoka Nthenge, Musyoka hayuko, Gideon Kilungu? Haya karibu wakati ni wako.

**Gideon Kilungu :** Nitawa Gideon Kilungu

**Translator :** Anaitwa Gideon Kilungu

**Gideon Kilungu:** na ni musili wa utui

**Translator :** He is a headman of a village. He is a headman of Mathumbili village Mwala.

**Gideon Kilungu :** na thina ula munene ningulasya silikali kana niteethiwe na thina munenen Kenya wa asili on the Kenya. Nundu mayonaa utethyo na me silikalini, na yila maundu mooka wiwaa twaiya musili. Na ti kundu musaada ona umwe twonaa.

**Translator :** Anasema shida kubwa iko na headmen sasa wao wanafanya kazi mingi kitu ikikuja ni wao wanaulizwa kutangaza na hawapati chochote kutoka kwa serikali.

**Gideon Kilungu:** kwou twikulasya Katiba tene no twi ma Kenya na nundu undu wonthe uthukumi munene withiwa na asili ma ndua

**Translator :** Anauliza Wa-Commission kama wao ni wana Kenya sababu ndio wanafanya kazi yote na hawapati chochote.

**Gideon Kilungu:** vau nivo ngwendaa ukulya twaie va nthini wa silikali Kenya asili ma ndua?

**Translator :** Anauliza mahali headmen wamepotelea katika Constitution.

**Gideon Kilungu:** Nundu ona tuinengawe kindu tuyikaa ata, ile kutangaswa, ila kwi otumuvothi twa DO o sub-chief o chif twiawa ika uu, ika uu, ika uu, tene mundu wiana takwa aile uthukuma mana ata?

**Translator :** Wakati kitu kinakuja watangaze ndio wanatangaza kama ni kukusanya pesa kutoka kwa wananchi ndio wanatumwa kukusanya na hawapati chochote na anauliza mzee mzima kama yeye anaweza fanya kazi bure mpaka lini?

**Gideon Kilungu:** Niviva vau.

**Com. Dr. Maranga :** Asante mzee (inaudible) kikao chetu rasmi na umengoea . Haya yule anayefwata. Dickson Mwanja.  
Dickson Mwanja?

**Dickson Mwanja :** Mtaniruhusu ni simame kwa sababu huwa nasimama kama naongea

**Com. Dr. Maranga :** Ni sawa.

**Dickson Mwanja :** Kwa majina ni Dickson Mwanja Mutisya kutoka (inaudible). Kikundi changu kinaitwa Health Care Promoters. Mimi kile ambacho nitaongea ili ikiwezekanavyo Katiba yetu itayoundwa sasa iwe ni katiba watu wote, vyama vyote kwa sababu wakati huu tunao sasa kuna vyama vingi lakini hakuna kazi watu wengine wa vyama vingine wakitaka kukuwa na mkutano hawaruhusiwi. Wakijaribu kufanya mkutano watu wa KANU wanatumwa na AP na mapolisi washuta wale watu wanaumiza bure, kwa hivyo katiba yetu iwezekanavyo iwe ni ya watu wamepata uhuru kamili tuwe tuna uhuru wa vyama vyote.

Na kitu cha pili serikali tuliyo nayo sasa, haitoi huduma kwa pande zote. Kama ni upande wa upinzani, hawatoi huduma kwa hivyo tungetaka katiba tunayotaka kuunda sasa, iwe kama ni upande wa kama Mwala ni upande wa wapinzani huduma ikitolewa itolewa pande zote ili iwache kutolewa upande moja kwa sababu upande wa upinzani hatupewi huduma.

Kingine ambacho ningetaka ni mkijaribu kufanya katiba yetu iwe nzuri ni kama Rais wetu sasa tunaye sasa amepewa madaraka makubwa ambayo imepita kiasi. Hata akitaka kufanya nini, akitaka kusema nichukuliwe saa hii nifungwe milele anaweza kusema ili awe ni Rais ambaye anaweza kuonywa kama amekosea awe mtu wa kuonywa si mtu above the law. Tuwe na Rais ambao si above the law.

Kitu kingine ambacho nataka kuingiza kwa katiba wakati huu sasa serikali ya Local Government imechukuwa wale watu ambao ni maskini waendee kuwa masikini kwa sababu kama County Council, wale wamama wanaouza vitu huku masokoni hata kama anachukuwa kitu ya shilingi kumi mpaka lazima atoe pesa, sasa wamama hawapati uhuru wa kuuza vitu vyao. Kama mtu anashona na charahani mahali nje anakuja anaambiwa utalipa kodi ya shilingi elfu sita license. Sisi ni kama hatuna uhuru kwa sababu wale watu wa Local Government wangeangalia huyu hana nini hana chochote hana soko. Wangejaribu kumwambia toa shilingi kumi kila siku kwa sababu huna mahali pa kupata kitu. Kwa hivyo ile katiba tunaounda sasa tunataka iwe ni katiba ya watu wanaoangalia watu wa chini, wale maskini ili ndio wainuke wafikie wale wengine.

Nataka ni malize tu kwa sababu sikuwa na mengi. Kitu kingine, katiba tuliyo nayo sasa imewapa madaktari uhuru kupita kiasi. Watu wengi wanakufa mahospitali daktari akifika hakuwa anaandika kwa kitabu nimeingia, yeye anatoka anaenda kwa clinic yake wale watu wako hapo hospitali wanakufa, hawana dawa, dawa zote wamechukuwa wamepeleka ma-clinic zao. Kwa

hivyo, serikali ingefaa tuwe na katiba inaohusu daktari na kazi moja kama amejiriwa ajiriwe, lakini si mtu wakufanya kazi mia moja na yeye ni mtu mmoja.

Kwa hivyo nitakachomalizie nacho ni upande wa Police sasa tumeangaika sana ukitaka kwenda Machakos ni shida kwa sababu mapolisi wote wamejazwa kwa magari wakifika pale wanapewa off, wale watu wanatoka pale wanaanguka na lile gari kwa sababu watu wanajazwa kwa gari kama nini. Na hii ni kitu kinaonekana wazi kila siku lakini serikali haichukui hatua. Kwa hivyo tungefaa tuwe na katiba inaoruhusu polisi akipatikana na, mtu akipatikana amebaba watu saidi kupita kiasi ashtakiwe na yule polisi akipatikana amehongwa afutwe kazi. Kwa sababu anataka kuua watu. Hivyo kwa sababu ninona wakati ni mfupi upande wangu nitamalizia hapo.

**Com. Dr. Maranga :** Bwana Mwanja kuna swali moja.

**Com. Mutakha Kangu:** Bwana Mwanja wewe unaona ni utaratibu gani tutaweka kwa katiba wenye utahakikisha serikali haifanyi mapendeleo ya kukataa kupeana huduma kwa sehemu za upinzani?

**Dickson Mwanja :** Unajua hapo siwezi kukwambia tutafanya nini kwa sababu hata tukisema tu – tungeomba tu katiba inayoundwa sasa iwe inapendelea sehemu zote kama ni upande wa upinzani wapewe huduma sawa sawa, kama ni yule Mbunge wetu tunaye hapa Mwala apewe uhuru wa kutunza watu wake kila wakati wakikutana nao. Ili wapeana mashida yao na kama wana shida pia wapeane. Wakati huu hatuna uhuru wa kuuliza Mbunge wetu. Mbunge akitaka kukutana na sisi hana nafasi.

**Com. Dr. Maranga:** Asante Bwana Dickson Mwanja. Yule anayefwata ni Anne ----- Una dakika tano mama. Unaongea kikamba?

**Anne Wausi:** Nitawa Anne Wausi

**Translator :** Anasema anaitwa Anne Wausi

**Anne Wausi :** yu nikulasya ii?

**Translator :** Anauliza hivi

**Anne Wausi :** nai ona machief na nimaiviwe

**Translator :** Walikuwa na Chief na wamelipwa

**Anne Wausi :** ala twambie namo

**Translator :** Walio anza kazi na wao

**Anne Wausi:** na ithye tiendea o mana

**Translator:** Na wao wanafanya bure.

**Anne Wausi:** yu muitumanthie o ka wikwa nundu tukee uumwa

**Translator:** Watafutiwe njia ya kuwasaidia kwa sababu wanatukanwa.

**Anne Wausi:** syana syitukulya tiendaa naku?

**Translator:** Watoto wanauliza, hii ni kazi gani mnafanya?

**Anne Wausi:** ute kindu

**Translator:** Haina chochote.

**Anne Wausi:** mutate utumathia kana nimutwonea o kaundu tikwa

**Translator:** Watafutiwe kama wanaweza pata chochote.

**Anne Wausi:** Nundu nitwanoie muno

**Translator:** Kwa sababu wamefanya kazi sana na wamechoka sana.

**Anne Wausi:** miaka mingi teumanya umitala

**Translator:** Miaka mingi hawezi akaahesabu.

**Anne Wausi:** utuendee

**Translator:** Wakiendelea na kazi.

**Anne Wausi:** ite kindu

**Translator:** Ambayo haina chochote.

**Anne Wausi:** nyie ndiumukulasya ii kana nimwona okawololo vandu?

**Translator:** Anauliza kama msaada wowote unaweza kupatikana kutoka mahali popote.

**Anne Wausi:** ndina mbingi, tumanthie wikwa

**Translator:** Amekomea hapo.

**Com. Kangu:** Asante Anne Wausi. Ninayemwita sasa ni Peter Katumbo. Dakika tano.

Anza na majina yako kamili.

**Peter Katumbo:** Commissioners of the Constitution, ladies and gentlemen. My name is Peter Katumbo. I happen to be the chairman of Makutano Palms Growers Association and also I am the Provincial Representative from Eastern Province and the so called Kenya Horticultural Crops Development Authority no, Kenya Horticultural Farmers Association. Well, mine is based on horticulture.

It is written and I will read, I will go through. First, is on subsidy to horticultural farmers. As the horticultural sector has become very important in the economy of this country in earning the foreign exchange, I take this opportunity to request the Commission, to give subsidy to farmers in order to caution them against escalating prices on agricultural inputs such as fertilizers, chemicals and machinery. For example, enough suckers palms to (inaudible) the very very (inaudible).

The small-scale farmers are harvesting hardest hit and if such subsidy is availed to them, the sector can improve greatly. These farmers can improve their standards of living and manage to educate their children and possibly minimize numerous harambee fundraisings prevailing all over the country.

Fuel prices: I also feel that the fuel should be subsidized so as to make it possible for the horticultural crops to be air freighted or shipped to Middle East, Russian Gulf or European union. This will again caution the agricultural farmer and the exporter of such commodities against the prohibitive high transport costs prevailing and make reasonable profits to their lives. I understand some countries have been doing this sort of thing for many years, for example S. Africa. That is all.

**Com. Kangu:** Thank you. A question?

**Com. Maranga:** You have mentioned the question of subsidies and instances that will improve lives, do you have any view to give about the liberalization process that is taking place in our country to vis-a-vis your cry for subsidies and prices. What appears to be price controlled?

**Peter Katumbo:** Thank you. Well, I think that is a rather shaky question and actually needs the...special studies in that when we talk about liberalization of the economy, may be goods but it hurts in some areas. For example, a very small...let me mention one thing. For example, let's talk of horticultural farms, e.g. let's take oranges or tangerine which come from Tanzania. Well you find the Tanzanias have found Nairobi our city, let's say they have ...rather they are in paradise, in that they take their oranges from Tanzania ... now, we are on liberalization, I mean tangerine, oranges from Tanzania, they will bring them to Nairobi, one bag is in the region of Ksh. 800.

To them, as you are aware that one Kenya shilling is equal to ten Tanzania shillings so, you find that one bag here in Kenya is Ksh. 800, to them it is Ksh. 8,000. So they find that, well in Kenya things are so nice, we are getting good money, they come here, they sell actually. But, unfortunately Kenya will never sell a single orange or tangerine in Dar es Salam or Arusha. Their shilling if you look at it I can say that it's value iko chini. Kwa hivyo the Kenyan farmer has been hit or rather anaumia. Kwa hivyo maneno ya liberalization because they are bringing their produce, they are selling these goods to get good money. Whereas when they bring their cheap oranges here and tangerine, the Kenyans aren't getting anything by selling their fruits in Nairobi because the market is flooded by cheap Tanzanian fruits.

**Com. Maranga:** It is your view therefore that we should protect our farmers, we reject liberalization or we take liberalization in certain measures.

**Peter Katumbo:** Certain measures, you are right.

**Com. Maranga:** Thank you.

**Peter Katumbo:** There must be a protectionism policy to a certain extent. Thank you, asante sana.

**Com. Maranga:** Sign in our official book. Now we have, the next one is Mukunya Nzioka? Mukunya Nzioka?

**Mukunya Nzioka:** Isyitwa yakwa nitawa Mukunya Nzioki

**Translator:** Anaitwa Mukunya Nzioka.

**Mukunya Nzioka:** ya keli, group ino yaitu Chairlady amin auneena tuineenaa, tuatiaa chairlady.

**Translator:** The second thing, the chairlady of the group akimaliza kusema wao hawaongei.

**Mukunya Nzioka:** aie

**Translator:** She has nothing to say.

**Com. Maranga:** Okey, wacha niwaelezee namna hii. Kama umeandika jina hapa na hutaki kuzungumza hata nikikuita, ni vizuri useme hutaki. Sawa sawa? Mwingine ambaye namuita ni Sowia Kioko. Anataka kuongea? Okey. Ama maoni ni ile ile?

**Speaker from the audience:** Wameshaandika. Ni ukweli?

Kwa hivyo hakuna....Okey. Thank you very much. From here, I have MacDonald David Muli. MacDonald. Hayuko? Juliana, huyu ambaye ana-register nataka kuongea na wewe. Wakati una-register watu ujue wale watu ambao wanataka kuongea. Watu wanaweza ku-register lakini hawataki kuongea. Kwa hivyo wana haki hiyo. Kwa sababu sasa majina yakija hapa mimi nafikiri kila mtu anaongea na wengine hawataki kuongea. Yule anayefuata ni Gideon Nzioki, si aliongea? Huyu ni mwingine. Haya ingia.

**Gideon Nzioki:** Not right now. Right now I am not going to talk. (inaudible)

**Com. Maranga:** So you have already prepared?

**Gideon Nzioki:** Yes, I have prepared the memorandum. Not right now, I will hand it over when you come to the views, when it is finished. So, thank you very much. I have not registered. Thank you.

**Com. Maranga:** Next is Juliana Muli. Juliana Muli? Huyu kama hataki kuongea sawa. Unataka kuongea? Muulize kwanza hapo. It is her constitutional right. Aanze.

**Juliana Muli:** Isitwa yakwa ni Lucia Nzule Muli

**Translator:** She is Lucia Nzule Muli.

**Com. Maranga:** Lucia ama Juliana?

**Translator:** yu thina ula niwawo ii ni kwithiwa wathini uu, nayu wathi uu ndina ndikindu ngunewa

**Translator:** Shida yake ni kuitwa waimbe na hapati chochote.

**Juliana Muli:** na indi ninakuie vo, ona ii myaka yu ndimisi nundu nimukuu

**Translator:** Ameimba kwa miaka mingi, hata sasa hawezi akahesabu.

**Juliana Muli:** na ninaa mana na ningwenda nimathiwe kaindu, nikiw'e nivuiwe kaw'u withie nineewa muyo na ndisiwa na ngali ngaine nde maeo ona yimwe. Ate yimwe ikyamanu

**Translator:** Anasema anataka aangaliwe, atafutiwe kitu.. Kama ni kuimba aimbe akiwa na furaha.

**Juliana Muli:** Ngaikaa ukulya ni syana mwaitu watuetee ki? Nakw a ndi kindu ninaete na nininoie ituo nikusunga

**Translator:** Ndio aache kuulizwa na watoto, mama umeleta nini? Na yeye hakuleta chochote. Na vile anachoka na kuimba.

**Juliana Muli:** na nienda yu ndisiwa nisiwe vaa na ngali, ndikinya na kuu na ndinewa kindu, nienda niwae muyo.

**Translator:** Anasema anataka kama anaitwa mahali, gari ipelekwe wachukuliwe huko na wakimaliza kuimba wapatiwe kitu, wapelekewe watoto nyumbani. Na yeye anakomea hapo.

**Com. Maranga:** Asante mama Lucia Muli, utatuwekea sahihi kitabu chetu. Sasa mimi naona wengine ambao wako hapa ni ile group, sijui kama wanataka kuongea. Wacha niwaite kwanza. Halafu enda hapo uwaulize kama, if they want to speak, if they don't it is not necessary. Tabitha Matheka. Unataka kuongea? Ngile Muli? Ndio huyo? Rhoda Kaembe? Anataka kuongea? Mwingine anaitwa Kamene Nduti? Anataka kuongea? Haya ingia.

**Kamene Nduti:** Nyie thina wakwa no ula wanenganwa ni chairlady wa kwina

**Kamene Nduti:** Nitawa Kamene Nduti

**Translator:** Anaitwa Kamene Nduti

**Translator:** Shida yake ni ile imeongewa na Chairlady wa kuimba. Hakuna kingine.

**Com. Maranga:** Okey. Next anaitwa Kaloni Kituku. Anataka kuongea? Ama ni yule Chairlady amezungumzia? Okey. Anne Mutuku. Anataka kuongea ama ni vile chairlady ameongea? Okey. Thank you very much. Give me the next list. Kavee Michael? Okey. Sawa. You want to talk in English or Kiswahili?

**Rosalyn Kavee Michael:** In English. My names are Rosalyn Kavee Michael. Many pupils said that they need free education, free basic needs, free medical care when a patient is admitted. No divorcing.

**Com. Maranga:** Divorcing?

**Rosalyn Kavee Michael:** Divorcing. No taking of drugs. No polygamy. Land should not be sold without children's notice.



**Com. Maranga:** Okey. Just a minute. Any question?

**Com. Ayonga:** You have said no divorce?

**Rosalyn Kavee Michael:** Yes.

**Com. Ayonga:** Now, when two people disagree, what would be the solution? The lady doesn't want this man. He has been beating her too much and she wants a divorce or the woman is not good to her husband. What would you like to be done? You can't just say no divorce.

**Rosalyn Kavee Michael:** The Government to care for the children.

**Com. Ayonga:** And allow the divorce?

**Rosalyn Kavee Michael:** No.

**Com. Ayonga:** Thank you.

**Com. Maranga:** Okey. Thank you very much. Please sign and give us that memorandum, we need that. Then we have Redempta Mutuku.

**Redempta Mutuku:** Kwa Chairman and the Commission, ladies and gentlemen. Asante sana kwa wakati huu. Ningeongea kidogo juu ya ile inawahusu disabled, the sick and the poor. Mimi naitwa Redempta Mutuku. Huko katika villages kule tumetoka kuna walemavu, wale watoto wamezaliwa viwete, wamezaliwa hawajiwezi, wengine wamekuwa wagonjwa. Kwa mfano hata kama mtu amezaliwa kiwete au amezaliwa namna gani, yeye ni wa Kenya na ni unaona ni kama hawajulikani na ni kama hawasaidiwi.

Kwa hivyo mtu anafanyika hivi anakuja kukufa na shida bila kujulikana. Na kuna wale wamepata magonjwa yale magumu ambayo hayawezi kutibiwa na dawa hizi rahisi rahisi na ni kama hakuna mahospitali kwa sababu pale unapeleka mtu unaambiwa huko na wanaitwa cost-sharing. Hii cost-sharing, ni kitu tu unaandikiwa. Unakuja na kitabu chako unaandikiwa, unaambiwa nenda ukanunue dawa. Kwa hivyo, cost-sharing inatushinda kuelewa ni ya nini na ile dawa inaweza kwenda ukauziwa pesa nyingi huwezi kupata, kwa hivyo yule mtu anakufa tu. Kuuliza kwangu ni hivi, kungewezekanaje hiyo mambo ya cost-sharing iondolewe kwa sababu inatumiza sisi? Hiyo ni moja.

Pia ningependa kuongea juu ya umaskini. Kuwa maskini sio kupenda kwa mtu na wengine wamekuwa maskini, wanakuwa hata wamezaa watoto, hata wanakufa na magonjwa ile ya shida kama Kwashiokor na Marasmus na vitu kama hivyo. Ni kwa sababu hawana kitu cha kuwapatia hao watoto na hawajiwezi. Hakuna mtu anachukua mtoto wake lakini inakuwa hana nguvu ya kulinda yule mtoto. Ningeuliza kama ikiwezekana watu kama hawa wanaweza, kama tunaweza kufikiwa, sisi hatupitiwi, tuko mbali sana. Tuko mbali sana.

Kutoka kule juu tuko mbali sana. Na kwa hivyo kama kunaweza kuwa ana kitu tukawakarimu kidogo ili tukawa tunaweza kufikiwa. Pia ningependa kuongea kidogo juu ya kitu niliona wanaita land transfer. Hiyo inakuwa ni shida sana kwa.....umelipa pesa nyingi, ulipe wale watu wanasema ni wa survey. Na tunaambiwa mpaka land ni yako ama ni ya babako, au ni ya bwanako na inachukua hata mwaka mzima, miaka mitatu mpaka hata wewe unakufa unawacha ile land si yako, hujui ni ya nani na shida inaanzia kutoka hapo. Yaweza kuwa watoto wale ulizaa hawana uwezo kwa hivyo, nao watanyang'anywa na mtu tu na wizi ni mwingi huku Kenya. Kuna kitu kama kusema ati unampatia heshima kitu cha mtu. Kwa hivyo kuuliza kwangu ni, kama ile procedure ya ku-transfer ile land kutoka kwa mtu ingekuwa free. We pay a lot of money. Kama ingekuwa free. Kwa sababu kama hao ni wafanyikazi wa Serikali, si Serikali...sijui nini hapo.

Pia, ningependa kuongea juu ya salaries kidogo. Mimi si mfanyikazi, I have already retired lakini ningependa kuongea juu ya mambo ya mishahara. Kama vile watu wa hapa chini wanaumia sana, wanafanya kazi mingi sana. I take an example of teachers, vile wanafanya kazi, wanafanya kazi hata usiku. Hata 24 hours. Hakuna hata kupumzika na ile kitu wanalipwa ni kitu kidogo sana na tukisikia kule juu, kule juu kabisa, wacha mimi nitaje Parliament kwa sababu si jina la mtu. Ningependa kama inawezekana kitu kama comparison ifanywe kidogo. Kwa sababu ile tofauti iko ni kubwa sana na ile kazi inafanywa na mtu mdogo ni nyingi sana na analipwa kitu kidogo sana. Wakilalamika wanaambiwa kama ni striking, you are going home. That is unfair.

Ningeuliza kama mambo kama haya. Pia ningeuliza, inawezekanaje? Mtu hawezi kujifanyia mishahara wake. Itakuwa vibaya sana kwa mtu kuandikwa na hajui...sijui aandikwe au ajiandike na aseme mimi nitakuwa najalipa kiwango fulani. Kwa sababu uki-compare na ile kitu hawa watu wa Parliament wanalipwa na other firms haziko sawasawa. Ile wanalipwa wenyewe au wanajilipa wacha niseme hivyo. Ile wanajilipa ni nyingi sana hazistahili. Hata mimi nimefanya kazi maisha yangu yote na nikaenda retire na ile nimepewa, I could not be equivalent to mishahara wa mtu mmoja kule Parliament.

Kwa hivyo inawezekanaje, wakafikiwa ni kwamba, hii kwetu inatumiza. Hawezi kuchukua kile kitu chote kiko na sisi hapa chini tunaumia. Sijui kama muda wangu umekwisha?

**Com. Maranga:** (inaudible) umemaliza? Thank you very much. Tuwekee sahihi kitabu chetu rasmi. Thank you very much. Yule mwingine ambaye naita sasa anaitwa Ndambuki Nzuki. Very good, young man. Unaongea kwa lugha gani?

**Andrew Ndambuki:** English.

**Com. Maranga:** Okey. What you do, you start with your full names before you start giving us your views.

**Andrew Ndambuki:** My full names are Andrew Ndambuki Nzuki. The points which were given by Kianyoni pupils were; orphans must be cared for with high protection and basic needs. No dropping out of schools, causing unwanted pregnancies. Those who commit adultery will be jailed. Medical care should be free. The aged people should be cared for. Thank you.

**Com. Maranga:** Thank you. Excuse me young man, come and register with us and give us your memorandum. Bwana Program officer umechukua muda sana, unaona mwingine anaondoka. You wait, after her you register, you sign and then you give us that memorandum. Thank you very much. The next one is Eustus Nzioka? Not there? Mwendu Mwasi? Okey. You want to speak in English?

**Mwendu Mwasi:** Yes.

**Com. Maranga:** Okey. Then you start with your full names.

**Mwendu Mwasi:** My names are Maureen Mwendu Mwasi. Education has been quite expensive thus many parents are unable to send their children to school. Instead, very young girls become maids, house girls, and boys become houseboys and even street children. It does not guarantee us with jobs. The Constitution of Kenya should make education free and compulsory for all.

The Government should formulate a law protecting children against child labour and punish those practicing it severely. Job opportunities must be created and the education goals should be formulated to reflect the needs of present and future Kenyan child. The Government should make Constitution covering birth controls to allow parents to give birth to children they can educate and care for. That includes; the number of children per couple. Street children will be reduced.

Land: Children have a right to inherit land but most times parents sell land without caring what will be our fate. This makes us poor and even become displaced. The Constitution should make selling of land illegal. Children must be allocated land first and if there is surplus then it can be sold. The Constitution must protect children and allow equal rights on land inheritance. That is to both boys and girls.

The girl-child: Girls have been raped by their own fathers and others abuse them. This is in the increase due to killer disease H.I.V. Aids. Young girls have not been given equal rights than boys. In many communities in Kenya, they are given out for early marriages as early as ten years. Others leave schools for female genital mutilation leading to many deaths. The Constitution of Kenya must protect the girl-child by giving the penalty of rapists which has been very lenient to a death sentence to curb this

torture. The Constitution of Kenya should empower the Sub-chiefs to oversee customary marriages and to look at those practicing female genital mutilation and early marriages with serious punishments.

Freedom of worship: This freedom has made majority of Kenyans to involve themselves into funny cults which go to an extent of offering human life as sacrifices and more so children or the school girls. As young generation, children are threatened by funny people killing them and scooping their private parts, breasts and tongues. This resulted to many deaths and yet none has been presented for this. The Constitution should protect children from such practices and give limits to the freedom of worshipping. Such people practices involving children as agents should be given penalties closer to death sentence.

Civic and parliamentary terms: Some MP's and Councillors have become a threat to the County Council and Parliament. Some have been there since independence, when they lose seats, they get nominated. As children, we are also growing and eyeing the same seats. The parliamentary motions bore them and end up sleeping during debates or absent themselves. We recommend two terms. i.e One should serve as an MP or Councillor for two terms and retire to give chances to the others. All the best and success as you accomplish the tough task. Thank you.

**Com. Maranga:** Thank you very much. Those are very good views. Let me know whether any Commissioner wants to ask a question. No, please register with us and give us your memorandum. Alright. Thank you very much. Very bright young girl. Thank you. The next one is William Mwathe Kimongo. Kuja upande huu na uanze na majina yako. Sijui utaongea lugha gani?

**Kimongo Mwathe:** Mimi ni William Kimongo Mwathe ama Mwathe William Kimongo. Mimi nitaongea kwa Kiswahili na sijui sasa kama nitaanza.

**Com. Maranga:** Anza.

**Kimongo Mwathe:** Okey. Mimi nitaongea juu ya mipaka. Wakati ambao tulipatiwa uhuru, mipaka iliwekwa katika kila Province. Nyuma yake, sehemu zingine za district nyingine zikaanza kubadilishwa na mipaka ilikuwa inawekwa ya kawaida wakati Sir. Berlin ali-declare emergency, Sir Patrick Hedson na nyuma yake MacDonald ambaye alitukabidhi uhuru wakati huo. Mzee akachukua na ningetaka kusema, kuonyesha mahali moja ambao mipaka ilibadilishwa. Kama ukienda Athi River utaona Portland Cement na mpaka uko hapo mbele wa Machakos district na unaenda mpaka huko mbele na sehemu hiyo ilikuwa mashule ambayo ilikuwa huko ilikuwa inaendeshwa na County Council ya Masaku. Nyuma yake sasa ukienda huko hata udongo imekuwa kama ni ya Kajiado.

Hiyo ndio imenileta kusema kwa committee hii, hiyo mipaka iweze kuhifadhiwa. Kwa sababu vile mnasoma India na kwingine, mnaona mipaka imeleta taabu sana na vile vile katika district ya Machakos mnakumbuka Kilimambogo Teachers College ilikuwa katika Machakos district. Mipaka ambayo imekuwa declared wakati huo na mkoloni kabla hajaenda ilikuwa pande hii

ya Machakos mpaka karibu Thika.

Ukivuka huko ukipata njia ya kwenda Tana river, utaona mpaka inaenda mpaka Tana river district ya Machakos na inapita mpaka Chambele karibu tunapakana na Kitui. Hiyo ingine ni sawa. Mahali pengine kutoka hapa kwenda kama Thika kwenye mananasi, sehemu nyingine huko ingali ya Machakos district na hiyo italeti taabu nyuma yake. Hiyo ya mipaka nitakoma hapo.

Ningetaka sasa kuongea habari ya uchawi: Katika wakati mwingine niliona taabu katika High Court Machakos. Kulikuwa na Mhindi mmoja alikuwa Judge katika Court na kulikuwa na mama mmoja wa Mutomo ambaye alikuwa ameuu mama yake na huyo mama kesi yake ikaendeshwa na ikawa vile aliuu mama yake, ni lazima apewe adhabu ya kifo. Wakati huo niliona Assessor, waliulizwa kama kuna uchawi na walimwambia yule Judge Wakamba pande hiyo, wangali na uchawi. Huyo mama akahukumiwa kifungo cha miaka nne na vile vile Judge alikuwa anauliza kama kuna kitu ya kabila hiyo ambayo huwa katika sehemu hii ya Ukambani.

Ningetaka hiyo sheria iwe inaangaliwa kwa sababu niliona inatatiza Ma-Assessor wakati waliulizwa hiyo. Tena, ile ingine ningengea juu ya korti. Tuseme korti yoyote. Watu siku hizi wamekuja...tulifanyiwa Land Adjudication mashamba yetu na ikawa na mipaka. Mtu anang'oa mpaka, mpaka anaenda kwa shamba ingine na korti ikifanya kesi, ukienda kortini inarudi, inarudi, mpaka nenda rudi haina mwisho. Nilikuwa nikisema ni maoni yangu kuwe na sheria ya korti. Ipatiwe uwezo, kukiwa na kesi kama hiyo ya mipaka na vitu, kwa sababu mtu anaharibu mpaka anang'oa miti na kila kitu, sasa akienda kortini anakataa.

Ningetaka Commission ihakikishe kesi ya namna hiyo, korti inapatiwa mandate ama inapatiwa ruhusa kwenda kutoa korti ihame katika korti mpaka kuenda kuona. Kwa sababu makesi imerundi kanwa mpaka kortini mpaka juu na juu. Iwe inahamishwa mpaka kwenda kwenye hiyo kesi na mtu analipa gharama. Let us pay the transport na mafuta na kila kitu halafu Judge anakwenda huko na mashahidi wanakaa kwa shamba hiyo ndio imesumbua watu. Halafu kesi ziwe zinaamriwa kwa haraka. Hiyo ndio nilikuwa ninataka kuongea.

Ile ingine na labda imeletwa ama haijaletwa. Tumekuwa na taabu, mtu anaoa bibi, bibi anahama, anaenda pahali ingine anakaa mwaka nenda rudi, anarudi. Mzee ameo bibi mwingine na wako watoto na ametafuta mali na bibi yule ambaye yuko. Halafu bibi yule akirudi, yule akirudi, bibi ama watoto, wanakuja kusema wana kifungu cha mali katika sehemu hiyo na bibi mwenyewe yule aliolewa, alizaa watoto, wakatafuta mali, akakuta kulikuwa hii, kulikuwa na mashamba ambayo hayakuwako na imetafutwa na mama huyu. Huyo mama kama bwanake amekufa ama awe, inakuwa na taabu. Sheria ya kabila hiyo inataka irekebishwe iwe ni sawa. Mambo ambayo ilikuwa imenileta nafikiri ni hayo.

**Com. Maranga:** Thank you very much Mzee William Mwathe. Kaa kidogo kuna swali utaulizwa na Commissioners.

**Com. Ayonga:** Mzee Kimongo, sikuelewa vizuri uliposema juu ya uchawi. Je kuna uchawi?

**Kimongo Mwathe:** Kuna uchawi. Uchawi unaweza kulinganishwa. Sasa kuna madawa ambayo mtu anaweza kwenda kuwekea mtu. Nimeona tokezi kama kuku zimewekewa shamba yako imekuwa kubwa, ambayo mnapakana shamba. Mtu anaweka dawa, ni kama hiyo tu, anaweka dawa. Uchawi kuna watu ambao saa ingine wanakutwa usiku wakifanya round katika mji wako. Sijui ni kitu gani anaweka, ni *kithangona*, kinaitwa *kithangona* ama kinaitwa kitu gani? *Kithangona*. Anaweka katika shamba hilo ili muwe mnapata madhara ya watu kupata accidents ama mambo mengine ya kutopata mali. Hiyo ndiyo inaitwa uchawi na hii inajulikana hapo mbeleni watu wa kabila hiyo wangali bado kufa wote. Wangali wako nazo.

**Com. Ayonga:** Ungelipenda tufanye nini katika Constitution?

**Kimongo Mwathe:** Tungetaka ikiwezekana mambo kama hayo, sababu hata inasumbua katika vile niliona katika korti, Assessor akisumbuliwa na kuulizwa maneno hayo, ningetaka irekebishwe, kuwe kuna mpango wa sheria. Sababu mambo hayo lazima yawe katika korti. Lazima ipatikane katika korti.

**Com. Maranga:** Mzee umezungumzia mambo ya mipaka ya mikoa na districts. Ukasema zamani Kilimambogo ilikuwanga Masaku, sasa iko wapi?

**Kimongo Mwathe:** Iko katika Chafuu na chini kidogo iko katika Machakos. Iko katika Murang'a. Iko katika Kiambu na ile ingine ilikatwa ikaenda katika Murang'a. Ukienda huko Ithanga karibu Mapoloni utakuta imegawa na ikawa na DO wa pande hiyo. Kama Ndithini, land market was Machakos County Council na hata ndio tulikuwa tunapeana plan na imekuwa transferred to Murang'a district. Hiyo ndio italeta vita nyuma yake. Mipaka ile iliwekwa wakati wa kicolony lazima ihifadhiwe. Kama Nairobi mahali inafika J.K. hapo mbele lazima ihifadhiwe na mpaka inaenda mpaka inapakana na areas zingine.

Hiyo ya Province ndio nilikuwa naongea. Ya district haina maneno. Kwa sababu vile tuligawa Makueni, tuli-agree wazee wa Machakos, district imekuwa na population mingi na ni lazima iwe katika district kugawa nyingine hiyo haina neno. Lakini ile mipaka iliwekwa wakati wa mkoloni, hiyo tunataka ihifadhiwe kwa sababu hiyo mambo haijakuwa changed na italeta taabu nyuma yake kwa miaka ambayo inakuja kwa watoto wetu waki-claim. Mahali ya mananasi Thika is part of the Machakos district. Watakuwa watoto wetu wanataka kwenda kulima huko na hiyo italeta fujo.

**Com. Maranga:** Asante Bwana. Thank you very much Mzee. Asante sana, Mzee William Kimongo. Tuwekee sahihi kitabu chetu rasmi. Asante kwa maoni yako. Nataka tu kukumbusha wananchi, hebu niwakumbusheni wananchi ya kuwa mkifika wale ambao wanataka kutoa maoni, ni vizuri mjiandikishe na vile vile nimeona wanafunzi wa shule wamefika. Pengine kama wangetaka kuongea mapema, tutawapa nafasi, kwa sababu tunajua wao ni wanafunzi. Kwa hivyo hiyo, I need to have that special recognition. Otherwise, yule ambaye namwita sasa anaitwa Teresia Wavinya Ndolo. Ndolo? Okey. Mzee wangu ongea pole pole kwa sababu huyu anaanza kuongea. Anza na majina yako kamili.

**Teresia Wavinya Ndolo:** Majina yangu naitwa Teresia Wavinya Ndolo. Mimi ni Mwalimu wa pre-school na kama Mwalimu wa pre-school tuko na shida sana juu ni sisi tunaanzisha msingi ya watoto kutoka nursery na wanaenda kwa Primary school mpaka wanaenda University na hatuna mshahara. Hatuna watu wa kutulipa.

Tukiuliza juu ya mishahara yetu, tunaambiwa tulipwe kama watchmen. Pesa zitolewe kwa shule halafu baadaye tulipwe. Tulipouliza kwa nini, tukawachiliwa hivyo tu. Tukaambiwa tuwe tunakusanya pesa halafu tunajilipa. Sasa ndio ninataka kuuliza, kwa nini hatuwezi kulipwa na Serikali? Kwa sababu hao wazazi tu ndio tunawasomeshea watoto na wengine wako na shida sana. Mtu anakuja tu analipa shilingi hamsini, mia, hatuwezi tukapata mshahara wa kutosha na tunaamka asubuhi, --- ikifika miaka yake akijisikia anaenda nyumbani tu na hakuna pension. Kwa hivyo tunauliza kama tunaweza kupata pension mtu akimaliza miaka ya kusomesha.

Ningependa kuuliza kama tunaweza kupata mishahara kutoka kwa Serikali, kama hiyo fees inaweza kuachiliwa juu wazazi wana shida sana.

**Com. Maranga:** Ni hayo tu? Asante. Register there na uandike jina lako na u-sign. Yule ambaye anafuata anaitwa Peter Kiilu? Hakuna. Dominic Mwau? It is your time now, five minutes.

**Dominic Mwau:** Kwa majina naitwa Dominic Mbatha Mwau.

**Com. Maranga:** Ongeza sauti ili wakusikie. Kama una memorandum, give us the main points.

**Dominic Mwau:** Nilikuwa na moja ya kikundi na nilikuwa na ingine yangu ya kuongea. Ningependa kuongea juu ya zile majina ambayo ni ya Kizungu na bado inaendelea katika hii district yetu ya Ukambani. Kwa mfano kama hii ingine ya Machakos, tukiangalia katika maandishi ya Kikamba hakuna 'S' inaishia. Tena hakuna 'C'. Kwa hivyo naona ningependa tubadilishe majina tutumie ile yetu ya kienyeji. Badala ya kuitwa *Machakos*, iitwe *Masaku*. Tena kama *Athi River*, hiyo ni jina ingeitwa *Mavoko*. Inginge ni kama *Kabaa*, *Kabaa* ukiangalia kunaye *B* na wakati wowote majina ya kikamba inaanzia, pahali iko *B* inaanzia na *M*. Sasa badala ya *B* wangeweka *V*. Ie ingine ningeeongea juu yake ni mambo ya usalama.

Tuseme kama hii uwanja ya Nairobi, watu wanasumbuliwa hapo sana wakionyeshwa mahali pa kwenda na mtu hawezi kutoka nyumbani akiwa hajui mahali anaenda. Saa ingine unaona mtu ananyang'anywa briefcase na polisi bado wanaangalia. Hiyo pia ningeeongea juu yake. Ikiwa kunaye usalama, mtu awe na uhuru wa kutembea, na asianze kuulizwa maswali, ati unaenda wapi? Unataka kuonyeshwa gari. Kwa sababu wezi wamechukua hiyo jukumu ya kuonyesha watu na ni njia ya kuiba.

Ile ingine ningeeongea juu yake ni mambo ya utawala. Mimi kwa upande wangu ningependelea kama ni mambo ya Ma-DC, Ma-PC, hata Ma-Chief na Ma-Assisstant Chiefs wawe wakichaguliwa lakini siio kuandikwa na ikiwezekana, mtu achaguliwe

sehemu yake yaani sehemu ambayo anatoka.

Kitu kingine ningeongea juu yake ni hizi ada ambazo watu huwa wanapewa na Serikali kama kitambulisho, passport na birth certificate. Huwa ziko na taabu sana kuzipata. Sasa sijui kama kunaye nini...itawekwa ya kurahisisha. Watu wawe wakiwa wanapata kwa njia ya rahisi. Kwa sababu kama passport, mtu anasumbuka mpaka kama alikuwa na haja ya kuenda mahali, anawacha. Inachukua muda kupata. Ni hayo tu. Mengine yako katika memorandum.

**Com. Maranga:** Asante kwa hiyo memorandum yako. Eka sahihi katika register rasmi. The next one is Julius Mutua Ngilu. Yuko? Next is Justus Mwoki Mativo. Mativo? The next one is Evanson Mwavulu. Evanson? Wacha tumsikize Evanson.

**Evanson Mwaluko:** Majina yangu ni Evanson Nzigo Mwaluko. Not Mwavulu? Mwaluko. Mimi ni mwenyekiti wa kikundi kinachoitwa 'Mumo self-help group' ambacho kiko katika Masii. Kiko na members mia moja na wale active ni sabini na tano. Hiki kikundi ni cha kusaidiana kama maneno ya school fees, kama mtoto mmoja amelemewa na fees, tunamchangia. Saa ingine tunakuwa na project ya kuweka kuku, mbuzi, na hivi sasa mwaka huu tunaazimia kuanza '(inaudible) project. Naomba radhi kwa vile nilikuwa nimetengeneza memorandum na kwa bahati mbaya hakukuwa na stima, kwa hivyo sikuwa nayo na pengine mkiwa ofisini nitawaletea. Ikiwa typed.

**Com. Maranga:** Kama umeandika na mkono ni sawa tu.

**Evanson Mwaluko:** Imefungiwa.

**Com. Maranga:** Okey. Present the main points.

**Evanson Mwaluko:** Ile tumeonelea ni maneno ya Parliament. Parliament tumeonelea, hatutaki iwe na uwezo wa kubadilisha Katiba. Maanake tumeona wakati mwingine Katiba inapelekwa Bungeni saa nane, saa nane na nusu inapitishwa na inakuwa sheria na sisi hatujaulizwa. Inakuwa imepitishwa na watu sabini na tano na sabini na mbili wamekataa. Kwa hivyo, hiyo ndio tunaonelea, tunasema Katiba iwe ya wananchi ndio wawe wakiulizwa vile wanataka, kama wanataka kubadilisha. Maanake hii vile tunaona Katiba ya Kenya imebadilishwa mara nyingi, mara nyingi, inaletwa saa nane na saa kumi inakuwa sheria yaani inabadilishwa.

Ile ingine ni maneno ya wananchi kuwa citizens: Kila mwananchi wa Kenya ako na uhuru kuwa citizen wa Kenya na ako na uhuru wa kuishi mahali popote atakapo Kenya hata kama ni biashara anaweka mahali atakapo Kenya. Lakini sio kama vile imekuwa, unasikia hapa, unaona, unasikia, pengine sasa kuna watu wako refugees in their own country. Kama vile ilitokea mwaka wa tisaini na mbili na tisaini na saba. Hiyo hatungetaka itokee na ni kukuwa na Katiba mbaya ile haiwezi kulinda sisi.



Ingingine ni maneno ya citizenship: Nimeonelea ya kuwa, mwananchi, kwa mfano mimi ninaenda ninaishi America, ninaoa America, nikileta bibi yangu atakubaliwa. Lakini kama ni dada yangu akienda kuolewa huko akileta bwanake, hatapewa citizenship. Hiyo ndio nataka iangaliwe sana maanake sisi wote tunasema ya kwamba Kenyans are equal.

Ingingine ni kuwa kila mwananchi wa Kenya anaweza kuruhusiwa kama ni kupiga kura, kwamba wakati huu tuko na shida ya kuchukua voters card kwa vile watu wengine hawajachukua. Wanatakiwa kitambulisho. Kwa hivyo anything ile inaweza kutambulisha mtu kama ni ID card, Passport, Birth Certificate ama Driving licence ama document yeyote ambayo inaonyesha huyo ni mwananchi wa Kenya, ako na uhuru wa kuchukua voters card.

Ile ingine ni ya kuwa, the President asiwe Commander-in-Chief of the Armed Forces. Commander-in-Chief of the Armed Forces, anatakiwa mtu amesomea hiyo kazi lakini sio mimi kama leo nimechaguliwa kama Rais, naenda kuwa Commander-in-Chief of the Armed Forces na sijui vile bunduki inashikwa, vile inasema. Sasa hiyo ndio naona saa ingine watu wetu wanatumiwa vibaya sana hata wanajeshi wetu wanatumiwa vibaya sana.

Ile ingine ni maneno ya boundaries. Hiyo ndio imesumbua wananchi sana Kenya. Maanake unaweza kuona pale ng'ambo ya barabara, district ikiandikwa hapo, inaweza kuwa hapa karibu na wewe. Pale ng'ambo ya barabara unasikia watu wanaenda district headquarter kama Makueni. Kwa hivyo hiyo tunataka iangaliwe sana. Hiyo imetusumbua sana, mtu anaweza kutoka hapa aende kwa DC na mguu na anaambiwa atoke hapa aende kama Makueni. Hiyo inasumbua sana maanake hii imekuwa ni kama, for example, mimi ni MP wa hapa na hao watu hawanisikii, nitasema hao wakatwe wapelekwe huko siwataki.

Kwa hivyo inakuanga kama ni political gift. District inapeana kama political gift. Ingingine ni kama constituency. Unaweza kuona mtu mmoja anawakilisha watu elfu tano na mwingine anawakilisha watu elfu mia moja. Kwa hivyo hiyo nataka iangaliwe sana, iwe ni kama, constituency ikatwe kama katikati ya watu, 45,000 na 70,000. Sio mtu awe anawakilisha kichaka ambacho hakina watu. Maanake sasa hii ya Kenya inaonekana inakatwa kama forest acreage na sio population. Hiyo inatakiwa iangaliwe sana.

Ingingine ni wananchi wa Kenya, tuko na shida sana. Moja, katika local authorities, sisi hatuna uwezo na hatuna say na sisi ndio tutawalipa hao wa Local Authorities. Ile kodi inakusanywa huko hatuna uwezo wa kujua imekusanywa ngapi kutoka kwa location yangu. Hii ndio inatakiwa na ingine Chairman kama tunataka vizuri, awe anachaguliwa na wananchi wenyewe. Lakini sio Ma-Councillors, sio eti Ma-Councillors wale wanaenda anawapatia pesa, unachukua, unakuta mtu ni thug na amechaguliwa Chairman. Huyo hakuna kitu atasaidia wananchi, kwa hivyo mtu awe kama ni chairman, awe answerable direct to wananchi. Lakini sio directly answerable to Councillors maanake unaona vile sasa, kama mimi ni Chairman na hawanitaki, leo wataungana, saa nane wamenitupa na hiyo ni pesa ya wananchi, taxpayers money inatumika.

Ingingine ile ya mwisho ni kama vile kazi inapeanwa hizi jobs zinapeanwa. Imekuwa ni kama political gifts. Unaona mimi leo

nilikuwa Chairman wa Parastatal fulani, nimeangusha, kesho utanikuta niko kwa ingine. Kwa hivyo maoni yangu ama maoni ya kikundi changu tumeonelea kama nimekuwa Chairman wa Parastatal fulani kama Kenya Meat Commission na nimeiangusha, sheria inatakiwa ichukuliwe nifungwe hapo hapo. Lakini sio nipewe kazi ingine kwa vile mimi ni politically correct to the powers. Hiyo ndio imefanya sisi watu wa Kenya tuwe maskini vile tulivyo maanake unasikia huyu ameangusha hii na kesho unakuta kwa hii na akienda kortini, unasikia hakuna kitu anafanyiwa.

Ingingine ile ya mwisho ni Judiciary: Tunataka Judiciary iwe completely independent. Maanake sasa vile unafanyiwa, leo unaweza kushikwa na tunajua umeiba na tunakuona kesho unatembea pale. Umeshikwa na polisi na bado tunakuona pale ukitembea umeachiliwa. Kwa hivyo hiyo tunataka iangaliwe sana maanake hii ndiyo imerudisha hii nchi yetu nyuma. Mtu anaweza kuuu na kesho unamwona hapa. Kwa hivyo hiyo tunataka iangaliwe.

Ile ingine ni polisi kusumbua wananchi. Unaulizwa wewe ni nani na unatoka wapi na unaenda wapi na huyu polisi kwao ni Nyanza huko na wewe ni mtu wa hapa Makutano na waulizwa watoka wapi, unaenda wapi. Polisi kazi yao, kama wamekuja mimi nimelewa nikunisindikiza mpaka aone usalama wangu uko sawa sawa lakini sio kunipiga ama kuninyang'anya. Vile wengine wetu wamesumbua sisi. Kama wakati wa mikutano. Kama ni mtu wa chama fulani na hakitakiwi hapa, vile mmesoma leo kwa gazeti, MP mzima na vile analipa kodi anapigwa na yule polisi analipa kodi. Kesho yake mnaambiwa, siasa mbaya ni maisha mabaya. Kwa hivyo hiyo hatutaki iendelee hata kamwe hiyo imetusumbua sana na ndio unaona vile vyama vingi vimekuwa kwa vile watu wanasumbuliwa kweli kweli. Kwa hivyo singe kuwa na mengi sana.

**Com. Maranga:** Thank you very much Mr. Mwaluko. Kuna maswala pengine Commissioners?

**Evanson Mwaluko:** Niko tayari.

**Com. Ayonga:** Bwana Evanson kama nilikusikia vizuri, ulisema President asiwe Commander –in-Chief?

**Evanson Mwaluko:** Yes.

Lakini hukutuambia, ingawa ulisema hajui kushika bunduki, sitaki kukuuliza kwamba lazima mtu ashike bunduki afanye nini. Lakini nakuuliza, kama yeye si Commander-in-Chief, ni nani atakuwa Commander-in-Chief? Hiyo hukutuambiwa.

**Evanson Mwaluko:** Commander-in-Chief anaweza kuwa Mkuu wa majeshi yule amesoma hiyo kazi. Kama ni wakati huu, ingekuwa Kibwana angeweza kuwa Commander-in-Chief. Kwa vile Kibwana amesoma hiyo kazi na anajua hiyo kazi.

**Com. Kangu:** Bwana Evanson, umezungumzia kuhusu citizenship. Ukasema hata mama akiolewa na mtu kutoka huko America awe anapatiwa citizenship na vile umezungumzia kwa wale wanakaa karibu na border, ni jambo la kila siku. Unapata wale

wako hapa border na Tanzania wanaoana mara kwa mara. Juzi tulikuwa border huko Busia, wazee wanalalamika hata wale wanaume wameruhusiwa bibi wao wameruhusiwa bibi wao wawe citizens, unapata mtu anakaa anabidi miaka inafika miaka thelathini lakini hajapatiwa hata kipande ya kuonyesha yeye ni citizen. Ungependelea tufanye namna gani ndio huo utaratibu wa kuhakikisha kama umeoa bibi yako ni citizen ama kama tunasema msichana akiolewa, bwana anakuwa citizen. Utaratibu gani tutafuata ndio hii mambo ifanywe kwa haraka?

Ya pili, umesema citizen wa Kenya awe na ruhusa ya kukaa mahali popote, na ningependa, ikiwa tutakuwa na citizen wa aina tofauti tofauti. Kuna wale wamezaliwa hapa, kuna yule atakuwa ametoka nje vile umesema kama unaoa bibi. Ni haki ya aina gani tutasema hizi ziwe za citizen aina hii na hizi za aina hii. Kama tuseme, ukileta bibi yako, anaweza ruhuswa kuwa hata Rais wa Kenya ama namna gani? Kama ni mtu wa kutoka nje.

**Evanson Mwaluko:** Ile ningejibu kwanza, ingekuwa kuwe na kamati ya kuangalia, kama mimi nimeleta bibi yangu na amekaa hapa kama miaka kumi, miaka kumi na tano, iwe ni sheria sasa awe anakuwa direct kuwa citizen. Kwa vile amekaa, vile amekaa na watoto, hata havezi kurudi kwao. Lakini sio iwe direct akija apewe. Lakini anaweza kupewa temporary.

Ile ingine ni vile umesema watu wako wa mipakani. Hiyo nayo inaweza kuangaliwa maanake hao watu wame intermarry na inaweza kutusumbua sisi sana. Hiyo ni kitu ingekuwa na Council of elders wale wanakuangalia, huyu anaweza ku-qualify lakini sio watu wanasiasa. Maanake wanasiasa kama mimi naweza kusema hao waletwe pande hii. Kwa vile nataka wanipigie nini? Kura. Kwa hivyo hiyo inatakiwa iwe na council of elders, yule mtu ambaye amekomaa na hana interest ingine ya Kenya, anataka Kenya iwe ya amani. Lakini siwezi sema mtu kama mimi. Naweza ku-import watu wengine kutoka kule kwa sababu ya political gain.

**Com. Kangu:** Lngine kuhusu hilo ni kwamba, unasema inaweza wekwa kama mtu amekaa miaka tano na ujue tuko na njia ya kuoa hapa kwetu tofauti tofauti. Wengine wanaenda kanisa, saa ile summon inaisha kanisani. Wameshakuwa declared husband and wife. Ukitoka kwa kanisa umeshika bibi yako. Sasa wewe utaulizwa ungoje miaka tano ama namna gani? Wengine wanaoa customary nayo customary inakuwa long process. Sasa swali inakuwa ni kiwango gani utafika useme, now this is husband and wife. Wengine utasikia kama hawajalipa mahari imeisha, hata kama wamekaa miaka ngapi, bado hajakuwa bibi. So, at what point do you say, this is now husband and wife.

**Evanson Mwaluko:** Inaweza kuwa category deal. Wale wa customary, wanaweza kuwekwa miaka kumi na wale wa kanisa wanaweza kuekwa kama kiwango miaka tatu ama minne. Lakini sio mtu aoe direct. Pengine naweza kuenda kumuoa ndio niweze kupata citizenship.

**Com. Maranga:** Asante Bwana Mwaluko. Tunashukuru kwa maoni yako. Sasa nakuuliza uweke sahihi kitabu chetu rasmi cha Tume na utuachie hiyo memorandum yako. Hiyo ni muhimu sana hata ingawa ni kidogo tuachie kwa sababu inasaidia Tume ili

tuweze tukajue maoni yako ni yapi. Yule ambaye naita sasa ni Ruth Katherya. Ruth Katherya wakati ni wako. Una dakika tano utupatie maoni yako. Anza kwa kutaja majina yako.

**Ruth Katherya:** Jina langu naitwa Ruth Katherya Mutunga kutoka Mwala location. Kile nilikuwa nataka kusema ni maneno ya ndoa. Maneno ya ndoa ile nilikuwa nataka kusema, ni sababu watu wanaoana wenye ndoa. Lakini ile lugha inatumiwa kwa ndoa ni kutoa kiapo cha kitabu. Hii kiapo ya kitabu kwenye ndoa wengine mimi nimeona hawajui kama ni kiapo ya kweli. Kwa sababu ndoa imekuwa kitu ya mchezo, watu wameoana, wanazaa watoto wawili watatu halafu wanaachana. Lakini nimeona kama ndoa watu walikuwa wanatumia kiapo ile ambayo wanaelewa nayo ya lugha yao. Kama Wakamba, Wakamba wana kiapo ile wanatumia, sio kitabu. Lakini hiyo kiapo Wakamba wanatumia wanaogopa sana. Kwa sababu, Mkamba akitumia ile kiapo ya kweli na umuulize, anatumia kweli. Anasema kweli, hawezi kusema maneno ya uwongo. Lakini hii maneno ya kitabu, wakioana anashika hivi, anafikiria ni mchezo anafanya hivi. Hajui kama ni kitu na miaka mbili, tano, sita wanaachana.

Kuachana kwa ndoa, kama bibi wanaachana na bwana, bwana anaoa. Ile kuo, anapata bibi na wanazaa na wanaendelea na miaka kidogo mama anarudi. Hiyo ndoa imeleta shida sana. Pengine huyu bwana hana nguvu ya wanawake wawili, hawezi kuwatunza na ndio shida ikaingia. Kwa maoni yangu nilikuwa naona hii maneno ya ndoa iangaliwe. Watu watumie ndoa kwa kiapo ile ambayo wanajua kweli ni nini.

Ya pili, ni uchawi, uchawi kuna uchawi na uchawi kutoka hata kwa Bible. Lakini kama ni Mkoa wa aina hii wanajua mtu fulani ni mchawi, ana hii na hii na anaweza kufanya kitendo ya kuroga mtu waone kweli huyu anaroga huyu. Lakini tukiendelea hivi, hujui mzuri lakini unaona vile inaendelea. Kanisa imeingia, ikakataa hiyo uchawi kwa kanisa kwa sababu kuna korti. Kwa sababu huyu ni mchawi unaweza kupelekwa kortini na ukipelekwa kortini utapewa ile unaambiwa na umeroga. Sasa kuna njia gani ambayo kanisa inaweza kuzuia uchawi kwa kanisa? Na kanisa hakuna kitu mtu anapewa akiwa ni mshirika wa kanisa, chairman wa kanisa, chairlady wa kanisa. Hakuna kitu anatumia ati asiroge mtu asifanye mambo ya uchawi na anaendelea na hiyo mambo yake akiwa kwa kanisa na anaharibu. Mimi maoni yangu naona, hii mila ya uchawi, kama kwa sababu kuna njia ingine watu wanatumia, ile kiapo. Kula hii kama wewe sio mchawi useme na watu wanaamini na mwenye kukula hiyo kiapo, kama anaambiwa kula tunataka hivi familia yetu ikae bila. Hatuwezi tujue ana wasiwasi wa, fulani ni mchawi, anakula. Anaogopa, anakaa bila kufanya chochote. Maoni yangu naona kanisa iwache watu kwa mila yao waendeleo na mambo ya kanisa iwache kushikanishwa na mtu. Kwa sababu mimi kwa mfano nikienda kanisani natoka kwa mkoa wangu. Siendi kanisani eti nikuwe ndio mahali yangu. Kuna ile inaitwa (inaudible), ile ambayo inanijua. Inajua mtu kutoka kuzaliwa mpaka akuwe mtu mzee na hawa ndio wanajua mtu. Kanisa itenge mbali na mtu kwa sababu hamjui.

Kiapo ile ya watu wawe wakitumia ndio watu wakuwe wanaendelea wakielewana. Ile ingine, ni upande wa usalama. Usalama umeleta shida kwa nchi yetu. Sababu sasa unaona kama ni mtu kuna wahalifu wengi. Unaweza kwenda ushikwe na mtu, akunyang'anye akufanyie hii na ukienda kwa polisi uende useme, uwaeleze vile umefanyiwa halafu unaambiwa kwenda ulete huyo mtu hapa. Na ni mtu amekufanya mbaya na hauna nguvu ya kumchukua umletee mahali anatakiwa aletwe. Unarudi,

unakuja unaambiwa wewe mama toa kitu au fulani toa kitu. Hiyo kutoa kitu, utaona hiyo kutoa kitu, tunakaa mbaya sana kwa sababu huna. Na kama kwa mfano nataka ujue hiyo kitu unakamilishiwa unaenda.

Kwa sababu mimi nimeona watu wengine wanauza mashamba. Anakata kidogo, anauza ndio apate pesa ya kwenda kupeleka kwa usalama ndio mambo yake ishikiliwe mzuri. Mtu mwingine anakuja, anashika mtoto wako, anashika kama ni... wazazi wake wanaenda wanapelekwa pesa na huyo ni mhalifu kabisa ameharibu mtoto wa mtu na hakuna mahali anapelekwa. Sasa kwa upande wa usalama nimeona inaweza ikaliwe chini saa ingine ndio waone iko namna gani na usalama utaendelea aje. Sasa nimefika hapo.

**Com. Maranga:** Asante mama. Mama umezungumza kusema, watu wa makanisa ni kama wanatoa watu kwa mila zao na wanaambia watu mambo ambayo hawatilii maana sana. Sasa wewe ungesema, tufanye namna gani? Tutupe mambo ya makanisa ama ni namna gani tutaunganisha makanisa na mila?

**Ruth Kathenya:** Kanisa, hatuwezi kutupa kanisa lakini unajua sisi kwa mfano kanisa ingine, mambo ya kanisa tumeletewa mila zingine ambazo sio zetu. Makanisa mengine yanatoka mila kutoka kwa ile kanisa imeletwa na ukifuata sana, hafuatani na mila ya Mkamba.

**Com. Maranga:** Unasema makanisa mengine yanatuletea mila za watu wengine?

**Ruth Kathenya:** Ndiyo.

**Com. Maranga:** Asante.Okey. Asante mama, tuekee sahihi kitabu chetu rasmi cha Tume ya kurekebisha Katiba na asante kwa maoni yako. Yule anayefuata anaitwa Esther Ekare, Masii Girls. This is your turn. You want to speak in which language? English? Okey you can start giving your views.

**Esther Ekare:** My names are Esther Ekare from Masii Girls and I would like to talk about basic rights. The basic rights especially for the girl –child are not being expressed properly. Most of the girls are not educated. In some places, you find that girls are not educated. They just know that girls are just for the home. i.e. to take care of the children and to prepare meals. I wanted to say that education should be a right for the girl-child. There should be education for them. Then, there is also for that girls should inherit land. You get that there are some girls, you have made a decision not to get married and they want to explore their talents. If they are deciding that, they don't want to get married, they find that they will need land at least to develop themselves. As in Kenya today, they just know that boys are the ones to inherit land and girls are not given anything. So, girls should at least be given land.

On basic rights, I would like to talk about a right for free education especially the primary school education. You find that most

of the parents are poor and not all of them can afford the school fees which is paid in schools. When there is free education for the Primary schools, at least nearly everybody in the country will be literate. You may get that the Secondary school education not all of them can manage but at least upto the Primary school, at least one is literate.

If there is free education, the parents should at least try to do some communal work as in building the schools when there is something to be erected in the school at least they should volunteer to do it. Since their children if they are to be educated free of charge. You find that the Constitution guarantees the right of life, but you find sometimes you may commit a crime and then you are given a death penalty. You find some people on death sentence they just stay locked in for more than two years, waiting for the President to give the last consent for them to be hanged. So, you find that at least they should give these people a life imprisonment and then take them to rehabilitation centers to be at least educated on the usefulness of being a good citizen and such. So that, at least they may change their immoral behaviours and we may get some people like murderers.....someone has that mentality, he is just a murderer and if you take him to the rehabilitation centers, at least he can be taught on how to live with people and how to get away from that vice and acquire a good reputation.

You find that on security issues, the police, especially the ones on patrols, you find that the police should guarantee us security as citizens. Yet you find that the police, may be you are from some place, there are jobs whereby people come late and you come from the job at night. Then, you will find a police officer asking you, ' where is your ID', things like that. In order for you to go home, you have to bribe him. It is kind of robbing the citizens. The citizen is working for a very small sum of money and yet the police is also robbing him the small amount which he should help his family with. So that they may become better people.

On health care, you find that there are some places whereby there is no hospital at all and if there is any, it is too expensive for the citizen to afford. I would like the Government to build dispensaries all over the country and the citizens should be able to pay the sum of money which is required in these dispensaries. They should be cheaper for the citizens to afford. You find that water is scarce. Water is a basic need and it should be there. You find that most of the people lack water. Not because water is not there, water is there but the people who are supposed to distribute water countrywide are corrupt. They want something small to bring a meter to your house. You do not have water but there is some place where water is overflowing and yet the people concerned about water are not taking any steps. All they want is that you remove something small so that a pipe is connected to your house for you to get water.

On education: You find that, girls have many risks. May be you by a stroke of bad luck, she gets pregnant. You find that in some schools, they don't allow the girl back into the school. At least they should be allowed back to school because they have a right to complete their education. After she delivers, let her be taken back to school.

Then on employment: You find that disabled people, e.g. somebody is a deaf person but she qualifies for a certain job and she

can do it perfectly. You find that she is denied the chance just because she is disabled. So, at least I think they should be given job opportunities according to their qualifications. Not considering whether she is a disabled person or not.

**Com. Maranga:** Thank you very much. May be there are questions from Commissioners.

**Com. Ayonga:** Esther, if I heard you correctly you said the girls should inherit land. You didn't give distinction whether this is a girl who has decided not to get married or this is a girl who should be given land here and then get married there and what is she going to do with the land behind here or the land of her husband?

**Esther Ekare:** On that issue, let me take an example of myself, may be I want to excel in a certain talent. I won't get married. I don't want to get married.

**Com. Ayonga:** Okay, if you don't get married, then I can understand but if you are going to get married?

**Esther Ekare:** Not a person who is married.

**Com. Maranga:** Thank you very much, register with us and give us your memorandum. The next person is Diana Mutunga (Masii Girls).

**Diana Mutunga:** Thank you. I am Diana Mutunga from Masii Girls Secondary School. I want to talk about citizenship. The question is, should the Constitution allow dual citizenship? By this, it means that, should one be for example a citizen in Kenya and also be a citizen in another country for example, let's say Uganda. I think it should be because....let's say in census, when you are a citizen in Kenya and you are counted during the census, then when you go to that country let's say Uganda, the Government in Kenya has already planned on the economy. For example, it has decided on the schools may be it is going to do planning. When you go to that country, let's say what it has provided won't be used correctly.

Another point is: High crime rate. Let's say like in terrorism. For example, let's say India has attacked America. The Osama people let's say they attacked the Twin Tower, how did they know that, that was the busy trading center in America. Why didn't they go to attack another place? So, when we allow this dual citizenship, there are going to be spies. Let's say you go and spy on another country so that you may know the secrets and come and reveal them to....let's say your country is the enemy and just end up being a terrorist.

Another thing is, in death cases: Let's say you are a citizen in Kenya, then when you go to another country, you get the citizenship there. Let's say you die. So, when you die, there is going to be this problem that, let's say your parents in Kenya want your body and you got married in Uganda. So your wife says 'no he is going to stay here', your parents say 'no, he is my



child, he is going to come to Kenya'. There is going to be that problem and then there is this problem of when you break rules. Let's say you are a citizen in Kenya, you have got used to the rules here in Kenya so when you go to another country, you find that the rules there are hard to follow. So, you break them, you escape, you come to our country. Let's say you committed a crime there, when you come to our country you are followed. 'Were you the one in that country?' 'No, I wasn't the one, I am a citizen here,' you start problems.

Again, I want to talk about land and property rights. The question is: Who should have ultimate ownership of land. Is it the Government, the Local Government, or the individuals? I think that the individuals should own the land. This is because it won't encourage laziness in the society as if it was owned by the Government. Let's say for example, even the poor people will work hard to get land as there are others who are able to get land. Again, there won't be wastage of land. When you see the unused land, let's say from Athi River to Machakos is not used and it is owned by the Government. I think this land should be issued to people who can own them and use them in the right way to help their country or if the Government could just use this to build other social amenities which could help this country.

Another question is: Should the Government have the power to compulsory acquire private land for any purposes? If so, under what conditions? I think the Government should have that right to acquire private land if only it is going to use it to help the country. For example, if it is going to use the land to build may be schools for the destitute, home for the old people or for the disabled. Another question is, should the State Government or Local Authority have the power to control the use of land for any purposes? If so, under what terms and conditions? I think the land if it is owned individually, the Government does not have any power to interfere with your land. You are supposed to use your land provided you use it in the correct way. But if you start may be, you plant some miraa in your land, you find that the Government has the right to intervene and may be question you on that issue.

Another question is: Should there be restriction on ownership of land by non-citizens? I think non-citizens for example, let's say in Kenya, non-citizens like Sudanese should not come in our country and be given land since there are those poor people who need land, who need our help. We should help each other as Kenyans. We should help ourselves first before helping other people. The other question is, should the Constitution guarantee access to land for every Kenyan? I think yes, it should access land for every Kenyan since it is our country and thus every Kenyan have a right to acquire land. For poor people, the Government should at least help them. That is all.

**Com. Maranga:** Thank you very much Diana, leave us your memorandum and thank you for those good thoughts. Please sign up our register and tell more school girls and boys to come and give views wherever we are. Thank you very much. The next person is Mbete Mwanga. Mbete Mwanga? Hayuko? Ako? Una maoni mama, kuja utoe basi. Kaa huko halafu utoe maoni.

**Mbete Mwanga:** Nyie nitawa Mbete Mwanga



**Translator:** Anaitwa Mbete Mwanga.

**Mbete Mwanga:** na kikundi kyakwa ni kya andu na kitheo ma Kyanganga

**Translator:** Anasema group yake ni ya traditional from Kyanganga.

**Mbete Mwanga:** na tiilye uu mathina ma kikundi ni kya nandu akuu matetonya

**Translator:** The group is for old people.

**Mbete Mwanga:** na nimatonya ithiwa me kati wa wungu wenye mumatonya

**Translator:** Na wanataka kuwa chini ya nyinyi kama mnaweza.

**Mbete Mwanga:** ukethia kana matonya kukwata vinya

**Translator:** Ndio wapate nguvu.

**Mbete Mwanga:** o maketethya

**Translator:** Ya kujisaidia.

**Mbete Mwanga:** nuu.

**Translator:** Anakomea hapo.

**Com. Maranga:** Asante. The next one anaitwa Leah Ndava.

**Elizabeth Wambua:** Nitawa Elizabeth na numite Konyoni

**Translator:** She is Elizabeth Wambua from Kionyon.

**Elizabeth Wambua:** Thina witu kikundini kya Kionyon twina maoni m a kwona mena mathina ma aka ala maitu meitwawa. Twoonaa mainena na amuume nai na tuyona mundu athi kwosa mundu muka ungi. Tuyuka kwithia musyi.

**Translator:** Shida yao ni ya watoto wao wanawake. Wanaona wakioana na wanaachana na hao wanaume wanaenda kuchukua wanawake wengine. Wanakaa na wao.

**Elizabeth Wambua:** na mayuka maitumia mali isu na nzia ila itaile ethiwa ni kitheka kya mundu nukwenda ikia saii atwaana avene mundu muka ula unatwie vu. Na tnoon asu ni thina.

**Translator:** Halafu huyo mama anaolewa, anavumbaza mumewe, anaweka sahihi kwa kama ni ile land iko, ananyang'anya yule mama wa kwanza.

**Elizabeth Wambua:** uyithia ndena wia ula wukie niwe wina wia

**Translator:** Na huyo wa zamani hana kazi ama hafahamiki, lakini yule sasa amekuja maajuzi ndio anatumia hiyo mali.

**Elizabeth Wambua:** na mali isu yila twasomethesya ndaienda kuta kitheka nayu nukwenda uta oosa mundu muka ungi nzaa, eosa niki?

**Translator:** Shida ingine ni huyo mtoto wake, akioa huyo mke mwingine, sasa huyo mke anamwambia wauze hiyo land na wakati walikuwa wanasoma, hiyo land haikuuzwa, lakini sasa huyu mke mwingine anataka wauze hiyo land.

**Elizabeth Wambua:** na mayiemanwa ena a mwanae na thina uumite vala ve mutumi ndumite vala ve syana

**Translator:** Na shida inatoka kwa mzee, sio watoto.

**Elizabeth Wambua:** na twienda mwiao usu wisalie mbaini

**Translator:** Anataka hiyo maneno ikuwe ikiangaliwa na clans.

**Elizabeth Wambua:** na tene twesilaa mbaini na kuma musyini na mundu eenda kutwaa mwiao wake iweka na tuenda wisilae mbaini na musyini

**Translator:** Wanasema wanataka hiyo maneno iwe ikiangaliwa kutoka nyumbani, ipelekwe kwa clan, ipande hivo.

**Com. Maranga:** Asante mama. Andikisha kwenye kitabu chetu rasmi, hiyo ni sawasawa. Yule anayefuata ni Milka Muya. Milka Muyu? Wakati ni wako mama.

**Milka Muya:** Isyitwa yakwa nditawa Milka

**Translator:** Anasema anaitwa Milka Muya. Endelea.

**Milka Muya:** nienda kindu kitawa uthasyo

**Translator:** Anasema yeye anataka freedom. Wa kwika ata?

**Milka Muya:** wa kila kindu kyakwa ni musyi wakwa nina musee wakwa tukethiwa twina uthasyo na nitisikiwe nithie kisesi kyu mwene

**Translator:** Anasema anataka akiwa nyumbani na mzee wake, wakuwe na freedom ya kufanya chochote wanataka kwa familia yao.

**Milka Muya:** Na kwithia kana ona kathika undu kuya nza nikesi ene musyi wiva? Nundu nitukasomethetye na tukakaumya nza.

**Translator:** Kama ni watoto wake wakifanya kazi nje, wakumbuke hawa kwa sababu ndio wanasomesha na ndio wamewazesha kwenda nje kufanya hiyo kazi.

**Milka Muya:** Na twi kikundu kitu kithiwa ki kya iveti nguu na nondete ukwatwa kwoko ni silikali ukethia nitwaumila nza ta twi andu akuu

**Translator:** Pia wako na organized groups ya wamama wazee, na wanataka Serikali iwaangalie. Serikali ijue hiyo kikundi yao ni ya wamama na hawajiwezi, kwa hivyo wawasaidie.

**Milka Muya:** itukwata kwoko uyithia itwauma nza na niya nadu akuu asyai na mayitonya

**Translator:** Kwa sababu Serikali ndio nguvu yao.

**Milka Muya:** Nundu niyo taa witu na niyo vinya witu

**Translator:** Amemaliza. Sawa.

**Com. Maranga:** Thank you very much. Next, anaitwa Wilson Mutinda. Wilson? Anza na majina yako, halafu uanze.

**Wilson Mutinda:** Naitwa Wilson Mutinda Nzuki, kutoka Mwala division. Kitu cha kwanza nataka habari ya ulinzi na usalama wa taifa. Inawezekana iwe GSU police, askari jela yaundwe na Katiba. Rais asiwe Mkuu wa majeshi. Mkuu wa majeshi awe amesomea hiyo kazi na awe amehitimu mpaka chuo kikuu. Bunge iwe na uwezo wa kutangaza vita baada ya kushauriana Bungeni lakini sio Rais. Uwezo wa (inaudible) utumiwe na Waziri wa ulinzi. Kuwe na Minister of Defence awe ndio anaweza kutumia uwezo.

Bunge liwe likijadiliana baada ya hali ya hatari na kutangazwa na Waziri wa Defence.

Vyama vya kisiasa: Vyama vya kisiasa viwe vikitekeleza majukumu mengine bila kuingilia wananchi. Katiba ielekeze uundaji, uongozi na tabia za vyama vya kisiasa lakini tuwe na vyama viwili. Kama chama kinataka usaidizi kutoka kwa Serikali, tuwe tunaomba, mimi naona maoni yangu, tuwekewe percentage, hicho chama kikipitisha wapiga kura, tupewe pesa. Kama kuna chama kinataka kukopa pesa kutoka nje, pia kiwe kimelipisha ile percentage ya wapiga kura. Ile sheria tumewekewa.

Haki ya ardhi na mali: Jamii ya mahali pale wawe wa mwisho kumiliki ardhi. Serikali iwe na uwezo wa kutoa ardhi ya mtu, labda iwe sio yake. Serikali ya mitaa isiwe na uwezo wa kudhibiti namna, wamilikaji na wakaazi wanavyotumia ardhi. Ukoo wa kila kabila wawe wakishirikishwa kurithi urithi wa ardhi. Kuwe na kiwango cha juu cha ukubwa wa nchi kumilikiwa na mtu binafsi. Mtu ambaye si raia wa Kenya, hafai kuwa na ardhi, awe mfanyikazi au mtu wa biashara. Kubadilishwa umilikaji wa ardhi miongoni mwa watu, tufuate ukoo wa kila kabila. Katika uwezo wa kumili ardhi, wanaume, na wanawake tufuate kanuni za kila kabila na utamaduni wao.

Serikali za mitaa: Mayor na wenyeviti wa mabaraza, wachaguliwe moja kwa moja kutoka kwa wananchi. Mayor na wenye viti vya mabaraza wawe na vipindi vya miaka mitano. Mabaraza wawe chini ya Serikali kuu lakini uwezo uwe ni wa madiwani pekee. Madiwani wawe na kiwango cha elimu ya Form four. Kuwe na mitihani miwili katika udiwani, Kizungu na Kiswahili.

**Com. Maranga:** Thank you very much, hand over your memorandum and please register with us.

**Wilson Mutinda:** Am I going to sign?

**Com. Maranga:** Yes, you will sign. Mwingine anayefuatwa anaitwa Joel Masila. Anza na majina yako kamili. Unataka kuongea kwa kikamba ama Kiswahili?

**Joel Masila:** Kiswahili naweza. Kiswahili nafikiri naweza. Asante sana. Mimi naitwa Joel Masila kutoka katika location ya Makutano. Langu la kwanza ni hili: Watu ambao wanafanya kazi tuseme hata ya Serikali hata ya company, wanaonekana wanasumbuliwa sana kwa vile akienda retire, yeye husumbuliwa kwa pesa zake, kuzipata ni ngumu sana. Anatumia pesa mingi

mpaka ile nguvu ambayo ilikuwa nyumbani kwake inaisha na ile pesa pengine inapotea. Hao wapewe pesa ambazo ni ile kiasi chake.

Tena, habari ya korti, korti imesumbua raia sana. Kwa sababu mtu anaweza shtaki kesi yake kwa korti, inamaliza zaidi miaka kumi hata ishirini na huyo mtu pengine alikuwa anajua ile kesi amekufa. Hata kama ni ya shamba, hata kama ni ya nini. Basi ile mali yake, watoto wake hawawezi kuipata tena. Kwa hivyo ingefaa korti iwe ikifanya hii kesi kwa siku chache ili yule mwenye kufanya...hakuna kesi ambayo haina mwisho. Yule mwenye kudai mali au kukosa kulipa mwingine, ama kama ni shamba, wale waache nini...kila mtu apate yake tayari. Hicho ni kitu kimoja ambacho kinasumbua raia sana.

Jambo lingine ni habari ya utawala tuseme kama President, ikiwezekana President angechukua miaka tano na ikiwa yeye mwenyewe ana amani kwa raia, achaguliwe tena kwa miaka tano. Hiyo ndiyo mimi naona inafaa.

Tena kingine ambacho kinasumbua raia ni hiki: Hakuna usalama kwa raia, kwa sababu tuseme mimi ni tajiri. Ninao plot yangu ama nyumba yangu ama nina mali yangu. Halafu wale majambazi na wanaua mimi. Wanachukua ile mali yote na unasikia mtu amepolekwa rumande na kunaendelea na uchunguzi labda kuna wahalifu wengine. Wanashika wawili lakini walikuwa kumi ama tano na wanawekwa rumande wale ambao walishikwa. Na uchunguzi unaendelea, yule mtu anaambiwa atoe thamana ya pesa kiasi fulani na zile pesa ambazo anatoa kuweka hii, ni zile zangu alinyang'anya.

Baada ya siku chache, ile kesi huwezi kusikia yule mtu akitangaza na sisi tumeshatangaziwa, huyu mtu ameshikwa na amepewa thamana ya kiasi fulani. Huwezi kusikia kama amefungwa ama alifanya nini. Sasa yule mtu anawachiliwa. Hii tunataabika. Mimi sina mali lakini tunaona hii ni njia mbaya sana ya watu kuumiza mtu. Mtu auawe na yule aliyemuua basi aonekane na Serikali iweze kuchukua hatua ya yule mtu, aadhibiwe ili wale wengine wakose kufanya hivyo.

Kile kingine ni kwa uajiri watu, kwa njia ya kuwajiri watu, Serikali pengine miaka ilipita juzi tu, ilifanya mzuri ikaajiri watu ambao hawana kazi. Wale ambao wanakaa reserve. Lakini kile kingine ambacho kinasikitiza raia ni kwamba, mtu ametoka kazi amesharetire, ama ametoka kazi na alikuwa kazini, na badala ya kuajiri mtu mwingine ambaye hakuna kazi na yeye hana (inaudible) na yeye anaweza hiyo kazi. Yeye anakwenda kufunga ile nafasi ya mtu mwingine. Kwa hivyo ingewezekana, raia ama Serikali iangalie hiyo sana kwa sababu watu wengine wanasumbuka sana na wako na family lakini hawana cha kuwasaidia. Kwa hivyo yule mtu ambaye alikuwa kazini, akapata pesa ya kumsaidia pamoja na familia yake, na yule mwingine anahamia nyumbani. Kwa hivyo hii Serikali inaweza angalia wale watu ambao hawako kwa kazi.

Ile ingine ni elimu, katika...tuseme sana sana katika Ukambani. Ijapokuwa tunasema mambo ya Kenya yote. Ukambani, hakuna factory, pia hakuna vitu ambavyo tunapeleka ng'ambo na hawa Wakamba wanakosa elimu sana kwa ajili ya umaskini. Ingefaa Serikali isaidie watoto ambao wamepita mihani. Ikiwa ni mtoto ambaye amepita darasa la nane ama darasa la form four, kwenda University, Serikali ingefaa isaidie. Kwa sababu Wakamba wanakosa elimu sana na wale watoto ambao

wanakosa elimu ni wale werevu sana ambao wanashika number one na number two.

Kwa hivyo sisi tunaangamiza watu wengi sana kwa ajili ya kukosa. Wale wazazi ambao wana watoto werevu hawana nguvu ya kusomesha watoto. Kwa hivyo Serikali ingeangalia hiyo. Ni hayo. Sina mengi.

**Com. Maranga:** Asante Mzee Musila. Sijui kama wenzangu wana maswali? Hawana. Kwa hivyo nakushukuru kwa maoni yako. Tia sahihi kwenye kitabu chetu. Kama una hiyo memorandum yako, utuachie hata kama ni kidogo. Una karatasi umeandika? Basi mwingine ambaye naita sasa, anaitwa Isaya Kituku Nzioki. Uanze na majina yako kamili na uendele.

**Isaya Kituku Nzioki:** My names are Isaya Kituku Nzioki. Mine is a (inaudible) opposing a law which says, President is above the law. That part of law was made by British colony to please their interests of taking African's land without any complaints. Because the person who would make an objection about the land was above the law. But, due to the current way of governance of Africans and which we got freedom, there is no need of a person being above the law for the fact that the person who is above the law, will make chain of every command from above upto the grassroot. A chain of command that is unquestionable from above, causing unnecessary inconvenience to those being ruled by selfish governors.

Secondly, due to the multi-partyism Government, that part of the law is giving problems to those people who are on the opposing side. For the fact that the people who are being pleased politically are the people who have been hired by the current ruling party. So, my comment is to say, it is far better to make a co-alition Government to suit every citizen and be free to give opinion and make policies of their circumstances.

On economic side, some of the people who will be in the current ruling party are influencing the economy by trying to grab national wealth to please party members. Of which, it is not everything. So, this is a part of problem which is made by not having co-alition Government. Those are the only views I had. Thank you.

**Com. Maranga:** Thank you Mr. Nzioki. Sasa nataka kumtambua Mheshimiwa wa Mwala. Is it? Mheshimiwa Katuku, I think you can say a word and these are the Commissioners.

**Honourable Katuku:** Thank you Commissioners. Wacha niseme kwa Kiswahili na kwa ufupi. Kwanza, ningependa tuwe pamoja kutoka mwanzoni lakini singeweza, nilikuwa na matatizo kidogo pahali. Lakini nimefurahia kwa vile nimekuta mnaendelea vizuri. Ie tu ningependa kuwahimiza nyinyi nyote mmekuja, ni museme vile mnafikiria bila kuogopa na bila kusikia kama kuna mtu anaweza ambiwa 'usiseme hii ama useme hii'. Ni kiapo kusema vile unataka Katiba yetu ikuwe. Ni haki yako kushiriki kwa hii, ni haki yako kusema vile unataka.

Kwa hivyo muwe na uhuru, nasikia Commissioners watakuwa na patience ya kusikiza sisi. Ya mwisho, kwa vile may be,

sitapata nafasi ingine, tumesema hii division tumepewa hapa ili tupeane maoni yetu. Kuna area ingine iko mbali karibu Kang'undo, tumeomba ikiwezekana tupewe siku ingine moja ya pande hiyo. Ya pande ya Kabaa, kwenda hivyo. Watu huko hawezi kufika pande hii. Na hiyo tumeomba through Coordinator wa district lakini bado hatujapewa hiyo siku. Tungeomba Commissioners wafikirie, watupe siku moja ili watu wa pande ile, wasisikie hawajapewa nafasi ya kutoa maoni yao. Mimi kwa leo sitoi, natoa siku ile ingine lakini nataka kusikia vile wananchi wanasema.

**Com. Maranga:** Huyu ni Mheshimiwa wenu, Mheshimiwa Katuku. Asante kwa kufika. Mwingine namuita sasa ni Nzau Nzomo. Anza na majina yako.

**Nzau Nzomo:** My names are Nzau Nzomo from A.I.C Makutano Children's Home and I am going to present the children memorandum with some several issues. Okey, for the first issue, we are on the preamble. The national vision which should be set out in the preamble is that the Government based on the will of people and law equally protects every citizen. The common experiences which must be reflected in the preamble are;

- Honour those who suffered for justice and freedom in our land.
- Recognize the injustices of our past heroes shedding blood for independence and that which is the last one,
- We state those who suffered and worked to build and develop our country.

The second issue is on directive principles of State policy. Here we need statements in our Constitution capturing the national philosophy and guiding principles. This is a must for the leaders to work under guideline to be used as an axis of their daily performance. The democratic principles included in the Constitution are; that is the democratic principles:

- Bill of rights.
- Justice and social progress vested in the will of people.
- Children's Act.

Kenyans have important values that should be reflected in the Constitution and these are;

- Democratic values and principles.
- Social Justice and fundamental Human Rights,
- Children's Act.

These principles should be enforceable in the law.

The third issue is Constitutional supremacy: We should not retain this procedure for the Parliament to amend any part of the

Constitution by a 65% majority votes. This has to be replaced by national referendum. That is citizens be allowed to choose what they need for their choice. Because the MP' are very few, i.e two hundred and twelve, to address a national issue affecting more than thirty million citizens. The Parliament's power to amend the Constitution should be limited. This is by giving power to all citizens.

Continuation of the third issue. Any part of the Constitution should be beyond the amending power of Parliament. This should for all the Constitution. The public should be involved through referendums in amending the Constitution. This affects all part of the Constitution. The citizens should contract the referendums to amend the bills affecting them.

Fourth issue, Citizenship: Automatic citizens of Kenya are those born within the country and own property in the country. Kenyan citizenship should also be acquired by birth, registration and naturalization if one qualifies. Spouses of Kenyan citizens regardless of gender, should be entitled to automatic citizenship. A child born by one Kenyan parent regardless of the parents' gender should not be entitled to automatic citizenship. Since he or she belongs to one State. The rights and obligations of a citizen are democratic freedoms and one should own property anywhere he feels comfortable whenever he or she is. The right and obligations of citizens should depend on the manner in which citizenship is acquired. The Constitution should allow dual citizenship. The documents which Kenyans should carry as evidence of citizenship are identification cards and Passports. Also, the Government should introduce identification cards for children.

The fifth issue on basic rights: Here in our Constitution, provisions for fundamental rights are not adequate. The other rights which should be entrenched in the Constitution are: Democratic rights, social justice and fundamental human rights. The Constitution guarantees the right to life. The death penalty should be abolished that is somebody has no right to put someone's life to an end by shooting, murdering e.t.c. The Constitution should give protection for security, healthcare, water, education, shelter, food and employment as basic right for all children. I would like to talk about each of these protections. Starting with security for children.

Children should be given much protection from adult abusers as in issues like raping. They should also be protected from child labour. They should also be protected from being sexual commercial workers. Children should be protected from being offered as cult sacrifices for devil worship. On this, the State should give protection to children from this practice.

The second one is health care: Medication has become expensive thus people opt not to go to hospitals hence there is high child mortality to this day. Children have to walk long distances in search of medication. By the time they reach there, they are tired and become weaker. So, healthcare should be given free regardless of race, tribe, culture, religion, and social groups without discrimination.

Third is water. It was the Government policy to supply everyone's home with clean piped water but upto to today, the children



are being used by their parents to walk long distances in search of water. This water is contaminated and carries waterborne diseases like typhoid, cholera and amoeba. First and foremost, the Government should ensure that children receive clean water which is best for their health.

Fourth point, education: Basic education should be made available for both the poor and the rich since many children have failed to go to school due to poverty. Secondary education and Universities and colleges fees, has gone up for a common mwananchi to afford. This education has to be made free as in cases of divorced marriages, orphans, tribal clashes, where children suffer much. Most of the parents are jobless and single. So the State should give children free education. The last thing on the protection ground is about employment. School leavers should get employment according to their performance and work on job training. At least in every home, there should be one to be employed to save others.

The other issue is on land and property rights: Here, individuals must be issued with the Title Deed to prove that the piece of land belongs to that individual. In this individual ownership of Title Deed, the Trustee or the bearer should include his or her own children who are entitled for the ownership of the land. This is because incase he or she dies, the children should have right of inheritance to the piece of land.

Under land and property rights: First point is ownership of land. Community based land or property incase of need, the public should participate to allocate the land required for that purpose. Be it hospital that is public hospitals, School Children Homes for the disabled and recreational centers.

Second, Government and local authorities ownership of land and property: In any case the politicians decided to grab the allocated land, it is easy to manipulate their way into getting the allocated land for their powers of ownership. The Councillors, the Mayors will use their powers to get the land and allocate it for their use. Mostly, these Mayors and Councillors by way of bribery allocate any piece of land and give it out to someone.

Third, children ownership: Children should have a right to inherit their parents properties. Usually relatives grab the property, leaving the children without anything. A law that entitles children into inheritance should be introduced to guard children against greedy relatives.

Fourth one, Sealing ownership: If the owner of the land dies, his or her Title Deed will prevent any inconveniences from relatives, villagers, neighbours, strangers e.t.c. From grabbing the piece of land. The land being sealed by the Title Deed, the owner can acquire or get loans from banks, cooperatives and other financial institutions.

Fifth one, restrictions: We should have restrictions in ownership of the land. This is as a result of foreigners desiring to purchase a piece of land in dubious use. e.g. Establishing mafias activities, stores for drug trafficking, sexual commercial houses, devil

worship centers. Permission should be given on condition that their activities are approved to be genuine by the State.

Sixth one, transfer of Deeds: The use of Title Deed and authority for the people to transfer land should be provided for easier disposal of land.

Seventh one, on access to land property: Men and women should have equal access to land and any other property. In case of unmarried or single mothers, they should share equally the piece of land and property with the rest of the family members.

Eighth and the last one, land buying: Kenyans should own or possess land anywhere in the country and without restrictions. The Constitution should guarantee possession of land for every Kenyan anywhere in the country, regardless of race, tribe, religion, culture, social politics, regional diversities e.t.c.

The last issue is on management and use of national resources: The Executive should not retain these powers. We should have an independent body in raising revenue management of human resources and distribution of finance equally to all parts of the country. This will keep away, corruption, mismanagement of Government revenues, nepotism and tribalism. The Parliament should not retain the power to authorize the raising and appropriation of public finances because of individual mismanagement. Besides taxation, we have several methods of training public finances. These are:

- Highly standard management of natural resources e.g minerals, national reserves, game parks, beaches, sand harvesting, sculptures e.t.c. To ensure equitable distribution of national resources, good Constitution should be introduced. The Government is required to apportion natural resources between the Central Government and the communities where such resources are found. Thank you very much.

**Com. Maranga:** Thank you very much. You realize that we gave you enough time because you were presenting on children's rights. Thank you very much. Sign in the register and please hand over your memorandum. Thank you very much for your views. The next one is Augustus Mwathe. Hayuko? Yuko Augustus? Ni wewe? Basi kuja utoe maoni. You have five minutes Sir. Endelea na uanze na majina yako kamili.

**Augustus Mwathe:** I am Augustus Kitheka Mwathe. I am starting with Parliament. I am of the opinion that the requirements for one to contest the seat of an MP should be as before despite only one area. That is age. On the side of age, in my opinion I suggest that it should be increased to twenty-five years instead of twenty-one. Another issue on the MP' is that, after being elected to Parliament, they should be recalled if they are not doing the necessities to the community. This should be done through committees set in the constituency. They should also be permanent employed full time workers. Such that when they are not in Parliament, they are in offices to attend to the public from their constituency. Their benefits and salaries should be in line with other public service servants. That is all I had on Parliamentarians, then I move on to the President.

The requirements for one contesting a Presidential seat, the age should be raised to forty years and above. Qualifications on school education should be a degree and above with clean record of conduct. The other requirements should remain as they were in the former Constitution.

Then I move on to African culture: There should be some reinforcement in the Constitution of some cultural ethics that were forgot during the first Constitution. e.g. Especially the Kamba. We had something known as the (inaudible) which was separating any disputes between two people. I propose that one should be brought up in the new Constitution. I also propose that in marriage in the Kamba, there are some rights that have been forgotten. I suggest the new Constitution to bring about the Kamba tradition way of marriage and conduct of reinforcing the marriages.

Next is on worship: Worship is not given much enforcement in the former Constitution. Can the new Constitution bring about the African religion and respect the areas which were reserved for such purposes for the benefit of the community?

On education: I propose that the Constitution should provide for the proper education for the citizen which is right in our country and the education should be, according to my opinion, free especially in Primary schools. So that every mwananchi can get access to educate his or her child. After completion of education, can the Constitution allow the Government to provide for employment for its citizens? On the side of employment, there should be balance. As we refer to the population of Kenya, we know that the males as per females, the females are more than males. Then employment should go in that ratio also.

Land ownership: The Constitution can allow individuals to own land as well as parts to be for public, in such a way that there are some reserved areas for public use. For instance, an area wants to start a new school, they should have somewhere where they can start such a school and not buying. Because the buying is bringing inconvenience in the community. At the same time, when it is providing for individual ownership of land, they should not forget that nowadays we have some women who are not getting married. In such a way, they should also be considered when one is giving land to his or her children. But, in quotation, if a woman has been given land and by good luck or bad luck she is married, she should not own that land anymore.

Trustland: This should not be owned by County Councils but should go to the board chaired by the DC. That's all I had.

**Com. Maranga:** Thank you very much. Register and sign there. Thank you very much for your documentation. Now, I have got three people who I am going to call before we break for lunch and the first one is James Mbayi. Do we have James Mbayi? He is not there. Are you the one? Then the next one is Francis Makonze. Kuja utoe maoni mzee wangu. Mwingine ni Charles Munyao. Do we have Charles Munyao? Wewe ndio utatufungia ndio tupate break ya Commissioners for one hour halafu tutarudi saa nane. Thank you. Anza na majina yako. Unaongea na lugha gani? Kiswahili ama Kizungu?

**Francis Mutua Makonze:** Kiswahili.

**Com. Maranga:** Endelea.

**Francis Mutua Makonze:** Mimi ni Francis Mutua Makonze na natoka katika Masii location, Evui sub-location, P.O. Box 58 Masii katika Makutano area. Mimi ninao maswali saba. Kwanza, nazungumza juu ya mahakama. Mahakama kuna kosa ambayo wanakosea wananchi kwa mtindo wao wa kuweka watu rumande karibu mwaka mmoja na kitu au miaka miwili. Baada ya hiyo kesi, labda mtu anaachiliwa aende zake na halipwi chochote katika huo muda ambao umepotea. Hilo ni swali la kwanza.

Swali langu la pili ni juu ya watu ambao wana-retire kutoka kwa kazi. Yule mtu amehudumia Serikali katika miaka yake yote sitini na tano au hamsini na tano na amekusanya chakula chake na watoto wake. Badala ya ku-retire kurudi nyumbani hapa ambapo kunatokea watu wengi kuzaliwa, anafuatiliwa anapewa kazi ingine ambayo ni ya kuzuia mtu mwingine ambaye hana kazi, amehitimu na hajafanikiwa. Yule mtu ambaye anatoka retire, ana kazi nyingine badala ya hiyo amepewa ya mshahara. Ana matatu, ana hoteli, pengine ana bar na kadhalika. Hiyo Serikali ingeangalia ile nafasi ambayo angepewa ipewe mtu mwingine hasa wale wanamaliza shule. Hili ni swali langu la pili.

Swali la tatu, ni muda wa kuchaguliwa. Mimi naonelea mtu angechaguliwa katika vipindi viwili na vikimalizika hata akiwa mzuri, uzuri gani awaachie wengine nafasi. Swali langu la nne, ni upande wa elimu. Sisi kwa upande wetu hatukubahatika kuwa na society na hatukubahatika na mapato au source ambayo inaweza letea sisi pesa. Watoto wetu wamesoma na taabu sana, wazee wanauza shamba, ng'ombe nini, wanamalizikiwa. Kwa maoni yangu ningenelea, elimu ya 8-4-4, Serikali ingeangalia ichukue mzigo huo. Itusomeshee watoto na watoto wa elimu ya juu kama University, huo mzigo unaweza wekelewa watu wa kampuni. Kwa sababu mwanangu akimaliza shule, mimi siwezi kumuandika kazi na watu wa kampuni watamchukua pale pale dakika ile ili akawahudumie huko. Na ile mali yangu iliyopotea yote, nimebaki bila chakula, basi mimi sina mtu wa kuniangalia. Ningeuliza watu wa makampuni, ikiwa mnataka Engineer, watu wa kampuni ya engineer wasomeshe. Akimaliza, wamchukue ataendelea kuwalipa.

Swali langu la tano ni kuhusu wazee wa miaka kuanzia sitini na tano na kuendelea. Wale wazee wangeangaliwa na Serikali kwa sababu wale wanao-retire, wana-retire kwa sababu wameandikwa. Na mimi ambao sikuandikwa na mwenzangu, tumejenga shule, tumejenga kanisa, tumejenga nini, tumemalizika na kumaliza pesa zetu. Sisi tunaweza patiwa retire, angalao nipate chakula. Wazee watakula nini? Kama mimi mtu wa miaka sabini na nne. Tutakuwa tukila nini? Serikali tungeuliza itupatie chakula angalao kama wengine. Hilo ni swali langu la tano.

Swali langu la sita ni kwa upande wa traffic wanao tuhudumia barabarani. Tukitoka hapa tukielekea Kisumu, tutakuta ma-traffic

njiani karibu watu mia mbili. Station mia mbili. Hapa tunasimama, hapa tunasimama, pale tunasimama, Kisumu tukifika, watu njiani ni mia mbili tayari. Maoni yangu ningeonelea, huo mzigo ungewekelewa, Serikali itafute computers ambazo zitawekwa ndani ya magari. Ikiwa gari inabeba watu zaidi ya computer, computer inaendelea kuendelea. Kwa sababu mimi naona huko katika lift, mimi naona tukiingia zaidi ya watu saba, haiendi. Kwa nini hawa wasiekee hii. Saa yote. Hata tukiwa na mapolisi ndani ya hiyo Gari, wakati tunaambiwa tuiname, hata yeye anainama. Sasa wanachungulia nini? Kwa hivyo ni maoni yangu, wangeweka computer, ihesabu ratili, halafu ituwachilie tuendeleo tukiwa sawa.

Ya mwisho, ni uwezo juu ya sheria. Mimi nafikiri, sheria haina mtu ambaye yuko juu yake. Kwa vile watu ni wenye makosa kama mimi, ingeondolewa ile amri inasema, 'fulani hawezi kushtakiwa'. Kwa sababu binadamu ni binadamu. Mimi ni kama wewe tu. Nina hasira, nina chuki, nina kipendeleo. Kwa nini niwe juu sana sana? Maoni yangu ni kama hayo saba kwa vile muda si mrefu na si wangu peke yangu.

**Com. Maranga:** Asante Mzee Francis Makonze. Nafikiri kuna maswali utaulizwa na Commissioner Kangu.

**Com. Kangu:** Bwana Makonze umesema, mtu achaguliwe vipindi viwili. Kwa sasa hivi, Katiba tuko nayo inasema Rais ako na vipindi viwili. Sasa wakati ulisema mtu achaguliwe vipindi viwili, ulimaanisha Wabunge, Ma-councillor ama ulimaanisha nani?

**Francis Mutua Makonze:** Nilimaanisha Rais kwa sababu, Mbunge sisi ndio tunachagua moja kwa moja kutoka kwetu na wale watu ambao wanamchagua, huenda wakachoka naye kwa kipindi kimoja. Lakini Rais ni mtu ambaye yuko juu zaidi ambaye miaka mitano inaweza kwisha tu akijipanga, akijitahidi. Kama ni maoni yangu au ya wenzangu, tungeonelea tu akae vipindi viwili na hata akiwa mzuri uzuri gani, bas aachie mwingine. Mungu hakuumba mtu mmoja.

**Com. Kangu:** Umesema tena kwamba tusiwe na mtindo, mtu anaachishwa kazi, halafu tena anaenda anapatiwa kazi kwingine. Sasa kuhusu Wabunge utasema namna gani kwa sababu wengi unapata ni wakati ameenda retire ndio anakuja kusema anataka kuwa Mbunge.

**Francis Mutua Makonze:** Mimi nasema kwa vile tuna watu wengi hapa, kama alifanya kazi kule kwa Serikali miaka hamsini na tano, si tuko na vijana. Sasa atakwenda miaka ingine kumi mpaka amalize pesa zote za Kenya. Angepumuzika na mimi nipatiwe nafasi.

**Com. Kangu:** Asante. Nashukuru wewe. Tuwekee sahihi kitabu chetu rasmi na hiyo memorandum yako, utuachie kwa huyo. Unaona huyu kijana karibu na wewe?

**Francis Mutua Makonze:** Huyu?

**Com. Maranga:** Yes. Basi songa hapo karibu, atakuandikisha katika kitabu rasmi. Asante. Wa mwisho kabisa kabla hatujaenda kwa break, tunaye Charles Munyao. Hii break tukimaliza, tutarudi hapa saa nane kamili ili tuendelee kwa wale ambao wamejiandikisha ambao hawajaongea. Ni wangapi hapa hawajaongea ambao wanarudi saa nane? Bas, naona ni wachache, tutawaona saa nane. Charles Munyao.

**Charles Munyao:** My name is Charles Munyao from Makutano location, Mwala division.

- My first point is change of a law. It is indicated in the Constitution that it should be changed by the Members of the Parliament with 65% and this should not be. We should bring the Constitution down to the public and we change. Because sometimes it was changed within one hour to allow somebody to be a Member of Parliament and to be a Minister, so we do not support that part.
- A President should have limits. He has so many duties, appointments of PC's, Permanent Secretaries, Parastatal bodies, this should be given to bodies or to Boards.
- Kenya law should provide a space for the *Kikamba Kithitu*.
- We should have qualifications of President and the best ground for a person to be a President. Because we might lead to get a corrupt one. So, we need such qualifications, may be where that person has gone to school, we have known and his background. If he had been in a place and worked and was corrupt, he should not be a President of this country.
- The Constitution should allow for Councillors and Members of Parliament to be sent home by the public if they do not deliver services to them for the five years tenure.
- The Kenya Constitution should allow co-aliation government but not only the ruling party with a majority but we should have three parties or two parties to form the Government.
- Elections should be done in two different times. For the President to be done on a separate day and Councillors and Members of Parliament on other days. But not all of them at the same time as if people were being swept by water. This will allow people to decide because this time of voting you are electing a President, a Member of Parliament, a Councillor, somebody will carry this person like a President and may be that, a President might be carried by the Member of Parliament. Or the Member of Parliament might be carried by the wind of the President. So, we should have the President's time and Councillors, Members of Parliament also their time. That should appear in the Constitution.

- We hear when I am bankrupt, I should not hold a public office, so anybody corrupt, a Minister, a Member of Parliament, a PC or whoever might be in the public work should be sent home. They should not hold public office. Because this person has been told, 'because you are poor, you cannot hold public office'. What about this person who has been corrupt? So, they should be the same and even that one is more serious. This corrupt person is more serious than this person who has no money.
- The Constitution should allow equality. In this manner, we have provinces with more Universities than others. A good example is the Rift valley which has about three Universities and the Eastern has nothing. So there must be equality of putting public funds in terms of such structures. Because we have the land and those people who promoted University or that school to be a University use the Government money. So this should also be allowed to be seen in all other Provinces. The same should go to National schools. There are Provinces where we have more National Schools and others without National Schools and only public funds is being used to promote the school to become a National School.
- Appointments of Provincial Administration: This should be contained in the Constitution that the Chiefs, Assistant Chiefs should be employed by the public. They should be elected by wananchi and not to be employed. Because when he is employed he will serve the master and should be employed by these people. When he deserts to go home, he is kicked off and we have another one. So, we should have this in the Constitution that, Chiefs and Assistant Chiefs should be employed by the public through elections.
- Distribution of funds in the districts. When we read in the papers, we see it is not so. An example is Machakos and Kitui which have one road and from Kitui to Tana River is a big land without any road. But if we go to Rift valley, we see so many districts with so many tarmac roads. So we need the distribution of Government funds in the district to be equal. It should appear in the Constitution that equality of sharing the Government cake to be equal.
- We need an independent Judiciary.
- We don't need nomination of Councillors and Members of Parliament. That is waste of public funds because they will go and serve their masters. So there is no need, if I am not elected, I should go home and stay. So, other people should do the same.
- All parties should be sponsored equally during the elections if we say; we are those people who have democracy. A democratic Government to allow every party to be sponsored.

- The land: The question of land should appear in the Constitution, somebody must have a maximum number of acres. There are people with thousands and others without even an acre, we have so many squatters, we read these papers. There are squatters. Squatter is a person who has no land and who has no piece of land like in my case where I am also buying. He is a person (inaudible). He is a person with problems and there are people with big lands. So, we should have people owning land with a limit. Not ten thousand, five thousand, two thousand, one thousand and my land is two acres and we belong to the same country, we belong to the same Government and we belong to same God. Thank you.

**Com. Maranga:** Thank you very much, I want to ask my fellow colleagues whether they have any questions or clarifications. Commissioner Ayonga first and then Commissioner Kangu.

**Com. Ayonga:** Mr. Munyao, if I heard you correctly you said all parties should be sponsored by the Government during elections and in Kenya we have about forty-five parties and you hear they are adding. Tomorrow you will find them forty-six and some parties do not have many people as their followers and if the Government is going to sponsor them equally, now you mean, say for example, if the Government was going to give a million to every party, that even this party of fifty people should be given a million shillings?

**Charles Munyao:** No.

**Com. Ayonga:** Did you have that in consideration?

**Charles Munyao:** Yes, the point I was making is; that not all those parties with one person, two people, three people but those with a good number.

**Com. Ayonga:** Now, what is the good number of people that can justify a party to be sponsored. You are leaving advance to that.

**Charles Munyao:** It is that party with more than ten members of Parliament.

**Com. Ayonga:** Okay. A party holding more than ten Members of Parliament should be sponsored. Thank you.

**Com. Maranga:** Ngoja, Commissioner Kangu ako na swali.

**Com. Kangu:** You have said that we should have equal distribution of resources. Ukasema like Universities, Rift valley iko na mingi, Eastern doesn't have. I would like you to give us your thoughts if you have any about the current situation under which



we have headquarters, everything in Nairobi. Parliament, Judiciary, industries, everything in Nairobi, Ministries, what are your thoughts about that? They should be distributed to other parts like we have Mombasa, we have Kisumu, we have Nakuru, but I meant that they are in Nairobi, they are many as you are saying. They should also be moved to some areas to cater for the employment of the people of that particular area.

**Com. Maranga:** My last question is about the Kamba oath. The *Kivitu*, yes. How do you want us to apply it, we put it in the Constitution? Don't you think it is going to be rejected by other ethnic communities in this country? Because every other tribe or ethnic community in this country may be it is having its own oath. How do you want us to bring that....

**Charles Munyao:** To be put particularly for Kambas.

**Com. Maranga:** For Kambas.

**Charles Munyao:** Yes. I have put in that one because if I go to the court of law with you, because you are rich, you will use an advocate. I want a *Kivitu* to come and justify.

**Com. Maranga:** Thank you so much. Sign in the register. Kwa hivyo wananchi watukufu wa Mwala, mimi nataka kuwaambia sasa, Wanatume wanataka kuchukua break ya dakika arobaini na tano, halafu tutarudi hapa saa nane kamili na wale ambao wamejiandikisha hapa ndio tutaanza nao. Wale ambao walikuwa wamechukua mikono juu watatu na kama kuna wengine ambao wanataka kuongea saa hiyo, basi mrudi, sisi Wanatume tutakaa hapa mpaka tumalize na nyinyi. Sawa sawa? Thank you very much. So, we have a break.

**Com. Dr. Maranga :** Njoo utoe maoni yako.

**Benson Mutuku :** Naitwa Benson Mutuku. Yangu ningetaka Rais na makamu wake wawe wanachaguliwa pamoja na wale wa viama hizo tuseme tatu hii inaongoza wakikosa kuwa kama wamechaguliwa, wawe nominated kwa Parliament.

Ya pili, ni hii mambo ya makampuni imeanza kuwa under receivership. Sasa wale huwa wamesimamia hiyo makampuni tuseme pesa zao hutumia mingi, kampuni imefilisika juu ya wanataka kwenda kuchaguliwa. Sasa kampuni inaisha kwa sababu hakuna pesa. Naomba hawa wangeangaliwa wasichaguliwe juu wamekula pesa za wananchi hakuna haja mtu aende kusimamia wananchi kwa njia ingine.

Ya tatu, ni ya NSSF – NSSF tuseme mtu akifariki huwa hanalipwa na wale walikuwa kwa kampuni kama hizo zimekuwa under

receivership huwa hawalipwi chochote tuseme mtu amemaliza kama miaka kama nne huwa halipwi. Inatakiwa sasa wawe wanalipwa na kama insurance.

Ya nne – tuseme sentences za korti, tuseme ikiwa ni raping ama murder inatakiwa kuwa uniform, hakuna kosa ndogo ama kubwa. Niko na hayo.

**Com. Dr. Maranga :** Yule anaifwata anaitwa Nzoma Mtinda.

**Mtinda Nzoma:** Kwa majina naitwa Mtinda Nzoma. Mtinda Nzoma, majina. Nilikuwa na pendekeza kadha.

Ya kwanza ni Political parties – Kwa maoni yangu nilikuwa nina-recommend opposition parties zote ziache kuwa registered so far halafu zile ziko they merge together to form one party. One opposition party and then we remain with the ruling party, the KANU which was the first in the country. And I think the reason as to why this should be done is to promote national unity.

Ya pili on the same, ni ile system ya campaign ambayo tuko nayo Kenya, tukiangalia, kwa maoni yangu I recommend that we have one single style of campaign. Kwa sababu tuseme parties ni nyingi sana Kenya na zikiwa nyingi kila wenye Constituency wakingoja mpaka huyu achi-ache aki-campaign amalize, mwingine achi-ache akampaign amalize, nafikiria inaharibu wakati mwingi wa wananchi.

Kwa hivyo kwa maoni yangu ndio naona ninaonelea tuwe na one flat wale wote ambao kwa constituency moja wana-contest, iwe ni opposition parties different kama wako watano ama kumi, both Civic and Parliamentary, wawe kwa platform moja wakae wakampaign wananchi wasikie halafu waondoke wafanye mambo yao. Kuliko after two hours huyu anakuja after other two hours mwingine anakuja and a lot of time is wasted on that.

Ile ingine ni malipo hasa wakati Civil Servants wanakufa – The bereaved family may be was depending on the deceased who was the bread winner in the family. Kwa hivyo mara nyingi unakuta kuwa akifa kuna a period imekatika kwa maana yule alikuwa anawasaidia hayuko tena na hawana any other means of kujitegemea. Hasa in cases of when the children are are very small.

Kwa hivyo, kwa maoni yangu, ninaonelea hii tume ya Katiba i-formulate a system of payment kama ni one year watu wajue huyu amekufa na after one year tutapata labda gratuity yake na zile pesa zake alikuwa alipwe. Kwa sababu inaenda mpaka wengine wanafika five years, ten years na hawajalipwa malipo ya mwenye alikufa, na naonelea kwa ukweli ile familia ambayo imewachwa wanaumia sana na pia kule kutokufwatilia labda Nairobi kwa Treasury nini inatumia muda.

Kile kingine ni promotion – Na hasa nikiongea juu ya promotion ni kwa Civil Servants. Hii inachukuwa muda mrefu, unakuta a

Civil Servant ana-serve for so long, ten years, fifteen years kwa ile grade tu alitoka college nayo. Na naonelea ikiwezekana Katiba ya Kenya i-formulate a method of promoting na kwa maoni yangu naonelea after may be sitting for a course or an exam watumia papers to promote. Kwa sababu wengine wanaangalia tu kwa macho vile una-relate na huyo unapatiwa promotion, yet you are not capable. Na while those who are worth wanakaa for so long and they don't get any.

Zile zingine on the same ni juu ya responsibilities – Responsibility allowances, kuna responsibility allowances zinapatianwa, tuseme Head of Department, tuseme Head somewhere. Most of them go down to 40 shillings per month and I think compared to the duties people are doing like you are in charge of ana institution and you get 40 shillings after may be dealing with very funny parents, may be dealing with very funny people, I think it is unfair because you strain so much you will also take most of your time concentrating on the Institution to make sure that it prevails well. I recommend that something should be done on the allowances.

On the distribution of resources in Kenya – I think every Kenyan is a tax payer in one way or another, whether it is through business, we pay VAT, whether it is through civil servant, or working somewhere you pay through the taxes you pay. You pay tax. And I recommend that sincerely a method is formulated that in most of the places, kuna mahali ambao tangu independence, hawa watu hajaona barabara ya tarmac. Na kama yiko they walk so many kilometers may be to reach the main road to be able to move to wherever they want. And I would suggest, the Ministries, at the end of Government Calendar year, have at least a report to give.

And through the District Focus Committees, I would recommend that the Ministers and the Assistants and the PSs should compile and may be list in order of priority the requirements which that area needs because if it is the DC he can move around very fast and may be see. This place has no road, this place needs may be water, this place needs what and then in order of priorities list down and then in every Government year at least something is done so that every area, if this time Eastern was given water, may be North Eastern was given a hospital, may be this way so that we can share equally, because we also pay for these.

And finally, on the Quota System – This is a system whereby which was may be debated in the Government and it was passed as a bill that if it is Form One intake should be done in that system. A quota from here, a quota from there, and I think, if not the first, National Poll of Kenya states that National unity must be enhanced. But how do we enhance it when we are restricting people to their places? If there are those people from Machakos, remain in Machakos, go to the schools which are in Machakos, unless very few who pass and go to the National Schools. I would recommend that this school system must be abolished or should be abolished, if possible,

**The Tape continues as below I think some information was missed out.**

My names are **Anthony Wambua** from Kithangaini Secondary school.

**Com. Dr. Maranga :** Which school did you say?

**Anthony Wambua :** Kithangaini Secondary School

**Com. Dr. Maranga :** Okay, proceed.

**Anthony Wambua :** We did not tackle all the questions because of time, but the ones that we have gone through, I will just say them, quickly.

About Constitutional Supremacy – The current Constitution allows Parliament to amend any part of the Constitution by a 65% majority vote, so question one was should we retain this procedure? The answer is yes. We said the procedure should just be retained. The fourth question we handled, should the public be involved through referendum in amending the Constitution? We said, yes the public should be involved. Then the next question, who should conduct the referendum? Should not be left to the Parliament but should be brought to the public. That was the answer.

About citizenship – citizenship is one of the fundamental factors of a State. How should it be defined, conferred, maintained or denied? So question one, was asking who should be regarded as an automatic citizen of Kenya? The answer was, a person born in the country and brought up in the same country. Next question, how else should Kenyan citizenship be acquired? So they should be acquired through, it is through acquiring an Id, and Identity card. Next question, should spouses of Kenyan citizens regardless of gender be entitled to automatic citizenship? The answer was still, Yes. Should a child born of one Kenyan parent regardless of the parent's gender be entitled to automatic citizenship? They said no, but the answer they gave was if the father is a Kenyan, then the child should be a Kenyan citizen. Then the next question, what should be the rights and obligations of a citizen.

Rights and obligations of a citizen or right of employment, when a person, may be went to school and went to a college, then he should be employed.

Right to movement – A person has a right to move from this place to the other up to the furthest corner of the country if he belongs to the same country.

He should have the right to own property, he should not be denied, he should not be denied some of the property, that he should not own this one, this one does not belong to him, he should not have a limit he should have the right to own property.

Right of expression and right to life. A person should not be given that freedom that when he feels like committing suicide, he should do so.

Right of education - A person should be given education, that is children that are undergoing the primary level of education should be compulsory for this person to get education and this education again I see, it should be free and all the children that are supposed to go to the school must be kept in the school.

Right to give speech and lastly right to vote – That is you vote when you are 18 years of age. The other question was what documentation should Kenyans carry as evidence of citizenship, the answer was an identity card.

The other topic – Defense and National Security- in the current Constitution defense and national security is the responsibility of the President subjected to certain constitutional provisions.

The third question that was handled, should the Disciplined Force, the Military and Paramilitary police—

**Com. Asiyu :** Kitu kigumu ambacho kimesumbua watu wa Kenya ni kwamba saa zingine pesa inatolewa kule juu na serikali iende ijenge njia au kitu kama hicho, na yule mkubwa wa hiyo Ministry anachukua anapeleka kwao, sasa utuambie itakuwaje mambo kama hayo yakiendelea?

**Mutinda Nzoma:** Mambo kama hayo yakiendelea nafikiria nimesema kuwa kama ni Minister na Minister tuseme, Minister of Public Works amepatiana in order of priorities, what these people need, if it is the construction of roads and we said in order of priority, one or say here in Mwala, we are constructing a road from all the way, Machakos to Mwala, may be to Matuu and that money has to be monitored well so that by the end of the Government year then a report is presented to the Government as we have in the Parliament. That is what should be done because since they have been allocated and while people don't know what is happening so they have no where to ask they have nobody to ask.

**Com. Dr. Maranga:** Thank you take your memorandum there, sign our official register and hand over your memorandum. Thank you very much for your views. Just next there, and then after that may be you sit and then take a soda. The next one is Munini Mutisya, oh just a minute, before Munini Mutisya comes let me introduce, wacha nifanya introduction ya Commissioner moja amabaye alifika kama amechelewa kidogo ni kwasababu alikuwa na hitilafu kidogo huko Nairobi na ndio sababu amekuja akichelewa si ati alikuwa anakubali kuja namna hiyo. Na Commissioner mwenyewe anaitwa Com. Phoebe Asiyu ambaye mnamjua sana, ameshakuwa mbunge, ameshakuwa, amefanya kazi nyingi za kiserikali, lakini ni Commissioner mwenzetu, sisi tunamjua kama Commissioner. Kwa hivyo Com. Phoebe Asiyu salimia watu wa Mwala.

**Com. Asiyu :** Asante sana kunikumbuka ili ni wasalimie watu wa Mwala. Watu wa Mwala hamjambo?

**All people :** Hatujambo.

**Com. Asiyu:** Mimi nimeshukuru sana kufika hapa kwenu kwa maana zamani nikiwa mwenyekiti wa Maendeleo ya Wanawake nilikuwa hapa sana kufanya kazi na wanawake wa hapa. Na ninawajua wale wa zamani walikuwa kwa maendeleo. Hivi leo tuko kwa hii Commission ya maana sana na maoni yenu yatakuwa ya muhimu sana ile kutengeneza Katiba mpya. Furaha yangu kubwa ni kwamba nimeona wanawake wengi sana hapa Mwala wamejitokeza na wameongea na sisi mambo ya maana sana ya kubadilisha katiba yetu na kwa haya ninawapa asante sana na ninajua kwamba mtaendelea kufanya kazi ya civic education mpaka mwisho tutapata katiba mpya asante.

**Com. Dr. Maranga :** Asante kwa Commissioner Phoebe Asiyu. Sasa nimuulize Munini Mutisya, ako? Kuja uongee sasa ni wakati wako wa kutoa maoni. Na kulingana na ordha yangu ya majina huyo ndio mtu wa mwisho kama hakuna mtu mwingine anataka kuongea kutoka Mwala, sisi kama Tume tutafunga tuondoke turudi Nairobi. Kwa sababu sioni jina lingine lolote hapa.

Unataka kuongee Kikamba? Wapi yule kijana alikua ananena? Hata mama (inaudible). Haya mama anza.

**Com. Dr. Maranga :** Oh, wapi yule mtu wetu ----- . Nani anaelewa Kikamba atufanyie kutafsiri? Haya wacha huyu afanye.

**Munini Mutisya :** Nineenaa kwoundu wa mathina ala tuendee na kwona

**Translator:** Ataongea juu ya mashida zenye wameendelea kuona.

**Munini Mutisya :** Minini Mutisya

**Translator:** Anaitwa Munini Mutisya

**Munini Mutisya :** Nundu wa kwithiwa nitwambie nyumba ya kikundi kya Yimiatine

**Translator :** Kwa sababu anasema walikuwa wameanza nyumba ya shughuli zao

**Munini Mutisya :** na niyaemie kunda

**Translator :** Na hawajaweza kuendelea na ujenzi wao.

**Munini Mutisya :** twikie mindo vaa nthi na twalea isa kwikia – twekia o mavia kundu ota atatu yakolokelya halafu yaema

**Translator:** Wamekuwa wakijenga nyumba yao ya kikundi

**Munini Mutisya :** na yamie nundu wa mathina ni kwithiwa nadu maina kindu, maundu nimambatie muno

**Translator :** Anasema mashida wako nayo ni kwa kuwa hawana pesa maisha imekuwa ya juu sana

**Munini Mutisya :** na masukulu mena thina muno ni kwithiwa tina syindu sya utetheesya

**Translator :** Na mashule yako na shida kwa maana hawana fedha za kujisaidia.

**Munini Mutisya :** nyie takwa a vakwa nikwithiwa nina syana thathatu

**Translator :** Kama yeye anasema ana watoto sita

**Munini Mutisya:** na kwongelanya syana isu syi vinya muno syitonya kusoma ni kwithiwa ndina musee

**Translator :** Na yeye hulea hao watoto bila kuwa na bwana, ako pekee yakee

**Munini Mutisya:** Musee etiwe miongo kenda na thathatu

**Translator :** Bwana yake alikufa 1996

**Munini Mutisya :** kana kala kai mbee kau sukulu Kiatine secondary, kasoma kavika secondary kamina form four na naemeewa ni kuiva mbesa sya kwosa valua

**Translator :** Anasema kama mjane amekuwa na shida ya kulipie watoto skuli, pesa ya school fees, mtoto wake alifika Form Four akashindwa hata kuchukua results.

**Munini Mutisya :** kaa kang'i natwaa kasomaa Machakos boys na nindi ke form four nanonieendee na kuiva na no vekuemela, nundu wa kwitanga tumarambe na vayuka vayiete shida uyisa kwithia vooka nadu anini. Na nengi ni kwithia kwi mathina asu wesa kwithia tiitonya kuiva nyumba mwei ukathela

**Translator :** Anasema hana maneno mingine ni ile mashida yake tu.

**Com. Asiyu :** Mama umesema, nataka kukuuliza, umesema una shida mbili, shida zako ni kwamba huwezi kulipa school fees kwa watoto wako, na wewe ni mama ambaye ni widow. Na unasema bwana yako alifariki na kwa hivyo sasa una shida nyingi, sasa utuambie mama, kama kungekuwa na elimu kweli ya bure. Yaani free education ya primary na secondary, na pia kuwe na usaidizi kwa mama ambao ni yatima, je unaona kama hizi shida zako zingekwisha au zingeendelea?

**Translator to Munini:** ii kukethiwa kisomo kya mana mathina ala makwa no mathele .

**Translator :** Anasema kungekuwa na elimu ya bure shida zake zingekuwa zimefunguka.

**Com. Asiyu :** Kitu cha maana (inaudible) tunataka watoto wa primary na secondary school wapatiwe elimu isiyo na malipo ili kwamba wale walio maskini kama wewe wasio na mabwana watoto yatima wapate elimu kushinda kusema tu, maana ukituambia shida yako na ujatuambia unataka tuandike nini kwa katiba, hatuwezi kuandika shida yako. Njia ya kusaidia mama wamafarikiwa na bwana na pia watoto ambao wamebaki.

**Com. Dr. Maranga :** Basi asante mama –

**Munini Mutisya :** ningwenda kila mundu, andu amwe mena mathina maingi na yuyu kukoka kisomo kya mana kila mundu no eaniwe

**Translator :** Anasema kungekuwa na elimu ya bure watu kama yeye wangukuwa wamefaidika sana.

**Com. Dr. Maranga :** Sasa weka sahihi kitabu chetu rasmi ndio ujuwe kuwa ulikuja mbele ya Tume ya kurekebisha Katiba. Mwingine naita sasa ni Elizabeth Mutunga.

**Elizabeth Mutunga :** isitwa yakwa nitawa Elezabeth nduta

**Translator :** Anaitwa Elizabeth Mbitha

**Elizabeth Mbitha :** na thina wakwa ula nguelesya thina wakwa ni kusomethya syana na ilea kuandikwa

**Translator :** Shida yake kubwa yenye anataka Katiba iangalie ni juu ya kazi. Upatikanaji wa ma-kazi.

**Elizabeth Mbitha :** syana isoma n aiyikala musyi iyambia unenga asyai taabu nisyasomie



**Translator:** Kwa maana watoto wetu wanasoma na wakimaliza masomo wanakaa nyumbani wana kazi ya kufanya.

**Elizabeth Mbitha :** naye ethiwa ni kindu wai nakyo kwaku kana kau uyithia niwakasomethisye nakyo ethiwa ni indo syai vo kana o kau kala kai vo, kaitihela utiwa wi weka. Na uyambia uthinwa ni akana na niwasomesye naku twina kindu

**Translator:** Kwa maana wengine wanasomesha watoto na vitu vyao vyenye walikuwa navyo wanauza mashamba na ng'ombe na badaaye hawa vijana wanakuja nyumbani pia kushughulikiwa na wazazi wao.

**Elizabeth Mbitha :** na ndu angi yu nitamatiwe na amuume munsu e weka ndena kindu usomethya syana, syana imwe nitonya uka ikeka mitiani sya standard 8 ta itatu kana inya na iyaiwa ni fees nengi aangi nimasomie mesoma na kyau?

**Translator :** Kwa maana wanawake hasa wajane huwa wana shida sana kusomesha watoto

**Elizabeth Mbitha :** Nivika vu. Ninamina

**Translator:** Amemaliza.

**Com. Dr. Maranga :** Asante mama, jandikishe na tumechukuwa maoni yako asante sana, weka sahihi kitabu chetu rasmi. Mwingine ambayo ninamuita sasa ni Macdonald Muli David. Macdonald, welcome.

**Macdonald Muli :** Kwa jina ninaitwa Macdonald David Muli. Nataka kuchangia juu ya watu ambao tunasema ni walemavu. People with disabilities. Tunauliza hii Katiba, tunatake iandikwe iwe watu wa aina yetu wanapatiwa vitu fulani katika Parliament. Kwa mfano, kama ni nomination iwe constituted kama ni mimi ninasimama hapa Mwala mjumbe mwingine asije akasimama kwa sababu katika constituency fulani Katiba, ile kamati ya electorate fulani imesema huyo ndio atasimama hapa, kwa sababu siyo lazima watu wakisimama wachaguliwe, lakini tunataka tupewe nafasi tuwe represented katika Parliament.

Na ikiwezekana tuwe represented by say 10% hata kwa u-councillor, udiwani pia tunataka tuwe represented. Kwa sababu sisi tumesoma kama wale watu wengine na tukisema ukweli, nyakati za mitihani we do not sit equal examination, kwa sababu kama kwa mfano mimi nimezaliwa mahali panaitwa Mango na nilikuwa nasomea shule inaitwa Makutano, Makutano ni hapa. Ni kama kilometer tano hivi. Na kama mimi nilikuwa naamka asubuhi niche Makutano Primary School na kuna watu wengine nilikuwa nakuja na wao ambao si walemavu, tuitajika tufike kwa shule tuseme saa moja na nusu ya asubuhi na mimi ni lazima nifike saa moja na nusu ya asubuhi kwa hivyo kwa upande huo masaa yetu lazima iangaliwe hata kazini tuwe kama watu wanahitajika wafike kazini saa mbili, sisi tunapewa nafasi tuwe tunapewe nafasi tuwe tunafika kazini kama saa nne hivi, tukiwa na nafasi ya masaa mawili.

Kile kitu kingine ni kama, kwa mfano mimi nililazimika wakati mwingine kuwacha kazi ya Electoral Commission kwa sababu ilikuwa nitembee kilometer tano niende ile polling station ama registration stations zile ambao ningenda. Kwa hivyo sikuweza, mimi mwenyewe nikaketi nikaandika barua niache kwa sababu sikutaka kuharibu kazi, lakini nikawa ninajua kuna Constitution kwa hivyo nitachangia wakati mmoja niseme tupewa muda wa kwenda kazini kama ni kazi. Hiyo iwe namna hiyo.

Na watoto wetu, wa wale watu walemavu ambao hawako kazini wawe wanasoma free education kutoka Standard One hadi Form Four hata University wawe wanasoma bure. Hiyo kitu hiyo itengenezwe kikatiba ijulikane vile itakuwa. On the other hand, ama upande mwingine, mambo ya Katiba siyo kitu ya kuamukia asubuhi ya leo na kesho tuseme tunaandika Katiba. Katiba ni kitu ambacho kinaweza, ni lazima kichunguzwe sana.

Haya maoni sisi tunatoa hapa yapelekwe mahali, yaangaliwe na wale professionals wa Law wajue ni vipi watafanya bila kuwekewa kikwazo mahali Fulani. Ili watoe katiba mzuri na ile katiba pia irudishwe kwa sisi tuje tuangalie kama imaandikwa vile tunataka, kama kuna vipengele Fulani ambavyo vimewachwa tuwe tunaweza kurekebisha. Sisi pamoja kwa hivyo, ndio nasema Katiba hii. It is not possible imalizike so quickly tuseme kama vile wengine walikuwa wanasema.

Kuhusu Majeshi yetu ya Kenya ama kutangaza hali ya hatari. Kuna hii kitu ambayo inaitwa polisi commission, ni kitu sijui ni nini. Kwa sababu kama ni polisi lazima ipewe polisi iwe ni polisi. Hiyo ni kazi inaitwa polisi. Kwa hivyo hapapazwi pawe na Police Commissioner. Inatakika iwe na tuseme Chairman wa general staff ya police. Chairman of General Staff of olice, ama Commandant of General Staff, kwa sababu anasimamie wafanyi kazi na hao ni wafanyi kazi wa police. Chairman of General Staff wa police. Kwa hivyo tuwe na General Staff, Chairman wa police, tuwe na wa Prison tuwe na wa Airforce, na askari wa nchi kavu na hivyo hivyo. Na katika hao kwa sababu ndio wamefunzwa kazi ya vita katika hawa wote, wao wapewa nafasi wachague mmoja waseme huyu ndio Chairman wa joint Chiefs of General Staff. Huyu ndio mtu ambaye angeweza kutangaza hali ya hatari kama hiyo hali ya hatari imetokana na usalama waite Police, National Intelligent Services, wakutane waseme sasa tuta-declare na Chairman of Joint Chiefs of Staff ndio atangaze, asiwe ni Rais. Kwa sababu Rais ana kazi mingi sana. Rais, kazi ya Urais inatakikana iwe ceremonial tu, kazi tu ya kuongoza nchi na wafanyi kazi. Kwa hivyo hiyo nayo iwe namna hiyo.

On the other hand kuhusu Mjumbe, kazi ya mjumbe katika nchi hii yetu is not defined well it hasn't been defined, kwa sababu sisi tukachagua Mjumbe tunajua, tunaonekana kama watu wengine wanafikiri Mjumbe kazi yake ni kuwapa watu pesa, tuseme kuchangia watu pesa waende shule ama kutengeneza barabara ama kusema kufungia zile tunaita koo, ama mambo ya aina kama hiyo.

Lakini sielewi kama hiyo ndiyo kazi ya Mjumbe hawali katika Constitution ile ambayo tuko nayo ilikuwa inaonekana kama Mjumbe kazi yake ni kutengeneza Constitution ya nchi yetu ya Kenya. Lakini sasa tunataka tupindue iwe defined, mjumbe kazi yake ni fulani na fulani na fulani. Kwa hivyo wale watalamu wa mambo ya Katiba ya Law muandike wawe wanasaidia katika hiyo.

Lazima tuwe na njia ingine ya serikali ya kusaidia kama ni ujenzi wa barabara kwa sababu hii nchi ni ya wananchi na wanalipa kodi, tunalipa kodi, kila saa kila siku, sasa tumekula, tumelipa kodi. Kwa hivyo hii kodi ipewe serikali na serikali iteremsha hiyo kodi itoke Nairobi iche Embu, iche Machakos, iche Mwala, iche Mango iche Changanga mahali ambapo ninitoka. Na kazi ya mjumbe ama Councillor sasa ni kuangalia kama serikali imefanya hiyo kazi ambayo hiyo inawezafanya.

Kwa sababu kwa mfano kama sasa, mjumbe anaweza kufariki saa hii, kama anakufa tunaitajika pengine tuchaguwe mjumbe sijui baada ya mwezi moja ama miezi tatu ama mine, sasa tutakuwa kama hatuna mwakilishi kwa hivyo kwa sababu serikali yiko lazima iangalie hiyo mambo. Na ile wealth kama rasilimali ama tuseme hizo taxes ambao zinalipwa ziwe zinaangaliwa kazi yake kwa sababu tuna Ma-Chief, tuna ma-Assistant Chief, na hao ndio wanasemekana ni watu wa serikali. Kwa hivyo kama watu wanaweza kunyamaa wakiwa hapo, inashangaza sana. Kwa hivyo hao mambo yaangaliwe.

Kuna mambo mengine, kuna semekana kunatakikana tuwe na free education now, once and for all.

Wale wazee akina mama wazee mtu ambaye ana miaka kuanzia 65 huyu ni mwananchi halisi. Na huyo ni mwananchi ambao ame-serve for very long. Kwa hivyo huyo mtu, tunataka kuwe na certain allowance for those old people. Those old people who are over 65. Kwa sababu huyu mtu hawezi kuenda kujitafutia, hawezi kujilipa mahali, hawezi kuwa mahali apewe pesa kama ni hapa Ukambani, hawezi kupanda matunda. Hiyo iangaliwe tuwe angalau mtu anapatiwa elfu tatu under the present economic problem, siyo lazima elfu tatu, itaangaliwa. Kwa hivyo wawe wanapewa allowances.

Na kama inawezekana kwa sababu ile tax ambayo inalipwe hapa Kenya ni nyingi sana, ikiangaliwa inaweza kufaidi everybody. Ikwazekana kama mtu hayuko kazini kwa sababu watu wamesoma wengine hawakusoma kwa sababu hawakuwa na pesa za kusoma wawe pia wanapewa certain allowance. Na kama ni mtu yiko kwa kazi kama analipwa shilingi tuseme 30,000/= kwa mwezi awe anatoa 30% of his salary or her salary iende kwa wale watu wengine ambao hawana kazi. Na kama anashindwa kulipa hiyo 30% basi yeye aondoke pache mtu mwingine awe akilipwa hizo na akatwe hizo. (laughter)

Kuhusu U-Councillor, elimu ya mtu wakuchaguliwa kuwa Councillor, kwa sababu tuna professionals, mtu akiingia kwa kazi ambayo siyo yake. Mimi siyo Professor, mimi siyo Doctor na siwezi nikawa inaonelea, nikipendeleo, kama Professor, tuseme Dr. Asiyu amepewa kazi kama hii mimi Muli mbona mimi ningeweza kupewa hii kazi kwa nini hii mambo yamepewa kina fulani, hiyo siyo mzuri, kila mtu ana masomo yake na ana profession yake na ndio sababu tukichagua watu ambao mtu anachaguliwa na sio mwana siasa problem zinaingia kwa sababu hajui ile atafanya.

Kwa hivyo, I am trying to contribute on ile masomo ambayo mtu anaweza kuchaguliwa, kama ni Rais, mambo ya Rais, hiyo ni automatic. Ni automatic in this way, Rais anachaguliwa na watu wengi sana, na sioni, hata wale wanataka viti, sasa weka Moi kando, kwanza kwa sababu yeye haitishi kiti wakati huu. Wale wanahitaji wote ni wasomi ni professionals mtu akiwa ana

masomo ya Doctorate, kuanzia hapo kwenda juu huyu anaweza kuwa President. Kama ni mjumbe pia, mjumbe tunataka naye pia awe na Doctorate kama hana Doctorate awe na degree hata kama ni moja, hata iwe ni ya aina gani, hata kama ni ya Veterinary. Huyu mjumbe anaweza kufaa kwa sababu atajua kuongea na watu wote ambao wamesoma na wale ambao hawakusoma, anajua huyu mtu hakuweza kusoma kwa sababu fulani, kwa sababu yeye akifika hiyo, akipata hiyo degree alikuwa amepitia katika mambo mengi na hasa hapa ukambani na ninafikiri ni kila mahali kwa hivyo naye Councillor, lazima awe mtu wa Form Four na awe amepita mtihani ule tulikuwa tunasema KCSE ama sijui ni KCE ile ya siku ya hiyo 8-4-4, KCE awe amepita hiyo hiyo mitihani.

There should be no language proficiency or language whatever. Kwa sababu huyu mtu kama alipita na hesabu alipita na Chemistry, amepita na Kiswahili, Kingereza hakupita hiyo haina maana kwa sababu haya masomo yetu inaandikwa kwa Kingereza kwa hivyo lazima hawa wanajua Kingereza. So there is no need of a certificate. Lazima huyu mtu atoe certificate ionekane hivi, ambao inatoka kwa Kenya National Examination Board. Aseme hii ndio certificate yangu, siyo school ni certificate, kwa sababu school ni certificate, unaweza kutoka hapa uende pale halafu unapewa school certificate ulikuwa kwa hii compound ulifanya, ulisoma kutoka Form One kwenda Form Four.

Kwa hivyo alikuwa mzuri kwa drama ama hii. Na hiyo haisaidii. Tunataka kitu ambao mtu akitoka uingeraza, akitoka Germany, akitoka New Zealand, akitoka South Africa, hiyo kitu anasoma anaona ile mtihani inaitwa Kenya National Examination huyu mtu amepita. Kwa hivyo, hayo ndio mambo ambayo sisi watu walemavu ama watu wa David Muli Akoti, ndio mimi mwenyekiti ni mahali ambapo tulienda watu wengi walikuwa na shida tukatengeneza hii, watu Fulani watu wa round----- . Kwa hivyo kama kuna swali niulize.

**Com. Dr. Maranga :** Swali la kwanza---

**Com. Pastor Ayonga :** Bwana Macdonald David Muli, umesema kwamba walemavu wapewe viti, ten per cent ya viti vya Parliament, unajua hao ni 21 MPs katika Kenya, na mbona umefikiria wapewa yaani kupeana na hali wangeweza pia ku-campaign na wakapata hivyo viti hata saidi ya hivyo? Na tena ni kwa nini, swali hilo la pili, ni kwa nini ufikiri kwamba members of Parliament yeyote ambaye yuko katika Constituency anapigania haki za watu wake wote, that is including the disabled, mbona ni lazima kuwe a disabled person ndiye apigania wale ambao ni disabled? Si hii pia inaweza kufanya watu kufikiri kwamba disabled watapigania mambo ya disabled waache watu wengine?

**Macdonald Muli :** Hapana siyo hivyo, sababu nimesema, ile kitu ambacho nimesema ni, I was actually trying to say that these people should be represented, I didn't say that they should be given, but I was saying that they should be given such an opportunity to show that they can perform like the other people. I was actually trying to say that if it will be not fair if for example I stand here as a member of Parliament to vie for a seat and at the same time I vie with just a lady like this one who is able to move, by the time she will be moving from the market by the time I will go at the gate she will be in the market so that is

not fair. It is not fair, really it is not fair. If we are going to Masii that way, by the time I will be at the end of the market she will be at the end of the market she will have arrived at the ----- there, so I am trying to say that let there be a certain way in which the disabled can be represented.

I would actually say in openness that we have got, sijui an Association inaitwa APDK sijui ina maana gani, lakini kama watu wale walemavu wangukuwa wanafikiriwa there is no need of even such an Association, kwa sababu mimi ninajulikana na Assistant Chief, anajua kuna mtu anaitwa David Muli hapa ambaye mguu wake moja sio sawa, ambaye amesoma kila kitu chote na hayuko kazini. Si, Assistant Chief anajua, hiyo ni kitu tu ya kuandikia Chief amwambia Chief andikie amwambia chief amwandikie DO, DC, PC na President kama hiyo kazi ni ya President, unaona? So, I am trying to say that, I am trying actually to present our grievances. And then the professionals of the law because sisi tunaandika hii mambo ya Katiba, sasa ikiandikwa namna hiyo, wale professionals wa law watajua mimi nilikwa nikitaka kusema nini?

**Com. Dr. Maranga :** Asante, weka sahihi hapo na utuwekee memorandum kama hu nao Bwana Muli, asante. Mwingine anayefwata ni Juliana Muli.

**Juliana Muli :** Ma-Commissioners wetu, mimi naitwa Juliana Teresia Muli, from Wamunyu, Box 130. Wa-Commissioners wetu, Wa-3 Cs, na wale wengine wako hapa, hamjambo. Mimi kwa maoni yangu, sisi wanawake tunasomesha watoto hata wanapata degree, wanasoma hata wengine ni Ma-directors, na wakati wa uzee, akioa bibi yake, wanaenda kando ile mali yako yote ume--- ---. Kunatakikana kuwe na kiasi fulani kimetengwa iwe inarudia wazazi wawe na account yao, kama sisi sasa tukiwa tumeseheka.

Ile ingine naongea, naongea juu ya Affirmative Action – Affirmative Action inamaanisha hivi: sasa kina mama Kenya tumewachwa nyuma sana hata ikiwa siyo wengi, kwa kila district ya Kenya kunatakikana kuwe na nomination ya mwanamke mmoja wa kuakilisha wanawake wale wengine bungeni.

Ile ingine, tunaongea juu ya education, sisi wanawake na wanaume, sisi kama kina mama tunataka iwe mwanamke na mwanaume wako sawa kwa elimu, hakuna mtoto wa mwanamke, unajua kabila zingine wanatenga watoto wasichana wanakaa nyumbani, tunataka iwe equal, equality kwa education.

Kama sisi wanawake wa Wakamba kuna harmful traditional ile mbaya kama tuseme umekosana na bwana yako, na hiyo ni kawaida, sasa unarudishwa nyumbani kwako, kwenu penye umetoka na hawa watoto hata bwana hatakuwa na haja nao, na anaoa mwingine, anamuingiza kwa ile boma. Kwa hivyo wewe, you are written off. Sasa ukienda huko kwenyu hutapata shamba kwa vile ulikuwa umetolewa mali kwa wazazi wako. Kwa hivyo unawachwa hapo kwa hewa.

Kwa hivyo sisi hata wanawake tunatakikana Title Deed ya mwanaume iwe ina majina mawili. Sasa tuko na watoto wa

wasichana wengine hawajafaidika kwa kuolewa. Sasa mtoto akiwa ako akiwa ako hapo kwako na ako na watoto kwa bahati mzuri amefanikiwa na kazi lakini hajafanikiwa na shamba ama hajapata bwana pahali, tunataka ukiwa na watoto kama kijana msichana kwa hiyo boma yako na hajaenda boma ya mwingine, iwe ile urithi wako iwe equal kwa watoto wako wote, equality kwa watoto wale wako kwa hiyo boma. Tunataka namna hiyo.

Sasa tukija habari ya President – President watu wanasema awe ceremonial na hiyo ni makosa kubwa sana kwa nchi. Mimi niko na marafiki, wazungu, marafiki wa aina nyingi kwa ajili hiyo kazi mimi nafanya iko na watu na mix up namna hiyo. Lakini President anatakikana awe amepewa hata ikiwa siyo madaraka yote awe ndio aangalie wale wengine, nchi isiende mbaya. Awe ndio head. Kwa vile, for example kwa boma yangu bwana yangu ndio head na kukiwa hakuna yule ako juu, kitu yote tu, huyu akitoka hapa anasema hiyo sio boma inatakikana awe ako na powers. Hapo nimeongea hivyo.

Judiciary –Kunatakikana kuwe na Prime Minister, kwa ile bunge ingine itatengenezwa. Prime Minister anaweza pewa kazi ya Judiciary aangalie hiyo na Armed Forces na kuwe na Commission ile inaangalia hiyo maneno ya tuseme kama Judiciary, vitu kama hiyo kuna Commission ile inasungumza maneno ya serikali vile inaendelea ndio kukiharibika pahali waambiwe wasimamie hapo. Hata President awe na wale watu wanamsaidia. Hapo ninaona kama tunaweza kuwa mzuri.

Ile tunasema Citizenship – nao tuna makosa watu wanasema iwe free kwa wasichana wetu wakioa mzungu wanaleta hapa, unajuaje kama huyu mzungu akitoka huko ana nia ya kucha kuchunguza nyumba yangu vile hapa Kenya tunakaa. Lazima awe hiyo citizenship awe anakaa hapa Kenya ndio apewe hiyo citizenship. Kwa vile huwezi kujua mtu akiingia kwa nyumba yako, ako na nia gani. Hiyo mimi siitikii rahisi, kila mtu awe anapewa tu akija. Hii hata hapa Kenya mtu anaweza kuingia hapa na pesa na awanunue shamba yetu kila pahali wawe wamejaa na hii ni nchi yetu, tunataka tulinde nchi yetu.

Haya, ile ingine ni Natural Resources – Hiyo inatakikana si hawa Ministers wamechaguliwa, still wanatakikana Commission ile ya kuangalia resources, hata ikiwa ni forest, ikiwa ni animals, ikiwa ni--- what we can call it,----- whatever, kila kitu iko hapa Kenya iwe iko na Commission ile inaangalia hii vitu kweli inaenda kawaida, si ati ni kila mtu anasema unajua hawa, tuseme for example, MPs ni watu wa kuchaguliwa na kwenda, lakini Commission ikiwa imepewa kama ten years, itakuwa inachunguza kitu inaenda vizuri ikiwa ni sukari ikiwa ni nini wanaangalia kila kitu iwe na Commission yake. Hapo mnaweza kuwa mnaendelea vizuri.

Electoral Commission wanatakikana wachaguliwe na Wabunge, wawe wanapiga kura wawe wanachaguliwa na Wabunge ndio serikali iwe ina mpangilio mzuri. Hapo ninaona kama ni sawa. Na tena election inatakikana iwe secret ballot kwa vile siku hizi unajua vyama ni nyingi, ile yiko hapa na mtu anaweza uwawa bure. Kwa hivyo ikuwe secret ballot mtu akiweka hawezi kujua nani amechaguliwa itaenda kujulikania mbele ni nani amechaguliwa. Hiyo tunataka secret ballot.

Armed Force – Armed Forces kunatakikana kuchaguliwe siyo President akuwe head. Lazima naye upande wa tuseme Armed

Forces kukuwe kumeangaliwa vizuri hata ikiwa ni watu kumi kutoka kila mkoa, wawe na Commission ile inaweza kuketi chini kukisikikika kuna ---war ndio waone kama hii kitu inaweza kuwa, wanaweza kwenda kwa President waongee na yeye, siyo yeye peke yake ndio wa-consult hiyo maneno inatakikana, isimamishwe au iko namna gani. Hiyo ni Commission. Commission kwa vile saa ingine ni body siyo ya chama na hiyo ndio inaweza kusaidia nchi ndio ikuwe na maendeleo. Asante sana kwa hayo yote nimeongea.

**Com. Dr. Maranga:** Asante sana mama, tunarudisha asante kwa maoni yako mazuri (inaudible).

**Com. Pastor Ayonga :** Mama Juliana umesema kwamba watoto kwa maana umewasomesha lazima watenge certain percentage kwa wazazi na hukutuambia hii certain percentage ni kiasi gani? Unataka certain percentage inayotoka kwa mishahara yao---

**Juliana Muli :** Nataka ikiwa anapewa 10,000/= niwe napata 3,000/= (laughter, booing)

**Com. Pastor Ayonga :** Na tuseme kama Mungu alikubariki na watoto kumi. Na hawa watoto wote wakupe hii 30%, hii pesa yote wewe, utafanyia nini?

**Juliana Muli :** Nitaweka kwa Account yangu, watagawana ni kifa.

**Com. Pastor Ayonga :** Swali lingine. Umesema Title Deed zilandikwa kwa majina mawili, ni lini Title Deed ingekuwa yenu wawili ile mali bwana wako alikuwa nayo kabla hajakuoa au ile ambayo, wewe na yeye mmetoa jasho mkaipata? Unaanza kupata jina lako kwa Title lini?

**Juliana Muli :** Wakati ule nitatafuta mali na yeye ndio nitaanza. Hiyo ndio itakuwa na Title Deed ya majina mangapi.

**Com. Pastor Ayonga :** (inaudible)

**Juliana Muli :** Hiyo hawezi kwa vile (inaudible). Kuna ingene? Okay, thank you.

**Com. Dr. Maranga :** Sasa, haya tusikilizana. Hebu tusikilizane. Tupate Mwingine, Paul Munyao, Paul Munyao ako? Okay kutoka Masii. Na mimi nauliza hivi, kwa wale ambao umekuja hapa na mmeketi kuna yeyote yule ambaye anataka kuongea? Kwa sababu nataka kujua. Kuna yeyote ambao alikuwa anataka nafasi ya kuongea? Okay sawa, Mzee Paul Munyao, kutoka Masii. Haya anza na majina yako mzee.

**Paul Munyao :** Mimi naitwa Paul Munyuo Nguli.

**Com. Dr. Maranga :** Ongea na sauti.

**Paul Munyao :** Paul Munyao wa Nguli.

**Translator :** Mzee anasema anaitwa Paul Munyao wa Nguli

**Paul Munyao :** Nineena yulu wa andu ndi uneena kwa atumia, kwa raia.

**Translator :** Anasema juu ya uraia wa nchi.

**Paul Munyao :** Niasya mwananchi niwaile unengwa uwezo

**Translator :** Mwananchi anapazwa kupatiwa uwezo

**Paul Munyao :** Kuandika mundu wanthi kuma Assitant chief muvaka Chief

**Translator :** Ndio anakuwa akichagua watu kama ni Provincial Administration, Chief, Assistant chief na DO

**Paul Munyao :** Na niasya mwananchi niwale unewa kuungama akewaa e uhuru kamili

**Translator :** Yeye anataka wananchi wapatiwe uhuru kamili

**Paul Munyao :** Nundu kuma ona twanewa wiyathi twi o ngombo kuvika onaumunthi

**Translator :** Anasema watu, isipokuwa tumepata uhuru, bado hatujapata kamili, kwa ukamilifu

**Paul Munyao :** ngombo ni kyau na ukamilifu?

**Com. Dr. Maranga :** Mzee kama huyu anasema mbaya wewe zungumza Kiswahili. Sababu unajua kidogo unasikia tu.

**Paul Munyao :** Mimi najua Kiswahili (laughter). Basi mimi nasema namna hii na itaanzia mahali ambapo nimeanzia mapema.

Mwananchi ana uwezo wa kupewa uhuru kamili kama mwananchi wa hii nchi, kuchaguwa mfanyi kazi wa serikali kutoka Assistant Chief mpaka Chief. Kwa kumpigia kura. Na ninasema tena mwananchi ana ruhusa ya kupewa uhuru akajisikia



kama yeye ni huru kamili kwa sababu tuko katika utumwa hata wa leo. Kwa hivyo mimi naonelea tulipata uhuru kutoka kwa Uingereza lakini tuko katika utumwa wa watu wengine. Na ni lazima tutoke kwa minyororo hii kwa sababu sisi wananchi hatukuja, tulizaliwa hapa, sisi tuko wazalendo wa nchi. Basi hapa mimi nasema kutambuliwa kwa mwananchi kukiwa sawa sawa, kila jambo litatendeka vizuri bila kuwa na pingamizi.

Jambo lingine kama tunavyosema, Parliament inaweza kuruhusiwa kumchagua mtu wa madaraka ya juu kutoka kote, yaani Attorney General anafaa kuchaguliwa na Parliament. Kwa upande mwingine kama tunaunda serikali kama tunavyofanya election, ni lazima serikali iwe na Waziri Mkuu kwa sababu President ana madaraka mengi kupita kiasi. Na naona ni lazima yapunguzwe.

Kwa sababu kila mtu anataka awe na uhuru wa kujisikia kama ni mzaliwa wa nchi kwa hivyo kwa maneno mengine upande wa ulinzi wa mali kutoka zamani hatukuona mwanamke anaruhusiwa kurithi mali ya bwana wake kwa lazima, ni lazima arithi kwa unyenyekeveu kwa kumpendelea bwana wake, lakini si kwa lazima ya sheria.

**Com. Dr. Maranga :** Endelea mzee.

**Paul Munyao :** Na ni lazima wanawake akiwa na mapenzi ya kupenda bwana wake naye bwana yake ampende sana lakini kama yeye ni mkaidi atafukuzwa na kwenda mpaka (laughter). Na hii ni jambo ambaye linajulikana kutoka ---- kama Mwafrika ni mtu wakutawala mwanamke kwa njia ya ukweli lakini si mwanamke ajipatie madaraka awe akitumia mwanaume vibaya, hiyo haiwezekani hata Mungu hakusema hayo.

**Com. Dr. Maranga :** Endelea mzee.

**Paul Munyao :** Upande mwingine kama vile watu wanasema habari ya wanajeshi, mwanajeshi ni lazima apate madaraka kwa kuwa ni mtu mwenye ujuzi mwingi si mtu wakupendelewa. Kama tukimaliza kazi ya jeshi na twende tukafanye kazi ya kupiga kibao kufanya nini, mtu anapata cheo kwa uwezo wake si kwa kupendelewa. Na hiyo ni lazima mtu ajipatie sio kwa uwezo waka mwenyewe. Si ati huyu ni mtu wa kabila fulani tumpe madaraka. Kama wewe unampa Commander mtu asiye na ujuzi si anakwenda kumaliza wanajeshi? Utamfanya nini, kama inafanya namna hii. Ni lazima mtu awe na ujuzi wa kutosha kuongoza kikosi cha pita. Kwa hivyo mimi naonelea ni lazima kila mtu ajipatie madaraka yake kwa uwezo wa kuwa na ujuzi wake mwenyewe.

Na kwa upande mwingine kama tunavyosema Commission ya kuchaguliwa, Commission sote za kufanya kazi ya nchi zinatakiwa kuchaguliwa na Wabunge wa Parliament kwa sababu ndio hao wamechaguliwa na wananchi. Si kurukaruka ati tufanye pale pawe na watu wakufanya kile na kile. Lakini wale ambao tunawachagua ni Wabunge wanafaa kufanya kazi yoyote ambayo ni ya Bunge. Basi mimi ni mkundo mkiniona jicho langu nimetoka kwa daktari leo hata sina sauti ya kuongea. Mimi

natoka kwa daktari ninatoka kupazuliwa jicho na sina nguvu, kama nina nguvu ningeweza kusema. Na makaratasi ya hospitali

**Com. Dr. Maranga :** Mzee usiongeze mambo mengi.

**Paul Munyao :** Si mengi mimi ningesema mengi na yafaa.

**Com. Dr. Maranga :** Asante. Ngoja kwanza. Tafadhali weka sahihi ya kuwa umefika mbele ya Tume la kurekebisha Katiba. Ah, mwingine ni Gabriel Wambua

**Gabriel Wambua :** Mimi ningalisema kitu kimoja tuwe na sheria moja ya kuondoa

**Com. Dr. Maranga :** Jina kwanza.

**Gabriel Wambua :** Gabriel Matheka Wambua

**Com. Dr. Maranga :** Okay, endelea

**Gabriel Wambua :** Mimi nasema kuwe na sheria moja ya kutoa hii kitu inaitwa ‘kickback’ au kitu kidogo. Toa kitu kidogo. Na hii nitaeleza kwa kirefu kidogo, kwa sababu hii kitu kidogo hii ni kick back, kuna watu ambao wamezoea, utakuta mtu hawezi kufanya kazi. Kazi yake ni kuzunguka huku kwenye mabunge na kuomba watu—

**Com. Dr. Maranga :** Tunaelewa vile unasema, kitu tunataka utuambie ni kutuo mapendekezo, tufanye namna gani ndio hii kitu kidogo iishe?

**Gabriel Wambua :** Ili hii kitu kidogo iishe lazima kuwe kuna sheria ambayo inazuia, ‘toa kitu kidogo, wa sababu imeharibu watu. Na watu hawawezi kufunya kazi.

Kwa upande wa vyama ningalisema vyama viwe viwili tu badala ya kuwa vyama vingi. Kwa sababu hii inaleta balaa. Kwa sababu vyama vingi vinaleta mzukozuko katika nchi. Lakini vya viwili nafikiri vitakuwa proper.

Kuna sheria ingine ambayo sasa lazima President anakuwa anachagua ma-directors, ningaliomba ile body ile kama ni shirika, tusema kama ni Posta, ina jukumu ya, ina Board ambayo inaweza kutoa mtu kama yule badala ya President.

Ile kitu kingine ningalisema ni chama tawala ambacho pengine ndicho kinachukua nafasi ya kutawala. Kiwe kina, ile chama ingine inafainanziwa (financed) kama kile chama kinatawala. Kwa sababu imekuwa ngumu sana katika hii chama ambacho

hakipatiwi faida yeyote, yaani akipatiwi fund yeyote na ile public fund, iwe inasaidia vyama vyote.

Tungalikuwa tunasema chama kile ambacho kimetawala kiwe ndio kina sheria ya kufwatilia kile kingine ambacho hatuwezi kufanya mkutano. Hiyo tunaona kama ni makosa. Vyama vyote viwe vinaweza kufanya mkutano. Inaruhusiwa kufanya mkutano siyo chama moja tu ndio kinafanya mkutano. Kile kingine kinatakiwa kufanya mkutano kuambia wananchi ile faida ya chama chao kitawaletea nini.

Tungaliomba kwa upande wa elimu sheria iwe ya kusomesha watoto kuanzia Primary mpaka University wawe, serikali iwe inasomesha hawa, elimu ya bure. Sina swali yangu pasipo hao.

**Com. Dr. Maranga :** Umemaliza?

**Gabriel Wambua :** Nimemaliza, sijui kama una swali.

**Com. Dr. Maranga :** Okay, asante sana (inaudible). Mwingine ambao tunaita sasa ni James Wambua. James Wambua? Wewe ni James, hayuko. Okaya na wewe jina lako? Eleza majina yako

**Josephine Syombua :** Ikulyo ya andu ma lelu casual labours. Ithye andu ma nzia no twi kati ka Katiba? Tuyaaivya ni silikali, nitwathukumie na moko maitu mwaka 1997 na 1998 na tuyaiivya. Katiba ka Kenya twiseuvya kailye uu? Ethiwa andu makuthukumaa na mathumbiwa ni silikali yoo?

**Translator :** Anauliza, anasema wao wanatengeze barabara na kutoka 1997 mpaka 1998 hawajalipwa na serikali. Kwa hivyo anauliza kama wao ni wanakenya halisi na they are covered by the Constitution. Tena akaongezea wamefanya kazi na mikono yao.

Josephine Syombua: Ikulyo yingi ni lelu namba 12, 11 na 10

**Translator :** Anasema wametengeneza barabara number twelve, eleven and ten.

**Com. Dr. Maranga :** Hiyo barabara inaitwaje, kwa sababu Mbunge yuko hapa

**Translator to Josephine Syombua :** Syitawa ata lelu isyo? Waseuvisye va?

**Josephine Syombua:** Twasakuwa MP twamutwaia mavata ndosaa, tukatwaia uu? Ta uu wa kuthukuma na kumbiwa?

**Translator :** Anauliza wakichagua MP wakipatia haja kama hizo yeye ashuguliki, na sasa anauliza watapatia nani? Shida kama

hiyo sasa ameeleza

**Translator :** She is through.

**Com. Dr. Maranga :** Hiyo maneno yiko sawa sawa? Sasa kama iko memorandum, utapatia hapo uandikishe halafu uweke sahihi. Wacha niulize kwa mara ya mwisho, kuna yeyote hapa ambao angetaka kutoa maoni na pengine alikuwa hajajiandikisha? Yeyote ambao anataka kutoa maoni? Kwa sababu kama sisi Tume ya kurekebisha Katiba tungetaka kufunga kwa sababu inaonekana tumamaliza wale watu wetu. Tangu asubuhi tumefanya kazi nzuri. Kuna yeyeto ambaya amebaki? Haya kuja ukae.

**Com. Asiyu :** Hapana mmoja achi kwanza. Atasema jina lake na atakuja ---

**Com. Dr. Maranga :** Yah, okaya.

My names are **Peter Mutundu.**

**Com. Dr. Maranga :** Go ahead

**Peter Mutundu:** Okay, my views concerns on the one who should be elected to be the MP and what that person should do before he is elected. My views are, you know we are having so many people who are in the Parliament and they are not doing what they are supposed to be doing may be they had been told by the citizens what they should do. So my suggestion is if they can, may be before the election, draft a proposal which they should present to their people and then the people who view their proposal what they will do when they are in the seat for the five years. And then that proposal if they talked of may be the first year they will, may be do a bit of development in the rural areas like e.g. dams and repairing roads, and if they don't do it they can be recalled back and then someone else takes over. May be those who are contesting let us say it is a certain party, they are different people who are contesting for the seat. Each person's proposal will be kept so that the person who is next then can also be given a chance to attend to his proposal. That is all.

**Com. Asiyu :** I want to ask you a question.

**Peter Matundu :** Yes please.

**Com. Asiyu :** Do you agree it is the work of the members of Parliament to know what they do?

**Peter Mutundu :** Yah, yah, I know what they do.

**Com. Asiyu :** So members of Parliament don't have their own fund for carrying out those project proposals that you have talked about. So how can you suggest that they make project proposals before they go to Parliament and if they don't complete them then they are recalled because it is not within their jurisdiction to carry out projects.

**Peter Mutundu :** What I talked of projects is what ----exactly their projects, but before they go to sit, you will hear them talking of I will do this and this which the other person was not doing. So if that is what he is talking of, he will do then is what I am talking of as proposal.

**Com. Dr. Maranga :** Thank you very much now you can sign the book that you have appeared before the Commission. Thank you very much Mr. Peter Mutundu. Mzee sijakujua jina lakini kaa huko halafu uanze kutoa maoni yako. Tuambie jina lako kamili.

**Davidi Muli**

**Com. Asiyu :** David Muli mbona unafika saa hii na tangu asubuhi -----

**David Muli :** Nilikuwa safari mahali pengine.

**Com. Dr. Maranga :** Haya endelea mzee.

**David Muli :** Yangu ya kuuliza ama yangu ya kusema ni habari ya pension, wale ambao walifanya retire. Ile pension ambao tuko nayo si ya kawaida hawezi kufanyia wewe kitu. Sasa kama wewe, unachukuwa mia tano, itakufanyia nini na unafanya vitu---. Maoni yangu ndio hiyo ile naona kama hapana mzuri. Sina mengi ya kusema.

**Com. Dr. Maranga :** Nafikiri kwa niaba ya Tume ya kurekebisha Katiba sisi tumekaa hapa tangu asubuhi tangu saa mbili, na ninafikiri tumeonana na watu wengi sana kutoka upande huu wa Mwala, mimi nataka kuwashukuru kwa maoni yenu ambao mmetoa wale ambao pengine wamebaki tunawaomba sana kesho tuko upande wa Mwendandu huko Machakos, Mumandu Secondary School, kwa hivyo wale wengine mnafikiria ambao hawajafika mnafikiri mnaweza mkawambia wafike mbele ya Tume ili waweze wakapeana maoni yao kwa sababu ni maoni yenu ambayo itaweza kutusaidia kuandika katiba mpya. Lakini kabla sijafunga kabisa, hebu niulize Commissioners wenzangu kama wako na lolote la kuwaambia watu wa upande huu wa Mwala.

**Com. Mutakha Kangu:** Watu wa Mwala, mimi nikuwarudishia shukurani kwa kujitokeza kuja kupeana maoni yenu vile mngependelea mambo ya katiba iendele. Na tunatarajia mwishowe, tukimaliza kuandika Katiba tena mtajitokeza kutetea hiyo

katiba hiyo katiba ndio iweze kuwatimizia vile mtakuwa mmetaka. Asanteni.

**Com. Dr. Maranga :** Namuomba Commissioner Ayonga, una lolote la kuambia watu wa Mwala?

**Com. Pastor Ayonga :** Watu wa Mwala mimi nawashukuru kwa utulivu wenu tumekuwa na mkutano mzuri sana hapa kwenu. Na saidi ya yote nimeona upande wa Mwala Mungu amewabariki na udongo mzuri na mvua nzuri, na ili Katiba pia iwezekufanya kazi, hebu zote tufanye kazi kwa bidii. Ili tupate Katiba na pia tupate mavuno kutoka kwa jasho letu. Mungu na awabariki sana.

**Com. Dr. Maranga :** Asante, ningemuomba Commissioner Asiyo.

**Com. Asiyo :** Hata mimi nawashukuru sana sana watu wa Mwala kwa yale mawaidha ambayo mmetupatia na hekima juu ya kuandika Katiba mpya na saidi sana utulivu ambao mmekuwa nao na mpango mzuri na ukarimu wenu ambao tumepata hapa ambao hatujapata mahali pengine tangu tuanza kazi hii. Natumaini kwamba tukiweza kuandika Katiba nyinyi wenyewe pengine mtaona yale mambo mlipendekeza ikionekana hapo kwa hiyo katiba saa ile itakuja mkisoma ndio mjue kama mapendekezo yenu pengine yamesikilizana na mapendekezo ya watu wengine yametokea hapo. Na saidi sana kwa kila mama ambapo wamejitokeza. Mimi kule ambako nimeenda kote, hapa ni mahali pa kwanza nimeona akina mama wengi wamekuja kujitokeza kutoa maoni yao bila kuogopa yeyote na kuongea kwa hekima sana sana. Hata vijana pia nimewashukuru na Mungu awabariki.

**Com. Dr. Maranga :** Asante. Pengine nimeona mzee mmoja ameingia hapa, sijui kama alikuwa anataka kutoa maoni. Because tulikuwa tumefunga na nilikuwa nataka kuuliza mbunge naye aseme neno moja kabla hatujafunga. Wewe, kama unataka kutoa maoni ukae hapa mbele yetu. Anatoa maoni? Haya kuja hapa, utajaza hiyo baadaye.

**Com. Asiyo :** Atajaza baadaye.

**Com. Dr. Maranga :** Oh, student from your school, let him come and we give him just five minutes to give us summary. If you have a written document give us the main points. You sit down and then you give us your full name.

**Anthony Wambua:** As a military police prisoners and so only established by the constitution. They said yes. What mechanism can be used to discipline the armed forces? They should be retained in prison and court is the final judge. When we say may be these armed forces are in disciplined and they are sacked out of jobs, when they go outside they might bring chaos. May be they might become gangs because they are experienced in using fire arms. Should the President be the commander in chief of the armed forces? The answer was yes. Should the Executive have the exclusive power to declare war? They said no. Should the constitution permit the use of extra ordinary powers in emergency situations such as war, national disasters, insurrection and

breakdown of public order? They said yes because if they don't many lives will be claimed. They took an example of the time that we were having the bomb blast that occurred in the country, if they could have not applied more force many lives could have been claimed. So that is what they gave. The next question, should Parliament have any role in effecting the emergency power? They said yes because they are representatives of the public. This in the Parliament those that are elected in the Parliament represent the public so they should be given that power.

The other one is political parties. Political parties play an important role in the democratic roses in terms of mobilizing the public. First question should political parties play roles other than political mobilization? If so which? They said yes. By attending harambee functions, seminars and aid in development of the community. Should the constitution regulate the formation, management and conduct of political parties, if not what mechanism can be used? No, they should be governed by a certain law. Should the number of political parties be limited? They said yes it should be limited. If so how many should we have? They said that we should not have more than five political parties because if everyone wants to have his party that means there will be tribalism, nepotism because let's say like Makutano here we need to have a party and another one Kithangaini party, mixing all together it will bring tribalism. Then how should political parties be financed? They said political parties should be financed by the Government. Should political parties be financed from public funds? They said no. What terms and conditions should be imposed on financing of political parties? If they are to be financed they should have a national outlook they should look abroad.

The other topic was structure and system of Government: There are several system of Government to deal with the exercise of Executive authority.

**Com. Maranga:** Excuse me if you are written in that document, then you will give us that because we are the people who gave out those questions. So we understand. But all we are saying, we wanted you to highlight those views you have in your memorandum. We can then discuss. Have you answered all the questions?

**Anthony Wambua:** Some I have answered yes but the ones you....

**Com. Maranga:** So what you do, you will hand over that document to our program officer there so that it is part of the memorandum and if you need an extra book like that one, then you will ask the Co-ordinator to provide you with it. Have you answered in the memorandum?

**Anthony Wambua:** Some of the answers are in the book but I have not written the questions. I have just given the answers.

**Com. Ayonga:** We don't need the questions we have them. You have the answers, there is no problem.

**Com. Maranga:** We don't need the booklet so we only need the answers. You have a written memorandum. Okay. So, but I want to ask whether the Commissioners have any questions for you.

**Com. Asiyu:** You are representing a school?

**Anthony Wambua:** Yes.

**Com. Asiyu:** You are saying on one hand that the Government should fund the political parties and then you are saying the public should not fund the political parties. But the Government is the public. All the money that the Government has, is from the public. So, you are contradicting yourself and would like you to be clear on this one.

**Anthony Wambua:** I think the answer is 'yes'.

**Com. Asiyu:** The Government should fund political parties. Okay, that's right.

**Com. Maranga:** So I want to say thank you very much Anthony Wambua. But give us that memorandum, those notes of yours. Sign our official book and indicate that is Kisangaini. Otherwise we are very great full. Mwalimu thanks for bringing the students. There were others who were here in the morning I think they benefited a lot. But we're going to another secondary school. If you have not finished you can still be able to send other students to where we shall be sitting tomorrow. So I want to say thank you very much but before that let me ask Mheshimiwa if there is one word, before we wind up completely.

**Mheshimiwa:** Thank you. I must take this opportunity to thank the Commissioners for the time you have given Mwala people to give out their views. I'm sure you have at least got a few interesting areas which you will make use of in your constitutional writing when you will be coming out with the draft. But as well I must also say you have also witnessed much has not been done on the part of civic education. You must have witnessed that and I don't know what you are going to do because the way things are being done, personally I'm not satisfied in terms of civic education. I want to challenge you as Commissioners even though we have a tag of war. We want the constitution finished before we go for elections we want this. But if you look at what is coming out I'm sure in terms of quality I'm not satisfied that quality is coming out of the people who are presenting. Which means much has not been done in terms of civic education. We are lucky here in Mwala constituency because this is the first sitting and the other sitting is on 23<sup>rd</sup> in Niadui. I hope that is the condition co-rdinator. I also want to challenge the three Cs members in this hall. The civic education provided in this hall to at least do your best before then so that we can have more of the major issues covered.

What I have heard today even though I came late is just covering a few areas. We have many areas which have not been touched and I would challenge you to go and do your best within this one week so that we can come up with other views or



more views on what you think need to be done in our constitution. I must also as I said in the morning make a further request about a third sitting in Mwala. Even if it is one commissioner to go to the furthest end of this constituency. Actually we are the center. This is where we do our ---- votes. It is a historical point of meeting. This is where vita inakuwa wakati wa kuhesabu kura. But where you are going next is the furthest end this side and there is a furthest end this side. I made that request in the morning if we could be given one hearing at the furthest end of Dyune. There is nobody who has come from Dyune I'm sure. If there is ----- just that and I know why. She is a member of the three Cs. You pay about a hundred shillings to come here. So we had made that request long long time and I'm sure you have the information but I want to appeal to you. Even if it means splitting one of these days so that also those people can be given a chance that would be quite good for us here in Mwala. Lastly I must also thank those who0 have given their views today.

You should also go and talk to others. Do a bit of publicity so that people can come to your view next time and if we shall be given a chance the other side we can also get people there. Also tell these provincial administrators. They are the ones who are frustrating this process Commissioners if you don't know. When we left here lunch time I didn't accompany you wherever you went. I went to stop another meeting which was going some where with provincial administrators. I was asking them surely if today is a day for Mwala how can you have a chief at Masi with leaders meeting there. To do what? You know this is the kind of frustrations we get at the grass roots. Like these civic providers wherever they go like if you want to have a civic education in a given area, the sub chief is ---you must tell the Executive. And the Executive must give this exercise a very serious note. I'm getting frustrated in terms of what the Executive is doing in terms of the making process of the Constitution. That's why we have not given a chance in Parliament so that it can be entrenched in the constitution. May be one day they will wake up and say nyinyi nendeni nyumbani. Is that all we want Kenyans? That is my concern and I hope you will also pass the same message to wananchi huko ili tukutano wote. Hata wale hawajakua hapa hata wakiwa ni wa Mwala division wakuje adue watoe maoni huko. Kwa hayo machache ningependa kusema asante sana kwa hiyo nafasi. Na sante sana kwa nyinyi nyote kwa maoni yenu, walimu, watoto tumefurahia. Hata wakina mama. Tumefurahia hata si kuwa nafikiria hiyo imesemwa na akina mama wengine hapa. Tumesikia mambo mengi mazuri. Kwa hayo machache asante sana.

**Com. Maranga:** Basi kwa niaba ya Tume ya kurekebisha Katiba na Wanatume wenzangu, mimi kwa jina ni Dr. Charles Maranga. Nasema asanteni na tungeomba mtu mmoja atufungie kaw maombi ili tuweze kuondoka. Kwa hivyo naomba tusimame.

**Joseph Wanyingi:** My names are Joseph Wanyingi, a teacher at Kithangaini secondary school. May we bow down for a word of prayer.

Heavenly Father in the name of Jesus we are grateful this afternoon. We thank you master for every thing that has transpired throughout the day. We thank you God for the purposes and the intentions that were made. Now that they have come in fulfillment, we are grateful to you. We are great full also master for giving us a conducive environment that we were able to say all that we ought to have said. I also pray God of glory that you may help us and protect us. Thank you also for these

Commissioners God. I commit them to you. As they continue collecting views I pray that master you going to give them wisdom, patience, grace and good health dear Lord. And also these other people that are called on to give their views I pray for them too that they will be in good health, sober and in a stable state of mind even to give that which they feel is for the good of this country. As we part I pray that God you keep us and go with each one of us to our destinations. We thank you and we bless you for we pray this, giving thanks in Jesus name. Amen.

The meeting ended at 6 P.M.

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