

**CONSTITUTION OF KENYA REVIEW COMMISSION**

**(CKRC)**

**VERBATIM REPORT OF**

**CONSTITUENCY PUBLIC HEARINGS, RUNYENJES  
CONSTITUENCY, HELD AT KANJA MARKET PSC HALL**

**ON**

**MAY 23<sup>rd</sup> , 2002**

**CONSTITUENCY PUBLIC HEARINGS, RUNYENJES CONSTITUENCY, ON  
MAY 23<sup>RD</sup>, 2002 AT KANJA MARKET (PSC HALL)**

**Present**

Com. Isaac Lenaola  
Com. Abdirizak Nunow

**Secretariat In Attendance**

S. Anampiu - Programme Officer  
Mary Kanyiha - Assistant Programme Officer  
Patricia Mwangi - Verbatim Reporter.

The meeting started at 9.45 a.m. with a prayer from Mato Runyenye with Com. Lenaola in Chair.

**Audience:** .....(inaudible)

**Speaker:** ( *“Mr. Mato please uka ava utovoithie nigwo twambiririe”* )

**Com. Lenaola:** We are now starting with prayers offered by Mwalimu Mathew Runyenje, tuongoze kwa maombi mwalimu.

**Mato Runyenje:** Na tuombe. Bwana wa juu na chini, ee Mwenyezi Mungu, sisi ambao tumefika katika jumba hili twajongea mbele ya kiti chako cha neema tukishukuru kwa kutufikisha hapa. Tunakushukuru kwa vile umewawezesha Macommissioner wetu kufika hapa salama. Tunawakabidhi mikono mwako ukawaongoze, ukawape hekima ili maoni ambayo yatatolewa na watu wa hapa Kanja, yawe si ya kukutukuza wewe peke yako, lakini yawe kwa manufaa katika nchi yetu yote ya Kenya. Tuongoze, tupe usalama na utupe utulivu Bwana. Baada ya kila kitu Bwana tutakushukuru na vile vile, jina litukuzwe. Twaomba hayo kwa jina la Yesu Kristo, ambaye ni Mkombozi na Bwana yetu.

**Audience:** Amen

**Com. Lenaola:** Thank you, Bwana Runyenje. Kwa wale mmefika na wale watu wako huko pembeni pembeni, tungetaka mkaribie, ili tuanze kazi ya leo. Kama uko na maoni ya kuleta mbele ya Commissioners hawa wako hapa, kuhusu Katiba, kabla

hujalingia, utaona mtu hapo. Ukiwa una kitu utasema hapa ndani, ukiwa umeandika au utasema orally, tungetaka uandikishe jina lako hapo ili tuweze kuendelea kama inavyotakikana. Kwa sababu tunaona masaa imeendelea sana, sasa ni saa nne, na Commissioners wako hapa, hatuwezi kufanya Commissioners watungojee, na sisi ndio wenye hapa. Kwa hivyo ukifika hapo kwa gate, bila maneno ingine, ingia halafu tuone yale yataendelea, tusikie maoni. Naona watu wanazidi kuja. Huyo ni Bwana Kamani, ni committee member wangu Bwana Kamani you are welcome.

**Bwana Kamani:** Although we had agreed we come earlier, .....(inaudible)

**Com. Lenaola:** Kwa hivyo tungetaka mje halafu Commissioners waanze. Wataanza na wale watu wako hapa. Bwana Commissioners as go on I know you are going to find very many people here I am sure we shall continue, if the beginning could be that is the problem. Thank you very much, Bwana Commissioners, and feel very welcome. Thank you.

**Mr. Ruraa:** Thank you Bwana Chairman. Tungependa kuanza. Kabla hatujaanza, ningependa kuwajulisha wana-Tume na pia wale ambao ninao kutoka Tume. Baada ya hapo nitawapa ratiba ama kanuni za kutoa maoni katika Tume leo. Ya kwanza kabisa ningependa kuwajulisheni mwenzangu Daktari Abdirizak Arale Nunow.

**Dr. Abdirizak:** Hamjambo?

**Audience:** Hatujambo.

**Com. Isaac Lenaola:** Pia ningependa kuwajulisheni Bwana Solomon Anampiu ambaye ni Programme Officer katika Tume.

**Solomon Anampiu:** Hamjamboni?

**Audience:** Hatujambo.

**Com. Isaac Lenaola:** Karibu naye ni Bi. Mary Kanyiha ambaye atakuwa anachukuwa record ya mkutano wa leo.

**Bi. Mary Kanyiha:** Hamjamboni?

**Audience:** Hatujambo.

**Com. Isaac Lenaola:** Kwa upande huu tuko na Bi. Patricia Mwangi ambaye atachukua record kinaganaga na kunasa sauti pia leo.

**Patricia Mwangi:** Hamjambo?

**Audience:** Hatujambo.

**Com. Isaac Lenaola:** Na tuko na kijana ambaye atasaidia katika kazi ya sauti hii ya mitambo. Nami ninaitwa Isaac Lenaola, nami pia ni Commissioner katika Tume.

Jambo lingine nitawaita kulingana na list ambayo itatoka katika registration table. Ukija, utaketi pale uzungumze. Ukiwa na memorandum, maandishi, usisome neno kwa neno, kwa maana baada ya hapa, kila memorandum itasomwa na Tume neno kwa neno. Kwa hivyo njoo tu uangaze, highlight tu mambo kama tano ya mhimu halafu utapeana memorandum yako itasomwa, kwa dakika tano. Kwa hivyo ukija hapa usikuje ukajaribu kusoma neno kwa neno kwa maana muda utapotea bure.

Ukishatoka hapo, utaongoja dakika moja mbili kama tuko na maswali ya kufafanua maneno yako, tutakuita huyafafanue, clarification. Ukisha maliza hayo utaenda pale kwa Bwana Anampiu ujiandikishe kwa register yetu kama umetoa maneno kwa Tume na pia ukapeane memorandum yako kwa Tume.

Kama huna maandishi, kama huna memorandum, utakuja pia na uzungumze hapa maneno yako, ukishamaliza utaenda pale pia ukajiandikishe.

Jambo la tatu, tungependa wale wako na wale wanaokuja tuheshimu maoni ya kila mtu. Ikiwa kuna mambo ambayo mtu amesema hapa na huya kubaliani nayo ama huyapendi, usimpigie kelele, usimfanyie mengine, wacha amalize yake aende, wewe njoo sema zako vile unapenda.

Jambo la nne, katika Tume katika hii process, hakuna kuogopa kusema jambo lolote kuhusu Katiba yetu. Kwa hivyo usiwe na wasiwasi kwamba baada ya mkutano utafuatwa na Special Branch, ama na CID, ama sijui NSIS ama sijui na Chief, ama sijui na Councillor, “ulisema nini mbele ya Tume”, Usiwe na wasi wasi kwamba maoni yako yatafuatwa na mtu yeyote baada ya mkutano huu. Kwa hivyo wale watakuja na nyinyi msiwe na wasiwasi yoyote kuhusu maoni yenu. Uwe huru, useme upendavyo kama ni kutoboa, toboa, kama ni kusema sema.

Na jambo la mwisho, hatutakuwa na break, kwa hivyo msifikiri kwamba tutakuwa na break lunch, ama break ya chai, tutaketi hapa kutoka sasa mpaka mtu wa mwisho asikizwe. Kwa hivyo hatuna mambo ya kutoka toka na kuvunja mkutano. Tumeelewana? Tumeelewana lakini wale wako hapa?

**Audience:** Ndio.

**Com. Lenaola:** Basi wengine wakija, nitajaribu tena kuwakumbusha hiyo ratiba ili tusiwe na msuko suko baadaye katikati ya mkutano. Basi tutaanza. Nitamwita mtu wa kwanza, Mwalimu Dickson Ireri Mbario. Karibu, dakika zako tano na tafadhali jaribu kufupisha kwa dakika zako tano ili tusikustop katikati ya mambo yako, karibu.

**Dickson Ireri:** Thank you Commissioners. I would present my views in English. I am addressing the issue of basic rights in education, and my first point here talked about education for the children under 18 year. I say that these children should be given free and compulsory education.

The second point which I want to present is about the public and private schools. I would not want the Government to revert to the old method of segregation where there was education for Asians, Africans and Europeans. Therefore, the Government should be the only body which should provide education through private government funded schools. Teaching profession should supercede any other. Therefore, teachers should be given good remuneration to make them more productive.

My fifth point Mr. Commissioner is about Kenya National Union of Teachers. It should be the only body which should be there to represent the teachers.

Number six, Mr. Commissioner, there should be no Act of Parliament or of Judicial decision to dissolve the Union. Only teachers through delegates conference will have the powers to do so.

The other point Mr. Commissioner is that Teachers Service Commission should be autonomous, and the budgetary allocation should go directly to the Commission.

The other point Mr. Commissioner is about the Parents Association: There should be a recognized Parents Association so that the parents can also have a forum to voice their views.

The other point Mr. Commissioner is that there should be set juvenile courts to hear cases concerning the children, and these courts should be presided over by experienced teachers. This will ensure that the rights of the children are well addressed in Kenya.

Mr. Commissioner, the other point that I would like to say about education, is that the Secretary General of the Union should be appointed to take a seat in the Parliament, he should be a Member of the Parliament.

The other point Mr. Commissioner, is that the resources which are found within an area should help that area. For example, here we have the Nyayo Tea Zone. Part of the money realized from there, should be given to the schools so that this can go to assist the needy children in that area.

The other one is that money should also be used to electrify the schools and improve transport and communication. Now to make all these rights available, there must be good governance. Therefore, if I highlight little about the Executive, I would say that we should have a President in Kenya. The first qualification of the President is that he should be a Kenyan citizen by birth. He should also be of age above 30 years and below 60 years; be of good health with proven negative status of HIV; be of University education standards having acquired a degree or a diploma; be of good conduct, corruption-free and should not portray any tribal inclination. He should serve for a maximum of two-five years term.

Removal of the President; He will be removed when defeated in an election or proved to have rigged in elections, or indulged in immoral activities like rapping. When a President is found to have raped, he should be impeached. If he fails to protect the rights of Kenyans particularly the children in those areas we hear of tribal clashes, the President should be impeached.

The Vice President; The Vice President should not be the subject of the President. He should be elected directly by the people and therefore, he is only supposed to be answerable to the people who elected him and not the President. With those few remarks Mr. Commissioner, I am thankful that is the presentation from the teachers through sample methods. Thank you very much.

**Com. Lenaola:** Thank you very much Mwalimu you have taken exactly five minutes. Mwalimu just a minute, I have a clarification: you are asking that resources in an area, part of it should be given to schools. What part? What percentage?

**Dickson Ireri:** This one should be half.

**Com. Lenaola:** Fifty percent.

**Dickson Ireri:** Fifty percent.

**Com. Lenaola:** Thank you very much.

**Dickson Ireri:** Thank you.

**Com. Lenaola:** Please come and register there and give out your memorandum.

**Com. Lenaola:** Thank you very much Mwalimu, umetufungulia vizuri sana keeping time and being very precise. Mwaniki Mungai wa ACK church, karibu.

**Com. Lenaola:** Five minutes Bwana Mwaniki.

**Mwaniki Mungai:** I am Mwaniki Mungai representing ACK church ST. Thomas Kanja for Kenya Anglican Men's Association or of KANA. First of all we are deforming the presidency. Why deform the presidency? The present Constitution gives the President dual powers. The current Constitution that we have today gives the President dual roles of Head of State and Government combining the ceremonial roles performed by the Queen and Prime Minister in England. While the Queen, for example, dissolves Parliament on the advice of the Prime Minister, the President in Kenya acts unilaterally. He has wide powers to create and abolish public offices, appoint persons to the Judiciary and the Civil Service and he is the Commander in the Armed Forces. He vets and controls parliamentary procedure through his powers to assent to bills and to influence parliamentary debate. He can declare a state of emergency, and thereby suspend enjoyment of fundamental rights on freedom.

Those are our views. The recommendation; To avoid misuse of powers conferred on the President by the current Constitution, we suggest that such powers be exercised in certain cases with the approval of a Prime Minister, who should be the Head of Government. Kenya being a multiparty state that conducts its General Elections after every five years, it is suggested that after the General Elections are conducted, the leader of the winning party should automatically be appointed the Prime Minister by the President who is the Head of the State. The Prime Minister should then, appoint Ministers who form the cabinet. In this case the Prime Minister and his cabinet shall run the Government while the President heads the state. This is to avoid concentration of powers to one organ of Government and to have the capacity to control each other by being independent entities.

How do we appoint the President? The Parliament should call upon all political parties, and all sectors including religious groups, lawyers, labour unions, farmers' unions, organizations, civic organizations, women caucus etc, to present their presidential candidates. The Parliament should then face the three candidates from all the parties, groups or organizations and endorse one of them to be the President who shall be a non-partisan. The leader of government business should be in charge of the President's office before the appointment of the President. The system of indirect election or appointment, the system we have today, of the President for a maximum of two terms, should be retained to give the President a popular base while at the same time, limiting the development of personal cult and entrenchment of power, through presidency.

We have the functions of the President, what we are suggesting the President should do, the President should exercise prerogative powers of the State such as dissolution of Parliament and ceremonial functions such as in opening of Parliament, and the Commander of the Armed Forces. There must be set up a supervisory mechanism of this exercise for this power. The President should have power to attend bills passed in Parliament before they become law. He may refuse with reasons to attend the bills.

The President shall have power to appoint the following senior public officers, Attorney General, Control and Auditor General, Chief Justice, Head of Civil Service, Permanent Secretary to the Treasury, Governor of Central Bank, Chief of Armed Forces,

Diplomatic Service among others.

While the President should have power to appoint persons to senior public offices, such appointments should be confirmed or vetted by the Parliament as the representatives of the people. Such confirmation procedure would make the President to be more careful in selection of the most senior government officers to avoid embarrassment of non-confirmation.

To avoid misuse of power currently conferred on the President by the Constitution to declare the state of emergency, it has been suggested by us that such power be exercised in certain cases with the approval of a special majority in the Parliament. There of course would be situations and cases where decrease of security and speech would require the President to act unilaterally for the benefit of the nation. In such cases however, the President should report to Parliament on the measures taken as a safeguard against arbitrary use of power.

As regards the personality of the president, it is suggested that he or she be a person of high integrity and character and committed to the rule of law and human rights.

Bwana Commissioner we have some other views and recommendation regarding our Government. The power to establish and abolish public offices should be given to a panel of appointment committee approved by the Parliament. Such panel should be involved in the appointment of among others Judges, Police Commissioners, Permanent Secretaries, Public Prosecutor, etc. In exercise of this power, there must be set up a professional mechanism to avoid appointment of incompetent officers. The Minister should have power to appoint and fire state cooperation high ranked executive officers. In this case, the Minister will be able to execute his duties while writing and laying down ministerial rules as provided in the act.

**Com. Lenaola:** Bwana Mwaniki I had said don't read every single word, highlight the most important parts. Can you now make your last two points, you have taken six minutes.

**Mwaniki Mungai:** Let me leave about those forms but I will go to point number six where we have suggested that if Parliament is to pass for bill concerning the interest of members of Parliament, such proposal should be approved or be disapproved by a referendum that is general vote by all members of the country. This is to avoid selfishness of MPs especially when it comes to cases where they increase their salaries.

I will come to a point of freedom and rights of people. We suggest that the Constitution should provide the freedom of movement. This includes the right to reside anywhere in the country and to move in and out of the country. Because the denial of a passport clearly limits the freedom or the setting up of a security zone, limiting entrance and movement into certain areas within the country.



Bwana Commissioner I would like also to talk about something concerning the freedom of worship, because we are from the church. It is surprising to note that some religious groups in Kenya today give honour and reverence to the Devil or Satan instead of God Almighty. The sacred books the Holy Bible and Koran portray Lucifer, Satan and the Serpent as an opposer of God. The Devil is described as an enemy, we want this one to appear in the Katiba. He is described as an enemy, the opponent of what is good, civil, godly and a thief. He is given to handle destruction of life and order. So we suggest that in this regard, we recommend that the Government should set up a national body comprising of professionals and experts on religious matters to help in the scrutiny of all religious organizations seeking registration, keeping in mind the Constitution provisions regarding the fundamental rights and freedom of others. The national body should have machinery to moderate activities in the societies. Should any be found to promote Satanic practices, it should be deregistered. Individual seeking licences for open air preachings should also be scrutinized before licences are issued.

**Com. Lenaola:** Thank you very much Bwana Mwaniki, you have taken 9 minutes instead of five, but thank you for your views. Please come and register on behalf of the church, and indicate that you have given you views. Mwalimu Mate where are you? Mwalimu you have five minutes to highlight your memorandum. Karibu.

**Mate Runyenje:** Chairman of the session, the views I am going to give are personal. My name is Mate Runyenje, Mate Runyenje. First of all is the structure of our Government. I am not going to read but I will just highlight. I am recommending that we retain a unitary central Government, because our country is too small to be subdivided into small semi-autonomous regions or majimbo, because, in the first place, this would create civil strife and with the attendant result of civil war.

Two, protection of the disadvantaged, the minorities and communities too. Here I am saying that the rate of development and the level of development at this point time is very varied in our country. Some communities are very far and if they are left to the others, you find that they will be eliminated from the Kenyan map, because some of us as communities tend to be predators of the others.

Three, Kenya should strive to be a welfare state. When you look at the level of unemployment, the disintegration of the family set up today, you find that there are going to be very many helpless people. Kenya should create a fund whereby, people who are unemployed, people who are unable to fend for themselves can at least draw something, either weekly, or fortnightly or even monthly to maintain themselves in the way of rent, in the way of food, clothing, a welfare state. Even if it is not realized now, but at a future date this should be the goal it should be highlighted in the Constitution.

Finally, on the Provincial Administration. I find that this set up has served our country quite well for the period we have been independent and even before independence. I am recommending that with checks and balances, and with the distribution of power higher up the hierarchy, we should retain this because it is a symbol of the government at the very grassroot level.

Chairman, thank you.

**Com. Lenaola:** Thank you Mwalimu, there is a question. Mwalimu just clarify one thing for me. The welfare state, you are asking for payment to be made to the unemployed ones at least a month?

**Mate Runyenje:** Yah

**Com. Lenaola:** What sort of figures are you looking at?

**Mate Runyenje:** Sorry

**Com. Lenaola:** What sort of figure? What sort of amount?

**Mate Runyenje:** I thought I better steer clear on that because as far as the monetary value is concerned, if I set a figure as today, tomorrow it would be different and therefore with devaluation and all that, I did not want to set a figure, but I left that one to the people to determine that one.

**Com. Lenaola:** Thank you Mwalimu, please come and register. Zephania Njoka Njalia? Zephania Njoka Njalia. Njeru Njamburi uta fuata baada ya huyu. Karibu karibu Mzee, Karibu karibu, njoo, njoo, njoo. Nilisahau kusema kwamba uko na uhuru kuzungumza lugha yoyote, nataka mtu wakutafsiri kwa Mzee. Mwalimu please.

**Zephania Njoka:** *niweka muno arungamiriri agatiba ino yetu niye mbakwa mbitagwa Zephania Njoka wa muro italiano na gwetu niguko Kanja.*

**Com. Lenaola:** Majina kwanza.

**Zephania Njoka:** Zephania Njoka Njalia

**Translator:** Well, I did not go into that translation because I thought it is clear that he is giving his particulars, but I ...

**Com. Lenaola:** That's just for the records, it is not for us, for the records.

**Translator:** Yah, fine.

**Zephania Njoka:** *Goantu karia gakwa ndari mukaandiku niate thirikari yetu ikithondeka gatiba ndise kwetherwa yaoto gutothondekagera bara bara okavinda karia kagerete.*

**Translator:** You wonder when the Government was writing the Constitution, did they not think of improving the roads, I will try to interpret verbatim.

**Zephania Njoka:** *(in vernacula.....inaudibler)*

**Translator:** The other thing.

**Zephania Njoka:** *Kariya kange nako andu nimanyite guoko akweli mavetete na*

**Translator:** People have been arrested when they are wrong.

**Zephania Njoka:** *makathie njera*

**Translator:** And they are taken to jail.

**Zephania Njoka:** *nonimararekererwa muno makathiye njaga*

**Translator:** But they have been let free.

**Zephania Njoka:** *ugakoragwa kwona mundu waku ukamwona ainjaga muno*

**Translator:** You find that, I mean they have been neglected in prison so that when you go to see your person in prison, you feel shy because he is naked.

**Zephania Njoka:** *kwogwo mageriye kwona nimakogorerwa nguo.*

**Translator:** Therefore, see to it that clothing is provided.

**Zephania Njoka:** *Kariya Kenge nako nkwona karekereretwo muno (inaudible)*

**Translator:** The other thing which I feel is .....(inaudible).

**Zephania Njoka:** *ni thirikare yetu*

**Translator:** By our Government.

**Zephania Njoka:** *nigwesiria kana nokurekebishwe*

**Translator:** There is no way people would be equal.

**Zephania Njoka:** *andu matikegenana*

**Translator:** It is my view that,

**Zephania Njoka:** *gukorwe kwina andu abiashara chia whosale andu abiashara chia retail*

**Translator:** There should be a review and amendment so that there would be wholesalers and retailers.

**Zephania Njoka:** *nigwo biashara iote kuvoreka wega...nthiyenabere..yah..*

**Translator:** So that it is possible to do good business.

**Zephania Njoka:** *Kariya kenge nako niate. Thinabere.*

**Translator:** The other thing

**Zephania Njoka:** *murimi agatindikwa muno agakara teka atare vata*

**Translator:** A farmer is pushed into the worse if he is useless.

**Zephania Njoka:** *kendu kyake riria kigoretwe shilling ithatu agererwe nikovewa*

**Translator:** When his commodity is bought for 10/= only he gets a profit of 3/=.

**Zephania Njoka:** *thiringi mukwanja*

**Translator:** He should get seven shillings.

**Zephania Njoka:** *totoniwe uravorana na thithino*

**Translator:** Because he is the one who is striving.

**Zephania Njoka:** *Kariya kange tafathali kwona*

**Translator:** The other thing.....

**Zephania Njoka:** *takavitirwe oeide gatiba ya thondekagwa*

**Translator:** Which I feel went wrong at the inception of the Constitution.

**Zephania Njoka:** *Raisi wetu wa jamuhuri ya Kenya tundo niwa Kenya ngima ugwo igana nigwona utoro wake kugevoteka gungikrwo kwe Nairobi kwenge korwa kwewega*

**Translator:** Is that our President is a national figure and therefore should reside in Nairobi.

**Zephania Njoka:** *kaundu kaiya kange kavitetwe oandu munini ni thirikare ino yetu*

**Translator:** The other thing which has gone wrong.....

**Zephania Njoka:** *Uandikaninire*

**Translator:** is in employment.

**Zephania Njoka:** *andu makarekererwa muno*

**Translator:** People have been neglected.

**Zephania Njoka:** *muntu omwe agatonga akiandikithia andu akivewa mbiya nyinge na niavesagwa musara.*

**Translator:** is one person who intercedes for others to get employment, yet that person gets salary.

**Translator:** The other thing which our Government should look at at this point, when we are trying to review the Constitution,

**Zephania Njoka:** *kaiya kange nako thirikare yetu ndise nido karege kororwa na karekebishwe muno kivinda gike tukwerwo turethodeke gatiba*

**Translator:** is in passenger-transport yet there is the Government on the road and people are overcrowding in vehicles.

**Zephania Njoka:** *niukuanini wa motokaa tugaitanira mitokaani na twena thirikare barabarani.*

**Translator:** The last thing.

**Zephania Njoka:** *kamuthiya*

**Translator:** when we were under the colonial administration, the Government of the day retained the forest so that there would be a little cover such as our era is a cover for our health.

**Zephania Njoka:** *Muthungu riria atwathaga athondekete mutitu ni itachio nyele nichia kyongo nigwo okunekagere nyinje.*

**Translator:** When we got independence.

**Zephania Njoka:** *twarikiya kugwata wiya*

**Translator:** we have completely forgotten the forest, we fell all the trees and now the rivers are drying.

**Zephania Njoka:** *mutitu nitwariganirwo nigwo kinya tukiotema na kinya.....*

**Translator:** It is not clearly the fault of the people who are felling the trees but the actual forest, the people entrusted with the preservation of the forest are the ones that fail because they are letting this vice to go on.

**Zephania Njoka:** *..... atemi teo manamavitia oaundu aria maandikitwe nithirikare okuo nio maravitia kurekereriya andu kuo. Thankyou.*

**Translator:** Asante.

**Com. Lenaola:** Asante sana Bwana Zephania. Asante kwa maoni, njoo ujiandikishe pale. Asante Mwalimu. Njeru Njamburi?  
Karibu Mzee.

**Njeru Njamburi:** *thankyu bwa kamisina na kyama kyaku kyonthe kiria mwinakwyo.*

**Translator:** Thank you Commissioners and the panel.

**Njeru Njamburi:** *chuogo chiakwa niigire tu*

**Interjection: (Translator):** First of all your name

**Njeru Njamburi:** *Rietwa rikwa mbetagwa Njeru Njamburi*

**Translator:** My name is Njeru Njamburi.

**Njeru Njamburi:** *na ndimuturi wa guko Kanja.*

**Translator:** And I live here, Kanja

**Njeru Njamburi:** *Maundu maria kwaria ni mairi.*

**Translator:** I have two things to say.

**Njeru Njamburi:** *indeino turathondeka gatiba*

**Translator:** The first one is that at this time when we are reviewing the Constitution.....

**Njeru Njamburi:** *nikuremaundu mavitirwe kwage na wiya*

**Translator:** there are some things which went wrong when we got independence.

**Njeru Njamburi:** *Ithiwe aembu kwari na mutugo wa uriya ari itu matoranagiya na anake*

**Translator:** As an Embu community or as an Embu society, there was a way in which young men, boys and girls used to live together.

**Njeru Njamburi:** *gutitari mundu ririya twatoraga kabere kau ugeetekererwo ageye na mutumiya na magiya na chiana achoke ate na mutumiya ochio achoke ate.*

**Translator:** No one was permitted by the society and customs to marry a wife and after having children, you send that wife away.....

**Njeru Njamburi:** *no twarikiya kugia na wiyani nikuri*

**Translator:** until we got independent.

**Njeru Njamburi:** *nikuri vando vakinyire watho ochio ukivutwa ugekara tawatewa nundo nikwerwo ari nivaravenereriya anake ari kana atatu nivo ene chiana*

**Translator:** When we got independence, it came a time when this tradition and the rule was neglected, and so it was alleged that girls or women were trying to several boys for their advantage.

**Njeru Njamburi:** *kumavindeyo niturikitye kugiya na chiana nyinge muno itare na*

**Translator:** From that time, we have had very many children....

**Njeru Njamburi:** *itare na areri*

**Translator:** who have nobody to look after.

**Njeru Njamburi:** *tundo mwanake arikyo kuoza mwiritu wakwa*

**Translator:** Because when a boy picks my girl,

**Njeru Njamburi:** *arathiye magiya chiana ta ithatu nake kana inya akamute*

**Translator:** They go and they have one or two, three, four children and then the daughter is sent away.

**Njeru Njamburi:** *nariuu ria chiana igotewa chirichoka kuriniye naniye ndimukoro ntiravota kuithomithiya naniye ndimukoro*

**Translator:** When she is sent away i as a parent, I am old and there is no way I will be able to educate these children.

**Njeru Njamburi:** *taichio nichio murachoka gwita chokora*

**Translator:** These are the children you call chokora.

**Njeru Njamburi:** *ninirona kavinda kamwe*

**Translator:** And I know that sometime to come...

**Njeru Njamburi:** *kungeregwo kumenyererwo ovoro ochio no kinya gukorwe kwina roriro rugwitwa chokora*

**Translator:** unless care is taken, we are going to breed a race by the name chokora.

**Njeru Njamburi:** *niondu chiana niitetwo nyingi muno kuma kavinda kau twagire na wiyani*

**Translator:** Because many children have been neglected from the time we became independent.

**Njeru Njamburi:** *ninde mwiritu arikiya gochoka nagwakwa ndina indo chia kumuva amwe na chiana chyake.*

**Translator:** Because when my daughter comes with her children to my home, I am also helpless and there is no way I can look after that daughter.

**Com. Lenaola:** Mzee ungependa nini sasa? Ungependekeza nini?

**Njeru Njamburi:** *nirenda kugeye na watho*

**Translator:** I want there to be a law.

**Njeru Njamburi:** *aria magia na twana maturere na mareke tukugere nginya ukuru wa muntu mgima.*

**Translator:** After cohabitation those who have children should actually look after those children until they are grown up. So that this child is a grown up he has formed the character, and would not be able to steal.

**Njeru Njamburi:** *nigwo mundu uchio atigwe arimugima avote gwetwara ataguthi kwiya*

**Translator:** I think my first part is gone.

**Njeru Njamburi:** *nigwechiria kifungo kyakwa kya mbere nikyathira riu ndithi kya kire.*

**Translator:** Well you can pick that one, he says that there is a lot of corruption in our Government.

**Njeru Njamburi:** *kya kire twina corruption nyinge muno thirikarine itu*

**Translator:** Right from the administration there is corruption.

**Njeru Njamburi:** *niundu kuma wathani wa ki-DC kwina corruption nene wathi wamagoti kwina corruption*

**Translator:** When you go to court there is corruption.

**Njeru Njamburi:** *mundu utari na mbeshia ino nyinge chia kwigana uteundo ageitethia unakorwo enakiroto kinene*

**Translator:** Unless a person has a lot of money, there is no way one can come out successfully when one goes to court or to any office.

**Njeru Njamburi:** *niundu kaundu kanini kavota gotora igotini miyaka kuma riria twagiire wiyani nginya umothe kwiovoru utware wathira naringe nigaotu kanini*

**Translator:** A little matter can remain in court for a long time and yet it is something which could have been decided much earlier.

**Njeru Njamburi:** *corruption igachoka igakinya guko muchiye turi*



**Translator:** Corruption is even there at home at the domestic level.

**Njeru Njamburi:** *niundu gutire kaundu kinya kamwe ugivingirwa ni andu aria aandike utambete kumava mbesha*

**Translator:** Unless you cough up something to the people who are employed, they will not serve you.

**Njeru Njamburi:** *riu maundu machio thirikare ikithondeka gatiba niyageririe kumaroriya niudnu mariya matire na vinya nokinya mathire kabisa niundu wakwagio vata nivariya mena inya nyinge.*

**Translator:** As the Government prepares the Constitution you should consider the people who are not so able, because the other people who have a lot of property are suppressing them.

**Njeru Njamburi:** *riu gwichiria maundu makwa nimathira.*

**Translator:** I have finished what I had to say.

**Com. Lenaola:** Asante mzee. Njoo ujiandikishe hapa. Asante sana Mwalimu. Sammy Njeru Josephat? Halafu Damaris Njeru.

**Sammy Njeru:** *niye.....(not Audible) Commissioner nitwa Samwel Njeru Josphat kwe maundu mamwe madigichanagiya makirigithinagiya*

**Com. Lenaola:** Ngoja kidogo utafsiriwe. Mwalimu karibu.

**Sammy Njeru:** Thank you Commissioner

**Translator:** Thank you Commissioner.

**Sammy Njeru:** *Niye kwe maundu mamwe madigichinagiya thine wamutorere wakwa*

**Interjection(speaker):** Sema majina yako

**Sammy Njeru:** Samuel Njoroge Josephat.

**Translator:** There are some things which worry me during my lifetime.

**Sammy Njeru:** *ndoragia aria kwa nyayo ngoriya kii nikithaka kiya mwiriga uriko?*

**Translator:** Because when I look at the Nyayo Tea Zone, I normally wonder who owns that property.

**Sammy Njeru:** *ngona wega kithaka kiu gitagwa kia nyayo nikwagirwe gikugaerwa aria matare mugunda*

**Translator:** So, according to me I would suggest that that Nyayo Tea Zone, should be sub divided to those people who are landless.

**Sammy Njeru:** *undu wakiri*

**Translator:** Second thing.

**Sammy Njeru:** *andu aria matare machiare migonda ikigawa*

**Translator:** Those people who were not born when the land was being demarcated,

**Sammy Njeru:** *kwiandu magairwe kuma migonda ya eka mirongoili*

**Translator:** Some people were allocated very big tracks of land, while others were not given.

**Sammy Njeru:** *ngona nikwagirirwe magairwe kuma eka mirongo ili matunywe magairwe mariya mataye kindo.*

**Translator:** Those people who were given unnecessarily big tracks of land, from 20 acres and above, that land should be taken away and be subdivided to those people who did not get.

**Sammy Njeru:** *ngachoka utuunge uthenakya niyo..*

**Translator:** Another thing which surprises me is this one.

**Sammy Njeru:** *thiine wa mbunge*

**Translator:** In the Parliament,

**Sammy Njeru:** *ndinegwa kwe gite gitigarwe kiya mundu uruya utaonaga*

**Translator:** I have never heard any reserved seat for the blind

**Sammy Njeru:** *kana uriu utaegusagua*

**Translator:** or those who are deaf.

**Sammy Njeru:** *ngona thirikari iliya turathondeka yagirwe ikorwe ina ite igiri chia andu achio*

**Translator:** The Government which we form now should be sensitive of such disabled people

**Sammy Njeru:** *ngachoka ngechia muno*

**Translator:** Then I think about this thing.

**Sammy Njeru:** *Ngona andu aria matwerete ni andu aria matwere oguko. Kwi andu wingi ndirona ukinthiniya*

**Translator:** Another thing which is surprising me is this;

**Sammy Njeru:** we were told about the farmers.

**Translator:** *ni twerirwe muno arimi*

**Sammy Njeru:** *ngechiria mundu wonthe uria ukuria indo iria okrwa ni chia kaowa kana chia majani*

**Translator:** The person who is supposed to share the product from tea or coffee,

**Sammy Njeru:** that person should be taken to court and pay for those things and then be jailed.

**Translator:** *niagirwe kuthitangwa aribe indo chiyetu kana anaaogwe maisha.*

**Translator:** That is the little I have Bwana Commissioner.

**Com. Lenaola:** Thank you Bwana Njeru. Asante sana. Njoo ujiandikishe nashukuru kwa maoni yako.

**Damaris Muthoni:** My names are Damaris Muthoni Njeru. I have two points. I will start with the child Kenya has come up to be a development country. It started with a small child, but my worry and my cry is that at present, I don't know ten years to come, what kind of Kenya we shall be having. The young men, mostly not ladies. They have .....time where we are in the reserves, even if we go outside nobody would be happy to see the young men we have. They are young, you find that they are wearing torn clothes, they look people one would not like to admire. When we change the Constitution and leave such things, surely, where shall we be? Because the country is in a mess. Mostly in the reserves maybe in the city they are a bit better, but we are near the forest where bhang is planted and our children are in problems. We expect the Government to take care of this children and prevent whatever is being sold to spoil the young generation. So as we change it, if nothing is going to be done, we are going to be in a mess. Men, women, brothers and sisters are crying for their relatives because they are in problems.

My second point is about farmers. If there are no farmers then people in the country cannot be fed. Whatever farmers do in the rural areas, whoever benefits is that big man who sits in the office. You find women, men and children at night are either selling coffee or selling tea. Yet whatever comes out does not help them. So you find those in the offices are the rich people and those who prepare this food. Remain poor and poor everyday. So there is that thing which says the rich will become rich, the poorer will be more poorer. So even if we change the Constitution, we see that people are suffering. If then they say let us strike we don't farm anymore, everybody is in the country. So I appeal to the Government to see that people, farmers, are given their rights because at present they have no rights. We strain, we get sick, we have pneumonia, some die and yet they build people who are on the higher seats, not themselves. You find somebody sleeping on a mat, just a mat with lice, cockroaches and yet you have tea, you have coffee and you don't know where the money goes.

So we appeal to the government to look at this thing, because even if the Government is as good as what, I don't think we shall be helped. Even here the people you see, you find that some have been teachers they look well. But there are farmers with tea and coffee and yet they are where they are because they don't get the money they have worked for. Thank you, I wanted to present that.

**Com. Lenaola:** Thank you Mrs. Njeru. Please come and register and thank you for your views. Nectarius Muchangi Moi University? You have five minutes please just highlight the memorandum, the most important points in five minutes.

**Nectarius Muchangi:** Okey, I am Nectarius Muchangi. I am presenting personal views and those of HELB District Moi University Students. Okey, my point number one is that the role of political parties in our country cannot be underestimated, hence all the political parties that have got more than 5% Members of Parliaments in the Parliament or rather in the Government should be funded from the budget of that Government. In case of defection from those parties that reduces their number into less than 5% they should fund themselves.

My second point is that the number of political parties should be streamlined by reducing the current number by a criteria that those parties with less than 50% branches all over the country or rather in the Kenyan Districts should be deregistered. Further registration of the parties should be thoroughly scrutinized by the Registra of Societies.

In the Local Government, we recommend that mayors and chairmen of the Local Government should be elected directly through handouts, universal handouts .....(inaudible) and that Local Government should be made autonomous of the Central Government and they should manage their own revenue and expenditure.

The next point is that, there should be an o-level or equivalent level education for the Councillors and those Councillors should have attained a minimum of C to qualify for the Local Government elections. The other point is that people should be allowed to recall their Councillors in case of underperformance. This should be done through a public opinion collected or rather undertaken by an independent body stipulated or rather formed by the Parliament. Okey the Parliament should determine the remuneration of Councillors. Most of the nominated Councillors should be distributed equally to reflect special groups such as the youth, the women, religious institutions and the disabled.

Laws to dissolve the councils should be debated in Parliament and passed.

For the electoral system and process; in case of any defection from a party, such a person should seek fresh mandate from the electorate, whether that party exists or ceases to exist. People who fail to seek or rare to get nomination from political parties they should not be allowed to change their political parties, before the election or rather it can be allowed after the elections.

The Electoral Commissioners should be approved by the Parliament after their appointment by the President, and they should, such Commissioners, they should elect their own Chairman, which is not the case today. One third of those Commissioners should be women fielded. On Commissioners, we recommend that they should have a tenure of office seven years of which they should be tempt to expire two years after the elections. Okey then for the slect of our Government, we are recommending that, we have a President elected by the two Chambers of the Government, that is the two Parliaments, two houses, that is the Senates and the House of Representatives. Then we should have a Vice President who is elected also by the two houses, a Prime Minister who should be a leader of the party with majority MPs or leader of the coalition in case of a coalition government. Then the two deputy Prime Ministers, one of who should be head of the Civil Service and the other one should be the leader of the government business, the Parliament, leader of the Parliament. We should have a bicamral Legislature, as I have said. The Council should be divided into ten regions each with two Senators. The Senator should be elected for five years term and constituencies should be formed or rather controlled in regard to the population. The two Chambers should discuss this views to come to a consensus, and where there is no consensus, the House of Representatives should adopt its version. Then the Senator should be elected by an electoral college of Members of Representatives and none should be a sitting MP.

The President and the Prime Minister should not be an elected MP or rather should not form the Legislature; Once a bill has been passed by the two houses, it should be mandatory for the President to accept. Those are my views.

**Com. Lenaola:** Thank you very much Nectarius. Please register, thank you for your views, and tell your colleagues we have received their views. Jomo Murau, Jomo Murau? You are welcome. I am giving you five minutes to highlight your memorandum. Thank you very much.

**Jomo Murau:** Honorable Commissioners, ladies and gentlemen, my name is Jomo Murau and I present my personal views. The new Constitution of Kenya should;

- 1) Have a Preamble; We the people of Kenya are multi-ethnic, multi-religious and multi-racious society and we are expected to promote unity and national consciousness among the Kenyans, stimulate love of our national State of Kenya, promote human rights and democracy, encourage all Kenyans to create wholesome development without discrimination, ensure stability and security to all Kenyans, alleviate poverty in Kenya and resolve land ownership problem, promote a good and responsible understanding between leaders and ordinary Kenyans, restore and maintain public health services, improve and maintain efficiency of the public service, improve and maintain also the perfect, high standard of education, improve and maintain rural .....(inaudible) for the economic development and provide all necessary social services, to all Kenyans.
- 2) Protect the environment: The new Constitution should state that;
  - a. Kenya is a democratic multiparty sovereign nation state not republic;

- b. It should be written in simple language, both in English and Kiswahili and made available to all citizens who may need it.
- c. Remove the office of an Executing President and empower Parliament and other public institutions.
- d. Abolish Provincial Administration and empower Local Authority so as to take control of police, land held hold education and all rural urban developments.
- e. Make provision for non-partisan head of State and for the persons who may wish to contest civic or parliamentary elections without belonging to any registered political parties.
- f. Providing settings of all senior appointments by Parliament or departments established by Parliament to ensure qualifications, merit and capability of those appointed to the public offices and that the existence of the public institutions depends on Parliament.
- g. Entrench and enforce separation of power, rule of law, checks and balances and security, in which the citizen shall elect members of the security board from the grassroots to work together with the police.
- h. It should also provide a profession procedure that should be taken by the citizens against any criminal dishonourable and corrupt Head of State, while in office and reserve power to the citizens to take action against any representative or executive officer in public service who misuses power at any time.
- i. It should also discourage defections and crossing the floor during the life of Parliament, and empower Parliament to regulate its own sessions and business without the interference of the President.
- j. It also should empower Parliament to appoint and abolish an independent Electoral Commission and to create Provinces, Districts, and Constituencies in respect of population and also to alleviate the municipality and cities and the Electoral Commission should enjoy security of tenure.
- k. It should entrench and enforce equitable sharing and restriction of natural resources, efficiency of public service, protect environment and also bill of rights.
- l. It should also provide guidelines for interpreting the bill of rights, establish Human Rights Commission, it should clearly define the power of any power holder, it should also create an independent office of the public

prosecutor, to scrutinize affairs of the President in office and other administrative offices. It should also empower all citizens to protect the Constitution by reporting mainly to the Ombudsman's office any manner of action likely to cause the breach of constitutionalism.

- m. It should also not discriminate against women on succession of property and citizenship. It should establish an independent, anti corruption anti nepotism, antibribery, antipatronage authority. It should also create an office of the public prosecutor with security of tenure to take charge of the prosecution while the Attorney General remains the government advisor.
  
- n. It should also empower farmers, individually or collectively, to control transporting selling and marketing on their farm outputs and production without interference from any institution.

**Interjection: (Com. Lenaola):** Last point.

**Jomo Murau:** Last point, it should create independent supreme courts to scrutinize Parliament bills and in which judicial power is vested. The other one is it should, I am trying to get just one two more but they are many here. I also need to do with registering the parties. It should introduce presidential system of government, the next one you will read it from there. We should have the presidential system of government.

**Com. Lenaola:** We shall read every single word, so don't worry that you have not read through it. The entire Commission will go through your memorandum. I think you are very clear, thank you. Please come and register. Ezekiel Ngai? Ezekiel Ngai? Ezekiel Ngai? Catherine Warue? Catherine Warue? Councillor Mary Ruraa? Halafu Reuben Simba yuko? Reuben Simba? Reuben Simba Nguua? Endelea Councillor. Please tell us your name and please highlight your writings in five minutes. Welcome.

**Mary Ruraa:** Commissioners sitting at Kanja Charter Hall today, all interested and concerned citizens, good morning?

**Audience:** Good morning.

**Mary Ruraa:** The first thing is the outlook of our country which everyone should be seeing and every face that is coming to our country, must be seeing, that is the preamble. Kenya is one nation, one people and one government. The republic of Kenya is a democratic multiparty nation. The rule of law is at all times the tower of the republic of Kenya.

Every Kenyan citizen is equal before and under the law of the republic of Kenya.

Every Kenyan citizen has the right to equal protection and equal benefit of the law of the republic of Kenya without

discrimination.

Every Kenyan citizen has the right to freedom of conscience, religion, thought, expression, association, peaceful assembly and has the right to settle and own property anywhere in the republic. These other ones must be enforced at all times, these are the directive principles of the state policy. Recognition of Kenya values of hospitality and respect to accountable and respectable authority and social responsibility.

Democratic principle of equitable representation of both gender in decision making fora be recognized.

Equality before the law for all citizens irrespective of gender.

Negotiation, principle of problem solving, binding in Republic of Kenya communities, nationally and at regional level as means of peace, development and maintenance of security of property and lives of citizens.

Constitution supremacy; There are institutions, societies and also groups of people. There must be referendum before Parliament can amend a constitution provision, using the current given fifty-two percent vote. An independent body mandated by the Judiciary, preferably a Constitution Commission should conduct that the referendum. All other laws, customary, religious and policy papers must be subordinate to our Constitution.

Citizenship; Those have been said by other people so there is no repeat. Acquiring citizenship I talked about it. Citizens of countries friendly to Kenya and do allow Kenyan citizens to become citizens of those countries, by registration may have permit to become Kenya citizens through registration, regardless of their gender.. Citizenship may also be acquired by nationalization, those ones have been said by other people.

I go to citizenery; because people may become citizens of this country and later on we don't see them participating, it must be ensured in our new Constitution, all Kenyan citizens are equally entitled to right privileges and benefits of citizenship and equally subject to the duties and responsibilities of that citizenship. Not like when we are having harambees, you find the Asians don't come yet they are citizens of this country.

Citizenship identification; National identification card, birth certificate, immigration permit identities. Vulnerable groups, this Constitution must enshrine the Affirmative Action as away of accommodating the interests of all marginalized groups, women and pastoralists inclusive.

Political parties; Republic of Kenya shall always remain a multiparty system nation. There shall not be more than seven, I know I will be asked why seven, political parties in the Republic of Kenya, at any time. For a political party to be considered for



registration, it must have minimum of five hundred thousand members whose catchment cover one third of the Republic of Kenya's Districts. The party must have its Constitution absolutely different objectives that are not in any other political party previously registered.

There should be a Constitution legal personnel designated to register political parties.

All political parties must expressly employ Affirmative Action in their composition of party structure as a matter of policy.

All political parties should be government-financed, as well as being financed by well wishers locally and internationally. The political party funding, should be on the basis of extent of Parliament representation and employment of Affirmative Action in the party structure.

Electoral system process: Registration of voters should be a continuous process to facilitate updating of the voter registers, draw up general election time under normal Republic of Kenya status quo.

Develop specific voter education material, aiming to rescue society on the value of women's leadership which will destroy the cultural barriers that militate against the role of women and Local Authority, stability in health, economy and family.

Education background and age; Councillor 25 – 65 years, 0-level education.

MP 40 – 70 years, university graduate.

President 40 – 70 years and be a university graduate, otherwise I am sure you will be able to ....

**Com. Lenaola:** Yes Councillor, thank you very much. We assure you we shall read every single word of it.

**Mary Ruraa:** My name?

**Com. Lenaola:** Yes

**Mary Ruraa:** Mary Ruraa:

**Com. Lenaola:** Thank you very much. Please come and register and thank you for your views, Lucy Karimi? Councillor please come and register. Lucy please state your name again for the record and then proceed. Just a minute, tunaomba kwamba ukija, utaje jina lako kwa maana tunarecord kila jambo, kwa hivyo jina isemekane ni nani kisha uende kuzungumza.

Lucy taja jina na kuendelea na maneno yako. Asante.

**Lucy Karimi:** Thank you. My names are .....

**Interjection: (Com. Lenaola):** Highlight your memo in five minutes. Thank you.

**Lucy Karimi:** My names are Lucy Karimi. I have personal views. There should be a Location Advisory Committee to see and look upon public lands e.g. cementary lands, hospital and schools.

We should retain our first President's emblem of the Court of Arms, instead of keeping on changing pictures always.

There should be a maximum of three parties that is political parties. All under 18 years children should not be employed as house helpers or farm helpers, because those who employ them ruin their lives by overworking them hence later on become thieves in future.

There should be a President elected by people of all provinces and there should be a Vice President who maybe was standing for presidential candidate and becomes the second in vote of the President. The President and his Vice President, should have attained at least a degree.

Parliament Member should be a full time occupation but not part time.

The Attorney General should be the overall of all clients but not the President. There should be no hanging of anybody, despite of any crime done. In stead it is better to be jailed for life.

The presidential tenure should be fixed to two five years terms. All Councillors should have a minimum of O-level of education.

Election dates should be specified in the Constitution.

Nobody should be above the law.

All BoG's in secondary schools should be the parents of the students in that school.

After marketing the farm produce, the farmer should at least get three quarters and the Government at least quarter of the price as a tax to make the farmers know that they are doing something in the farms, instead of ruining their lives. Thank you.

**Com. Lenaola:** Thank you very much Lucy. You are very clear, please come and register and please give your memorandum to us. Mrs. Basa Njanga?

**Mary Ruraa:** This is a memorandum from Mother's Union ACK Parish.

**Interjection (Com. Lenaola):** Okey just highlight.

**Mary Ruraa:** The Chairman has just left for another commitment, Commissioners, and she has requested me to read, it is very brief.

**Interjection (Com. Lenaola):** Just say my name is Mary Ruraa on behalf of...

**Mary Ruraa:** Of brother Njanga, the Chairman Kanja Parish Mother's Union. They have said Kenya is a free multiparty nation.

Kenya has many different religions, tribes, social, economic groups of people.

Kenya shall uphold respect for all the many status mentioned in a) 2. Those are the groups mentioned above.

Kenyan citizens is free to settle and own property anywhere in Kenya.

Kenya shall observe human dignity and enforce the bill of Human Rights.

Kenya shall have no discrimination for a citizen.

Hospitality and respect shall always be showed to respectable persons and groups undertaking social responsibility e.g. social groups, churches, NGOs.

Citizenship; all children born in Kenya, Children of male or female Kenya citizens parents born outside Kenya. Foreign spouses of Kenyan citizens be allowed to be citizens of Kenya by registration.

Land; all land and registable property be registered in spouses' names as in marriage certificate. In the event of wife dying before the husband, all the property thereof should have the names of all the children enjoined to their father's names as property owners before the father remarries.

Upon the death of both the parents, the estate of the deceased parents shall be shared among all the children equally, or as the children would agree.

Economy; ensure measures that shall protect the farmers produce. Provide development facilities to agricultural industries to facilitate them to country's mainstay, minimize or stamp out middlemen in the farming industry.

Protection of country's produced goods from imports e.g sugar, maize.

National development; provision for the sitting Government to evenly spread development according to needs and objectives of people without discrimination.

Provide for affordable healthcare for all.

Provision for compulsory free education, from standard one to form four. Provision of free village polytechnic education. Provision for technical advice, e.g. legal advice, medical consultancy, inclusive down to the village level.

Defense; provision of defense ministry whose minister shall be Commander in Chief of all Armed Forces. The defense Minister shall take to Parliament defense issues that require national decision e.g. war and support for friendly countries military decisions, ideally or in action. Kenya shall not provide base for a foreign military fighting their enemy countries.

Education; Provide free and compulsory education from standard one to form four. Establish financial foundation to stop girl child education and boys from poor families for their university and tertiary colleges education.

Scrap the Board of Governors forum for secondary schools and replace its roles with Parents and Teachers Association, PTA.

Provide a stiff law to punish parents that do not facilitate their children going to school.

Unify education e.g. teachers, laboratories and equipment and mobile schools for pastoralist children.

Judiciary; Provide tribunal court for elders at village and national levels and locational levels. The tribunal court members be; three church elders, two elderly responsible women, two young people, a responsible man and woman. The Assistant Chiefs and Chiefs would be secretaries to this courts of elders.

Judges of law court be provided with independence to work without interference.

Provide for no laws or disappearance of law courts case files.

Provide the maximum time a case should stay before a sentence is made, to be at most four months, if it is not a murder case, which may take a longer period of time but not more than one year. Provide for no capital punishment, death penalty, instead life imprisonment be enforced.

Cultural values; Put law that would end gender discrimination. Stamp out issues that have been replaced by education.

Improve and maintain negotiation as tool to settle disputes.

Provide support foundation to community care for the aged and orphans.

Provide for support for children born out of wedlock to support them until they are fully independent by the biological fathers.

In marriage status the woman to retain her maiden names and be acceptable for identification.

Land management; All trust land and government land, be managed by Local County Councils. The Land Control Boards be executed by County Councils and not the DO s. Local authority.

**Interjection: (Com. Lenaola):** As the last point.

**Mary Ruraa:** It is the last one. Local Authority autonomy be as it was at the dawn of uhuru 1964. Provide for one third of women representation both in Local Authorities and Parliament. Provide strict means of controlling County Council's resources e.g. money, vehicles, houses and workers. Thank you.

**Com. Lenaola:** Thank you very much. Please register again on behalf of Mrs. Njanga and her association. Jenaro Mbari? Jenaro Mbari? Karibu you have five minutes, please just highlight the important points. Halafu Nimrod Ruraa? Nimrod Ruraa? Oh you will be talking after him. Thank you. Endelea sema jina na kuendelea.

**Jenaro Mbari:** You honour Sir, I am Jenaro Mbari and I am from here at Kanja. Views to the Constitution of Kenya Review Commission on person with disability.

Introduction; Kenya is a free country,

Every Kenyan citizen is free, Kenya is ruled by law,

Every Kenyan citizen is equal before the law,

There should be never be any form of discrimination to any Kenya citizen, whether physically able or disable.

Survival of disable person; put a law that would protect lives and development of the disabled person from childhood to adulthood.

Provision of special education facilities to all education institution.

Mobility; ensures succeeding in disabled person, mobilities equipment that is special shoes, wheel chairs, crutches, special toilets and special walking sticks.

All building plan should be accommodate accessiblity to any part of the building conveniently.

All road construction plans, should accommodate provision for wheel chairs.

Economy; Provisions for life e.g. exemption from income tax and any other price duty free for one motor vehicle in every ten years.

Nationals concern; Provisions for national's council for the disabled person to coordinate and implement programs aimed at improving lives of disabled person. Recognition of Sign Languages as one of official languages in the Republic of Kenya, .....(inaudible) and braille as tools for reading and writing for blind persons.

Currency; Bank notes in particular to have a corner where the amount is written in both figures and once in brail.

Employment; positive discrimination be employed where job opportunities arise, considering the disabled person first, for those who are able or likely able to form as is the case in Japan. Thank you.

**Com. Lenaola:** Thank you Jenaro. Please register and thank you for your views. Bwana Ruraa? Nazar Munene Peter from SDA? Nazar Munene utamfuata Bwana Ruraa.

**Njeru Ruraa:** Thank you Honorable Commissioners. My name is Njeru Ruraa. I want to speak briefly on agricultural sector. The present Constitution has been mute on agricultural sector. In this Constitution, the following be included;

- 1) A clear national policy be put in place to protect farmers from middlemen and agricultural inputs of foods which are

readily available in Kenya and any other exploiters.

- 2) The Government should subsidize on farm inputs such as fertilizers, pesticides, fungicides and other essential chemicals.
- 3) Duty levies be abolished on agricultural machinery and other farm implements.
- 4) Once farm produces such as coffee, pyrethrum, tea, cashewnuts, sugarcane, cotton etc. have been delivered to the factories, payments to the farmers be made in two to four weeks duration to alleviate farmers' sufferings.
- 5) The Ministry of Agriculture, should have an irrigation department to deal with farming in arid and semi arid areas, for maximum production of food, livestock and horticultural crops in those areas.
- 6) There should be market price subsidy. This would help in case of market prices slumps. This will maintain the living standards of the farmers.
- 7) Agricultural industries should be revived and the Government makes sure, they run at a profit so as to promote jobs, and generate wealth. With commitment, which is currently lacking, this is very possible. This should be done if we all agree that agriculture is the mainstay of this country's economy. If agriculture sector perishes, the people of Kenya will perish and consequently, the Government perishes too.
- 8) Education; For any country to realize any meaningful development and technological advancement, educational policy should be sound, consistent, and visionary. It is one considered view that the new Constitution should take care of the following aspects among others for future generation and posterity.
  - a. Education policy; Every area of education including curriculum should be de-politicized and careful thought should be given before any changes are effected. Educational Planners and Economists, should be adequately consulted and their opinion should be given the weight it deserves. Manpower and development, should be tailored to serve and to match the economic development. A case in point is the current tendency of overproducing professionals at the expense of middle level technical staff.
  - b. Minimum universal and compulsory education: This area is inter-twinned with the rights of children. The Constitution should state in clear terms, the age at which a child may leave school and the minimum grade. Actually here what I have in point is it has been said, standard one up to form four, could be we could start with kindergarten up to form four. This is particularly so when, one looks at the growing numbers of street children and street families, the society maybe unable to place this children in institutions where they acquire skills and character moulding, but let it be abundantly clear that the same society pays dearly, when these same children grow up and many of them become criminals. The funds spent in maintaining security and repairing damages which are of astronomical proportions compared to what would be spent in forestalling this phenomenon. Similarly, educational facilities ought to be available for all ages because this is a life long process.
  - c. Centers of excellence; our country is grossly underdeveloped but it does not lack specially gifted brains. Through aptitude testing at an early age, children of exceptional ability should be identified and appropriately placed in special centers of excellence, where their ability is not only challenged but utilized in research and exposure for broadening their academic horizon. Although this falls within the preview of the Education Act it is

an area which should be strengthened by incorporating it within the Constitution. Thank you very much.

**Com. Lenaola:** Thank you Bwana Njeru. Please come and register. Bwana Munene Peter?

**Nicholas Ileri:** Thank you Commissioner. I am presenting this on behalf of Natha Munene, my name is Nicholas Ileri of Box 26 Kanja.

**Com. Lenaola:** Nicholas.....

**Nicholas Ileri:** Nicholas Ileri of Box 26 Kanja.

**Com. Lenaola:** Just highlight the most essential parts.

**Nicholas Ileri:** Okey, I want to start right from the onset that I am a Seventh Day Adventist and I would like to thank the Lord Almighty God for this opportunity to present my views. First and foremost, I would like to request that the name of God be put first in our preamble when writing the Constitution.

Secondly, our National Anthem also be clearly written on the onset of this Constitution. That this nation of Kenya, the Republic of Kenya which borders the Indian Ocean in the East, Sudan, Uganda in the West, Ethiopia, in the North and Tanzania in the South and which is 582,644sq km, consider this Constitution to be most important instrument in our country, because it will lay down the basic organs of good governance. The Bible God's word consistently affirms the law of the government as an instrument in the hand of God for the establishment of role and order within the civil setting.

This country's principle organs in the government are Presidency, Legislature, Judiciary. The roles of each are well known.

Implementation of laws; and ensure that this are observed, the Parliament National Assembly, the representatives, the body of elected or nominated representatives charged with the making of laws. It is the duty of the Judiciary to make sure that these laws are well interpreted, meaningful, and that they can be easily be understood and followed. Kenya is an independent republic.

All registered political parties are free to contest elections and to form a government.

The Constitution is the highest law of the land and all other laws must conform to it. In this particular statement, I would like to comment as follows; the law of God is the supreme authority for all human beings, and all other man made laws emanate from it. So God's law of ten commandments is the source of all wisdom in setting man-made laws. There is only one law giver who is



able to save and to destroy, Lord God of heaven and earth to him be given all honour and glory. Now the Lord is the spirit and where a Spirit of the Lord is, there is liberty. The Constitution should be able to;

- 1) Guarantee peace to all, guarantee national unity, guarantee integrity of the republic in order to safeguard the well being of all.
- 2) Establish a free and democratic system of government that holds and builds good government in order to live by the Constitution;
- 3) Rule of law, human rights, economic prosperity and gender balance or equal rights.
- 4) Recognize the principle of separation of authority, checks and balances while giving responsibilities, to the Legislature, Judiciary and Executive arms of the government.
- 5) Ensure that the Government and its officers are accountable to the people.
- 6) Guarantee democratic, free, fair and informed elections, reduce concentration and exercise of power.
- 7) Part nine, I am sorry I didn't mention the numbers but I am in the ninth one. Resources are mobilized and opened to the access of all. Distribution and redistribution must be done equitably.
- 8) Number ten; basic needs i.e. education health, water, roads etc are built and provided for equitably in all constituencies as part of basic rights.
- 9) Part eleven; promote positive relations with other countries, this

Constitution should also include protection of human rights such as;

1. Right to life.
2. Right to personal liberty, individual freedom.
3. Protection from slavery or seritude and forced labour .
4. Protection from torture and inhuman or degrading punishment or treatment.
5. Protection from deprivation of private property.
6. Protection from arbitrary search of a person or entry into his premises.
7. Right to fair and expedient trial by an independent court of justice.
8. Freedom of thought and religion.
9. Freedom of expression.

10. Freedom of assembly and association.

11. Freedom from discrimination on the basis of age, religion, tribe, ethnic, gender, etc.

Now I am coming on the problems that the SDA, Seventh Day Adventists experience;

- 1) Religious persecution: To Adventists in schools, colleges and institutions of higher learning when they are denied permission to worship on Saturday, and actually forced to do the following;
  - a. Attend classes on Sabbath, that is Saturday,
  - b. Sit for examinations on that day.
  - c. Participate in games on that day.
  - d. Participate in work programme on Saturday morning.
  - e. Attend functions like graduation, prize giving day, parents day etc.
- 2) The denial of minority rights in the name of democracy for example, when by elections are conducted on Saturday, school fundraising etc conducted on that day.
- 3) Denial of job opportunities both in public sectors, due to their SDA Sabbath belief. I believe that more than saying it is better to act on what has been agreed. Thank you God bless you, God bless Kenya.

**Com. Lenaola:** Thank you very much Nicholas. Tell Natha we have taken his views and thank you very much. Njiru Muko? Ungetake kutafsiriwa Mzee? Karibu karibu. Utazungumza Kiswahili ama Kiembu? Karibu. Sema jina halafu uendelee. Sema na sauti.

**Njiru Muko:** Asante Bwana Commissioner na wasaidizi wako. Nimeandika mambo yangu kwa kifupi.

**Com. Lenaola:** Sema jina kwanza.

**Njiru Muko:** Nilisema jina langu ni Njiru Muko.

**Njiru Muko:** Nimepeana kanyamo gakwa.

**Njiru Muko:** Nitasoma kwa lugha ya Kiswahili. Maoni juu ya Katiba ya Kenya. Njiru Muko.

- 1) Ardhi: Unyakuzi wa ardhi umalizwe ili kila mwananchi apate tunda la uhuru wake.
- 2) Afya: Mahosipitali yawekwe mbele kulinda afya ya mwananchi wa kawaida.
- 3) Umasikini: Jambo hili limeletwa na unyakuzi wa mali ya uma. Kwa mfano, mashirika ya KCC yaani ya maziwa, kahawa, majani chai, mchele na sukari.
- 4) Hongo, kitu kidogo: Bila kumalizwa kwa jambo hilo umasikini utawamaliza wananchi wakawaida.
- 5) Elimu: Hili ni jambo gumu kupatikana na makini, kwani mtoto mwerevu hataingia shuleni na hao ndio wengi nchini Kenya.

- 6) Ulinzi: Ulinzi utiliwe maanani zaidi. Mimi mwenyewe na mali yangu iwe inalindwa kwa vyovyote vile. Hayo yote yawe juu ya serikali yangu. Nimemaliza.

**Com. Lenaola:** Asante sana Mzee kwa maoni yako. Tumeshukuru, njoo ujiandikishe. Elias Kamwinga. Asante sana. Karibu sana. Sema jina na kuendelea mzee.

**Elius Kamwinga:** Mimi ni Elias Kamwanga. Maoni yangu ni mazingira ya binaadam. Katika msitu wetu hapa Mount Kenya umeharibiwa zaidi. Umeharibiwa na watu wa vyeo vikuu, yaani wale wakubwa wakubwa. Wanapanda bangi katika msitu eka tano sasa iko bangi tupu, na hiyo bangi inabebwa na gari ya GK. Jambo hilo likomeshwe na huo msitu uwekwe wire na serikali kuzuia ile ndovu wanaingia hapa kuhangaisha wananchi. Sisi hatulali, tunalala nje. Mkipambana naye atakukamata akutupe. Na hii ndovu akikupima wewe hivi anakukamata kama risasi. Sababu mwendo wake ni sawa wa risasi.

Vilevile msitu huu wetu, uwekwe wire ya kuzuia wanyama wote pamoja. Kuna ndovu, kuna nyati, na wanyama wengine kama nguruwe na swala wote wawekwe hapa, wataalii wawe wakija hapa, wapate kuona wanyama wetu na tutapata pesa.

Lingine ninasema watoto wetu wasomeshwe, na wasome kwa bidii Wawe wakati ujao, kila mtu asome katika chuo kikuu asingie Bungeni bila kuwa na kisomo ya chuo kikuu. Sababu watoto wakifanywa hivyo, watakutwa zaidi kusoma ili waingie katika Bunge.

Wale wangwana wengine wasikatae mtu kuingia katika sehemu yao ya wakilishi Bungeni, akisema eti fulani asingie katika sehemu ya wakilishi Bungeni asitakiwe, sababu huyu mtu anaweza hata kumvamia kumuua, kwa sababu anang'ang'ania kiti, anakataa kwenda kufanya campaign katika sehemu yake ili watu wasimchague. Yule jamaa asitakiwe. Tena mtu yeyote hata akiwa nani mkubwa yeyote atavumana mtu kumuua kwa sababu eti wanapingana naye, huyu naye vile vile afutwe kazi hata akiwa ni mkubwa gani, avutwe kazi na asitakiwe.

Pengine watu wale nao wanaibia watu, wanatumia nguvu kuvunja nyumba ya mtu, akiingia usiku ana panga na petroli, yule akikamatwa asitakiwe na ahukumiwe kifungo cha maisha. Sababu anataka kumwaga damu ya binadamu na damu ya binadamu Mungu mwenyewe ndiye anasema usijaribu kuua mtu.

Vile vile, wanawake wasitahiriwe. Hilo ni jambo limeandikwa na Mungu mwenyewe. Tusikaidi mambo ya Mungu, mambo imeandikwa katika Bibilia. Wanawake wasitahiriwe, wawe kama inavyotakikana kwa serikali.

Tena nasema neno lingine Kiswahili kitumike katika Bunge, na katika mikutano kama hii, Kiswahili kitumike, sababu wengine tulisomea katika dirisha, hatuelewi Kibishibishi. Sasa hapa wengi nasikia wakisema Kibishibishi, na hapa hakuna ngozi nyeupe iko hapa. Hapa ni ngozi nyeusi tu iko hapa. Wale wote wanazungumza hapa wengine hatujasikia kama mimi sikusikia neno

lolote, nilisikia tu kama ndege inapita. Hawa wawe wakifanya mikutano, wafanye kazi, wafanye mazungumzo kwa lugha ya Kiswahili, hata Rais wetu mpendwa Rais Moi wakati walikwenda kule Libya, waliweka sahini Kiswahili kitumike katika bara nzima ya Afrika, hata kwa umoja wa mataifa, hayo yote tunajua lakini hapa tunasema Kibishibishi, sisi wengine hatukubahatika kuona mazungumzo kama hayo. Asante sana.

**Com. Leneola:** Asante sana Bwana Kamwinga, maoni yako tumeyasikia, tafadhali njoo hapa. Mzee njoo, njoo, Bwana Kamwinga, enda pale ujiandikishe kwa hayo maoni yako. Asante sana. Ningependa kumuita Albert K. John. Karibu Bwana Albert nitakupa dakika tano uangaze tu, mambo muhimu katika barua yako.

**Albert Kinyua:** Ninataka unipatie nisome hii yote kwa sababu yote ni ya muhimu, sisi ni watu wakawaida, na jinsi wewe unaambiwa nikikataa kusoma hii yote....

**Com. Lenaola:** Nitakweleza kwa nini, nitakweleza kwa nini, nitakwambia kwa nini huwezisoma zote, keti keti. Unajua umeziandika tiyari, na nitakuhakikishia kwamba baada ya kuangaza, Tume itasoma kila neno, si sisi wawili peke yetu, wanaTume wote. Sheria ya Tume huwapa dakika tano. Kama hatuwezi kubali sheria ya sasa ya dakika tano, na je ya Katiba tutakubali? Basi tuanze kukubali ya sasa, dakika ngapi? Angaza yako. Tuheshimu sheria hii kwanza kidogo, ndio tuheshimu Katiba kubwa zaidi. Asante.

**Albert Kinyua:** Sawa, majina yangu ni Albert Kinyua kutoka upande wa Mukurire au hapa Kanja. Maoni yangu ni memorandum ya Eriare Small Home Self-help Group. Mimi ni Chairman wao. Nitasoma maoni yao na yote ifuatavyo, sikiza. Ukiwa raia wa Kenya lazima uulize swali sababu ya makosa ile inaonekana.

Ya pili, mtoto yule alizaliwa na mzazi mmoja asiulizwe swali sababu huyo ni raia wa Kenya.

Ingine ukiwa raia wa Kenya lazima, uwe na kitambulisho ya ishara ya taifa yako. Tunataka serikali ya umoja wa taifa yetu na kila mtu hata Rais wetu awe chini ya sheria.

Bunge waunde wizara ya ulinzi, na kila waziri awe na uwezo katika wizara yake ile anasimamia. Kila mwana-chama wa bunge, awe akihudhuria bunge mara nne kwa mwaka mzima, sababu wanaenda mwaka mmoja siku moja tu, halafu wanaenda nyumbani, na pesa wanalipwa pesa mingi sana, hakuna kazi wanafanya hapo. Waende kwa quarter kwa quarter after three months, kwa mwaka mzima wawe wakihudhuria mambo ya watu.

Mtu akichaguliwa awe mwana-bunge lazima awe na certificate ya 8-4-4 au certificate ya form four, Councillor au Mbunge. Hapo mimi nimemaliza hayo.

Karatasi ya pili, jambo kuhusu kahawa, Coffee Board watolewe, agency wasimamie kahawa kote nchini. Agency iwe chini ya

serikali.

Ingingine, vyama vya ushirika, halmashauri ya mashirika, mtu akichaguliwa katika serikali, serikali iwaangalie wakitunza mali ya wenyenye, kama ifuatavyo; halmashauri ya majani chai, halmashauri ya kahawa, almashauri ya maziwa na kadhalika.

Jambo kuhusu mtu wa kuchaguliwa katika serikali awe wa darasa la 8-4-4 kupanda juu na awe mtu wa tabia nzuri ya kuishi na wananchi. Tena mtu yeyote anachaguliwa asimamie mali ya serikali au ya watu kama majani chai au kahawa. Akitumia vibaya lazima asitakiwe na ahukumiwe kifungo pia faini na akimaliza kifungo, alipe mali ya wenyewe.

**Com. Lenaola:** Nitakuongeza dakika mbili kwa sababu umeomba, kwa hivyo endelea.

**Albert Kinyua:** Jambo kuhusu shule ya msingi, serikali iangalie masilahi ya masomo. Serikali itusaidie na vitabu za kusoma na kuandika. Wazazi nao wajenge madarasa.

Jambo kuhusu masomo ya secondary, secondary school, karo ya secondary school iwe ya kiwango cha chini kabisa ndipo mtu yeyote wa Kenya apate kupeleka mtoto wake shule ya secondary.

Jambo kuhusu afya, hospitali za private zipigwe marufuku. Ibaki za serikali ndipo mtu yeyote apate matibabu bora kutokana na serikali yake. Na pia madawa ya serikali itumike vizuri.

Jambo kuhusu kuteuliwa kwa madiwani, serikali inapasa kuwapa nafasi ya masomo kutoka darasa la nane sababu kuna watu hawana kazi, ambao inahitaji masomo ya juu. Tena, masomo ya sasa ya 8-4-4 ina ujuzi mwingi, na wa juu ikilinganishwa na ya zamani.

**Com. Lenaola:** Albert tuelewane sasa sema mawili ya mwisho tu.

**Albert Kinyua:** Mawili ya mwisho, hayo mengine nitawapatia hapo msome. Nitasoma karatasi hii tu. Jambo kuhusu ardhi; kuna makosa mengi sana, kwa sababu mwanaume anauza shamba peke yake na mkewe akiuliza atapigwa na kurudishwa kwao. Naomba serikali, wakipeana title deed iwe ya joint ya mke na mume.

**Com. Lenaola:** Jambo la mwisho.

**Albert Kinyua:** Jambo kuhusu lugha ya taifa, inapaswa kuwa ya Kiswahili na Kiingereza.

**Com. Lenaola:** Asante sana Bwana Albert. Njoo ujiandikishe, tutasoma yote, usiwe na wasi wasi kila jambo litasomwa,

asante sana njoo ujiandikishe. Asante.

**Albert Kinyua:** Na mkumbuke haya yote tunaleta hapa mchukue, msomee wale wengine wasikie ikiwa mbaya mwingine aje apendekeze, ukinipa dakika kumi hivi sasa, hiyo sio vizuri.

**Com. Lenaola:** Njoo ujiandikishe pale, tuliomba asubuhi kwamba tuheshimiane kwa mkutano, na Albert anataka kuvunja heshima. Haya Elizabeth Wanza? Hayuko. Njeru M’Ndiya? Karibu mzee.

**Njeru M’Ndiya:** Kwa majina yangu ni Elias Njeru M’Ndiya

**Com. Lenaola:** Endelea Mzee.

**Njeru M’Ndiya:** Yangu ni kidogo tu Bwana Chairman

**Com. Lenaola:** Tafadhali nilisema kwamba mkiwa na maneno ya kuzungumza nendeni nje, tunataka mzungumzaji mmoja tu, iwe ni mimi ama mwenzangu ama huyu. Ukiwa na story nyingi mwende nje mmalize kisha mrudi. Tumeelewana. Endelea mzee.

**Njeru M’Ndiya:** Yangu ni mafupi sana, na inahusu muundo wa serikali. Ni vizuri kwa Katiba hii mpya ambayo tunatarajia kutengeneza, kuwe na serikali ya kitaifa.

Ya pili, ingekuwa vizuri kukiwa na raisi ambaye ako na uwezo wa kadiri lakini sio mwingi kama ilivyo sasa.

La tatu, wakati wa kuchagua au kuajiri au kupeana mamlaka, isiwe kwa mikono ya Rais, kuwe na Commissions ambazo zinahusiana na wizara ambazo zinahusika.

La nne, ni vizuri kuwe na Bunge ambalo litakuwa likisimamia mahitaji ya wananchi na hasa kutoa maoni yao, bila kuthulumiwa ikiwa mtu ni wa opposition ama ni wa chama kinacho-tawala.

Na upande wa utawala, ni vizuri kuwe na maDC, maDO, maChief na Assistant Chiefs. Na kusiendeele kukata katwa Wilaya au hizi Divisions au Locations kwa maana kufanya hivyo ni kudhoofisha utawala.

Upande wa kilimo, ningonelea ni vizuri kuwe na kiwango fulani cha pesa, ambacho kitakuwa kikipitishwa na Mbunge wakati wa makadirio ya mwaka, ili kiwe kikisaidia kutoa pesa za kuhudumia farm inputs, na kusitoshwe kodi zile vitu zinaagizwa nje za kilimo.

Wakulima wawekwe mutisha na njia ya kulipwa pesa zao mapema ili hata wao waweze kufurahia matunda ya uhuru na njia ya kusomesha watoto wao, kukaa vizuri, hata kuendesha mercedez.

La mwisho ni mambo inayohusu afya; hatuwezi kuwa na taifa nzuri kama watu ni wanyonge, na ningepamba Katiba hii mpya iangalie mambo inayohusu afya ya wananchi na njia za kupeana huduma za hospitali za bure. Ingawa si vizuri kusema hizi private hospital zifungwe, ni vizuri kuwe na mpango juu ya wale watakoendesha hizo private hospitals au clinics. Na njia moja ni kuwa yule ambaye anahudumia serikali awe ameajiriwa na serikali, asikubaliwe kuwa na private clinic au hospitali.

Mwisho ni kuwe na mahali pamejengwa kwa wale wakongwe, wahudumiwe na serikali badala ya kusumbua watoto wao. Asante.

**Com. Lenaola:** Asante sana Bwana M’Ndiyia kwa maoni yako. Tumeshukuru na pia umechukua muda wako ulioambiwa. Kerogori karibu. Taja jina na kuendelea na maoni yako.

**Kinyua Keragori:** Kwa jina ni Kinyua Keragori. Mimi maoni yangu ni kuhusu uchaguzi wa Rais. Kulingana na Katiba ya sasa, Rais ambaye anashinda lazima kwanza anapata asilimia ishirini na tano kwa angalau mikoa tano. Sasa hapo mimi nilikuwa ninaonelea, pia juu ya hayo awe anapata asilimia hamsini ya kura zote ambazo zimepigwa katika Kenya. Pia lazima huyo Rais awe amechaguliwa kama Mbunge.

Jambo la pili ningetaka kuongea kuhusu harambee. Mimi ninaolea ya kwamba hii mambo ya harambee ifutiliwe mbali. Sababu sasa harambee zimekuwa ni siasa, hakuna harambee tena. Kwa hivyo kama ni harambee tuseme ya kujenga hospitali, hiyo ni kazi ya serikali sio ya wananchi. Hizi harambee zimetufanya tumekuwa masikini sana. Kama hapa kwetu juzi tulikuwa lazima eti unatoa harambee by force, kwa hivyo harambee iishe.

Jambo lingine ningetaka kuzungumzia ni separation of powers. The three arms of the Government that is the Executive, Judiciary and the Legislature, should work independently without any interference from the Government.

Lingine ni kuhusu powers of the President. Rais mwenye atachaguliwa hafai kuwa eti ni yeye atakuwa tuseme ndio anapeana kazi na pia ndiye anafuta watu kazi. Maanake unakuta sasa Rais unakuta amepoa mtu wake, rafiki yake ama political patronage anampa tu kiti, mtu huyo hafai na hana ule ujuzi wa kufanya ile kazi. Kwa hivyo kuwe kuna tuseme kuna Commission fulani ambayo itakuwa inaangalia wale watu watakuwa watapewa kazi fulani lakini sio Rais peke yake atakuwa anasema. Mwisho kabisa.

**Com. Lenaola:** Asante sana Bwana Keragori, njoo ujiandikishe na asante kwa maoni yako. Hakuna mtu wa kutoka Kiathari Youth Group angetaka kuzungumza? Kiathari Youth Group, hamna? Sammy Njeru? Sammy Njeru? Sammy Njeru? Njiru

Mbogo? Karibu.

**Njiru Mbogo:** Asante sana Commissioner, mimi yangu ni machache. Jina ni Njiru Mbogo, Box 17607 Embu. Ningetaka katika hii Katiba mpya, serikali kama ingeangalia kwa upande wa tukiandikiwa hii administration kama Chief na Assistant Chief wawe tukiwachagua kama vile tunachagua wabunge ama Rais. Ju wao ni watu wa maana sana. Kwa sababu kuna watu wengine wanaandikwa hawasikizani na watu. Na hawa watu ndio wana-shikilia kwa upande wa development. Kwa hivyo tukichaguliwa hao watu wawe hawasikizani na watu, haitakuwa vizuri.

Ya pili, ni kwa upande wa hii rushwa ya polisi. Wakati unaenda kwa bara bara una stakabadhi zote inatakikana kwa mizigo yako ile unabeba, ama kama ni mapermit wanakusumbua na unatoa hizo zote wanaanza tena tu kukusumbua, mara wanakufungia wewe mpaka utoe kitu kidogo, hiyo iangaliwe sana katika hiyo Katiba mpya, na sina mengi ni hayo tu. Asante.

**Com. Lenaola:** Asante Bwana Njiru. Njoo ujiandikishe Tumeshukuru kwa maoni yako. Naomba kumuita Muriithi Nyaga, Muriithi Nyaga? Muriithi Nyaga? Augustine Njiru? Karibu.

**Com. Lenaola:** Taja jina na uendeleo.

**Augustine Njiru:** Kwa majina naitwa Augustine Njiru Mwaniki. Kwa niaba yangu na Wakenya wengine, ningepomba hii Constitution, our Constitution to be written in national language that is Kiswahili.

We also need our Constitution to have a Preamble for we have experienced the following; oppression, poverty, unequitable sharing of resources, insecurity, joblessness, grabbing and looting of public land property, poor Judicial process, disrespect for the rule of law. We resolve to discard all that and resolve to adopt the following; democracy, liberty, rule of law, appreciable to everyone or to every citizen, uphold our responsibility, economic prosperity and rule of law to everyone.

Our responsibility to defend our democracy and human rights. We as Kenyans shall hold the Government responsible of our security and economic destiny and the well being of all citizens.

The elective principles of state policy, the Government shall uphold the democratic principles; should ensure protection of individual right and liberty, equitable justice and rule of law.

Should ensure equal opportunities and eradicate grabbing, looting and misappropriation of public funds, property and ensure long-term preservation of our resources and management of fractures.

Constitution supplements; the Constitution shall be the supreme law on the land and all laws shall derive the authority from it.



Any amendments should be done by citizens through a referendum and shall be conducted by Constitutional Commission of Kenya appointed and approved by the Parliament.

For citizenship, we as Kenyans would like to be identified by our own identity cards.

Defence and national security, the section regarding emergency powers and appointment to the top post should be done by Parliament. Political parties should be nationwide. The political parties should have checks and balances, that's what I have.

**Com. Lenaola:** Thank you very much Mr. Njiru. Please come and register and thank you for your views. James Kavindo? Karibu, halafu Milka Ruguru yuko? Utafuata baada ya huyu.

**James Muriuki:** I am James Muriuki Mwaniki, I propose that the review of the Constitution should include the introduction part..

**Com. Lenaola:** Ngoja kidogo Bwana Mwaniki, are you the same as James Kavindo?

**James Muriuki:** Yes.

**Com. Lenaola:** Then say all the names properly, the names you have here is James Kavindo.

**James Muriuki:** James Muriuki Mwaniki

**Com. Lenaola:** So who is Kavindo?

**James Muriuki:** Maybe ni yule aliandika, akaandika vibaya maana hakuniuliza.

**Com. Lenaola:** Basi endelea asante.

**James Muriuki:** I am saying that the review of the Constitution should include the introduction part to the reviewed Constitution, and the following should be included. The introduction should divide the group of the people making the Constitution. It should show who will be the final authority over the Constitution.

I propose that the reviewed Constitution should give the reasons as to why the people are making it. Also the aims for which it is created so that people can compare its aims and contents and laws whether it has achieved what it was set out to do.

Also it should include democratic political principles, and here I say of principle of popular supremes, principle of separation of power, principle of liberty, principle of transparency and accountability.

Provide for proper representation, provide for distribution of country's resources.

To effect any Constitutional change, people should be involved directly through a special vote. The Constitution Review Commission could be entrenched in the Constitution to be leading wananchi in making any constitutional change.

I propose that the review of the Constitution introduce parliamentary system of government, whereby the leader of the party that wins most seats in the Parliament becomes the Prime Minister. He should be an elected Member of Parliament. Still we could create the post of first and second Prime Ministers, they should be also Members of Parliament.

The review of the Constitution should provide for the electoral equality of Members of Parliament. For example, the difference between the largest and smallest constituency should not exceed at least 20% of the voters.

Also in our Constitution, the Upper Chamber of the Parliament can be created to work alongside the Lower Chamber whereby Upper Chamber, would be elected on geographical constituency for example districts.

I propose that the date of the General Elections be set. The election should be held at the end of every three years instead of the current five. This will give the parliamentarians good time to serve their people.

I also propose that the reviewed Constitution details the minimum number of the days that Parliament should sit in a year. Parliamentary calendar should be given to Parliament.

I propose that the review of the Constitution should create a youth district representative to the Parliament, to be representing the youth affairs.

I propose that at least 30% total seats in the Parliament, and Local Authorities, be held by women. The successful presidential candidates should garner at least for the 5% of the total vote cast in addition to 25% of the votes cast in at least 5 of the country's 8 provinces.

The President need not be a Member of Parliament. The Vice President should be directly elected by people, he should need not be a Member of Parliament also. He should garner at least 30% of the total votes cast.

I also propose that the successful Member of Parliament, should garner at least 40% of the total votes cast in his/her electoral area.

The Parliament should be given the power to control government's all powers and other international affairs.

I also propose that recently created Parliamentary Service Commission, be given more operational independence to recruit and manage Parliament reserves.

**Com. Lenaola:** Last two points

**James Muriuki:** The reviewed Constitution should outlaw all forms of sexual discrimination, for example, cultural practices that discriminate against women and contradict the law, should be outlawed. Women should not..

**Interjection (Com. Lenaola):** Last points

**James Muriuki:** I propose that the reviewed Constitution should provide a law, for protecting children born out of marriage. The father of a child can be forced to provide mother with shelter, education, food, and other essentials until the age of 18 years.

**Com. Lenaola:** Thank you for your views.

**James Muriuki:** Any questions.

**Com. Lenaola:** No questions, you are very clear. Please come and register and thank you for your views. Mama Milka Ruguru? Karibu mama.

**Milka Ruguru:** *niuga nithankuyu niundu wa ofisi ile yonthe*

**Translator:** *auga atitaria kithungu kana Kiswahili*

**Milka Ruguru:** na mimi siongei Kizungu hata Kiswahili

**Translator:** *amba uge ritwa riaku na Kiambu uthiyenambere na Kiambu*

**Milka Ruguru:** *naninamsalimia sana watu wa ofisi naninasema sante kwa kazi yenu na ninataka nisomewe na mwenzangu sika.*

**Com. Lenaola:** You are translating to us so hapana ongea Kiambu naye anaongea.

**Milka Ruguru:** Mimi nawasalimia sana watu wa ofisi.

**Milka Ruguru:** Jina langu ni Milka Ruguru.

**Translator:** Jina ni Milka Ruguru.

**Milka Ruguru:** Na ninawasalimia sana watu wa ofisi.

**Translator:** I greet you all.

**Milka Ruguru:** Na ninasema asante kwa kazi yenu. Kwa hivyo mimi ninataka nisomewe na mwenzangu.

**Com. Lenaola:** Mwalimu elendelea just read out.

**Mwalimu:** Presentation by Mkore people, views on the Constitutional review, presented by Milka Ruguru.

- 1) The Executive; nobody should be above the law in Kenya. We do feel that the criminal and civil proceedings shall be instituted or continued against all Kenyans of every level. May he be the President, Minister or any civil servant, during his tenure in office. We do feel that the immunity and protection so given by section 14) 1. and 2. promote corruption and bad governance in our country.
- 2) Adhere to the philosophy of love, peace and unity. In our multiparty democratic state of Kenya, we feel that what we need is a government of national unity. We hereby feel that the elected members of the National Assembly should be appointed into ministerial offices according to their profession, qualifications and capability without any party affiliation. The president shall only appoint his advisors from his or her parts elected members.
- 3) The allocation of the portfolios to the ministers, should be done by the elected members of the National Assembly. The sacking should also be done by the same, that is National Assembly and not the President. Therefore, the section 16; 2) 17; 1) 2) and 3) and section 18; and 19; of the old Constituion need changes.
- 4) The dictatorship rule in our country can be eliminated if the Executive authority of the Government of Kenya based on a council of committee composed of all the political parties represented in the National Assembly, in collaboration with the President and his subordinate offices. We do feel that section 23; 1) should be changed to suit a government of national unity.
- 5) Nominated members of the National Assembly, shall be appointed by the interparliamentary select committees shared equally between political parties forming the government of the national unity.
- 6) The Electoral Commission shall be appointed by the interparliamentary select committee in collaboration with the president's advisory offices or the subordinate officers.

- 7) Bankruptcy and being detained or custody should not be the reason for a Kenyan citizen not being registered as a voter. We do feel that these people, should be allowed to participate in the national General Elections. Section 43; (2) b (d & c), should be reviewed. We also feel that Kenyans living outside Kenya, should be allowed to vote where they are.
- 8) Judiciary; Public Service and the judiction. The Attorney General and the Chief Justices should be appointed by the professional bodies, that is, the land socialists of Kenya in conjunction with the interparliamentary select committee and the President's advisors and the President subordinate offence officers.
- 9) Public Service; The power to appoint the person to hold or act in offices in the public service and in the service of Local Authorities, the power to exercise disciplinary control over the persons holding or acting in those offices and the powers to remove those persons from all this shall be vested in the Public Service Commissions in collaboration with the office of the Attorney General and subordinate officers with President's blessings according to section 107 1) 2) 3) and 4).

**Com. Lenaola:** Mwalimu just speak out the last two.

**Mwalimu:** We have addressed ourselves to the trust of land, they have also addressed themselves to the protection of fundamental rights and freedom of the individual, the land cases and squatter problems and small lands. The large lands squatter problems, they have addressed themselves to culture and tradition of Kenyan tribes, and they would like to request the Commission to make a provision to emphasize on the culture and traditions of every tribe in Kenya per the following reasons;

- 1) The culture in the first to enables our tribes in Kenya to eliminate social evils and maintain good discipline among the societies, things like disease like AIDs and HIV and bring good image to our country. The culture will enable the parents, teachers and church preachers a golden chance to advice our children on how to maintain upright moral values and will also promote discipline and respect among the inter-tribal marriages. Drug abuse eg. Bhang, heroin, cocaine, madrac and the other hard drugs are partaking of illicit brews among the young generations is the root cause of painful social decay among all the age groups. This has over the past hatched into social crimes such as impregnating young ladies especially school girls hence, forcing them to early single parenthood and using the here in demanding sexual satisfaction from girls, ladies and even married women.

**Com. Lenaola:** Thank you Mwalimu I think we shall read the rest of it. Just tell her we thank her very much for her presentation.

**Mwalimu:** Fine, Contributors, Ruhuru, Ruhuti Aringo, John Njagi Njenga, Solomon Ireri, Haron, Philip Njeru, Gitau, Milka Ruhuru, Hadson and Warege Kithea.

**Com. Lenaola:** Thank you very much, please tell her we thank her very much for the presentation and shall read every single work.

**Mwalimu:** *Auga na Kithungu niwakena muno ni nioguo waria na presentation yaku niwega.*

**Com. Lenaola:** Asante sana jiandikishe pale mama. Tumeshukuru kwa maoni yako, asante sana.

**Milka Ruguru:** Mimi ni mama Mzee.

**Com. Lenaola:** Nimeona asante mama, tumeshukuru. Hata unaonekana.

**Milka Ruguru:** Huwezi ona mi ni mama Mzee.

**Com. Lenaola:** Nimesikia maneno yako kabisa. Nazarino Kamwea? Nazarino Kamwea? Nazarino Kamwea? Isaac Mugendi? Isaac Mugendi. Karibu. Sema jina lako na kuendelea ndugu yangu.

**Isaac Mugendi:** Jina langu ni Isaac Mugendi. Kutoka Rukuriri. Na ninataka kuongea maneno ya mtoto ambaye amezaliwa na mzazi mmoja. Huyo mtoto hawezi kuulizwa swali hata mahali. Mengine nataka kuongea maneno ya watu wale wako na shida ya kitu hiki cha majani, serikali ile majani iko nayo iwagawie kila mtu mahali kidogo kidogo.

Na mtu akifanya biashara asifinywe hata mahali pamoja, mimi nimetosheka.

**Com. Lenaola:** Asante sana Isaac kwa maoni yako, njoo Isaac usiende huko. Nenda pale ukajiandikishe. Tumeshukuru kwa maoni yako. Bwana Githua Mimistry of Labour? M. J. Githua karibu. Tuambie jina lako na kuendelea.

**Mwangi James Githua:** Majina yangu ni M.J. Githua.

**Com. Lenaola:** Sema the full names.

**Mwangi James Githua:** Mwangi James Githua.

**Com. Lenaola:** Asante.

**Mwangi James Githua:** Na ningetaka kuzungumzia juu ya ningetaka tuwe na national government lakini sio majimbo wala Federal Government.

Local Government nazo ziwewe nguvu zaidi. Resources zile ambazo zinatoka in those Local Governments, at least 65% iwe inaachwa huko.

Juu ya Presidency, tunataka kuwe na popularly elected president, with majority votes of 55%, with Vice President as his running mate. The President should not be above the Law. There should be a provision of impeachment of the President. He should also be appointing top civil servants on recommendation of the Parliament and the Judicial Service Commission.

In the agricultural sector, Kenya is primarily agricultural country, and we would like the Government to put more emphasis on agriculture, which consists of 80% of the population.

Health wise we need a government put in place a national health insurance policy, so that everybody can have access to good health.

In the transport industry for us to be able to develop faster, we need to have a well defined transport network system of roads, which are properly maintained.

Electronic, telecommunication should also be made available in most of the rural areas. Electricity should also be made available in most of the rural areas, then when we come to industry, the Government should also encourage and put a policy where light industries should be started in the rural areas, to avoid mass exodus into urban centers.

Human rights, every Kenyan has the right of assembly, expression and association and those rights should not be interfered with unnecessarily.

Education should be made mandatory for primary schools, and the Government should take the responsibility of primary education in totality.

Trade unions should also be made or allowed to operate independently without interference. The civil service, we all have a right to work and to earn a living, and we should not work at the pleasure of the President. That one should be protected so that one does not lose his or her job, just because he is not in the good books with the leaders that have.

Then capital punishment should be abolished. The review of the Constitution should be done by the people of Kenya. Going back to transport, a well defined Public Service system of transportation...

**Interjection: (Com. Lenaola):** Last point Bwana Githua.

**Mwangi James Githua:** must be defined to avoid the harphazard kind of transportation that we are experiencing this time with a lot of harassment of passengers, and I think that is all. Thank you.

**Com. Lenaola:** Thank you very much James. Just a question, a clarification please. One, what happens if no candidate gets 55% of the vote, what mechanism?

**Mwangi James Githua:** We can have a re-run on the first and second, if after the re-run there is no 55%, then the one with the highest should form a coalition government.

**Com. Lenaola:** Thank you very much. Please come and register. Elija Nthiga Nyaga?

**Elija Nthiga Nyaga:** Asante sana. Majina yangu ni Elija Nthiga Nyaga kutoka hapa Kanja. Kulingana na maoni yangu, mimi ningependelea Rais awe na mamlaka iliyo na kipimo, yaani limited powers. Pia wakati wa kuchaguliwa apate kura juu ya asilimia hamsini, na kama hatapata asilimia hamsini kwenda juu, yule wa kwanza na wa pili, wachaguliwe tena.

Mawaziri, wakati wakichaguliwa wawe equally distributed amongst the Provinces.

Kuhusu Mayor, Mayor achaguliwe na watu lakini sio na Macouncillor, na ni lazima awe akihudhuria mikutano katika ile wilaya town yake iko.

Kuhusu elimu, elimu ya msingi iwe bure.

Ingingine ni wale watoto ambao wamezaliwa out of wedlock, wana mama lakini hawana baba. Kwa sababu hakuna mwanamke hajui baba ya mtoto, mama ya huyo mtoto aseme baba ya mtoto ni nani. Na akishajulikana mtoto huyo apelekwe kutafutiwa njia ya kupelekwa kwa baba yake.

Pia hapa wakati wa urithi, ni lazima mtoto arithi mali ya babake, sio watoto wanazaliwa wanakuja kurithi mali ya babu zao, kama baba yake yuko aende akarithi mali yake mahali ako.

Uajiri, wakati watu wanaajiriwa, mtu aajiriwe kazi kulingana na vieti vyake, aonekane amehitimu kwa hiyo kazi, sio eti kupeana pesa ili mtu aajiriwe. Na wakati wa kuongezewa mishahara, wenye wameajiriwa, waongezewe kwa asilimia moja, sio eti wengine ni 200% wengine 15%, hiyo iwe wakiongezewa kwa asilimia moja bila kuchagua huyu ni daktari, huyu ni nani hata kama ni mtu wa kufagia, kama ni asilimia waongezewe moja.



Police, police wasiwe watu wa kupiga piga watu bila kujua mtu amefanya makosa ama hajafanya. Wasisumbue raia ovyo.

Equality of male and female in jobs. Hii Katiba ambayo tutapata iwe ikiangalia hapo sana, hata wakati wa kuongezeana mamlaka, yaani promotions isiwe ni wanaume tu ama ni wanawake tu wanapewa promotions.

Ingingine ni kuhusu miti ambayo tunapanda hapa kwa mashamba, Serikali isiingilie miti ambayo ni raia wamepanda, eti ukiuza ni lazima upate permit, ukisafirisha kutoka hapa kwenda Nairobi ni lazima utafute permit hiyo tu hata kama ni hivyo wanaeza patiana permit na iende through mpaka Nairobi, si eti kwenda njiani unasumbuliwa na viongozi wengine ama nini. Ni hayo tu.

**Com. Lenaola:** Asante sana Elija, njoo ujiandikishe, asante kwa maoni yako. Stanley Njeru? karibu sema jina na kuendelea. Halafu David Njeru uwe tayari, David? David Njeru? Endelea Mzee.

**Sammuel Njeru:** Jina langu ni Sammuel Njeru, Kutoka Kanja. Maoni yangu ya kwanza ni kuhusu elimu. Ningetaka katika Katiba ambayo tutaunda, elimu iwe kutoka Standard one, iwe free mpaka form four. Katika makanisa ama dini zote ambazo tukonazo Kenya, hii adult education, serikali iwaajiri walimu ambao katika hayo makanisa, washiriki wawe wakielimishwa ili wapate elimu ambayo ilipotea ya adult literacy.

Pili, kila kiongozi ambaye pengine angechaguliwa, asifanywe kiongozi akiwa mtu ambaye ni retired hata kama alikuwa mwalimu, hata kama alikuwa askari. Pia tungetaka kiongozi kama headmen, Chiefs, DO, DC wawe wakichaguliwa na wananchi.

Wakulima; sheria iwekwe kuhusu wanyama ambao wanaharibu mimea mashambani, maana wakulima wengi huteseka kwa vile wanafanya kazi ya kupanda, kupalilia, na ndovu, nyati, ama nyani huaribu mimea yao na hawalipwi. Kwa hivyo serikali ama sheria ambayo tutaunda ichunguze, watu wasifanye kazi bure tena.

Kuhusu mashamba ambayo ni settlement schemes, na masquatters. Serikali itilie maanani kila mwananchi anapata title deed, badala ya kuwa mtu wakuhamishwa.

Kuhusu watoto ambao tunawaita chokora; serikali ama Katiba ifanye njia ya kuwaelimisha. Mtoto ambaye hata kama hana mama, hata kama ni wa maskini, tajiri, apate elimu, watoto hao wote wapate elimu.

Mwisho, watu wasio na mashamba, wasije wakakaa wakirandaranda. Wapewe mashamba ambayo haina watu, ama mashamba ambayo ni ya serikali kama vile Nyayo Tea Zone. Hayo mashamba yagawiwe watu wasio na mashamba, badala ya kuwa watumwa. Yangu yamekwisha.

**Com. Lenaola:** Asante sana Bwana Njeru. Tafadhali njoo ujiandikishe pale kwamba maana umetoa maoni kwa Tume,

Tumeshukuru kwa maoni yako. Asante. Antony Kamwithi? Antony Kamwithi? Hayuko. Elizabeth Runyenjes? Elizabeth Runyenjes? Samuel Njeru? Henry Muiiruki Willie? Karibu. Sema jina halafu uendelee Mzee.

**Henry Muriuki Willie:** Kwa jina mimi ni Henry Muriuki Willie. Kitu ya kwanza ile ningeanza kuzungumzia ni kuhusu ufisadi. Mpaka hapa tumefikia, Katiba yetu haina nafasi nzuri ya kulinda watu ambao wanatumia haki. Unaona watu wale wanatumia njia za ufisadi ndio wanaendelea kuheshimiwa katika nchi hii. Ni kwa sababu sheria ile tunatumia inalinda sana wafisadi. Sasa ningeliza tuwe na strong anticorruption unit ambayo inalinda mali ya nchi hii kwa sababu hata utajiri wa nchi hii huwezi ukawa unakuwa managed kwa njia mzuri tukiwa na ufisadi namna hiyo.

Nikizungumzia juu ya ufisadi, ningeliza Katiba yetu iwe inalinda watu ambao wako na nia njema kutumia pesa za uma kwa njia mzuri. Hii Tume inatakikana ichunguze watu wote kwanzia juu, Permanent Secretaries, DCs na watu wote. Hata kwa mashirika kama ya cooperative movement, kwa majani chai, hawa wawe watu wanaochunguzwa. Kwa sababu hata tukichunguza kutoka juu, na kitu kama cooperative movement hatuchunguzi, hatutakuwa tuna ile transparency ambayo tungekuwa tukitaka zaidi katika Katiba.

Jambo la pili ambalo ningeliza ni kuhusu uchaguzi wa viongozi. Uchaguzi umekuwa insulted sana au umetumiwa kwa njia mbaya kwa sababu huu uchaguzi wa mlolongo katika kiwango yoyote ile, hata ikiwa ni cooperative movement, hata ikiwa ni majani chai iwe watu wanahimizwa tukieneza ile democrasia iwe imeandikwa katika Katiba ile uchaguzi iwe inafanyiwa kwa njia ya secret ballot. Na uwaamuzi wowote ambao unataka kupitishwa, uwe ukipitishwa kwa njia ya kuvote au kwa kupiga kura ili tujue ile maoni ni wangapi ambao wameiunga mkono na wale wamekataa. Kwa sababu uchaguzi kwa njia ya acclamation au proposal na seconding tumetumia vibaya sana kwa sababu watu wawili watatu wanatumia na pengine watu wale wengi huwa pengine hawaungi ile maoni mkono. Sasa katika sector zote ambazo ni za uma, hata hizo vyama vya uchaguzi, isije zikiwa zinachaguana kwa njia ya acclamation. All political parties na cooperative movements na makampuni ambayo yote yanahusu uma kama KTDA na zingine zote.

Kuhusu Bunge, kwa mara nyingi tunaona au tunasoma au saa zingine tukienda kwa public galleries, kuna kuwa na lack of quorum na ingekuwa vizuri sheria za Bunge zingetungwa ambazo zinaelezea Mbunge fulani kwa wakati fulani ikiwa hayuko kwa Bunge kwa kipindi fulani, awe pengine Speaker amepewa hiyo ruhusa ya ku-declare hiyo kiti ya huyo Mbunge vacant. Na isiwe kama appearance ya kutohudhuria mara nane, iwe kama mara mbili hivi ikiwezekana kwa sababu huyo ni mfanyikazi wa uma, na wakati anakosa kuhudhuria huko kwa vikao mingi namna hiyo, hiyo ni kuonyesha yeye haakilishi wananchi.

Jambo lingine ningetaka kusema, ni kuhusu ripoti za Mbunge kama zile zinatolewa na public investment committee, public accounts committee na committee zingine za bunge. Ziwe zinachukuliwa kisheria na recommendations zake ziwe zinafuatiliwa vizuri. Kwa sababu unaona public investment committees wanafanya recommendation zuri kuhusu ufisadi na hata pia public accounts committee na hakuna jambo lolote linafuatiliwa.

Na pia nikuzungumzia mambo ya kokoteni ningesema office ya Auditor and Controller General, ile recommendation yoyote wanatoa, iwe serikali au pengine mahakama inafuatilia bila kuingiliwa Mkuu wa Sheria, anyimwe hii mamlaka ya kuwa na no proscue au kusimamisha kesi ikiwa iko kwa mahakama. Kwa sababu hii kusimamisha saa zingine inaonyesha pengine ofisi ya Mkuu wa Sheria inatumia kuwalinda watu wachache ambao saa zingine hiyo kesi ingefuatiliwa vizuri, wangepatikana na hatia.

Kuhusu state, mimi kwa maoni yangu ninaolea Kenya vile ilivyo tuwe na intra-state, kwa sababu maendeleo ile tulifanya tangu tupate uhuru, tukisema mambo ya majimbo, all the states are not equally developed. Sasa ningesema tuwe na intra-state na hiyo intra-state iwe ikiongozwa na Rais ambaye amechaguliwa na 25% on top of zile national votes awe na 51% and above. Ikiwa haitawezekana kuwe na runner-up lakini si coalition government mimi suing mkono kuhusu coalition government. Kuwe na run-up na yule atakuwa mshindi awe declared the winner, whether he gets 52% au 53% no problem.

Jambo lingine ningetaka kuzungumzia ni kuhusu uchaguzi au kuunda serikali. Chama kile kitakacho-shinda, Mawaziri wawe wakichaguliwa kulingana na ule ujuzi wakazi ambao pengine walisomea wakiwa shuleni. Wawe wakichaguliwa na professionalism and educational background, si kureward mtu politically. Ikiwa hiyo chama haina uwezo, au wale walichaguliwa hawana masomo ile inatakikana kuongoza wizara, wawe wakitafuta watu kutoka vyama hivyo vingine na hapo tuseme ningeeunga mkono coalition government. Kwa sababu hakuna haja ya kwenda kwa uchaguzi tena kwa sababu kile chama kimekosa watu ambao wako na ujuzi fulani. Washirikiane vyema, watafute wale watu wamehitimu katika nyanja mbali mbali, waunde serikali pamoja.

Kuhusu mambo ya askari, mimi ningeliza iandikwe Kikatiba askari wawe wamesomeshwa mambo ya human rights na civil rights na haki zote za binadamu, kwa sababu askari sasa walivyo, wanaonekana wanachukua wananchi kama sio wao waajiri wa askari Njia za kuarrest, mtu ukifanya makosa, mtu ukifanya makosa sio kusema hautafanya makosa hata ukipewa haki nyingi namna gani. Njia za kuarrest, askari watakuwa wakipata warrant of arrest kutoka kwa koti halafu akiya kushika yule mtu wanamuonyesha umefanya hatia hii, na hii sasa tuandamane moja kwa moja mpaka kwa police station. Ile sheria ya kuwa you are not guilty until proved guilty iwe ikifanya kazi, kwa sababu sasa mtu anaadhibiwa hata akiwa hajapelekwa kotini.

**Com. Lenaola:** Jambo la mwisho.

**Henry Muriuki Willie:** Jambo la mwisho, ningeliza watu wote wale wanasimama kwa uchaguzi kama Councillor hata President wawe tuko na kiwango fulani cha umri. Mtu akiomba kiti kama cha Coucellor au MP awe na 27 years and above. Mtu akipitisha miaka 65 years, aende akapumzike nyumbani asipewe nafasi tena ya kuongoza mambo ya uma. Asante sana.

**Com. Lenaola:** Asante sana Bwana Muriuki kwa maoni yako, njoo ujiandikishe. Tumeshukuru tena. Silvano Kamuti. Karibu. Taja jina halafu utoe maoni yako. Tunashukuru.

**Silvano Kamuti:** Mimi ninaitwa Silvano Kamuti, kutoka Mboijeru Sublocation, Kagari North Location, Embu District. Mimi ningonelea, kwa vile sisi Wakenya tumeona mambo mengi hata MP kupigwa katika court chambers, na ni kwa vile nguvu yote, au the whole power was invested on one person, I would propose that as we come to the constitutional review, we establish an office of the Prime Minister so that the powers previously held by the Head of State, would be divided between the President and the Prime Minister.

On that seen subject I would propose that the elections of the President and the Prime Minister should be carried out a few months before the Parliamentary elections so that the President and the Prime Minister can have time to nominate Ministers who should not be politicians but professionals. Because it defeats any sense of reasoning that a person who has no medical understanding is appointed Minister for health. So the Ministers should be professionals. On the same line, those Ministers should be subject to the approval of the Parliament. Because I think Parliament is the highest body in our country. From there I would continue with the same subject to propose that the previously nominated MPs should cease with the .....(inaudible) because the nominated ministers would replace the previously nominated MPs so I would propose that there should be no more nominated MPs.

From there we come to other presidential Prime Ministers appointees. They should also be subject to approval of the Parliament like High Court Judge, parastatal heads, all those who have previously been appointed by the President should in future be subject to the approval of the Parliament.

On taxation, it has previously been impossible to establish who is the real taxing body and who is not because previously there was the Central Government taxing municipalities, taxing County Councils. On that I would propose that the taxing body in our country should be one which should be the Treasury. All other bodies should not tax the common man.

On the Local Government, there have been many claims here and there, Local Government selling public lands, government lands, and so on. From there I would propose that, the new Constitution establishes a council of elders which will be solving local disputes like land, sometimes breaking marriages, bedroom disagreement between a father and a mother, and the secretary to that council of elders should be the local administrators like Sub Chiefs, Chiefs, DO, should be the secretaries to the council of elders.

On education, in the real sense the foundation of any state is the education of its youth and it has become apparent that most people can never take their children to school. Therefore, there should be a phrase in the new Constitution that the Government will cater for education up to the university level. Those few things the parents were being asked to pay like in schools there are teaching staffs, non teaching staffs also I propose that the non-teaching staffs should be Government employees.

From there I would also point out that we have been wasting a lot of man-power in putting all the young people in prisons for minor offences so on. Therefore, we should establish a system in our Government that those who are serving in prisons for minor offences, which is less than 2 years, the Government should establish a way of how they can do a bit of communal work which can benefit the State. For example, the Mwea Irrigation Scheme here was constructed during emergency by Japanese. Why can't our Government use those serving in prisons for minor offences to do likewise and we can earn an extra plate for our growing population?

**Com. Lenaola:** Last point.

**Silvano Kamuti:** On health, we are almost perishing, because most people can never afford the cost of medicine both in Government and in private hospitals. Therefore, I would propose the Government should formulate a theory of how to care for medical expenses for the people who cannot afford and particularly those who are in government hospitals.

**Com. Lenaola:** Thank you Bwana Kamuti. Tunashukuru kwa maoni yako. Ngoja kidogo kuna swali.

**Com. Nunow:** I would like to ask you a clarification question on the election of the President and the Prime Minister. Did you say that both the President and the Prime Minister should be elected by the public?

**Silvano Kamuti:** Yes.

**Com. Nunow:** Thank you.

**Com. Lenaola:** Bwana Kamuti please come and register, and thank you for your views again. Johnson Ndwega? Johnson Ndwega? Ndwega Kagondou? Karen Kina angependa kuzungumza? Karen Kina, Kina? Okey endelea. Sema jina.

**Ndwega Kagondou:** Kwa majina naitwa Ndwega Kagondou na kwetu ni hapa Kanja. Vile mimi ningetaka kusema, mapendekezo yangu nimeyawasilisha katika lugha ya Kiswahili.

1. Nataka kusema vipengele vyote vya Katiba, vyandikwe kwa lugha rahisi na sanifu.
2. Katiba itilie uzito kashfa za ufasadi wa kila aina na kuweka adhabu kali.
3. Sheria ya dini ichunguzwe upya na kupigwa msako kwani dini nyingi zimechibuka zikiwamo zile zinazo abudu Shetani.
4. Vikosi vya majeshi visitegemea kabila za kiongozi wa taifa. Makabila yote yapewe nafasi sawa katika vikosi vya majeshi na polisi.
5. Nataka kusema, nafasi za kazi zikipatikana ziwe wazi kwa kila mmoja.
6. Serikali iwape wanafunzi wa shule ya msingi elimu ya bure na elimu ya juu kwa walemavu na wasio bahatika katika

jarii.

7. Katiba itilie wananchi hali ya jinsia kimaumbile, kimawazo, wanawake na wanaume.
8. Katiba iwape usalama na haki ya wakulima dhidi ya kunyanyaswa na wanunuzi.
9. Bunge iwe na mchanganyiko wa wazee na vijana na pia wanawake.
10. Sheria iwalinde waandishi habari dhidi ya kunyanyazwa.
11. Katiba iwalinde wafanyi biashara ndogo ndogo dhidi ya kunyanyazwa na askari wa mabaraza ya mji na mabaraza ya Wilaya.
12. Sheria ya kuwalinda washukiwa na wahalifu wa aina yoyote ibuniwe.
13. Magereza ya humu nchini yawe na usalama wa kutosha.
14. Sheria iwape leseni wanaotaka kuanzisha huduma za kusambaza matangazo kote nchini.
15. Mikutano ya siasa iwe huru Wabunge wakitaka kukutana na waliochagua pasipo kuomba leseni.
16. Katiba itilie mkazo tamaduni muhimu za ki Afrika na kupiga marufuku itikadi za tohara ya wanawake, ndoa za kulazimishwa, urithi wa wajane, uganga wa kienyeji na mambo mengine.
17. Somo la mapenzi lianzishwe shuleni ili kuwatahadharisha wanafunzi dhidi ya ugonjwa hatari wa Ukimwi na magonjwa na zinaa.
18. Yeyote atakaye-mwambukiza mwenzake virusi vya Ukimwi kimakusudi, ahukumiwe kifo.
19. Yeyote atakaye-patikana na hatia ya kuroga ama kumpaaza mwenzake apewe adhabu ya kifo.
20. Wizi wa mambavu unaohusisha unajisi pia upewe adhabu.
21. Katiba ibuni sheria ya usafiri itakayosimamia shughuli za usafiri na nauli kote nchini na pia ipunguze ushuru wa magari yanayo ingishwa humu nchini uwe nafuu ili wafanyi biashara wadogo wadogo wanufaike.
22. Bageji ijadiliwe na kuamuliwa na Wabunge wote.
23. Katiba ijadili tabia za Wabunge wanaosaliti ahadi za waliowachagua.
24. Ya mwisho, sector ya jua kali itambuliwe na serikali na itengewe kiasi fulani cha pesa za matumishi ya serikali na pia itenge makundi ya vijana. Asante.

**Com. Lenaola:** Asante sana Bwana Kagundu kwa kuwa specific na kuchukua muda wako vizuri, Mama yeyote angependa kuzungumza? Lydya Wera Isaya? Lydya Wera Isaya? Sostin Karanja? Karibu mzee.

**Sostin Karanja:** Nitaongea kwa lugha hii ya Kiswahili hapa. Kwanza swali, ni nani atakayekuwa raia I am very sorry. Kwa majina ni Sostin Ndwiga Karanja.

**Com. Lenaola:** Endelea Mzee.

**Sostin Karanja:** Ni nani atakaye-kuwa raia wa Kenya bila swali? Mtu ambaye anaweza-kuwa mwenye uraia kamili ni yule mzaliwa wa hapa Kenya, kutoka mashnani. Huyu ndio mwenye uraia wa kweli, si mgeni.

Utoaji wa uraia wa Kenya ufuatae utaratibu gani mwingine? Uraia mwingine ambao unaweza fuatwa hapa Kenya, ni mtu ambaye yeye mwenyewe amekwisha kuja hapa Kenya kutoka nchi fulani, na akiingia hapa apatiwe kitambulisho kitakachoonyesha yeye ni mgeni, sio raia wa hapa Kenya, amekubaliwa kuishi hapa kwa muda mfupi au afe akiwa hapa.

Tatu, je waume au wake wa raia Kenya bila kuzingatia jinsia wapewe uraia wa Kenya bila swali. Hapa ikiwa ni mwanamke, hata Bibilia inasema kuwe na balaa katika nchi fulani. Mwanamke asiwawe bila kifali sababu ndio mzazi wa kesho awekwe huru. Kijana akitaka kumuoa, amuo.

Je, mtoto aliyezaliwa na mzazi mmoja ambaye ni raia wa Kenya, bila kujali jinsia ya mzazi huyu apewe uraia bila swali? Ndio. Huyu ni mzaliwa wa hapa Kenya, apatiwe raia kamili, awe na kitambulisho cha Kenya ambacho kinaonyesha yeye ni mzaliwa wa Runyenjes, Kairore, Embu, au Kirinyaga, Division gani, hii ama ile.

Raia ana haki na majukumu gani? Huyu raia ana majukumu chungu nzima. Kwanza, raia huyu ni mchungaji wa nchi yake, raia huyu ni mwenye fikira za kujenga mashule na mengine kujenga madaraja ili watu wavuke mito. Kwa hivyo raia wana jukumu nzito, na ndio wanaona huko kunaharibika.

Katiba iruhusu uraia wa nchi mbali, ndio nitaongea hapo kama Bibilia isemavyo. Katika watu wa Israel, wakati waliingia Misri, wao wenyewe walipoingia huko walimlilia mwenyezi Mungu kwa sababu wako ugenini. Wakapatiwa mtunzi wao Moses au Musa ili awatoe katika Misri. Waliambiwa na Mungu sasa mnatoka hapa mkiingia pale Kanani, msifuate miungu ya watu hao, msifuate ukubwa wao, muwe watu wa Kanani peke yenu. Hata hapa Kenya kwetu vile vile ndivyo ilivyo. Tuwe wananchi wenyewe wa Kenya.

Nikimaliza hapa mwishoni, waKenya wawe na vitambulisho gani kama ushahidi wa uraia? Vitambulisho vyetu ni vizuri viongezwe jina hili la ukoo, kwa sababu hakuna ukoo, anatoka wapi? District, ni wa ukoo gani? District hiyo, iandikwe katika kitambulisho, ukoo. Nina mengi ya kusema kwa hii kitabu kwa vile nimeishika siku ya leo. Ningeongea zaidi. Asante.

**Com. Lenaola:** Asante Mzee. Hata muda wako ulikuwa umeanza kuisha. Tumeshukuru, njoo ujiandikishe. Ningependa kurudia yale niliosema asubuhi, huu ni mkutano wa heshima, hatupendi makelele kutoka pale. Mimi niko na saa, najua muda wa kupatia mtu hiyo ni kazi yangu si kazi ya mtu akiwa pale. Ngoja saa yako nitakuita uchukue muda wako. Tuheshimiane. Haya tumwite sasa George Naaman.

**George Naaman:** Kwa jina ninaitwa George Njeru Naaman kutoka Rukoire Kieni Location.

**Interjection:(Com. Lenaola):** Tulisema hivi asubuhi ngoja Mzee, ukiwa na mazungumzo mngetaka kufanya, mwende nje

mkamalize mkarudi. Okey wale wako na “kamkunji” pale ndani, Mzee atasimama mpaka mmalize maneno yenu. Asante Mzee haya endelea.

**George Naaman:** Mambo ambayo ninaongea hapa ya wakulima wa majani chai. Nimeandika kwa Kiingereza nitasoma. The Government of Kenya has sidelined the entire community who practise farming as smallscale farmers. The Government does not protect small-scale farmers from the board concerned. The farmers act as slaves to the board and do not care about the farming welfares. After the government formed the agriculture sector, they did not think on how to protect the small scale farmers to the board. They only formed a law called an Agricultural Act, 318 which gives the board powers to appraise the farmers and it is through this Act the Directors are both concerned of the use and the authority to remain pastoral to the farmers. Smallscale tea farmers; tea farmers are used as employee or slaves because they even sleep in the tea buying center waiting for the clerks and lorries to come to buy the green leaves. When the smallscale tea farmers demand their rights KTDA calls the police to stop them. Agricultural Act 318, allow the Directors to rule the farmers. This should be removed. The farmer should be paid according to their income they get from their cash crops to avoid overspending. The Directors are not recognizing the farmer as their boss. They recognize them as slaves. Directors are recognizing the KTDA factory as their property. The Directors never know that smallscale tea farmers are the owners of the KTDA property. The Kenya Government strictly form the board and appraise the small scale farmers by selling their produce.

Conclusion, agriculture act 318 section 190 – 192 should be scrapped. The tea board to be removed because it has more power to use the income which will solve many ways saying that they are finding the way to get the markets to selling the tea meant. The smallscale tea owner should be modating the appointing their marketing agencies.

The smallscale tea farmers should be allowed to form their association, since the largescale farmers in Kenya, they have their association. The small scale tea farmers should be separate from the KTDA company, by selling their produce to their maximum profit and they negotiate the price and can be made by farmers. The smallscale tea farmers should be recognized as a farmer. But not the recognized as a grower. A farmer is a person who is the owner of the shamba, and plants the crops in that shamba, and a person who takes care of that shamba is called a grower. Let me finish.

**Interjection: (Com. Lenaola):** Bwana Naaman, let me tell you the procedure, because you have a memorandum please, pick out the last two issues, last two halafu ufunge.

**George Naaman:** Let me finish. The Director should know that the smallscale tea farmer is the boss or superior and the owner of the KTDA property. The law should protect the farmer from the KTDA, because the farmers are one of the people who met the cost of development. The loans which were buying the land, with factories bases, warehouses, offices and etcetra.

**Interjection: (Com. Lenaola):** Last point.



**George Naaman:** Thank you.

**Com. Lenaola:** Thank you very much Bwana Naaman. We shall read every single word of your memorandum, njoo ujiandikishe pale. Tumeshukuru sana. Francis Mbogo? Francis R. Mbogo? Robert Njue? Sorry Elius Kamwinga? Karibu Mzee, alafu Mugendi Simon yuko? Mugendi Simon? Utamfuata Mzee. Sema jina halafu uendelee.

**Elius Kamwinga:** Nilikuwa hapa mara ingine nikasahau mambo mengine ningelizungumza.

**Com. Lenaola:** Sema jambo moja.

**Elius Kamwinga:** Nitasema jambo moja, katika mazingira yetu binadamu ule musitu, wanawake wakubaliwe kuingia huko kuchuna kuni, sababu hawana kuni, wakienda huko wanaokota zile tu zimeanguka chini.

**Interjection: (Com. Lenaola):** Tumekubaliana... Aya endelea.

**Elius Kamwinga:** Nanyi wangwana musiangaiwashwe na mtu kumwambieni eti nyie mfanye haraka haraka, sababu mkifanya haraka haraka, hii kazi itabaki mizizi yake huko chini. Kama mtu akiandika mtu wa shangari kuchimba shangari, akiambiwa fanya haraka haraka atafutie hiyo shangari na shangari hiyo shamba haitakuwa mzuri. Na nyinyi mkifanya haraka haraka, kazi hii haitakwenda mzuri. Afadhali nyinyi mfanye hiyo mnaona mfanye vizuri kazi iimalike sawasawa.

Na tena viongozi wa dini wanapauuzwa sana na serikali. Watu wa dini wakisema hivi, wanaambiwa tokeni kwa dini muingie serikalini. Na hawa ni watu wenye elimu wanafanyia watu wa serikali kuwaonyesha njia, wanaofanya kufurahisha wananchi.

Tena watu katika mashirika, mtu akichaguliwa kwa kiti hiki, katika shirika, wacha akae hiyo kiti tu, akimaliza kipindi chake, aondoke, hata akiwa mzuri sana aondoke, bila kuingilia kitu kingine, muda wake ukimalizika.

**Com. Lenaola:** Asante Bwana Kamwinga. Kawaida hatukubali mtu kurudia kabla hatujasikiza wengine, lakini uko na bahati sikukutambua mara ya kwanza. Haya Mugendi Simon? Karibu Mugendi halafu Emilio Njeru Ileri? Emilio Njeru Ileri? Endelea Mugendi.

**Mugendi Simon:** Majina ni Mugendi Simon. Nina machache ya kusema. Kwanza ningesema juu ya office of Attorney General. The office of Attorney General should have an assistant so that they can avoid congestion in the court. Remuneration committee to look to the salaries of MPs and Councillors to avoid them increasing their salaries.

Then about representation, youth should be represented in every council and county councils.

Legislature; we should have bicameral legislation, whereby you have Senate and also House of Representatives. The Senate should be selected by the sitting MPs, whereby we have two representatives in every region/Province.

Treaties; All international treaties with the Government should be handled by parliamentary committees.

Lastly Parliament should be involved in preparation of budgets.

Then I will talk about the freedom of worship; I feel it should be limited in some areas whereby churches are using loud speakers, hence interfering with with others. Thank you.

**Com. Lenaola:** Thank you very much. Simon ngoja kidogo kuna swali.

**Com. Nunow:** Simon you said the Senate to be selected by the sitting MPs.

**Mugendi Simon:** Yah.

**Com. Nunow:** And they should be two from each region.

**Mugendi Simon:** Yes.

**Com. Nunow:** Who are the sitting MPs and what is your definition of a region? Is it the current Provinces or Districts or wherever?

**Mugendi Simon:** The Provinces. Yah then the sitting MPs are the MPs who were selected by the people in the Lower House.

**Com. Lenaola:** Thank you very much. Njoo ujiandikishe pale. Tumeshukuru kwa maoni yako. Kauki Mutomo? Kauki, huyu Mzee, njoo, njoo. You can speak. Halafu nani mwingine angependa kuzungumza? Mama ungependa kuzungumza? Mama ungependa? Wewe mama.....

**Speaker:** .....(inaudible)

**Com. Lenaola:** We ungependa kuzungumza? Nawe? Why didn't you register? Did you register? Can you just go outside.

Nani mwingine hajajiandikisha?

**Kariuki Mutomo:** *uria ngwenda kwaria*

**Translator:** Jina langu ni Kariuki M. Mutomo

**Kariuki Mutomo:** *riu nimenda kuga attire maundu maria maeku muritwiratororie maundu mariya magotothinia*

**Translator:** Sasa

**Kariuki Mutomo:** *nimenda kuga attire*

**Translator:** I want to say this.

**Kariuki Mutomo:** *nariu uvorol ugoka mucheru riu umuka gatakuthiye ukorwe ukimenyegwa rike nkire*

**Translator:** The new things which you have brought about should be known.

**Kariuki Mutomo:** *riu uvoro uria nkwambiriria kwaria uria urinamavitiya ni (inaudible) ndathitanga mundu uchuo ndithiye ngegrwo ndithiye nkerwo vile ukiri*

**Translator:** One thing I have found going wrong is that, when somebody wrongs me and I report this person to the authorities I am told to go and hire an advocate.

**Kariuki Mutomo:** *nirwo nivile ukiri ndamba kuthiye gucheriya mbia chia ukiri ndatiga ndathitanga nailiya shiyenge*

**Translator:** When I go to hire the lawyer, I don't have the money, I have to look for money and yet I have to spend some other money to file the case.

**Kariuki Mutomo:** *kiu gikoneka miaka nou ikuthiee ..*

**Translator:** By the time I raise sufficient funds, the time is still passing.

**Kariuki Mutomo:** *riu ndathiye ndachiona .... mundu uriya nderwo mbige ukiri nkiga ...kira kibi.....*

**Translator:** By the time I get a lawyer, even if I pay him and we go to the court, the case takes long to be heard.

**Kariuki Mutomo:** *Ukiri riu eterere mbiya chienge*

**Translator:** At this time the lawyer is still demanding more funds, money from me.

**Kariuki Mutomo:** *riu ngigasheria mbia shienge miaka naou ikuthiee*

**Translator:** By the time I get sufficient funds, the time is still passing.

**Kariuki Mutomo:** *tweovo ee mundu uria uthitangetwe agikua*

**Translator:** He is saying, while the case is still pending in court, the sued person, the defendant dies.

**Kariuki Mutomo:** *riu rie*

**Translator:** He says that rather than hire a lawyer, why doesn't law make it possible for him to get someone to speak in his place, aproxi to go and represent him in a court if he is a relative or even a son?

**Kariuki Mutomo:** *tukona attire mundu tou arinakanua nikona nini mithengu yaku ndivo kava taniya nkirera mundu ambararie tundu tivota kwaria ndudu ni mwana wakwa.*

**Translator:** We feel that the Government is supressing us because it demands that I should have a lawyer, yet I am paying that lawyer and I am also paying more money to file the suit.

**Kariuki Mutomo:** .....(inaudible) *tugutwarithwa hathara ni thirikari iriya igite ovoro uchio ate omundu ukiri avecha gwe mbia nairia shienge nkiruta*

**Translator:** We feel that with new coming Government, we no longer want this requirement of a lawyer.

**Kariuki Mutomo:** *tukona riu thirikare iria igoka riu njeru andu achio tutikumenda ringe achio a ukiri*

**Translator:** They are putting us into a lot of trouble.

**Kariuki Mutomo:** *makurijithia antu thiina*

**Translator:** They should get funds and quickly finalise it.

**Com. Lenaola:** Jambo lingine.

**Kariuki Mutomo:** *ria kaire mwambetire anene ningerumwo ni mundu agiuka tukiaraniniria nake ate vata ni munene avote aundu avanivo makathie maemashaindi mukiugaga ate tugendage kiamani riu ovoro uchio niguo tutakwenda*

**Translator:** Previously, if we have had any dispute, first of all it has been heard by a council of elders under the chairmanship of our local administrator, like a Chief or an Assistant Chief. The people who hear this particular suit or case at preliminary level were the same witnesses at the actual court. But now this is no longer the case, we want this to be reinstited.

**Kariuki Mutomo:** *riu andu ariya magokorwa magekathawa miti na magetuwaka nivo magatwathaga makore makivora marurumo magia .....tukuthie kumaita kenda atueka mukiya mutheri tutikwenda aria akuthie.....kuria mbia mie mushiye.....*

**Translator:** We want the people whom we are going to elect now to go and pass a law so that the council of elders can listen to what we are saying, and not to make it mandatory for each case or even suit to have a lawyer. Because by so doing it delays

and at the end of the day the defendant or even the plagued can easily die and then the whole thing becomes complicated.

**Kariuki Mutomo:** *riu ndivo kuuga thirikari ilia iguka ikare na nkira iyo ike ovoro uchio itige ovore vou marufuku buru itige mundu uriya omwe watene wale na kaani wakuandikaga katheri maira.....na nikanuya uta ulia ninakanuwa ate naige ukiri ndaurega buru.*

**Translator:** I want the new government to ban the advocacy system. Let us reinstate the former system whereby we had a court President, assisted by a court clerk and when we went there our case was determined.

**Kariuki Mutomo:** *nenrwo niwaro mundu ukuvuta tagwe ukuthiye kuiga mbiya chia ukiru kawemurwaru*

**Translator:** I want to be allowed to represent myself in a court of law without necessarily being required to hire a lawyer, because when the case so delays, one of the parties could easily die.

**Com. Lenaola:** We have taken the issues. Thank you very much. Asante sana Mzee. Tumeshukuru Mzee. Mpeleke ajiandikishe pale. Asante Mzee Kariuki. Councillor karibu.

**Com. Lenaola:** Just say your name again and start.

**Abel Mwaniki Njeru:** Jina langu ninaitwa Abel Mwaniki Njeru. Councillor kutoka Kieni North, Chairman wa Embu County Council. Mimi sikudhania ningeongea hapa leo, kwa sababu nilikuwa nimepeana memorandum yangu, wakati mwingine mlikuwa Embu. Na nafikiria niongee machache leo sababu eneo hili ni eneo ambalo tunakuza majani chai na kahawa na pia tunaweka ng'ombe. Kitu ambacho ningetaka kuzungumzia leo, kwanza kabisa ni kuhusu wakulima kwa sababu wakati tunapeleka majani chai katika vile viwanda tunasema tunaenda kuuza, lakini sio kupeleka majani chai tunasema tunatoka kuuza majani chai. Kwa hivyo, sisi.....

**Interjection: (Com. Lenaola):** Ngoja kidogo Bwana Chaiman

**Speaker:** (in venacular.....)(inaudible)

**Com. Lenaola:** Ngoja amalize.

**Abel Mwaniki Njeru:** Sisi kama wakulima wa majani chai, nafikiria ni vizuri wakati tunaandika Katiba tufikirie namna wakulima wangeshughulikiwa na hii Katiba. Kwa sababu kama sasa majani chai inatoka kwa kiwanda ya majani chai, halafu inaenda mahali inaenda kutengenezwa. Na katika hizi factory za majani chai, hapo ndipo majani inakuwa ready. Kwa hivyo nilikuwa ninafikiria Katiba ikiweza kutengeneza, mahali majani chai inakuwa ready iwe ndio market ya majani chai. Halafu wakulima watabenefit kutokana na ile hasara ya kusafirisha majani chai mpaka mahali inapelekwa. Kwa sababu wakati

mwingine, labda watu wale ambao wanatakiwa kuuza majani chai, wangenunua, badala ya kuchukua waende nayo, sheria iwekwe ni kununua watakuwa wakinunua. Wanunue kutoka kwa factory zetu. Kwa hivyo hiyo ni kitu nilikuwa ninafikiria inaweza kusaidia.

Hata pande ingine hii ya kawaha, wale ambao wanakubaliwa na sheria ambayo imerekebishwa juzi ya kahawa, wawe ndio watakuwa wakisaga, labda wawe ndio watakuwa wakishughulikia mambo ya uuzaji wa kahawa. Hata hiyo nilikuwa ninafikiria ikiwa tunaweza kutengeneza sheria ambayo itakuwa ikishughulikia mkulima kamili, yule mtu ambaye ataenda kuuza kahawa, awe ananunua kahawa katika society zetu halafu aende akauze, badala ya wakulima kupeleka kahawa halafu watakuwa wakingojea mtu ambaye ameenda na kahawa kutafuta soko. Katiba ingetengenezwa namna ambayo ingeshughulikia mkulima wa kahawa, awe akiuzia kahawa yake katika society level, hiyo ndio nilikuwa ninafikiria ni kitu moja ambayo ningezungumzia.

Hiyo ingine ni kuhusu wafugaji wa ng'ombe, wale ambao wanaweka ngombe. Siku hizi tuna na regions ambazo kuna factory za KCC kama hii iko Runyenjes tuna KCC, ukienda pande hii ingine ya Nyeri, utakuta kuna branch pale, sehemu karibu zote za Kenya kuna branch za KCC. Nilikuwa nafikiria kama hii sheria inatengenezwa, inaweza kukubalia wakulima katika eneo fulani wawe ndio wenye hizo viwanda. Badala ya kuuza maziwa kwa hiyo factory, nikupeleka tunapeleka, wale ambao watakuwa wakisimamia factory sheria ishughulikie, wawe wakinunua maziwa direct kutoka kwa mkulima. Awe akiuza maziwa badala ya kupeleka halafu anangojea pesa. Hata hiyo kama sheria inaweza kutengenezwa iwe namna hiyo, labda mkulima ataweza kubenefit.

Kama muda wangu haujasha, ningetaka kuongea kuhusu Local Authorities of Kenya kidogo. Local Authorities of Kenya zina shida sana kwa sababu sheria yote inaweka nguvu katika wizara yetu, kama Minister ndio anakuwa na nguvu yote. Kwa hivyo tulikuwa tunafikiria wakati huu tunarekebisha Katiba, tunaweza kusema ya kwamba Chairman atakuwa akichaguliwa na wananchi directly. Halafu tuseme atakuwa Executive, atakuwa akifanya kazi pamoja na clerk na treasurer wa council. Mishahara ambayo inalipwa hawa maofisa wakuu ambao wako employed na public service, pamoja na hawa madiwani hiyo inaweza kutoka consolidated funds ya serikali, ndio kama ni mabaraza iwe ikisimamia wale wafanyikazi wadogo wadogo ambao wanaajiriwa na baraza. Badala ya kuwe ya kwamba uwezi kufanyia discipline kama ni care, kama ni treasurer, kwa sababu wanangojea kuwa wanasimiwa na public service. Kwa hivyo nilikuwa nikifikiria kwa sababu kama hatutatolewa kwa serikali kabisa, kama sheria haitatutoa kwa Ministry kabisa, ni lazima washughulikiwe, wawe wakilipwa huko juu, ndio ile mishahara ya wafanyikazi ambao ni wadogo wadogo iwe ikishughulikiwa na council.

**Interjection:(Com. Lenaola):** Jambo lingine la mwisho.

**Abel Mwaniki Njeru:** Jambo la mwisho ambalo ningetaka labda kutaja ni mambo ya Public Service vehicles. Mimi ninaona watu ambao wanafanya kazi hii ya matatu na basi wanasumbuliwa sana, kwa sababu zile licences wanakata ni mingi sana. Giving you an example of PSV, road licence, insurances, ni mingi sana. Kwa hivyo ni tafadhali hii Katiba ishughulike iwe ni

licence moja mtu atakuwa akikata badala ya kukata hizi mingi namna hiyo, kwa sababu wakati mwingine zinasumbua watu wale ambao ni wenye magari. Asante sana. Labda swali.

**Com. Lenaola:** Asante sana. Hakuna swali, mimi sina, hatuna swali asante.

**Abel Mwaniki Njeru:** Thank you.

**Com. Lenaola:** Maoni yako mazuri, njoo ujiandikishe pale. Moses Njagi? Councillor njoo pale, halafu Mama Olive Kaari utamfuata.

**Moses Njeru Josphat:** Kwa majina naitwa Moses Njeru Josphat. Natoka area ya Isegeni karibu na msitu. Yangu si mengi sana, lakini ninayo ya kusema kwa sababu leo ni siku ya kusema mambo.

**Interjection:(Com. Lenaola):** Sema.

**Moses Njeru Josphat:** Haya, jambo la kwanza ambalo ninataka kusema ni kwamba vijana siku hizi wamesahaulika sana. Katiba ambayo tutaunda, vijana wawekwe kwa msitari wa mbele. Kwa mfano, kama vijana wataungana pamoja watengeneze kikundi ama youth group, kama kimeandikishwa, serikali iwe ikiwasupport kidogo. Kwa sababu vijana unajua hawana vitu vyao ndio wengi sana, sasa wawe wakiangaliwa na serikali ili wasiachwe nyuma.

Jambo la pili, ningetaka kusema kama ni Katiba ambayo tutaunda, President asiwe na power zote. Kama President akifanya makosa, ashitakiwe kama mwananchi wa kawaida, hata kama ni mkuu wa idara fulani, akifanya makosa asiangaliwe vile ako, lakini makosa yake yaangaliwe.

Jambo la tatu, elimu itiliwe maanani kwa sababu siku hizi iko juu sana. Tungetaka Katiba ambayo tutaunda watoto wasome, kwa sababu bila elimu hatuwezi fanya kitu. Kama ni shule kwanzia pre-nursery kwenda mpaka form four, Serikali iwe ikiona hakuna mtoto wa maskini ambaye atatoka shule, waangalie hayo sana.

**Interjection:(Com. Lenaola):** Chairman ameanza mkutano wake pale kando, tungependa mkutano mmoja. Endelea.

**Moses Njeru Josphat:** Jambo lingine ni health; health iangaliwe kama ni hosipitali, serikali ione madawa iko ili watu wasikufe. Kwa mfano kama hosipitali ya Embu ukienda huko, hata kama ni ya Serikali, haifanyi vizuri. Kwa hivyo Katiba tunaunda tuangalie mambo ya health kutoka ground level mpaka juu.

Kitu kingine ni agriculture; area hii yetu sisi ni wakulima. Tunalima lakini umasikini uko kwa migongo yetu. Serikali iangalie ione

umasikini umetutoka kwa sababu mkulima ndiye mtu mkubwa sana kwa taifa. Yeye ndiye anayefanya kazi ngumu sana. Kama ni majani chai iangalie sana, serikali iangalie sana, Katiba tutaunda iangalie mwananchi wa kawaida ambaye anategemea ukulima peke yake. Kwa hivyo mambo hayo yote iangaliwe sana. Asante sana.

**Com. Lenaola:** Asante sana Moses. Hatuna swali umeeleweka vizuri, njoo ujiandikishe pale. Mama Olive Kaari. Na afuatwe na Olive Karimi Nyaga. Karibu Mama. Halafu Robert Nyaga yuko? Utatufungia kikawa. Sema jina halafu uendelee.

**Olive Kaari:** Asante sana. Olive Kaari. Yangu ni kidogo sana kwa sababu nasikia mambo mengi imezungumzwa hapa. Mimi nitasema kwamba upande wa kutengeneza Katiba, mfikirie sana mambo ya health. Mtusaidie sana katika Katiba tupate dawa bila malipo. Tunaona taabu sana, ukikosa shilingi ishirini unakaa na ugonjwa wako hapo nyumbani. Tunaona shida mtufikirie sana upande wa health.

Nyingine ni elimu; hawa watoto wetu wadogo kutoka standard one mpaka standard four, muwafikirie sana, kwa sababu mtoto mwerevu anaweza kuachia class ya chini sana kwa sababu wazazi wake ni watu hawana kitu. Huyu mtoto wao anaachia hapo katikati na ni mtoto mwerevu, yule tukiona matokeo yake ya mihani wa standard eight watu wataweza kujua huyu mtoto ni mwerevu tumsaidie au serikali msaidie, na akikosa elimu hapo katikati ataweza kupotea. Sina mengi ya kusema, mimi taabu yangu ni health, na shule hii ya chini. Mtufikirie katika Katiba watoto wetu wasipotee.

**Com. Lenaola:** Asante sana. Asante sana. Njoo ujiandikishe pale, ukiwa umetoa maoni mbele ya Tume. Mama Olive, Karimi Nyaga? Olive Karimi Nyaga? Basi Robert Nyaga aje mbele. Inaonekana mmeagizana Nyaga waje mbele? Sema jina halafu uendelee.

**Robert Nyaga:** Jina langu ni Robert Nyaga. Ningependa kuongea kuhusu Katiba, na nitaongea kuhusu society ya registration of churches, dini ama madhehebu. Inaonekana katika Kenya kama kungeangaliwa jambo hilo lingekuwa mzuri sababu Biblia yenyewe ina Katiba yake kuhusu wahubiri. Sioni sababu gani tuendelee kwa ile Katiba ya kikoloni ya kwamba wahubiri wawe wakiregister kama societies zile za kawaida. Kwa hivyo ningeponelea kama madhehebu ama dini zingetuma kitu tunaita logos ama trademarks ingekuwa mzuri katika Kenya ili watu wawe wakihubiri kwa njia huru badala ya kuwa wahubiri wana register kama societies zile za kawaida. Katika Societies Act hiyo iondolewe, maanake Biblia yenyewe ni katiba ambayo inahusu Mungu. Jambo hilo naonelea wenye Katiba waangalie na itakuwa vizuri. Kama ni mhubiri, tunao wakati kama arusi anasimamia upande mwingine kama Commissioner wa oaths. Sasa kama amekuwa Commissioner wa oaths na wakati mwingine amekuwa akienda kotini, tukiangalia kama Wakorinzo wa kwanza mlango wa sita hapo mbele, tunaona Paulo, anawaambia wazee wa kanisa vile wanasaidiana na koti lenyewe. Kwa hivyo hapo ingekuwa mzuri.

Kuhusu upande wa elimu, naonelea Education Act iangaliwe vizuri. Promotion of walimu inaonekana imekuwa kwa muda mrefu kwa njia isiyo-faa. Wakati huu kuna walimu ambao wanaenda kuritaya, ama wengi wameritaya wakiwa katika grade ya nne



ama P4s, P3s, P2s na huyu mtu amehudumia Serikali tangu Ujana wake, na wakati wa kuritaya, anaritaya akiwa na cheo ndogo kabisa. Hiyo inaonekana exploitation iko, kwa hivyo Katiba ingefaa iangaliliwe kuhusu hiyo.

Jambo la tatu ni kuhusu mkulima wa kawaida. Hapa kwetu tunalima kahawa na majani chai. Upande wa kahawa inaonekana kahawa ni mmea wa kwanza ambao unaletea Serikali yetu hapa Kenya fedha za kigeni mingi, sana, na majani. Tukiangalia mkulima wa kawaida, tunaona huyu anafinywa zaidi, sijui ni kutoka grassroots ama ni kutoka kule top. Naona watu hapa wanafinywa sana. Jambo lile la kahawa likiangaliwa ili tuone mwananchi wa kawaida anafaidika ingekuwa mzuri. Sasa hiyo ni jambo la ukulima upande huu. Hapo mimi singekuwa na mengi lakini ningeonelea nifikishe hapo na ni asante.

**Com. Lenaola:** Asante Bwana Nyaga. Olive Karimi Nyaga? Halafu Selesio Mwaniki? Selesio Mwaniki, karibia hapa utufungie kikao, utasema jina halafu uendelee mama.

**Olive Karimi Nyaga:** Kwa majina ni Olive Karimi Nyaga. Ni asante kwa kunikubalia nije hapa halafu niandikishe mambo machache yanayohusu tabu zile tuko nazo hapa kwetu. La kwanza ni kilimo; hapa kwetu sisi ni wakulima wa majani chai, kahawa na mifugo. Na hasa kwanza kwa upande wa majani chai, tunafanya vizuri sana, tunalima, lakini tunaonelea kwamba malipo yetu inakuwa chini sana. Sasa tunaomba tufikiriwe sana kwa upande wa malipo, tuangaliliwe upande wa sales, vile mtakuwa mkikata ile sales.

Kwa mifugo, tunaona tunaendelea kufuga lakini masoko inakuwa mabaya sana upande ya maziwa. Kama KCC ilikufa, tunaona hii ingine Brookside inakata sana, malipo inakuwa chini sana na saa ingine hawafiki mahali maziwa iko, hawafiki mahali wakulima wako.

Hapo pengine ni upande wa mbegu; zile mbegu tunaletewa malipo inakuwa juu sana, kwa hivyo mkulima wa chini ama yule ambaye hajiwezi anashindwa kulipa. Saa ingine hiyo mbegu, mtu akisema apatiwe ile mbegu anataka, anapata sio hiyo, wakati utapata ile jau yake unapata mbegu ambayo sio ile ulikuwa umesema upatiwe.

Elimu; kama vile watu wengi wamesema, tunaonelea ya kwamba ni afadhali elimu kuanzia nursery mpaka form four iwe free, kwa vile tunaona wazazi wengi hapa hawajiwezi, na hawa ndio wako na watoto wale werevu sana. Kwa hivyo tunaona hao watoto werevu, huwa wanakaa bila kufanya kitu na ndio saa ingine unaona wanaendelea kunywa madawa ya kulevya. Wakifuatwa ndio wanaenda kwa koti na hawana jambo la kujifanyia wenyewe, kwa hivyo, elimu iangaliliwe sana.

Upande wa afya; ingekuwa vizuri kama madawa yataweza kuwa bure. Serikali ifikirie juu ya madawa, tuwe tukipata dawa za bure nawafanyikazi. Pia tungetaka tuletewe dispensary na health centers karibu na sisi. Tunaona wakina mama ndio wenye-kazi yote, ndio wanazaa, wanalea watoto, na saa ingine wanashindwa kwenda mbali kupata madawa.

Kinyumbani; siku hizi, hata kama wakati huo mwingine tulikuwa na taabu, siku hizi mnaendelea sana. Wakina mama tumeachiwa kazi mingi sana everything is handed over to us. Ni sisi wakulima, sisi wenye ng'ombe, watoto, na mapato yetu ni ya chini sana. Tumekuwa watu wa kuomba na ni sisi tunafanya kazi. Sasa sijui hapo mtajua vile mtafanya, muone kina mama nyumbani wanaangaliwa sana upande wa kuinua nyumba.

Miradi ya kina mama; tunaonelea ya kwamba hata kina mama wakiendelea kujiunga na magroups, wanafanya kazi mingi sana na saa ingine wakifikiria watengeneze vitu vyao, hawapati soko, soko inakuwa mbaya. Kwa hivyo miradi inakufa hapo hapo, na tunaonekana kama hatufanyi kazi lakini sisi ni vile tumetupwa sana, serikali haitufikirii. Kwa hivyo, tungeomba tufikiriwe, ndipo wanawake waendeleo ama miradi isiendeleo kukufa, tukianza inakufa hapo hapo. Sifikirii niko na mengine, mengine yametajwa. Asante.

**Com. Lenaola:** Asante Mrs. Nyaga kwa maoni yako. Njoo ujiandikishe. Selesio karibu. Taja majina halafu endelea.

**Selesio Mwaniki Nyaga:** Jina langu ninaitwa Selesio Mwaniki Nyaga. Ninataka kusema sisi wanaume na wanawake kuna shida manyumbani kuhusiana mwanamke na mwanaume. Kuna wanawake wanawacha waume zao wakaenda, wakawacha mwanaume nyumbani. Wakati wakuwacha mume wake, yeye anaenda na anangoja tu mpaka mwanaume afe halafu anaanza kurudi. Ile mali ilikuwa hapo, kuna wale wanahusiana na hiyo mali, kwa sababu yule mwanamke alienda zamani. Tunaona ni shida kwa wale waliwachiwa mali, mwanamke akirudi kuna shida yeye analeta ugomvi huko, akisema hii mali ni ya mume wangu. Kwa hivyo akitaka usalama ni heri kurudi nyumbani aongee na mume wake ili waweze kuishi kwa usalama. Sio kurudi wakati mume amekufa, hiyo ni shida. Sina mengi ya kuongea isipokuwa hiyo tu.

**Com. Lenaola:** Asante sana Bwana Mwaniki Nyaga kwa maoni yako. Naona wewe ulikuwa mtu wa mwisho, na kuna huyu anaingia sasa Bwana Nyaga jiandikishe pale. Ningependa ripoti kutoka nje kabla sijaamua kufunga, ama niendeleo? Kuna mtu angependa kuzungumza hapo nje? Kuja, kuja Mzee, ulizungumza mbele? Basi njoo. Karibu, sema jina na utoe maoni yako.

**Tirus Njeru Kamwengu:** Kwa jina mimi naitwa Tirus Njeru Kamwengu.

**Interjection: (Com. Lenaola):** Endelea

**Tirus Njeru Kamwengu:** Kwanza ninasema ni asante kwa kutuletea hii habari hapa. Mimi nina maneno ambayo ninataka kuweka muhuri. Kwanza, uwezo wa usalama uwe katika ofisi ya Raisi. Uwezo wa usalama wote uwe katika ofisi ya Rais. Wabunge pamoja na Rais, yaani kama shida inakuwa nyingi washikamane pamoja waongee hiyo habari halafu waitatue.

Juu ya vyama, maana kuna vyama vinataka kuwa vikijisimamia pengine na serikali. Vyama vijisimamie vyenyewe. Kile kinataka kusimama, kijisimamie chenyewe na kijipe pesa chenyewe, matumishi yote iwe ni yake.

Njia ya serikali; serikali yetu isiwe ya majimbo, serikali yetu iwe ya ofisi ya Raisi yaani majimbo inaweza kutuletea shida, pengine watu watajipenda zaidi, wale hawana nguvu watapelekwa vibaya zaidi, wale wana nguvu nyingi ndio watakuwa wakituongoza. Kwa hivyo iwe ni ya Serikali, imetokana na ofisi ya Rais peke yake.

Juu ya Councillor, kwa mfano mimi nimekuwa Councillor, Councillor kama yeye hatumikii watu wake aondolewe na wananchi. Kuna wajumbe wengine wakichaguliwa wanakwenda Nairobi, wanakaa kule ndiko nyumbani kwao, Mjumbe akifanya namna hiyo sisi wananchi tupewe ruhusa ya kupeleka ripoti yetu kwamba Mjumbe wetu hatuudumii. Kwa hivyo, aondolewe na wananchi, si wakati wa uchaguzi peke yake, aondolewe na wananchi. Maana tuingoja miaka mitano tutakuwa tumepata taabu zaidi.

Juu ya vyama; chama kilicho na nguvu kiunde Serikali, kichague Rais, kichague Ministers na nini nini, hawa wote kiwachague. Wakati wa shida kama ofisi ya Rais, kama maana tunakwenda kwa uchaguzi sasa, yule ambaye anaweza kubakia na mamlaka ya ofisi ya Rais, tuseme ni ofisi ya Attorney General, hiyo office ya Attorney General ishikilie ofisi mpaka Rais wetu mpya achukue ushukani. Akishachaguliwa wakati wa kutake-over asikae sana, tuseme wakati wake uwe kama mwezi mmoja halafu achukue ushukani.

Nafikiri kwa upande huu mwingine wa kiserikali, tunaonelea sisi raia tunanyanyaswa sana, na Administration Officers ama security officers. Pande hizo tunanyanyaswa sana. Kwa hivyo pengine tuangaliliwe tusinyanyaswe.

Juu ya utamaduni, watu wawe na utamaduni wa kikwao. Kama waluo, wawe kama WaLuo, Waambu, wawe kama Waambu, Wakamba, wawe kama Wakamba. Zile mila za kizamani, zile za wazee wa zamani, tusizitupe. Vile watu wanavyotaka kufanya utamaduni wao waendeleo namna hiyo. Nafikiri sina mengi. Thank you.

**Com. Lenaola:** Asante sana Mzee. Tumeshukuru kwa maoni yako. Njoo ujiandikishe pale. Antony Njeru? Antony Njeru?

**Antony Njeru:** Kwa majina naitwa Antony Njeru.

**Interjection: (Com. Lenaola):** Ngoja kidogo Bwana Njeru. Mrs Nyaga Daisy are you registering twice? Anataka kuzungumza tena? That paper can just be handed in she spoke, just hand it, register it. She spoke so she can register it. Thank you very much. Endelea.

**Antony Njeru:** Kwa majina naitwa Antony Njeru, kutoka Kagare North. Jambo la kwanza ninataka kuzungumzia ni juu ya wale wazee wamestaafu kutoka kwa Serikali au kwa mashinani mengine.

La kwanza, wale wazee wamestaafu, wengine wameshakuwa na taabu zaidi wakifuatilia malipo yao. Kwa mfano, unakuta mtu ameshastaafu, malipo yake inakaa kutoka miaka miwili au miaka mitatu, au zaidi kabla hajalipwa. Mzee huyo anakimbia kwenda Nairobi kila wakati, akitafuta malipo yake, na inakuwa ni shida zaidi hata kwenda kule. Kile anachofanywa ni kunyanyaswa zaidi na wakuu wa idara ile hulipa wazee wastaafu. Corruption katika ofisi ya Commissioner yule anayeshughulika na maneno ya wale wanaostaafu. Hiyo ishakuwa shida zaidi kwa wastaafu. Wale wanaostaafu ni heri wawe wakilipwa at least nusu ya ule mshahara mtu alikuwa akipata kutoka kwa muajiri wake, kuliko kiwango kile kingine labda ni kitu kidogo tu mtu anapewa na kinakaa kwa muda mrefu hakijaoangezwa. Ni heri mtu akishastaafu, malipo yake iwe inaongezwa kitu kidogo, kwa vile miaka yake inaendelea.

Jambo la pili ni kulingana na Katiba ya zamani. Kwanza tuangalie maneno ya elimu ya bure, free education, free health na poverty kwa mwananchi wa kawaida. Hiyo Katiba imetangatanga na zaidi au it has been tampered with kwa mda mrefu na imekosa kusaidia mwananchi wa kawaida. Ndio ningeuliza wakati huu, Katiba ile tunayounda ikishaundwa, iwache kutangatanga kama zile Katiba zingine zilikuwa za hapo awali, zimerukwa rukwa nazo mpaka mwananchi wa kawaida haifaidiki.

Hiyo Katiba, ikiwa itaendelea namna hiyo na kila mwananchi wa kawaida atafaidika. Ndio nasikia wananchi katika Kenya wanalia lia kwa kuwa ile Katiba ya zamani imerukwa-rukwa nayo mpaka ikawa haifaidishi mwananchi wa kawaida.

Upande wa kilimo, mwananchi wa kawaida hua anategemea ukulima tu peke yake, hasa sisi tuko hapa katika rural areas, hatutegemei kingine. Kama vile mmesikia, wazungumzaji wengine wameshasema maneno ya ukulima, na mimea fulani fulani hasa cash crops zile tuko nazo hapa. Hatuna kingine tunategemea ni kahawa na michai. Hiyo michai yetu tukienda kuangalia malipo yake iko chini zaidi haitufaidishi, ndio ningeuliza Katiba tulioko nayo wakati huu itusaidie ili mimea yetu itufaidishe.

Jambo lingine ningetaka kusema ni sheria za Kenya. sheria zingine za Kenya ni too oppressive. Zinafina mwananchi wa kawaida sana. Kama hii sheria tunasema Vagrancy Act; wewe unatoka hapa unaenda mahali kama Nyanza au Northeastern Province, ni ile nchi yako ya Kenya. Unakuta hiyo sheria, Vagrancy Act ukishikiwa huko na ni Kenya yako ni lazima urudishwe kwako nyumbani. Hiyo Vagrancy Act tunataka kama itawezekana iondolewe kwa kuwa mwananchi wa Kenya anaweza kutembea mahali popote katika nchi yake. Hata anaweza kuishi mahali popote katika nchi hii ya Kenya, bila kudhulumiwa na kabila hii wala kabila ile. Tuwe na sheria ambazo zinamfanya mwananchi wa kawaida zimeondolewa. Kwa hayo machache na sema asante. Thank you very much.

**Com. Lenaola:** Asante sana Bwana Antony Njeru. Njoo ujiandikishe pale. Mary Njeru? Mary Njeru. Halafu mwalimu Matthew atatufungia na maombi tena baada ya Mary. Asante. Endelea Mwalimu, taja jina na uendelea na maoni yako.

**Mary Njeru:** I am Mrs. Njeru Mary, Mrs. Njeru Mary. I am a teacher at Kanja Secondary School, just within. I had a few areas or issues that I wanted to raise, especially on the side of boosting our education standards. You find that education is the light of most of the development that we are striving for. For that purpose, we are supposed to pay much attention when it

comes to it. We have to look at different areas that can make us succeed in the education line. For example, looking at the teachers who are steering or the drivers, we feel that their scales are supposed to be looked at, not the idea of us people threatening to strike all the time. This should not be heard of. If we are striving to excel in education the salary scales should be looked at keenly, on a very serious note to avoid disruption of learning.

On the side of the teachers, the standard of education of a teacher needs to be looked at. A teacher should be free to further his/her studies, to boost education. In case a teacher feels that he is supposed to move from P1 probably to S1, to a degree, the Government should also look into that. Let the teacher be considered by the Loan Board, be given some money so that he can further the studies to the level that he can be able to get. This is not only to the benefit of a teacher, but this is also to boost the standard of education.

On the students, you find that every year, the Government gives very little amounts when it comes to the bursary. This amount is not enough because in most schools, especially in the secondary schools, there are many needy children. If the Government gives only twenty thousand shillings and we have more than thirty to forty children who are needy, it will not be enough. I think this bursary should also be added. They should be added so that they can cater for the needs of these needy children because in secondary schools we have so many orphans and most of them are helpless the money that is given is not enough.

On the dropouts, especially where we have girls; sometimes we find girls dropping out of schools because of pregnancy. I seriously feel that these children after probably giving birth, there is a need for the children to go back to school and the person responsible for that pregnancy should take total initiative of educating this girl and taking care of the child, irrespective of his status. So the life of this child and the baby is supposed to be catered for by the person who is responsible.

Then coming from the line of education, let me say that we are teachers as well as farmers. Sometimes we look at the life of a farmer, we people being included, and we sympathise with the situation. Here we are working hard, we have different cooperative movements around here, but when we complain that our money is being consumed by individuals, we have never seen any step being taken. We want to see the farmers being compensated for, even though it means, their wealth being taken to compensate what they have taken from the farmer, we want the action taken, so that we can boost the economic standards of our country. You find that our country, being an agricultural country, has to motivate farmers in different ways. Let the Government come in so that we can be able to boost our standard of living.

Then coming to civil politics, I feel that we are not yet at the point where we can declare ourselves to be led by a prime minister. I feel that we need a President. When you start thinking about a prime minister, I think we are going to divide ourselves more. Let us have a president, a President who is going to unite all the people and one who is not dealing with the politics irrespective of the party. Let us forget the issue of a prime minister because a country like Kenya with very many ethnic groups, and varied living standards for the groups will just be divided all the more. I think there are some tribes that are going to be left behind so

much, if we have to think about a prime minister. Let us have a single president who is going to unite all of us to strive to achieve what is our expectation. Thank you.

**Com. Lenaola:** Thank you Mwalimu. Please come this way and register yourself, and also indicate ..... Thank you very much.

**Interjection:** Inaudible

**Com. Lenaola:** Ataongoja mpaka tumalize, atakuwa mtu wa mwisho. Unajua akikuja halafu hatutasikizana, watu wanazidi kuja pole pole. Wapi Njiru Ngoroi? Njiru Ngoroi? Sini wewe? Unaitwa nani? Atazungumza?

**Interjection:** He can talk Mwalimu.

**Njiru Ngoroi:** *nionandinamaundu maige niuga ni thankyu.*

**Translator:** *Wetagua atea?*

**Njiru Ngoroi:** Njiru Ngoroi

**Njiru Ngoroi:** *riu niye Jesu nerutire akiuga niagukura kirindi na twi andu a Runyenjes Division tuvana tandu matire thirikari tundo wathi wathitanga mugunda*

**Translator:** Jesus came and died for mankind and yet we here live as if we have no government.

**Njiru Ngoroi:** *aaaiya .. la sivyo latuaguchikwithaniya*

**Translator:** Because when we go and report a dispute to the Chief about land, he is not able to arbitrate.

**Njiru Ngoroi:** *twachiraniya mivirega tukauga twaturerwa mugonda twaoka kwa Chifu chira ugatewa*

**Translator:** When we go to the clan and they agree that they are going to subdivide our land we agree, but when we come to the Chief, the Chief blocks that.

**Njiru Ngoroi:** *twathiye kwa D.O akauga DO akauga mugonda waturaniwe kairi chira uchiyo ukavirwa igotine*

**Translator:** When we go to the DO, the DO decides that the land should be divided into two equal parts between the two wives, but when bribery comes in, it is again decided that the case should go to court.

**Njiru Ngoroi:** *Andu etu tuthiete Runyenje magoro makaimba maende magakua na chira chitatuweka nginya umothe na iria makuwere na kinya chiana itangegwetekwa.*

**Translator:** We have very frequently, for a long time been traveling to Runyenjes, our feet get injured, and up to this time some people have died and yet those disputes are still outstanding.

**Njiru Ngoroi:** *riu muthiye mwea tundu nimbwe tugotuma muge thirikare igauka Runyeje irore machira matichira ta andu matare njanji*

**Translator:** Now we are sending you to go and report this; when the disputes are taken to Runyenjes, nothing is decided and we just remain like that in a voyage and there is that kind of procrastination.

**Njiru Ngoroi:** *kendu gia gitonye mushiye na matonya kuo wathiye ruutha eretwe ni Njaji nimuthenya wa chira kureriwa chira ni mweri chiyeganaona uria murachirana nake nigwo atigire auga.*

**Translator:** When a dispute is taken to court and a date is set, by the time you go there you find that the date has been changed arbitrarily at the discretion of the person who is in dispute with you.

**Njiru Ngoroi:** *riu ona chai ugekerwo sukari nyinge nithokaaga ndikwaria ntento nyinge ngimwiraga tungo andu au nimaratuma thirikari ichambe tundomataruta wera uria meritwa nikurejaga mbia chiao bure*

**Translator:** Those people who are twisting and distorting social justice are the ones who are making the Government to be discredited and they are still eating money as we talk.

**Njiru Ngoroi:** *Igoti riutueke ria itonga nigetha njaji aririe ukweli aramenya chira uchio wathi kwathirikari avutewe wera nitukweraga andu chira ni ruo ruo .....*

**Translator:** Let the cause be sought and not just the cause for the rich people and the wealthy ones. Place there people who know that they are responsible and accountable to somebody so that they would be able to decide the cases properly, and so that they really earn their money.

**Njiru Ngoroi:** *kwa kiri waribwa ni gitonga ukerwa wekere ngari maguta ma ngiri ithatu*

**Translator:** When you report a wealthy person, when you go to the place, you are supposed to fuel the vehicle, sometimes three thousand shillings.

**Njiru Ngoroi:** *waga mbia niwathira*

**Translator:** When you have no money the case is over,

**Njiru Ngoroi:** *nautemetwe na kibanga*

**Translator:** Even when you are injured.

**Njiru Ngoroi:** *kana ukrwo weketwe atiya*

**Translator:** It is money that comes and somebody who injures another person is not arrested as long as you don't have money.

**Njiru Ngoroi:** *riu mwiandu athirikarie mgeria gututethia tuthondeke thirikari tundo thiriari tinthoku ni mbwe ilia itongeretea thonku tondo itararuta wera wa thirikarie uria iramera*

**Translator:** You who are here and who are closer to the Government, it is you we are sending because when we let the law under the people who are very unfair and adjust whom are likely to jackles, I think there is very little that is going to happen.

**Njiru Ngoroi:** *thirikari nitangazaga ngathetine ikauga chira nuchiragwe ni mwiriga na athuri tondonigwo meishe uvoro wa michiye ya andu nariu kwethirwa ni thirikari aria tungwo no kanyamo vote kanyamo vote riu twakwira ...twachirithiwa ovoro wa megonda machira monthe mamegonda mojorete Renyeje Goti .....*

**Translator:** We know that it is the wish of the Government that disputes be decided by the clans but the people who are custodians of this area do not do the right thing.

**Com. Lenaola:** Thank you. Mugo Njue? Mugo Njue? John Njeru? John Njeru. Karibia hapa. Seth Kivuti? Seth Kivuti? Seth Kivuti? Ni wewe? Si keti hapa useme Bwana kama uko useme. Joseph Mwaniki? Njoo hapa. Peter Njagi Mbayo? Njoo hapa.

**Mugo Njue:** *niye mbitangwa Mugo Njue*

**Translator:** My names are Mugo Njue.

**Mugo Njue:** *niwambere uria kwendaga kwariya twe andu a Kenya nitwese nitwaerwa wiyani*

**Translator:** The first thing that I want to state is that we Kenyans know that we became independent.

**Mugo Njue:** *na ni Kenya Uhuru*

**Translator:** And we are independent.

**Mugo Njue:** *No korwo ni Kenya Uhuru tutiagerwe nitotangwe ni thirikari nagoko mishiye*

**Translator:** We are at the mercy of the askaris.

**Mugo Njue:** *akorwo mundu timwiiuuu*

**Interjection: (Com. Lenaola):** Ngoja kidogo Bwana Mugo. Unajua tulisema wale wamechelewa mmechelewa mambo imepita sana. Ngoja ngoja, ukitoa shida, toa pendekezo, ngoja nimalize Mzee tuheshimiane. Ukitoa shida kama ya polisi, sema ungependa nini, ukiongea mambo ya shamba, ungependa nini? Hapana ongea mambo ya polisi mpaka mbele.



**Mugo Njue:** *variya kwendaga kwaririya muno ni migunda.....airu*

**Translator:** I want to know the reason why the Affiliation Act was removed and yet it was protecting our daughters.

**Mugo Njue:** *avira mwiritu aetu ni mwanake iliya yalutetwa yakansilewe nike?*

**Interjection: (Com. Lenaola):** Ngoja ngoja Mzee, hatuzikizani, hukua unanisikiza vizuri. Nilisema hivi, usitupe maswali sisi, usitupe mashida bila pendekezo, kama ni mambo ya Affiliation Act, sema ungependa nini juu ya Affiliation Act. Kama ni mambo ya polisi, ungependa nini? Maswali ukinitumia, hatuna majibu sisi, ngoja kwanza tumeelewana? Umenielewa? Umenielewa?

**Translator:** *Mathina mariya twenamo*

**Interjection: (Com. Lenaola):** Ngoja ngoja Mzee umelewa.

**Mugo Njue:** Ndio.

**Com. Lenaola:** Haya endelea.

**Mugo Njue:** *Mathina mariya twinamo mi chiana chiatu chiaaritu aitu makagea mauu magetejagwo*

**Translator:** We have a problem of our daughters that they are put into the family way by our sons and then they are abandoned.

**Mugo Njue:** *wakairi*

**Interjection: (Com. Lenaola):** Ngoja ngoja, huyu Mzee hakuelewa, hebu Mwalimu mwelekeze vizuri kwamba, akiniambia watoto wao wanapatiwa mimba na vijana angependa nini. Mnyang'anye hiyo microphone kwanza, Mzee sikiza, chukua hiyo microphone, Mwalimu mwelezee vizuri nasema, endelea sasa.

**Audience:** .....(inaudible)

**Translator:** .....(inaudible)

**Mugo Njue: Translator:** Girls who have been put in the family way by boys, there should be a law to correct that anormally.

**Interjection: (Com. Lenaola):** Endelea.

**Mugo Njue:** *wakairi ilia ukorwo ni njovi ilia itindaka ikamatetwe ni thirikari guko nja council yose njovi ichiyo igeye*

*na license irage andu mayunyange masoda nagoko nja wanainchi matige gutindagwa ni askari guko nja.*

**Translator:** Local liquor should be licenced by the Local Councils, so that we are no longer at the mercy of the policemen.

**Mugo Njue:** *gwishiria nindakinya vau.*

**Translator:** That is all I had to say.

**Com. Lenaola:** Asante sana Mzee Mugo. Njoo ujiandikishe pale. Karibu Bwana John Njeru, halafu Mr. Ngae wa Kanja Primary school, utafuata, wewe ulikuwa wa kwanza ukaenda, utakuwa wa mwisho sasa. Sema jina halafu endelea.

**John Njeru:** *niye ritwa rikwa mbitangwa John Njeru*

**Translator:** My names are John Njeru.

**John Njeru:** *nakiriya gitumete mbuka ava ni mariya turaona niundu wa ithaka*

**Translator:** I have come here because of problems we are undergoing, because of land.

**John Njeru:** *tundondororetiye ndona iliya ithaka chietu riria twena migonda guko migonda yetu ilia twagaiiritwe ni thirikari aria mararikwo mararitaya anake aliya marandikwa mariuka magikinyaniya makerana twathomaga nawe*

**Translator:** We have discovered that after the land demarcation, the incoming generation is no longer respecting the statutes which were in charge of those lands.

**John Njeru:** *nitwekarete migonda yetu niyambiritwe kwendwa. Ikendagirwa kurya na muthemba ya ukiri mundu agururuwa gikombe kiu akie gikaandikwa ni mugunda akwendagwa*

**Translator:** We have been braved of our land by the current generation because when they go to the lawyers at the backrooms where they take beer, the land is sold and then, me as an owner of the land am not aware that this kind of thing has happened.

**John Njeru:** *nani turie kampene ino ya utume yakuthikiriria mathena metu makithondeka katiba ino njeru twone kana metikira machira mandu ariya maerithirtwe niudu wamigonda iyo naekendwa na chiana chia igatweka itindaga guko town ta chokara twone okorwa mwaota gutetethia*

**Translator:** We are pleading with the Review Commission to intervene and see whether it is possible, any land which has been appropriated unfairly and illegally, could be reinstated to the original owners or even the disputes could be revived afresh.

**John Njeru:** *tondo kuuma indi ya raise wetu Jomo Kenyatta migonda yetu niendetwe na njira ya maeni na indi iria Daniel mutukufu Moi ambererewe kuthamaka niratugwatirie vanini auga migonda itikendwe nirambiririwe kwendwa*

*na maundo monthe muthuri akua indo chionthe ilioswa ikaviragua kwa mboni na kambane inge chia mbitho noturie mwitikereni nikenda tukorwgwe twinginakene nikenda tutige kuraganana.*

**Translator:** Ever the times of the past public under the Late Jomo Kenyatta, land has been sold illegally by imposters. When our current President took over, that eased and there was some unfairness but only to find that currently land now has started being sold unfairly by people who do not own the land. Some of it has been auctioned, and now what you find is a family dispute and violence at the family level.

**John Njeru:** *Undu wakwa wa kairi ni nombaririye uoro wa urimi uriya tukurima niundu urimi uria turarima wiwa kaa, majani, iria, kwona indo chionthe na tutiratonga niundu twarima indo turakiriria kuthina.*

**Translator:** We are realizing that concerning our farming; milk, tea, coffee and all those other farming activities, when we sell them, we sell them at such low prices that we are not becoming wealthy, instead we have continued to be poorer and poorer.

**John Njeru:** *nituchokete twona indi ya muthuri Kenyatta arwerere wiyani agugire harambee tukevewa wiyani wa tiiri no Kenyatta utonire mbunge kana waziri wa kurwera indo iria ta majani tundo twathetwe ni watho wa mavatera*

**Translator:** At the time of independence struggle, the main agenda was acquisition of land. There was nothing to protect the crops on that particular land. It so happened that as it appears now, the law, which was in place at the colonial times, the settler law as it were is still operating.

**John Njeru:** *twathiye kurorya thiine wa indo ichyo chiothe twatigirwa urimi wothe na watho wa cooperative no tuende mutuchothire thirikari itonyere indo chia kampane, majani, makorwe mevau rungu tovote gutetheka tondo murimi nikwarakinyirwa mundu wonth urima noomaratheteka murimi noaturire kyene.*

**Translator:** We would like once we prepare the Constitution, let it be clear that we would like a special Minister to oversee the cooperative movement and to see that the welfare of the farmer is being taken care of.

**Interjection:(Com. Lenaola):** Jambo la mwisho.

**John Njeru:** *undu wa kairi ni twonete mbiya nichoyo igete mbele. Mbesha nichiyu itweke chiya chiagutongeria na chiatongeria murimi akaraoragua atare na mundu wakumutethia naturie andu aiya marathiye kuthondeka katiba thirikari ilia mwinayo igitonya vo nigethetutetheka nitukinyireretwe mno)*

**Translator:** Under the present economy, the poorest person is the farmer. Those people who have the money are using it to surpress the farmer. Therefore, as you review the Constitution, make it possible so that the farmer benefits under the present Constitution and law.

**Com. Lenaola:** Thank you very much. Asante sana pia. Njoo ujiandikishe pale, tumeshukuru. Kivindu, asante Mzee, jiandikishe pale. Sema jina lako halafu uendelee.

**Seth Kivuti:** My name is Seth Kivuti. I would like to talk on land problems. When you talk about land, I would like to see in the Constitution a provision whereby the mandate of the land should be given to the community within. If the land is being utilized, the community should be given the mandate to state how it should be utilized.

On farming I would like to refer to a situation whereby, the farmer is given the right to have his products sold directly. He should also be given an opportunity to ask or to complain if his products are not sold according to the way he wants. By that I mean, there should be a forum whereby a farmer or an organization or a farmers association to be formed so that a farmer can have a forum where to complain.

Thirdly, on corruption, I would like to have a situation whereby the law is changed. For example, the law is very discriminative currently, if I steal a chicken I am jailed for seven years, whereas when I steal millions, I am jailed for either one day or one month.

Fourth, the farmers should be protected against those who misuse their funds. For example if we go to cooperative societies, when they steal our funds they are not prosecuted.

Then lastly, because I think much has been said, we know there is freedom of worship but currently even if that freedom is there, there are some cults which are practicing Devil worshipping and what have you. So the law should be clear on what religion is all about, such that Devil worshipping is not practiced. By this I mean, if one has to register his religious denomination first he must be scrutinized to establish whether he is truly or he has the right followers, and I would suggest when one is registering his denomination he is supposed to produce at least a thousand followers where he is practicing, in order to avoid individuals misleading the others. Lastly, I would suggest that the next government should have a Prime Minister to form the government. Thank you.

**Com. Lenaola:** Thank you Kaviti. Njoo ujiandikishe pale. Mwaniki. Halafu Mbario. Sema majina halafu uendelee na maoni yako.

**Joseph Mwaniki:** *mbitagwa Joseph Mwaniki*

**Com. Lenaola:** Madam will you translate for us? Amekuja.

**Translator:** My names are Joseph Mwaniki.

**Joseph Mwaniki:** *wendi wakwa nikwona murimi aimetwe na nafasi nene*

**Translator:** My wish is that or rather my complaint is that a farmer does not have a say in his work.

**Joseph Mwaniki:** *niundu indo iria twitorimaga twi raia ya kwainda tutise shiendagwa atiya*

**Translator:** What we produce as farmers we don't know how it is marketed.

**Joseph Mwaniki:** *niundu riria thiyaga nkendiya na ngainoka na mbia*

**Translator:** Because when I have my own machandise or my own commodities and take it to the market, I sell and bring the money home.

**Joseph Mwaniki:** *no kaowa, na majani na iria ndije uria thogora chiuma nikambokaga kavenwa*

**Translator:** But when it comes to coffee, tea and milk, I don't know the prices, I think those who come to tell me how much it was sold cheat me.

**Joseph Mwaniki:** *iru wendi wetu nitunekenwa watho wakwendagiwa indo chiyetu nakena ni majani nkathi nkenoka na mbia*

**Translator:** Our wish is that we should be given the mandate and the authority to market our own produce.

**Joseph Mwaniki:** *mundu uria ukwenda majani akaoka aria mathianagirwa niye tukarikaniya nake niye ndimurimi*

**Translator:** Anyone who wants my tea should come to where I am producing, where I am manufacturing, if I sell to him and then get my money direct from the buyer.

**Joseph Mwaniki:** *akorwo ni mwena wa iria ndikathikwirwa ndathi gushaririwa thoka thondo iria navira mukawani tuiyaga tokathogorana na mundu wa mukuwa akabira mushuba aringurira na shilling ikumi na ithano*

**Translator:** When it comes to milk, the person who needs my milk should come to me and I sell it. Nobody should go to look for market for me. Because at the local level, I am able to deliver my milk at the local tea shops and we agree on the price, he tells me he takes my produce.

**Joseph Mwaniki:** *riu ni kwenda niye ndimurimi mbewe uhuru wa kwendia indo chia kwa menyage kuria kwendia*

**Translator:** I would like as a farmer to be given responsibility and to be left free to market my own produce.

**Joseph Mwaniki:** *vauvenge ni mwaninchi wa kaida avewe ugitiri mwega security*

**Translator:** The other thing is that as a citizen, a local citizen should be given security and safety.

**Joseph Mwaniki:** *tondo mwainchi wa kawaida ndanavewa security njega ya kumugitera*

**Translator:** Today a normal private citizen is not sufficiently protected.

**Joseph Mwaniki:** Thank you

**Translator:** Asante.

**Com. Lenaola:** Thank you Bwana Mwaniki kwa maoni yako. Njoo ujiandikishe pale. Basi Mbario, sema majina halafu uendelee. Halafu mwalimu.

**Peter Njagi Mbario:** Majina yangu ni Peter Njagi Mbario.

**Interjection:(Com. Lenaola:** Endelea

**Peter Njagi Mbario:** Yangu ni kuwe na serikali inayoeleweka. Sasa serikali kama hii yetu ya Kenya, mbeleni ilikuwa ya party moja, saa hii ni ya part mingi. Tunataka serikali inaundwa na part mingi. Tuwe tukielewa tunasimama pande gani. Leo serikali yetu, sisi hatuelewi, tunasikia ni ya party moja, serikali ya KANU serikali tunajua sisi tuko kwa party mingi. Na sisi zote watu wa party zote ni Wakenya. Tuwe na serikali inaundwa na party yote ikiwa Kenya. Ndio tukiwa ukiendelea, tuwe tunaelewa tuna serikali inayoeleweka ya watu wote.

Pande hiyo ingine, sisi tangu tupate uhuru tuna watu wengi wanazaliwa. Walikuta mashamba iligawanywa, hawa walizaliwa nyuma wataishi wapi na mashamba iligawanywa. Tuwe na Serikali inaelewa taabu hiyo kwa sababu wale waligawiwa mashamba ni wachache na wale walizaliwa ni wengi. Sasa wale wengi ndio wana taabu. Nataka serikali inaelewa taabu ile ilioko ya watu wale walizaliwa.

Elimu inatakikana kwa wale walizaliwa na hawana mashamba ya kulima. Hiyo ni mambo tunayo huko kwetu na tunajiita Wakenya. Wakenya wajue hiyo, tuwe na Serikali inaelewa taabu tulio nayo sisi.

Pande ingine ya kilimo, wale wana mashamba, tuwe na Serikali inaelewa. Wale wanachimba mafuta wanajua bei wanauza mafuta yao, na sisi Wakenya tukilima kahawa, hatujui kahawa yetu tunauza kiasi gani. Tunalima, tungojee wale watakuja kununua wakija ndio watatoa bei. Serikali toe bei ya kahawa yetu. Mazao yetu yote ya kulima kwa sababu tuna Serikali, sisi hapana watumwa tuwe na serikali inatusimamia. Hiyo ndio ninaona taabu mingi hapa kwetu. Serikali ielewe ina uhuru. Mtu akija kwetu aje akijua anakuja kwa watu. Hiyo ndio taabu ninaona na ninasema Serikali ikiundwa sawa sawa, tutafaidika.

**Com. Lenaola:** Asante Bwana Mbario. Njoo, njoo, njoo nenda pale ukajiandikishe. Naona hawa wazee walitoka wamerudi, sasa unataka kuzungumza wewe? Nimekuita mara ngapi? Wewe ndio nani?

**Speaker:** .....(inaudible)

**Com. Lenaola:** Ulikuwa wapi nikikuita? Ulienda kutembea kidogo, sasa umerudi unataka kuzungumza? Na huyu mwenzako? Na wewe mzee?

**Speaker:** .....(inaudible)

**Com. Lenaola:** Nitakupa dakika mbili, nitakupa dakika mbili, dakika mbili, Tumeelewana? Endelea Mwalimu

**Ezekiel Ngai:** The following deliberations I have here,

**Interjection: (Com. Lenaola):** Say your name again, excuse me, say your name.

**Ezekiel Ngai:** I am Ezekiel Ngai, a teacher from Kanja Primary School. The following deliberations were made by my members of the staff and I would read them.

**Interjection: (Com. Lenaola):** For the record mwalimu we do not allow you to read every single word, highlight the most important parts. Thank you very much.

**Ezekiel Ngai:** The churches should not be registered at Societies covered by the Societies Act, but they should be allowed to take their own trade mark. The Government to represent each church. Again, since the Bible is the word of God, which guides the preaching and not the Constitution, any Christian gathering preaching the word of God should not be dispersed by the authorities. If they preach without their own knowledge.

The second one, the Government should review salaries of all ministerial employees, otherwise the gap which is there at present is unimagined and poverty cannot be eradicated. If there are some employees getting about two thousand shillings, while others get over half a million shillings every month.

The third one, government employees plus teachers should be given ample time and feel secure and not to be professionally threatened when they demand their own right, as it is happening at present with the teachers and their own KNUT.

The fourth one, Wazee wa Kijiji should be recognized by the Government and be given little allowance to give them more spirit for they have a lot of work, especially settling tribal disputes among their communities. Some cases right now which are pending in the court would also be settled locally by these Wazees.

The fifth one, to eradicate poverty Nyayo Tea Zones should be subdivided into small portions and if possible be given to

landless Kenyan citizens.

The sixth one, medical facility right now has become too expensive for a common mwananchi to afford. Let the Government legalise free medical attention in our country.

The seventh one which is now the last, lastly we are enjoying the fruits of uhuru in our country. There are those people who died or became crippled, in the forests fighting for the independence of our country. The Government should at least compensate them or their relatives. Thank you.

**Com. Lenaola:** Thank you Mwalimu for your concise message, please come and register. Wewe mwenzangu ulikuwa, ingia hapa halafu utamfuata.

**Emelio Njeru Ireri:** Mimi nataka kuzungumza Kikuyu.

**Com. Lenaola:** Sema jina lako.

**Emelio Njeru Ireri:** Na kwa jina langu naitwa Emelio Njeru Ireri.

**Emelio Njeru Ireri:** (.....inaudible)

**Translator:** The first thing that I would like to state.....

**Emelio Njeru Ireri:** *emelio Njeru Irereundu wa mbere uria ningenda kugweta ni ate katiba iria igikorwa ni thi kuthondekwa irugamiri undu huyo.*

**Translator:** The Constitution which has to be written should be in charge of what I am going to say.

**Emelio Njeru Ireri:** *ate mwene wigi uhuru wa kuhabudu urorwe mono*

**Translator:** Freedom of worship

**Emelio Njeru Ireri:** *niundu wa mivoere kana kuthomithiya*

**Translator:** It should be carefully considered.

**Emelio Njeru Ireri:** *niundu wa mivoere ukethithwa ringe makanisa mengi ma jumapili and enge ukegua mathomithiye mithenya ichiyo*

**Translator:** There has been many forms of both preaching and teaching.



**Emelio Njeru Ireri:** *mathomithagiya enge mavoyaga jumamosi*

**Translator:** In other words they are kind of forced to work on that particular day not even teaching.

**Emelio Njeru Ireri:** *mararingirirwa marute mbia chia kutomithiya muthenya ochio*

**Translator:** There are some churches which worship on Sundays.

**Emelio Njeru Ireri:** *nimenda kuga katiba ilia igoka riu irorie mono mweneiguwe wamevoere*

**Translator:** The others who are supposed to teach.

**Emelio Njeru Ireri:** *nakororwe ati matigarutiwe mbia kuriba mariya makothomithiya jumamosi*

**Translator:** They have been forced to contribute for money to coach during Saturdays.

**Emelio Njeru Ireri:** *mavoyaga jumamosi*

**Translator:** There are others who teach on Saturday.

**Emelio Njeru Ireri:** *amwe makavoya jumapili*

**Translator:** Others worship on Sunday.

**Emelio Njeru Ireri:** *Ningeenda katiba ino njeru yararirie uhoro wa makanitha andu makarue na mavewe gitoyo*

**Translator:** I would like the current Constitution to stress that those worshippers and believers, who believe in certain areas should be protected.

**Emelio Njeru Ireri:** *matevaterwe kurute mbesha navinya cia maria makurutana muthenya wa jumapili*

**Translator:** They should not be forced to contribute money to pay to those who will be couching on Saturdays.

**Emelio Njeru Ireri:** *ka jairi ni*

**Translator:** The other second aspect.

**Translator:** Education from standard 1 to standard 8.

**Emelio Njeru Ireri:** *Kithomo kuma sta one kinya stan eight*

**Translator:** Should be free.

**Translator:** That is a possible thing.

**Emelio Njeru Ireri:** *kwogwo tukanona kithomo kinge kya mana mbia itiaga tondo thirikari nyingi*

**Translator:** We pay more tax towards education than what we were paying during the colonial times.

**Emelio Njeru Ileri:** *gituweke kiya mana tundo ondu ochio mwene nukwoneka nowekeke muno tondo ogoti uria turutaga indi ya mbeberu wona mwana no mwaka urute ugoti ..*

**Translator:** When you get a child you have to take care.

**Emelio Njeru Ileri:** *una ringe ukigura kindo no mwaka urute ugoti*

**Translator:** When you are buying what you are buying.

**Emelio Njeru Ileri:** *indo chiaku chyonthe no kinya urute ugoti*

**Translator:** During purchases there is taxation.

**Emelio Njeru Ileri:** *thiine wa thirikari*

**Translator:** All this tax goes to the Government of Kenya.

**Emelio Njeru Ileri:** *Kwauu unatokona kithomo kinge kya mana kuma 1 kinya eight no mbiya itingeaaga chirikuwa na thirikari*

**Translator:** We ever feel that if education became free from...

**Emelio Njeru Ileri:** *kuuma kithomo kia st.one kinya eight, gitingeaaga mbesha nondu thirikari ina mbesha*

**Translator:** between standard one and eight, there would not be any lack of money because the Government has the money.

**Emelio Njeru Ileri:** *undo uchio unge wakathatu*

**Translator:** The third point.

**Emelio Njeru Ileri:** *niate factory yetu iria ya rokorere*

**Translator:** Our Rokore Tea factory.

**Emelio Njeru Ileri:** *nikoretwe majani metu maritagirwa wera makathiriwa vivyo ona order niekagwa ovarya*

**Translator:** the tea processed there is processed to the final stage.

**Emelio Njeru Ileri:** *tundo majani metu matesaga mbecha nyingi tundo wa transportation na migaere mingi magetwara Mombasa*

**Translator:** I feel that our tea loses money or rather a lot of money is spent in the course of transportation and other marketing areas.

**Translator:** Unlike coffee everything is completed in every manufacturing process .....(inaudible)

**Emelio Njeru Ileri:** *Unundu wa muthia*

**Translator:** Therefore, the auctioneer or the buyer should come to the factory and buy from there.

**Emelio Njeru Ileri:** The final thing.

**Translator:** *uohoro wa thibitare*

**Emelio Njeru Ileri:** Hospitals.

**Translator:** *nitoratheneka muno*

**Translator:** We have a problem here.

**Emelio Njeru Ileri:** *ndogethi utena shilling mirongoili tundo wakuriba*

**Translator:** Unless you have twenty shillings to pay at the dispensary you wouldn't take any medicine.

**Emelio Njeru Ileri:** *dawa ndungiywa ndawa na weshiria uthiye private nakunikoriya ukuthiye gwitwe mbia nyingi noukwirere muchiye*

**Translator:** If you cannot afford this one, twenty shillings you cannot afford fees at the private hospitals.

**Emelio Njeru Ileri:** *unandiugaga thibitare itwike ta shukuru itweke ya mana no mbiya iria tutinagwo chaya ugoti ni shigwaniya kuriba indo ishiyo chyonthe*

**Translator:** Let treatment at the government hospitals be free.

**Emelio Njeru Ileri:** *kaundu ka muthiya viyo niate*

**Translator:** Really the last thing.

**Emelio Njeru Ileri:** *niate uhoru uigi wa veterinary*

**Translator:** Veterinary services.

**Emelio Njeru Ileri:** *urithi niratithiniya muno hasha aundu ariya matare na mbiya*

**Translator:** Livestock, agriculture.

**Emelio Njeru Ileri:** (in vernacular .....inaudible)

**Translator:** We have a problem when it comes to livestock.

**Emelio Njeru Ileri:** *ringe niwakorwo Ng'ombe yanku mbega muno mbango uria wa gatiba iria igoka niuthondeke njira iria ukivotha mundu wonth agaota gweka examination mwenani wa n'gombe*

**Translator:** It is possible to acquire a very good breed of cows but when it comes to artificial insemination, the charges are so prohibitive and the Government should look into it that the AI of good quality is within reach of an ordinary farmer.

**Com. Lenaola:** Asante Bwana Ileri. Njoo ujiandikishe. Haya rafiki yangu, sema jina na utoe maoni yako. Kumbuka nimesema dakika mbili, kwa hivyo kuja point by point.

**Francis Mbogo:** Mimi ninaitwa Francis Mbogo. Ripoti yangu vile ningetaka kuchangia kwa hii Commission, nimeonelea katika Kenya yetu, hakuna mpangilio, hakuna chochote. Naonelea Serikali yetu tukufu ile iko sasa, wakati huu, iende iangalie mataifa fulani yale yako kama South Africa na nchi zingine, ikiwezekana iko vitambulisho watu wanapewa na watu wa kanisa, kidogo kitabu kidogo, ni za Mungu uombe sehemu fulani. Tukipatiwa iwe kama kitambulisho ingine sio hii ya ID card. Hii ya ID card iwepo na lakini tupewe ingine iwe na sheria, sababu hata kama ni askari tukikutana naye njiani nitamwambia sheria Cap number fulani inasema mambo fulani.

Hiyo ingine ningetaka kusema juu ya watu wa magereza, Serikali iambiwe watu wanateswa bure sana sababu Tumshaona wengi na wamekuwa hapa kwenu kwenye gereza. Kwa hivyo wapewe huduma inayostahili. Thank you.

**Com. Lenaola:** Asante Bwana Mbogo. Njoo pale ujiandikishe. Mwenzake amfuata. Piga tu step mbili hautaanguka, halafu we ndugu yangu utamfuata.

**Njeru Richard:** Kwa majina ni Njeru Richard. Langu nasema Katiba ile mnaitengeneza leo, ningeonelea hawa wanaitwa area headmen ndio Wazee vijiji, wameekwa kinyume kabisa na ndio wawakilishi wa Serikali kutoka mwanzo. Kwa sababu hata kama ni Assistant Chief, anapewa mshahara, na huyo Mzee wa kijiji hapati chochote. Na kazi ile anafanya, hata Assistant Chief hafanyi.

**Interjection: (Com. Lenaola):** Pendekeza, pendekeza.

**Njeru Richard:** Pendekezo, hii watu watambuliwe na Serikali, na wapatiwe vitambulisho ndio akitoka hapa aende pande ingine, hata kama ni huko Kisii ama ni Western, awe akijulikana huyu ni mfanyikazi wa serikali na njia ingine.

**Interjection: (Com. Lenaola):** Mrs. Njeru na ile mkutano ya kando pale nafikiri mtapeleka nje. Tafadhalini. Endelea.

**Njeru Richard:** La pili, juzi tulisikia, eti wakulima wa majani chai na kahawa, ilikuwa inaitwa liberalisation, eti ni soko huru, na

tangu wa leo hatujajua hiyo soko huru ni gani. Mbona kutoka wakati huo pesa zimeondoka, hata kile tulikuwa tukipata siku hizi hatupati chochote.

**Interjection: (Com. Lenaola):** Pendekeza.

**Njeru Richard:** Pendekezo, ni kama ni kwa majani chai, factory kama hii yetu sasa tuachiliwe tuna madirectors. Madirectors wakiona soko mahali wanaweza- uza majani yetu ya chai wauze pesa iingie kwa account yetu ya factory na isiingie katika sector ingine. Hiyo ndiyo ya mwisho.

**Com. Lenaola:** Asante Bwana Njeru. Ingia pale ujiandikishe. Father John.

**Father John Njue Solomon:** Asante sana. Kwa jina ni Father John Njue Solomon. My presentation to the Constitution Review.

**Interjection: (Com. Lenaola):** Father just highlight, highlight the most important parts, don't read through it word by word.

**Father John Njue Solomon:** Okey one is about the Government. Members of Parliament should be people with education at least from form 4 and above.

To become a president, one should be a University graduate.

Presidents should serve for two terms only.

Ministers of our Government should be graduates.

People's money ought to be shared according to the need of the area.

Judiciary: The judges should be independent and without interference.

Judges should be appointed by the Chief Justice. Corruption should be dealt with and those concerned be taken to the Court of Law.

Bribery should be dealt with, the giver and the receiver to face the law.

Councillors, to qualify as a Councillor, one needs to be conversant with both English and Swahili, with quality of leadership.

Two, be a man/woman of honesty.

Three, should be a God-fearing person. Education; there should be quality education in our schools. Teachers and other civil servants should be employed according to their qualifications.

Bursary fund be given to the needy children in secondary schools and universities.

Primary education should be free.

The Government should buy books in schools and pay teachers well.

Health; the Government should take care of all health institutions. People should get free treatment.

Doctors and nurses should be should be well paid to avoid corruption.

Human rights; people should be given freedom of expression.

Journalists should be protected by the law.

There should be freedom of worship without any interference.

People's property to be protected especially in companies and societies. Anyone who misuses people's property wrongly should face the law.

The Government should not licence an authorized liquor.

Churches with proper governance, should be allowed to advice the Government.

We need to have unity government and not Majimbo one.

Local people need to be recognized during the honouring when people are given medals on big occasions like independence day celebrations.

**Interjection: (Com. Lenaola):** Last points.

**Father John Njue Solomon:** The last one, let the Government be accountable and transparent. Thank you.

**Com. Lenaola:** Thank you very much. Thank you Father please come and register and give us your memorandum, we shall read every word of it. Mr. Njagi.

**Peter Njagi:** I am Peter Njagi. I am going to talk about the education sector in this country. For example, it is very common when you attend graduation in colleges and the universities to find that, the students are given the mandate to go and practice whatever they have learnt in colleges yet there are no jobs available. There is such a low grade of education in our country. If you go in to find out what has been happening, for example, you will find that the people manning the institutions some of them have just been political appointees, they they are not there because of merit. So I would recommend that the that the Government should have a forum whereby there is a committee which is regulating the appointments of the government institution's leaders, to ensure that the standard of education is maintained.

The other thing is on the ministerial post. You find at times we have a Minister who is manning for example like the Ministry of Health and he is a retired General. One wonders how a retired General will be able to handle the health sector. So there should be an accountability group that will be able to regulate the appointments. This would ensure that we have the standard, for example if it is education, the health sector, or it is any sector in this country, the standards are maintained, but they are not given to people who cannot be able to offer the required resources. So I would recommend that we have an accountability group that accountable to the Government and to the public .....(inaudible). This would ensure that they are not tied. In this country, irrespective of good people being appointed in good positions, a very good example is our Attorney General, if he is told to answer on some things pertaining the law, there is this common response that you get, that "my hands are tied." You wonder who is tying the hands of the Attorney General, whereas he is supposed to be there to ensure that the law is followed to the letter.

**Interjection: (Com. Lenaola):** Make a recommendation.

**Peter Njagi:** I would recommend that we have an accountability group that will see to it that the laws that are there are followed to the letter with no fear, and with frankness, without the Government interfering or no threats accompanying any appointment that comes or when anybody is appointed in any post in this country. Thank you.

**Com. Lenaola:** Thank you very much Peter. Na huyo ndio msemaji wa mwisho Mwalimu Mati atuombee halafu tufunge kikao.

**Interjection:(Father John Njue Solomon):** .....(inaudible)

**Com. Lenaola:** Oh sorry Father I didn't see you, sorry Father this is your place, please come and pray for us, samahani Mwalimu pia.

**Prayer:(Father John Njue Solomon):** Thank you very much, kwa kupewa na nafasi hii ilitupate kuomba. Tafadhali ningewauliza msimame ili tuombe tukiwa pamoja.

Oh our Heavenly Father, we thank you very much for thy great kindness. We know oh God that you love us, you keep us and you protect us so much oh our heavenly Father. It's our belief that we being the human-kind, we are the people whom you created with your own will. Therefore, we pray you for all that has taken place this day, before us there are those people who have been guiding us to all aspects of what we are supposed to do. We are very grateful for their devotion and their effort to see that we have accomplished all what we were supposed to do this day.

Now Lord we pray that you guide them, you protect them wherever they go and wherever they are. Our heavenly Father, be with them everywhere they go, Lord protect them and let everything that they do be beneficial to the people of this country of ours Kenya.

Let our Government be stable, let all those who lead us be honest, let all those who are at least leading us in our all organizations be guided by thy Holy Spirit, so that at the end of the day our Lord, happy and praise you for all that you have done.

Lord protect our country from any interference and all evil things, so that it may remain peaceful and it may prosper as we grow in this country. Let our children get proper education. Let all our people benefit from their toils so that they may keep on praising you and thanking you. Now Lord, now we are about to part, God be with us, lead us guide us and protect those who are going using vehicles, protect them on their ways and let them get their destination peacefully. We pray that in Jesus' name.

**Audience:** Amen.

**Father John Njue Solomon:** Thank you.

Meeting ended at 5.30 p.m.



