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**VERBATIM REPORT OF**

[REDACTED]

[REDACTED]

[REDACTED]

**PUBLIC HEARINGS FOR ORGANISED GROUPS**

**TIGANIA EAST CONSTITUENCY**

**HELD AT MUKINDURI MARKET PRY. SCH.**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] ON [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 17<sup>TH</sup> MAY, 2002 [REDACTED]

**CONSTITUENCY PUBLIC HEARINGS, TIGANIA CONSTITUENCY, HELD AT MUKINDURI MARKET  
PRIMARY SCHOOL ON 17<sup>TH</sup> MAY, 2002**

**Present**

Com. Abubakar Zein

Com. Domiziano Ratanya

**Secretariat Staff in Attendance:**

Roselyn Nyamato	-	Programme Officer
George Kariuki	-	Asst. Programme Officer
Zipporah Wambua	-	Verbatim Recorder.
George Kimanthi	-	Co-ordinator
Jimmy Muketha	-	Chairman

**George Kimanthi:** Leo tuko na fulaha kubwa hapa Mikinduri, vile tumekuwa tukimwambia, leo tuko na commissioners, tumekuja hapa Mikinduri kuchukua maoni yenu, nitamueleza majina yao baadaye lakini ningeomba kwanza tuanze na maombi, mmoja wenu atuongoze kwa maombi.

**Mr. Kubai:** Natuombe, Baba wetu uliye binguni, tunakushukuru baba kwa kutuwesha kuona huu mchana wa leo, tena baba yetu kufikisha hata wageni wetu hapa Mikinduri ili kuongoza hali hii kulekembisha katiba, Mngu baba wetu tunakuomba baba, wewe ndiye unachagua wafaume ama viongozi, baba tunakuomba utuchagulie kiongozi anayefaa kutuongoza baba. Tumeteseka na ufisadi, na rushwa baba tunakuomba, kiongozi utakayemchagua akomeshe rushwa akomeshe ufisadi, ili baba watoto wetu wapate ujira, baba wetu uliye binguni, yeyote atakayeongea leo hii hapa Mikinduri, baba mpe nguvu na uwezo ya kuongea yale yatawezesha hii katiba ya Kenya kuweko kwa njia nzuri, baba wetu tunaomba kwa Kenya nzima, baba kuna magojwa mengi, shida nyingi za ukosefu wa kazi, na kadhalika. Baba tunaziweka mikononi mwako, ili yeyote atakayeongea aongee akiwa umemjaza roho wako mtakatifu. Twakuomba hayo machache tukijua baba utatukamilishia kwa jina la mwana wako bwana wetu Yesu Kristo. Amen.

**George Kimanthi:** Asante sana bwana Kubai, kwanza kabisa mimi naitwa George Kimanthi. Labda kuna wengine ambao sijawai kutana na hao hapa lakini nakubuka nimekuwa katika vikao mingi hapa, kuona kazi yenu huko \_\_\_\_ (inaudible). Ni kawaida yetu kutabulisha wale tuko nao katika kila mikutano. Naona hapa tuko na chairman wa committee Mr. Jimmy Muketha. Halafu tuko na mwingine, wengine hawajafika, kuna wengine kwao ni mbali sana kama huko \_\_\_\_\_ (inaudible) na kuna huyu mwingine ako hapa nje, Isaiah King'eri, mnamjua? Kwa upande huyu tuko na commissioners kama vile tumemwambia, tuko na commissioner Zein Abubakar, halafu tuko na commissioner Domiziano Ratanya. Hapa tuko na programme officers, tuko na Roselyn Naymata, halafu tuna Mr. George Kariuki, na Zipporah Ndunge. Hawa ndio tuko nao leo kuchukua maoni yenu kwa sababu hii ndio ile stage mhimu sana katika hii shughuli yetu ya kulekebisha katiba ya Kenya. Kwa hivyo mimi leo sitakua na mengi ya kusema, nataka tu kumuomba mshikilie yale watakaomwambia, watamueleza vile wanataka nyiny mtoe maoni yenu. Langu ni kumuomba tu muwe watulifu, msipige makirere, mfuata ile mtakaoambiwa, ile talatibu mtakaopatiwa mfuata sababu kama mnajua watu watakua wengi sana hapa na ukiambiwa uchukue dakika tatu ama ni mbili, ushikilie hapo usije kukaa hapa sana, kuongea saana kwa sababu kila mtu anataka kupewa nafasi ya kuongea. Si ni hivo? Kwa hivyo nitamuomba Commissioner Damiziano Ratanya ampe ule utalatibu mtakaofuata na atamueleza zaidi kile wangetaka mfanye kama wananchi wa hapa Mikinduri.



**Com. Domiziano Ratanya:** Okey, asante sana bwana Coordinator, Mr. Kimanthi, wananchi wa hapa Tigania East constituency Mikinduri, hamjamboni nyote? Kwanza ningetaka tusikizane kwa mambo fulani, tukumbaliane katika vile tutaendesha.

The first thing ama kitu cha kwanza, ni lugha gani ambao tutatumia? Natumekuwa tukifanya hivi ili kutoka mwanzo tuwe tumekubaliana na hapa tumekuwa sana tunatumia kiswahili kwa sababu ndicho kinajulikana sana na watu wengi, lakini, kama mtu ana mambo yake na hakuna njia ingine ya kuyaleta hapa, ni kimeru, atumie kimeru, hatuna taabu hiyo kwa sababu tuna mtu wa kutafusiri. Lakini kwa kawaida, tunatumia kingleza, na kiswahili, ili hata commissioner mwenzangu aweze kuelewa, na records wale wako hapo. Kwa hivyo mna kitu ya kusema hapo? Kiswahili ni sawa sawa na kingereza, na hata kimeru, na ikiwezekana tumia kiswahili. Mtu akija hapa, or kwanza kabla ya kuendelea hapo mumesikia mimi naitwa Ratanya. Si mara yangu ya kwanza kuja hapa, mi mtu wenu, naitwa Domiziano Ratanya ama Dochokela. Hata wakati wakuandikisha kula, mimi ndiye nilikuwa msimamizi wa Tigania East, nilikuwa nakuja hapa na hata upande mwingine wa Muthara, na hata siku ingine ilikuwa ya mwisho tulikuja hapa kwa civic education, nilikuwa area hii, kwa hivyo tunajuana na hakuna introduction nyingi sana.

Sasa kwa wakati unaleta mambo yako, unaweza kuleta kwa njia moja, ya kwanza unaweza kuwa na mambo yako katika kichwa chako, hukuandika, hio tunaita oral presentation. Utaketi hapo na utasema mambo yako yote. Twakoa daika ithano lakini tunakupa dakika tano. Twakinya ogoro twona tukoinywa ni tha twombo kunyia daika ikaa ithatu kana ijiri. ikifika jioni tukiona ya kwamba tunasukumwa na saa, tunaweza kureduce iwe dakika tatu au mbili. Tunakubaliana namna hiyo? Lakini kwa sasa tutaanza na dakika tano, kama una mambo ambao hukuandika, na hata tumeona hata kama umeandika ni sawa sawa, dakika tano, lakini sikusoma yale umeandika, sikusoma memorandum, nikufanya hii tunaita highlight yaani kuona kama ni topic ya kwanza, unataka kusema kitu fulani unasema, si kueleza, kama ni education unasema education iwe ya bure. Kuna mambo ingine ya kueleza? Usieleze mtoto anatoka hapa anaenda hivi anaenda, hayo yote tunajua, sema katiba yetu iweke masomo ya bure. Basi hiyo imeeleweka kwa sababu umeandika kwa memorandum na utaacha hapa na kwendelea namna hio. Kama unataka mashamba yafanywe title deed asikae miaka mingi miaka tatu, sema hivyo hio itajulikana. Mambo kama hayo, kwa hivyo mjaribu msemi kwa ufupi ili tusikae hapa mpaka usiku.

Na kitu kingine, kama kutakuwa na, ukimaliza kuongea, pengine nitakuwa na swali ya kukuuliza ama commissioner mwenzangu, kwa hivyo hapa pengine utangoja, tukuulize swali, ama kama hakuna swali, tutaweka memorandum yako na uweke sign na uende ama ukae hapa usikilize wengine vile watasema. Na kabla hatujaanza, ningetaka kwanza kusema ya kwamba, hiki sasa tuko hapa ni kikao cha Constitution of Kenya Review Commission, na tumeanza, na kabla ya kuanza majina ya watu yenyewe kuwaita ningetaka kuita commissioner mwenzangu hata ingawa tumesema jina lake ajifanye introduction mwenyewe, na aongeze yale nimesema na halafu twendelee na kazi yetu kuwaita wananchi wakisema mambo yao. Kwa hivyo commissioner Abubakar Zein ,

**Com. Abubakar Zein:** Asante sana mzee Ratanya, habari ya asubuhi? Kama mlivyo ambiwa, mimi naitwa Abubakar Zein, ni commissioner kutoka tume ya kurekebisha katiba Kenya, na ningependa kuongezea kidogo tu alioyasema Mzee Ratanya ili kazi yetu iwe ya rahisi, na iwe na nidhamu. Katika kuongezea, ulipoingia hapa pale nje ulikuta kuna mtu anaadikisha majina, sio? Sasa yale majina huandikwa kwa number na sisi tutafuata orodha hiyo kufuata majina na mna hiyo. Ukiitwa jina lako, unatakikana uje ukae hapa, ushike microphone, utaje jina lako kabla hujaanza kuzungumza, na ni mhimu sana wewe kutaja jina lako, kwa sababu gani? Huyu binti mliojurishwa kwenu anainua mkono, kazi yake yeye ni ku-record mazungumzo yote anayozungumzwa hapa kwa tape recorder, ndio tusipoteze hata neno moja. Ndio saa ingine ukiona saa ingine hatuandiki, ukasema hatuandiki, ukasema hawa namna gani maneno nasema lakini haandiki. Kila neno tuna-record na tutaliandika chini tukishafika Nairobi wanaendelea na kazi hizo Nairobi. Na kama alivyosema Mzee Ratanya, karatasi unaotupa kila kitu tutasoma, kwa hivyo usiwe na wasi wasi kuhusu maneno mengine yatapotea. Ndio maana tuna-record hayo maneno, utaje jina lako na uzungumze ndio awe na record vizuri.

Lingine la mhimu kufahamu ni kwamba, juu ya kwamba umepewa uongozo wa lugha, lakini kuna muongozo mwingine wa lugha kule kwetu Mombasa wanasema, watu wakisumza katika hadhala kama hii, kikao kama hiki, wanatakiwa watumie lugha ya muluwa, yaani lugha ambayo haitamkasirisha mtu yeyote, kama mzee yuko pale ukitumia lugha hio aone ni lugha ambayo inafaa kutumika mbele ya wazee. Kama mama yuko hapa, utumie lugha ambao inaweza kutumika mbele ya mama. Kwa hivyo ni lugha yenye heshima ambayo haitumii matusi.

Kitu kingine, kwamba masungumzo unayozumza hapa, maoni unayotoa hapa wewe unalidwa kisheria, sheria hii iliounda mabadiriko ya katiba, inakulida wewe kikamirifu, hautachukuliwa hatua yeyote kwa maoni unaozungumza hapa. Kama tulienda kwingine wakasema, sasa nikisema maneno mengine, yakikasirisha mtu fulani au kasisi fulani, au chama fulani, au office fulani, si nitapata taabu? Tunasema hapana, hakuna atakayekasirika, akikasirika atamezea hivo hivo tu na hasira zake lakini hakuna hatua unaweza kuchukuliwa wewe. Sijui kama tunaelewana hapo, lakini hiyo haina maana, unajua nchini kwetu tunasungumza habari ya uhuru, kama sasa huo ndio uhuru wa mwananchi kuzungumza maneno yake kwa uhuru, hio haina maana. Uhuru hauendi bila kuhajibika, au haina maana hiyo? Hatutakubali mtu hapa kuja kuanza kutukana mtu mwingine, aseme mtu fulani, ni hivi na hivi, hii mambo ya kubadilisha katiba hayahusu watu. Tunataka mapendekezo yako kuhusu katiba. Kama alivyosema commissioner mwenzangu, unaweza kuwa na malalamiko miingi lakini hayo malalamiko, hayatatusaidia sisi ikiwa hautatwambia tunapendekeza hivi na hivi na hivi kutatua matatizo haya. Kwa hivyo hatutakubali kuingiliana watu kuchafuliana majina, au kutukana wengine, na mtu akifanya hivyo tutamsimamisha tuseme subiri.

Lingine la mhimu kufahamu, ni kwamba kama alivyosema Commisisoner Ratanya, tutakaa hapa mpaka jioni, na tutatumia list hii lakini sisi lakini sisi huwaomba ruhusu wananchi kama nyinyi mbele kwamba kukiwa kuna sababu za kutosha, sisi kutokufuata list hii, tumuite mtu ambaye pengine hayuko kwenye list, au juna lake liko mwisho kwa sababu za kutosha. Kwa mfano, aje bibi mmoja hapa mja mzitu, na hawezi kusubiri kwa mda mrefu kukaa chini, sijui kama mtatupa ruhusa bibi kama huyo apewe nafasi asungumze aende nyumbani.

**(crowd: Ni sawa)** Akaja mtu mgojwa, tutaomba mtupe ruhusa hiyo hiyo, akaja mtu mzee sana ambaye hawezi kukaa kwa mda mrefu, pia tutaomba ruhusa hiyo. Ni sawa?

Sasa huyu mwingine, kazi yake ni kuandika report kwa mkono mrefu, yule ana-record, huyu anaandika, na huyu ndio kiongozi wao Roselyn Nyamato ni Programme Officer katika secretariat yetu officini huko Nairobi na kazi yake hii ilikuwa na hii register anawaonyesha hii. Ukishamaliza maneno yako pale, unakuja hapa unaandika kwa mkono wako na kusign na utaulizwa maswali ya kuandika hapo ndio ujulikane kwamba wewe umetoa maoni yako. Ie kuandika pale form, nikuonyesha pengine unataka kutoa. Hii ni kuonyesha kwamba umeshatoa. Sijui kama tunaielewana? Kuna mtu anaweza kuja hapa aseme nimegaili nia sitaki tena kutoa, na kuna mwingine alikuja hapa kutokutoa baadaye aseme anataka kutoa, sio hivyo? Unaruhusiwa kutoa, unaruhusiwa kutokutoa, ukitaka kusiliza tu pia unaruhusiwa hivyo lakini ukimaliza kuzungumza pale, hakikisha umeenda pale ukaandika jina lako ukamaliza. Kuna swali lolote. Hakuna. Asanteni sana, na saa ningependa kumrudishia chombo hiki mzee wangu Mzee Ratanya aanze kazi hii twendelee.

**Com. Ratanya:** Asante sana Commissioer Zein hata kwa kueleza kwa hiyo lugha nzuri sana ya kwenu huko Mombasa, kwa hivyo tunafurahi sana wananchi wamesikia vizuri, na hapo ya mwisho ningetaka kuhimiza hata zaidi ukiwa na memorandum ama maadishi, na wewe hutaki kuongea, unaweza kwenda pale kwa Programme Officer upeana memorandum na using register ata uende ukitaka, ama uketi usikilize wengine.

Jia ile ingine tumesema ni kwamba unaweza kuwa na memorandum halafu ui-highlight, uende point kidogo kidogo umalize kulingana na saa zile umepewa na upeane. Na tena ni kama huna chochote kama memorandum, ketu tu uongee yale yako katika kichw chako. Sasa tuanze kwa haraka, na mmesikia niliwaambia mbeleni hapo ni dakika tano, ikiwezekana hata ukijaribu kwenda less than 5 ni sawa sawa. Tuanze na Thomas Mungeria.

**Thomas Mungeria:** Thank you very much commissioners, chairman na ma-audience. I'm here to represent my constitution review change to this kikao. Jina langu naitwa Thoma Mungeria from Adaburi land and irrigation committee. Sasa nitaanza, nitaaza na maneno ya state.

I would like this constitution to change the Kenya currency instead of having the continuous portrait of any President to have a continuous symbol like mount Kenya or other important thing in the country.

Another one, the President – the Presidential powers should be reduced in appointing the big personnels e.g like MDs Chairmen of any national organizations. This should be done by an independent commission which is not at the mercy of anybody.

Police – police when arresting should not be allowed to use any of their powers, but they should be allowed to use any power without any torture.

Judges – judges should be appointed by commission which is very independent from the President.

Second, when somebody is being presented in a court, the sentence should run with the degree of an offence, not

somebody who has stolen a hen is jailed for 7 years when somebody who looted millions of money in just set free and in prison for two days.

Finance – there must be free and fair of distribution of finance which is paid by the tax payers and this should be done on constitution levels and there must be fair ones not some people having tarmacked roads and others having impassable pathways.

Parliament –parliament although the law makers should not empower us discuss their terms and service of their condition, this should be done by independent commissioners.

Loans – there must be a loan margin not just like an open thing where somebody could take millions and millions of shillings and then go with it, so there must be a limit of loan.

Land – cap 283 should be abolished and that be substituted by CAP 284, 60 days objection should be stated clearly as working days not calendar days. It should be working days not calendar days. There must be a mandatory limitation of acre range a person should have, not some with idle lands, thousands and thousands of acres which are lying idle and others are just squatters. The land owner, the absolute holder should have right of even underneath not only 60 inches but should have the right of underneath ground or any \_\_\_\_\_ (inaudible) that may arise. On the same, he should have the right to excavate all the minerals got from his land not the government taking the land from him.

He should have 85% of compensation, not the government of compensate him, he should have 85% of the ruling.

Public services - the laws should be amended for any retirees not to own any fully or partly paid offices. That I mean, like chairmen and MDs of any organization. This has to create jobs for the young ones.

Thank you very much Bwana Chairman.

**Jimmy Muketha:** Okey, thank you very much, just hold on incase we have anything to ask you

**Commissioner:** You said there should be a sealing on land, what kind of average of are you talking about?

**Mr. Mungeria:** Thank you bwana commissioner, I'm saying that there must be a margin, lets say somebody should be a mandatory to have lets say 100 acres, and the rest he should be taxed for, 100 acres or 200 there must be a margin, the other one he should be taxed for .

**Commissioner:** The other one is 85% compensation, based on what?

**Mr. Mungeria:** based on any mineral bought from his land. 85% should be paid.

**Jimmy Muketha:** Asante sana Thomas mungeria, kwa hayo maoni yako, na umejaribu kutumia masaa, hiyo ndio mtindo mzuri. Asante sana. Then we go to Peter Anampio

**Peter Anampio:** Thank you Commissioners, the guests and audience. My name is Peter Anampio, a Kenyan aged 32 years. I would like to say the following concerning the constitution of Kenya.

That the President should be 35 years old. That the President should run the country for 2 terms and get a pension but if he fails to run for two terms he should not either be MP or President and should not get a pension.

The years of the President – the President should not be more than 70 years nobody should be elected in Kenya having over 70 years.

2<sup>nd</sup> on President still, the President should not be above the law. The President can be taken to court while in the office.

After looting or misquardering public money or mismanagement of the country welfare.

Appointment – President should not be allowed by the law to appoint big people or organs like judiciary, whereby he appoints Chief Justice. Chief Justice should be appointed by commission of judges to exercise the country's law in order for the judiciary to be independent.

Retirement – people who have retired, should get their pension immediately as they retire, rather than tarmaking in Nairobi NSSF, those places looking for their money and taking more than 10 years, so as they come to conclusion of their retirement, they should also come to conclusion of their benefits. Also, on President once again, the President should not by all means refuse to sign a bill in parliament like the AG the bill of chief act which he refuses to sign. If he refuses to sign that chat bill, those bills will be signed by the Attorney General and act to be put as law in Kenya.

Land – No original should own a land in Kenya, the land should be owned by a mandate of time, and after that time expires, the land should be reported by the trustee. Since we breath, the land should be held by the government, should be held by the trustees e.g. county council.

Education – all primary schools should be free. Every child in Kenya should get free primary education.

Health care – We should not be having cost sharing in public hospitals. We should attain medical care free of charge.

The other thing is traditional marriages – every person who is married by a tradition whereby miraa has been taken or the clan members have known that woman should remain somebody's wife whether he should share his upland property. Thank you commissioners.

**Speaker:** Thank you very much Peter for keeping time. Mwingine sasa anafuata ni Philip N'toruru.

**Philip N'toruru:** Asante Bwana commissioner, hapa, ninaona President anapewa mamlaka ya kutumia hii nchi vile anataka, kwa kuwa ni yeye anachagua mtu, bila commission.

Watoto wetu, wanakosa kazi, nikununua tunanunua kazi, interview inawekwa hapa, inatangazwa na serikali, na watu wanaenda interview, mtu asiwe, kama ni police mtu akiwa na D akiwa na shilling zake mia tatu hadi elfu tatu ndio anaandikwa. Kama ni AAD, ukiwa na shilingi ishilini, mia mbili huwezi kuandikwa. Jeshi kama mwaka uliopita walikuwa wanaitisha elfu 30,000, sasa ni 40,000. Sasa yule hana pesa, mtoto wake hata akiwa na D ama B haandikwi na tukifuatana, unaona mtu ana D, anaandikwa hata ukienda kwa jeshi ni watu wa D kwa kuwa baba yao ako na pesa. Wale watoto wa masikini hawawezi pata kazi. Hapo

serikali imeweka local courts. Serikali hata ukienda huko kotini wakimata watu hawapeleki kltoni, wanawaka court yao hapo, wanalikap vile wanataka na hawaachilie hata watu. Kwa kuwa hivi sasema, incident hata akimua mtu, hawezi pelekwa kotini kwa kuwa ni above law. Hiyo nataka aondolewe hio madaraka.

Serikali wameshindwa kutuza mzitu, wanakopesana hata ile msitu watu wanalipa pesa wanaenda kukata miti huko na kugawa hata mashamba huko katika forest. Sasa, wamerudi nyumbani, hii ni artificial forest yako ndio wanatunza, ukienda na machine kukata mti wako ama kuni, wana kuitisha rushwa, na ile rushwa yao haina receipt, haitasaidia hata serikali kotini ata na nini.

Kuajiriwa, watoto kuwajiriwa wewe, hata ukiwa na C na B huwezi kuwajiriwa bila pesa.

**Comm.** Usirudie sana, bwana Philip jaribu kusema yale ya mhimu.

**N'toruru:** Sasa yangu ni hivyo,

**Comm:** umemaliza kabisa

**N'toruru:** Ee Nimemaliza.

**Comm:** Okey, hata umetumia muda mfupi, kama una mengi ya dakika moja ungemaliza, lakini kama umemaliza nasema asante sana. Mwingine ni Tarasira Chichiru.

**Tarasira Chichiru:** *Riatwa riawe ni Tarasia Chichiru*

**Tlanslator:** Jina yake ni Tarasia Chichiru

**Tarasira Chichiru:** *Ariuga ni bwega niuntu bwa kwija kwenu naja.*

**Tlanslator:** Anapeana shukulani sana kwa kwenyu kuja.

**Tarasira Chichiru:** *Niuntu bwa kwija kwenu naja.*

**Tlanslator:** Kwa sababu yenu kuwa hapa.

**Tarasira Chichiru:** *Ariuga ari wa mau mau*

**Tlanslator:** Yeye anasema alikuwa kwa mau mau.

**Tarasira Chichiru:** *kuuma tukuewa guchiatha we atwire ari munene wa KANU rutere twa ekuru*

**Tlanslator:** Tangu wapewe uhuru yeye amekuwa chairman wa KANU pande ya wanawake.

**Tarasira Chichiru:** *We omba kugwirua ikethrwa Katiba no ichenje.*

**Tlanslator:** Yeye anaweza kuwa na furaha sana kukiwa katiba itabadirika,

**Tarasira Chichiru:** *Niuntu mtu atiomba kua President miaka mirongoitano*

**Tlanslator:** Kwa sababu mtu hawezi kuwa President kwa miaka hamsini.

**Tarasira Chichiru:** *Munene wa nthiguru abwiri kukara miaka ikumi antu bamutege uria agwita ngugi*

**Tlanslator:** Rais awe na miaka kama kumi watu wamuangalie wajue anafanya kazi gani.

**Tarasira Chichiru:** *Ya jairi kuuma turaambiriria kuchiatha twetagia kithomo kia utheri.*

**Tlanslator:** Ya pili tangu wapewe uhuru walikuwa wanaitisha elimu ya bure,

**Tarasira Chichiru:** *Mwanka narua tutona kithomo kiu kia utheri.*

**Tlanslator:** Mpaka hio hajapata hii elimu ya bure.

**Tarasira Chichiru:** *Baria bari nabo ndoene.*

**Tlanslator:** Wale walikuwa nao kwa vita.

**Tarasira Chichiru:** *Arume ibonere mtu wa kubera ni bwega.*

**Tlanslator:** Wanaume walipata mtu wakupea shukurani

**Tarasira Chichiru:** *Ende aka baratigwa.*

**Tlanslator:** lakini wanawake walitengwa

**Tarasira Chichiru:** *Nabwi bwiguwe uria aka bakauga bwone uria nthiguru igakara.*

**Tlanslator:** Na nyinyi msikize maoni ya wanawake na vile nchi itakuwa.

**Tarasira Chichiru:** *Miaka iu batwire kiri thirikari na kiama gia KANU*

**Tlanslator:** Hiyo miaka wamekuwa kwa hio serikali na hio chama ya KANU

**Tarasira Chichiru:** *Bakarire miaka imekai bakiejagwa gitio*

**Tlanslator:** Walikaa miaka kidogo, wakipewa heshima

**Tarasira Chichiru:** *Narua inji kuti gitio.*

**Tlanslator:** kwa leo hakuna heshima

**Tarasira Chichiru:** *Mantu ja anene.*

**Tlanslator:** Mambo ya wakubwa

**Tarasira Chichiru:** *Kinya juju ekageruwa mpengu ende akagerwa ndene ati kaeitie.*

**Tlanslator:** Hata mama nyanya anawekwa pengu halafu anasukumwa kwa nguvu ati ni mkosaji.

**Tarasira Chichiru:** *Noagwiruwe mantu jau jagategerwa.*

**Tlanslator:** Angefurahi hio mambo yaangaliwe.

**Tarasira Chichiru:** *Mantu ja miunda.*

**Tlanslator:** Mambo ya shamba

**Tarasira Chichiru:** *Baria batinainja kinya beta igambene ria miunda batithikagirwa.*

**Tlanslator:** wale ambao hawana nguvu hata wakienda kwa ma-case ya shamba hawasikizwi

**Tarasira Chichiru:** *Kuthigatia manto ja miunda, akoro baewe ngungi iu baria baije mianka.*

**Tlanslator:** Kushughulikia ma-case ya mashamba, wazee wasuhulishwe na wale wanajua mpaka.

**Tarasira Chichiru:** *Bunge baria bagwati ti bwega kukwa ntuku ikumi batikitwe igambene kana uria umuthitangete atimujukiritie njira iria yagerete kiri thirikari.*

**Tlanslator:** Inginge, yule ameshikwa sio mzuri awekwe cell kwa siku kumi bila kufikishwa mahakamani ama yule amemsitaki hakuna hatua amechukua ya kisheria.

**Tarasira Chichiru:** *Mtu agwatwa uria umuthitangete akaora niuntu atina makosa.*

**Tlanslator:** Mtu akishikwa, yule ambaye ameenda ku-report anapotea juu hakuna makosa imepatikana yakuandikisha. Huyu mtu anateswa.

**Tarasira Chichiru:** *Ria jathatu ndiongera, mtu ethirwa ena inya kukushinda agagwitira Police.*

**Tlanslator:** Ya tatu ingine anaongeza, mtu akiwa na nguvu kukushinda, anakuitia police yakuhudumishe kabisa.

**Tarasira Chichiru:** *Nkuthiria*

**Tlanslator:** Amemaliza.



**Comm:** Amemaliza, endelea tu kama una mengine una dakika moja imebaki.

**Tarasira Chichiru:** *Mwana ethurwa akuritwe ni ngina atina ethe atiomba kuona ngugi.*

**Tlanslator:** Anasema mtu naye kama mama mzee akiwa na mtoto pengine hana bwana huyo mtoto hawezi pata kazi juu hana mtu wa kumsukuma

**Tarasira Chichiru:** *Ndiromba MP akara miaka itano atigutethia aume.*

**Tlanslator:** Na anaomba, anasema naye mbunge, MP miaka tano miaka sita kama hasaidii atoke.

**Tarasira Chichiru:** *Ibwega*

**Tlanslator:** Asante

**Comm. Ratanya:** Amemaliza? Asante sana Tarasira kwa hayo maoni yako. Benedict Karau

**Benedict Karau:** Asante sana commissioners kwa kunipatia nafasi hii. Mimi kwa jina naitwa

Benedict Karau. Ile nitatoa hapa ni kwamba serikali itengeneze barabara ile iweze kupitika hata wakati wa mvua. Lakini huwa hio barabara haiwezi kupitika kwa sababu wa eneo lile wanarudisha maji ya mvua kwa barabara maana huwa wamefunga karabat zinazoelekeza maji ya mvua kwenye mashamba. Kinga ya hayo, makosa naona yule amefunga mahari maji ya mvua yanategewa, huyo mwananchi ashikwe na ashitakiwe.

Kumuajiri mtu kazi ya Chief ama assistant chief, huyo mtu awe amefanya kazi serikalini au mahari tauma zaidi ya miaka mitano, na tabia zake zimejurikana hapo awari. Naona nikisema hayo, mtu anaokotwo hivyo kwa kuwa yeye amekuwa wa siasa ya mrembo wa kulia ama kushoto, baada ya yule mtu kuajiriwa na kupewa ile kazi, mwishowe hana mwelekeo wowote na hana – wanachanganya kazi na siasa.

Upande wa agriculture – agriculture department ipewe uwezo zaidi, naona nchi yetu ya Kenya ni nchi ya ukulima. Maana ya kusema hayo ni kwamba watumishi wa wizara hiyo waweze kufikia kila mkulima na kuona kwamba kila sehemu ya nchi imesitawishwa. Nchi ya Kenya, sehemu moja ya nchi, ni kwenye mirima, nina sema hayo kwa sababu kuwa sehemu ya Miruko, imeshanda na maji ya mvua, ningeonea kila shamba ambalo liko kwa muinuko, iwe lazima kuchubwa mitaro ya kuzuia maji ya mvua. Kwa ajiri watoto kazi za majeshi imekuwa vingumu, mtoto wa masikini kupata kazi hata ikiwa amehitimu kwa vyevyote vile. Kuzuia hayo yote, na kuweka sawa ni kwamba kutangaza zile nafasi na hapo wanapositahiri ile nafasi itumike na ballot papers kwa kuwa kila district itajua nafasi za kazi – zilizopeanwa na itangazwe hadhalani.

La sita – kwa kazi ya chief, ama assistant chief, huyo mtu elimu yake isiwe chini ya kidato cha nne ama zaidi. Maana ya kusema hayo, ni kwamba, yule mtumishi akienda transfer mahari pengine, ataweza kuajiriana na office na watu wa eneo

analowakilisha. Kwa kwend transfer, kutamfanya awe na maarifa ya kazi na atofautishe siasa na maedeleo.

La saba – kwa kukabiliana na waalimu, iwe ni lazima mwenye gari njiani apeane msaada kusafirisha mharifu, kuelekea kituo cha police.

**Comm Ratanya:** Benedict jaribu usermalize, usiendeleo kusoma memorandum soma point point ndio umalize na dakika ile umepewa. Umebakisha dakika moja.

**Benedict Karau:** Mkosaji apewe nafasi ikiwa gari inaelekea kituo cha police, kwa kurahisisha mambo kuhusu ndio tukabiliana na walimu.

Kwa upande wa biashara - maduka waandike orodha ya bei

Mtu mmja na kazai moja.

Sababu ya hayo, akiajiriwa kazi na apungue biashara, inaonekana kila wakati akili yake yote hufikiria ile biashara yake.

Kuzuia mchanga iwe ni lazima, sehemu ya nchi ile yenye muinuko iwekwe mitaro ya kuzuia maji wakati wa mvua na kwenye hio shamba, mwenye shamba apate kitu kidogo kwa sababu ile sehemu ya shamba, hataitumia tena na hatazuia maji. Kazi za serikali zigawanywe sawa kulingana na district ama talafa na zipeanwe kufuata ballot papers. Watumishi wauma waweke uniform kila siku za kazi. Asante.

Nashukuru sana, Bwana Benedict – peana karatasi yako yapo na tena twende sasa kwa Isaak Kubai.

**Isaac Kubau:** Asante sana wenzangu, yangu ni machache tu *(end of side A tape 1)*

**Side B starts** .... Ati kama anarushwa tafadhali ndio wakuwaua watu, Mtume Paul alisema, \_\_\_\_ (inaudible) hadhalani, watu wakiona, ili waogope katika kitabu cha Timotheo wa kwanza mlango ni wa tano ishilini. Huyu mtu akipatikana na rushwa ahukumiwe miaka saba bila fine ili wengine waogope.

Point ya pili, tafadhali daktari, akitaka kufungua clinic na ameandikwa na serikali tafadhali aresign kazi. Ile kitu inashangaza ni kuimba madawa ya serikali, tafadhali resign ili kufungua clinic na kwendelea na biashara zake ni sawa sawa.

Point la tatu, Sheria, ilipoondolewa na bwana Njonjo, irudishwe, tafadhali, hio mzigo vijana wanapiga wazazi kuwadunga mimba inaharibu nchi hii yetu. Vijana walio hapa wacha twendeleo kwa ulekebishaji wa katiba, hiyo jambo, linaumiza wazazi sana na kuwapiga mizigo mizito mizito, hata sheria ya Mungu inasema. Kila mtu akifanya jambo kama hilo, amuo huo msichana ama akikataa atoe kitu kidgo kwa kusimamia human total. Hiyo ni amri ya mungu au sheria ya mungu katika kitabu cha kumbu kumbu la tolati 22: 28. Mpango wa mungu mwenyewe, usingatiwe Kenya imbalikiwe na mungu.

Fungu la nne, conmen tafadhali hawa ni kama wezi, wasitakiwe kotini, na kufungwa jera bila fine ili watu waogope kuimba hao

wengine na kunyang'anya mali yao. Yangu ni machache, na tukifanya hivyo kukomesha rushwa, unawai yaani hawa kukomeshwa na serikali bila shaka Kenya itaenelea kwa njia nzuri tena itabalikiwa na mungu. Amen

**Comm Ratanya.** Asante sana Isaak, kuja Isaak andikisha majina yako. Asante sana kwa hayo maoni bwana Kubai nataka sasa twende kwa Peter Gicheru.

**Peter Gicheru:** Jina langu ni Peter Gicheru, from Paradigo Group, The contents and the character of the constitution.

That the constitution should uphold the principle of separation of power among the various hands of the government and effectively limit and check the powers of the President.

That the constitution should be written in simple language and should be translated into various languages of the ethnic communities in Kenya.

That nobody should be above the law. Everyone should be subject to law equally.

That the constitution must be firmly protected from the arbitrary amendment.

That any fundamental amendment of the constitution must be subject to national referendum.

That the new constitution must uplift national harmony and sustain a stability based on the billboard of social justice and respect for the individual life of every Kenyan in respect of rape, ethnic, economy and social studying, age or gender.

The other thing – divisive policies, and practices such as the quarter system should be abolished.

That the constitution should be readily available to the citizens. Rule out of possible outlets such as book stores, used new stand an public libraries.

That the protection of the fundamental human right of the citizen be cornerstone of the new constitution but the new constitution should retain unitary system of government in Kenya. In this regard the majimbo system of government must not be permitted.

That the new constitution should review the land laws and finish system inherited from the colonial government, or at this, all illegally acquired land should be repossessed and installed to the people.

That the new constitution should limit the maximum amount of land in any one individual or company can go with.

That education should be free and universal for every Kenyan.

That the new constitution should pre-empt nomination of any person rejected by the electorate or as member of parliament or a councilor.

That the functions of provision of resource of local services be developed from the central to the local government authorities.

That the new constitution should ensure that every Kenyan is guaranteed ownership of piece of land in the country.

That the appointment for civil service should be based on merit and not on the basis of political influence.

That the new constitution must pre-empt the increasing of Presidential portraits on currency.

**Comm.** Peter wakati wako uko karibu kuisha, just summarize please.

**Peter Gicheru:** In laws demanding display of residential portraits.

That the new constitution should make defecting MPs (*not clear*)

That the creation of the district on tribal basis should be privated in the new constitution.

That the colonial \_\_\_\_ (inaudible) system in administration should be abolished.

That the new constitution should aboard and promote gender equality in public services.

That the new constitution should have a board an dpromote affirmative action on citizens with disabilities.

That's all

**Comm. Ratanya:** Okey asante sana Peter. Sasa peana memorandum yako peter na uweke sign. Anayefuata ni Michael Nguru

**Michael Nguru:** Thank you commissioners and the audience. My name is Michael Nguru, a retired teacher and businessman. My view to the constitution review.

1. The road- from Meru to Mikinduri to Maua, should be tarmaked.
2. The Kenya judiciary should be independent. Advocates and judges should be appointed by parliament not President.
3. Ministers and Assistant Ministers to be appointed by President but their names should be presented to the parliament for approval or refuse some of them who are corrupt.
4. Electral commissioners to be appointed by parliament not by the President.
5. The symbol of Jogoo to be removed from all crowns which are worn by the Assistant Chiefs, Chiefs, Police, Army, and Courts of Arms in the courts because this is a symbol of political party.
6. MPs should attend the sitting of parliament for 5 days not 3 days as they are this day.
7. Those found corrupt should not be made to be assistant ministers or elected as MDs or any top post in the country.
8. Every President serving in Kenya should serve for 2 terms only, whether he is an angel or not. After somebody has been appointed as the President should vacate the or leave the chairmanship of the party. He should have no party when it comes to a President because we don't want to hear the President saying that this is her sole of such a party this or that one. He should be the President of the public not for the party.
9. After the appointment of the Vice President by the President he should send that name in the parliament for approval by the parliament.
10. Tha administration officers, (*cassette not clear*) DOs, or PCs or anybody else should be appointed the real cool hearts not political servant to serve MPs.
11. Somebody rejected by public when seeking for the seat in parliament and fields should not be appointed department or few jobs in the government. That is all what I have.

**Com. Ratanya:** Okey, thank you very much Bwana Michal for being able to keep time also so present your memorandum and sign on our register. Tarasisi Mutua ni wakati wako sasa.

**Tarasisio Mutua Alaya:** Asante sana commissioners. Mimi naitwa Tarasisio Mutua Alaya. Yale mimi nataka kuchangia katika hii katiba, nituwe na free education katika Kenya.

2. Tuwe na hospitali ambaye ni ya bure kwa sababu, katika hii Kenya tuko leo tunaona vile wananchi wanaangamika.
3. Tuwe na serikali ambaye ina msimamo kamili, sababu ya kusema hii ni kwamba, hii serikali tunaye siku ya leo, ilikuwa na Nyayo Bus, compact moments kama maziwa ya shule, na hii yote imeanguka. Kwa hivyo ningepomba, ile serikali tutakua naye hapo nyuma, iwe serikali ambaye ina msimamo bora.

Nitasimamia hapo, kwanza kuna hii mambo ya rushwa, ile kitu kimeangamisha hii Kenya yetu leo, ni hii mambo ya rushwa. Na serikali ikiangalia mambo ya rushwa sana, Kenya yetu itakuwa Kenya mzuri. Hio ningepomba serikali itakayekuja iangalie maneno very well.

Ingingine ni habari ya Njirincheke. Unajua wazee wa Njirincheke ndio walikuwa wanalinda hii nchi yetu. Mambo ya Njirincheke iwekwe mahanani sana, sababu, hata wakati mkoroni aliingia hapa, alikuta wazee wa Njirincheke ndio walikuwa wakipeana mawaidha hapa na hata sasa, ndio wanaangalia habari ya nchi hii yetu, habari ya Njirincheke iwekwe maanani na serikali. Asante sana.

**Com. Ratanya:** Asante sana Tarasisio, Ninaona hapa tuna mjube wetu, Honourable Mathew Adams Kalauli na alikuja hapa kitabo na pengine angetaka sasa kutoa maoni yake. Honourable Mathew Adams. He is gone down. The next one is Julius Kibutha.

**Julius Kibutha:** Asante sana commissioners, constitution review memo ile niko nayo, kwanza nitaanza na land ya Julius kibutha ndiye secretary wa DP hii branch.

Habari ya land – examine and review the place of property and land rights including private government and trust land in the constitution framework and the law of Kenya and recommend improvement that will secure the fulfillment employment of land and other property rights. The issue of land in Kenya complete and adequately addressed, “Land is part of Kenyas National Heritage and should be used to promote the countries in debts and the welfare of citizens”. The meaningfully and death land issues which have not been addressed in the past, and addressed a margin questions on land continuously, I now propose that the formation of permanent land commission with \_\_\_\_\_ (inaudible) to manage the public land in memory of \_\_\_\_\_, government land and mineral resources.

To place or investigate first allonation of public land and trust land with power to repossess or order compensation for land that was unlawfully acquired or acquired through corruption (*interruption*)

**Comm:** Hold on, hold on please, could you kindly give him a chance to speak. Tumpe furusa kama tulivyowapa wengine,

ndio tuweze kumsikia. Au si sawa hiyo. Asante.

**Kibutha:** Asante, to place or investigate first allonation of public land and trust land with power to repossess or to order compensation for land that was unlawfully acquired or acquired through corrupt ways on contrary to public intereste.

To provide future allonation of public land for private use.

To review and assess government application for compulsory acquisition of private land.

To consulate compensation and market value of any private land i.e compulsory acquired.

Oversee the management and allonation of trustland by local authority. In colonial times, section 75 talks of right to property on which when we want to possess a land it is between willing buyer willing seller. This should be amended.

Cash crop – on the side of agriculture, the constitution of Kenya have put Miraa growing under agriculture act because the crop which grows in the district, with the three constituencies in the margin scale has created job opportunities. It covers more than 42, 50,000 hactres and earns government about 100 to 150 million every year untaxed.

Taxes – taxes earned from cash crop in this area does not come back to develop the area again. Once taken by the government it goes to develop other areas for example, by tarmaking arid as an arid areas where cash crops does not grow.

Employment – employment and salaries, once one is employed, he or she should be satisfied and stick to one man one job only and when somebody is employed, he should not be seeking elective posts in other areas so as to create jobs for others.

Salaries – A commission of labour ministry should be formed to be dealing with salaries only so that one cannot be getting one million shillings as salary in a month and others live on 500 or 4000 per month.

Rights of women – Kenya board of rights, dean of rights does not contain international development in the area of women rights. Outdated common wealth customary wealth and culture practices are rationalized, the approach on women and deny their basic human rights, I believe that human rights are human rights. The right of a human be very clearly sort in the constitution. All international issuements for the protection of women rights to which Kenya is ignortary, example, a union confention, elimination of all forms of discrimination against women be incorporated in the domestic law of Kenya. The human rights and the gender commission should be in jointment develop a comprehensive policy on protection and promotion of women rights including the jury of all oppressive laws in the judiciary.

To lake, compensation and market (*noises – not clear*) customary practices example the circumcision of women and teenage marriages.

**Comm.** Just summerize that:

**Kibutha:** I now propose that one third of cabinet members in parliament and councilors should be willing. That's all

**Com. Ratanya:** Asante sana Julius Kibutha. Sasa tunaenda kwa anayefuata ni Peterson kanyi.Nataka kuwakubusha tulisema

ni dakika tano, unakaa kwa hio dakika mpaka sasa wale wametupatia maoni yao wametumia masaa kweli kweli na hiyo ni sawasawa. Kwa hivyo twendelee hivyo.

**Peterson Kanyi Murungi:** Asante, Mumeabiwa mimi ni Peterson Kanyi Murungi.

1. President should not be above the law and should be a professional by academic and not by merit.
2. Ministers should be professionals as well by education and not by merit as well.
3. Judges should be appointed by the National Assembly and not by President.
4. Women should be given one third of National Assembly representation.
5. Women should be allowed to inherit their parents property.
6. There should be free and fair education in primary school countrywide to eradicate illiteracy.
7. There should be no cost sharing in government hospitals as the common mwananchi as the common man pays taxis.
8. Public funds embezzled, or misappropriate of public funds should be sacked, prosecuted, and their property be taken by the government and not transferred from office to office.
9. Undemarcated in land cases should be settled by clan elders and not by chiefs or assistant chiefs.
10. Demarcated lands should not be transferred from place to place.
11. DOs, chiefs, and the administration police should not set kangaroo courts. Once they arrest somebody, should be taken to police station immediately.
12. Once the head of state retires from the office, he or she should not remain chairman of any party or his party.
13. Any government officer found to be corrupt, should be sacked, and be prosecuted and his or her property taken by government.
14. \_\_\_\_\_ (inaudible) should be given some special representation in the National Assembly.
15. There has not been a Kenyan of two citizenship.
16. If the President is unable to perform his or her duties, his or her office should be taken by the speaker and not by Vice President.
17. Judiciary should be independent and not big or owned by assistant government officials.
18. Single mothers' children should be taken care by their fathers.
19. Chiefs and Assistant Chiefs should be elected by the residents and once they like them they stay up to their retirement age.
20. The commissioners should not be appointed by the President but by National Assembly and the appointing should be open to all wananchi simply because we are tax payers.
21. The death penalty should be emerged in our country for criminals like robbery with violence, raping, murderers, and drug traffickers.

**Com.:** Jaribu kumaliza sasa

**Peterson Kanyi Murungi:** Nimemaliza.

**Com.** Ratanya: kuna swali goja kidogo.

**Com. Abubakar Zein:** You recommended that small ethnic communities should have special representation in parliament, how do you define a small community?

**Peterson Kanyi Murungi:** There are some communities like Ogiek and some other tribes.

**Com. Abubakar Zein:** Will you define it by numbers or have you ever heard of the Omunyo yaya? They are population or low population? We should define them by how many they are? Nasema, tutajua je, hawa ni wadogo na yule ni kubwa?

**Peterson Kanyi Murungi:** I think the government has got its studies.

**Com. Abubakar Zein:** Kwa hivyo tutumie wingi wa watu?

**Peterson Kanyi Murungi:** Yes.

**Com.:** Kuna swali ingine, hapo, there is a place where you have talked about single mothers and their children, that was not very clear, can you clarify?

**Peterson Kanyi Murungi:** I'm saying that single mothers' children should also be taken care by their fathers i.e not the care of, for example, my daughter has got a child of somebody who has not married her, so I'm saying that child should not be taken care of by the father of the girl but the man who has *(laughter)*

**Com.:** Daniel Ntolimulo, endelea Daniel

**Daniel Ntolimulo:** Asante sana, kwa kuwa hapa na kuhusiana machache juu ya land. Mimi kama chairman wa land hapa, naonelea, wakati upande wa land wengi walikuwa wanapenda land iwe kama shamba ya kulima, hawakuwa wanapenda mambo ya mashamba ya malizike. Mimi naonelea, ingefaa land iwe iwekwe ile inaitwa trust programme, kukiwa kuna watu wanapenda kupima mashamba, yawekwe na watu wengi ili mambo ya land yamalizike kwa haraka watu wapatiwe title, sababu kuna pahari ingine watu hawapendi kazi iendelee. Wanapenda wawe wakikaa kwa mda mrefu kurudia kazi ili labda, mpaka wawe wanapata retire waache mashamba yakiwa namna hiyo. Kwa hivyo, naona kukiwa kunaweza kufanywa trust programme watu wapatiwe title ingeweza kuwa vizuri sana hata watu watapata nafasi ya kutengeneza mashamba yao. Mimi sina mengine ni hayo. Asanteni.



**Com. Ratanya:** Okey, nashukuru sana Daniel, sasa needa hapo uandikishe, uweke sign yako, tunaenda kwa Mugambi Ntongondu. Ni wewe Mugambi? Ketu na useme jina lako.

**Mugambi Ntongondu:** My name is Mugambi Ntongondu and I'm representing \_\_\_\_\_ (inaudible) group. Basi nitasema, I will talk about constitutional supremacy and I have only two points on this one. In Kenya the current constitution allows parliament to amend any part of the constitution by 65%. I would like this one changed to read 80% in the constitution in order to change our constitution we should have a vote going up to 80% not 65%.

In order for any of our Member of Parliament to have a fair representation on the people it could be better to introduce better power whenever voting is being done in parliament. I tend to mean that if an MP represents quite a number of people, his vote should not be taken like the one of a member of parliament who represents just a few. His vote should be given some veto power.

I also talk about citizenship – evidence of a Kenyan citizen, one should produce our identity card, we should prefer the identity card to be computerized and the computer to be introduced in all the police stations.

I first talk about defence and national security. In our current constitution, defence is left only to the presidency. I tend to think or we tend to think this one is very dangerous. Defence and national security should be the responsibility of a number of organs namely, executive, independent armed forces, parliament and in this case parliament should be independent from the executive. And in defence, parliament should be set to have constitution guideline that should be followed in emergency season such as war, national disaster, and breakdown of public order. On defence again, our armed forces should do away with sweeping of Kenyans unless they are engaged in a suit out.

I will talk about political parties. We tend to think that the constitution should make it possible for political parties to be financed by their public funds. The terms of financing the parties, should be in respect with the number of elected MPs which party has.

On political parties again, the constitution should see to it that the political parties and the state have a good relationship. Parties which fail to capture any seats in parliament can be allowed to participate in politicizing but should not be financed.

I will talk about structure and system of government. Our system of government has powers based on the presidency. We tend to think that parliament should be given some more powers rather than vetting on the powers of the presidency.

## ***Tape 2***

I will talk about the Legislature. We think legislatures would be independent from the executive and from the parliament as well. It should be fully independent. On Legislature, the language tests required for parliamentary elections are not sufficient. We tend to think that all persons wishing to contest for parliamentary seat or presidency should be holders of degrees from

recognized universities. Moral ethnics should be introduced while electing our MPs or nominating them gender sensitivity should not be an issue. Qualifications should be the factor only.

The constitution should prohibit the President from having the powers to get all the legislature or legislation passed by parliament. Parliament should be the only law maker, and if it makes laws, the President should not have any powers to overrule.

I will talk about the executive. The President should be between 30 and 70 years. Not less than 30 not more than 70.

On judiciary, judicial powers on the state should be left to the court. The constitution should ensure that all people having access to the court by making laws attaining to this.

There should be no constitution rights

**Com. Ratanya:** So, I will give you one more minute, try to summarize, you will hand in your memorandum later so there is no need of going through it. Just highlight the main points there is no problem.

**Mugambi Ntongundu:** On local government, the operations of the council should be independent from the central government.

The current future terms for the leaders and the council chairmen are not adequate, we tend to think their terms should be just like those ones of the other serving MPs i.e 5 years. There should be a minimum education qualification for councillors, a form 4 educational qualification should be made wonderfully. The requirement of passing \_\_\_\_\_ (inaudible) when vying for local government is not adequate also apart from form 4 education requirement all aspiring candidates should have some sort of training and having adopted the education qualification, we don't think we should have nominated councillors in our councils.

I will talk about electoral systems as well. *(time finished)*

**Com. Ratanya:** Asante. So you can hand over your memorandum and sign our register. The next one is Rebecca T. Nguruma. Rebecca yuko karibu? Next one William Mugo.

**William Mugo:** Asante sana. Jina langu ni William Mugo, na katika hali ya kulekebisha katiba, ni na point ambayo ninaiweka kwa ajiri ya President. Ningependelea President awe ako katika umri wa kutoka miaka 40 kwenda juu.

Ya pili ningependelea President awe si mtumishi wa chama cha kisiasa ili aweze kutumikia wananchi wote wa Kenya akiwa President wa Kenya lakini sio President wa chama fulani kama ilivyo wakati huu. Ningependelea President akiwa vile aweze kuchagua serikali katika bunge ambaye chama ambacho kitakuwa na wabune wengi, atakipatia nafasi ya kumpata Prime Minister wa kuifanya serikali. Ma-ministers wachaguliwe kutoka kwa vyama vyote ambavyo mbunge kulingana na wingi wa

wajumbe wake. Ningependelea vile vile President asiwe ni Member of Parliament ili aweze kuwa an control constituencies zote za Kenya bila kupendelea constituency moja ambayo anasema ni yake. Ikiwa hivyo President atakuwa ni mjumbe wa Kenya mzima na ataweza kuangalia masirahi yote ya wananchi wa Kenya. Na ningependelea katika hali ya maisha ya President, asiwe anapitisha umri wa miaka 70 akiwa katika kiti, ili apatiwe vipindi viwili peke yake, ya miaka mitano mitano na ikimalizika naye, alitae aende akapumzike kama watu wengine.

Na katika hali ya mwisho ya President, ningependelea awe hawezi kuwa above the law, awe ni kama wananchi wengine, akifanya makosa akiwa office ajihusuru ili aweze kupelekwa kotini mara moja. Ya pili ningesungumza hapa katiba juu ya wajumbe wa bunge ambao ningependelea wajumbe wa bunge, wakienda bunge kuwe na sheria ambaye italinda waliomchagua akiwa hafanyi kazi aweze kuondolewa mara moja hata kama miaka mitano hajjamalizika.

Ile ingine ningependa wajumbe wasipatiwe nafasi ya kucheza na katiba ambaye tunaitengeneza wakati huu, ati wakienda bunge kila wakati wanaibadirisha badirisha, ikiwa inataka kubadirishwa, iletewe wananchi wakubari mabadirisho au wakatae. Ningependelea vile vile kuwe na board ambaye intashughulika na hali ya wambunge isiwe kama vile ilivyo sasa hati wao wanajipatia mishahara million moja wakati mwalimju anakosa mishahara wa elfu tano. Ningependelea vile vile wambunge wakati wanapatiwa magari, wapatiwe magari rahisi rahisi ambaye haitatumia pesa za wananchi mingi sana wakinunuliwa Ma-range rover na ma-trooper. Wanunuiwe gari ambazo mwananchi wa Kenya ataweza kuidumu kuinunua. Vilevile ningependelea katika bunge letu lijalo wabunge wote, wawe wakiwatumikia watu na katika utumishi wao vile vile nao wapatiwe vipindi ambavyo wanaweza kukaa kwa bunge, nayo hiyo ni kutoka miaka tano hadi kumi na tano. Jambo lingine hapa, ningesema katika local government ma-councillors nao wanafaa waangaliwe na katiba mpya wapatiwe mishahara ambao wataweza kudumu na kuelimisha watoto wao maanake wakati huo anapatiwa sijui elfu kumi wakati mbunge naye anapatiwa elfu kama 500 na marupurupu juu yake. Ma-mayor nao ambao wanaongoza city zetu za Kenya, inafaa wawe wana elimu ya kutosha na zaidi wawe wana elimu kutoka ya university ili waweze kuendesha city zetu za Kenya na jia ambao ni nzuri.

Ma-councillors nao wawe ni watu ambao wana elimu ya kutoka form 4 ili vile vile nao wawe wakielewa ni wapi mambo yanaendelea. Katika utumishi, kusiwe na ugawanyishi wa majimbo katika nchi yetu ya Kenya, ili tuweze kuishi pamoja kama dugu lakini county councils zipatiwe nafasi yakutumia rasimali zao ili waweze kuwasaidia wananchi wa council yao kwa vile mapato wanapata kule.

Langu la kumaliza niseme wananchi wa Kenya katika katiba mpya waangaliwe maanake wakati huu wana shida sana na hizi pombe za kienyeji, wana shida kwa kunya pombe za kienyeji na kushikashikwa kila siku, katiba iwaangalie kama ni pombe hizi za bei rahisi zitengenezwe kiasi ya ili nao waweze kufurahia kunywa kama vile matajiri wanafurahia kunywa chupa moja Hilton ikiwa inatoka shillingi mia tatu.

Na mwisho commissioners wangu, nimefurahi na ninashukuru ya kwamba, katiba mpya itaweza kusimamia wanakenya ili waweze kuishi kwa maisha bora. Asante.

**Com Ratanya:** Okey, nashukuru sana William Mugo, sasa peleka memorandum yako na usign register. Sasa ningetaka kuita Honourable Mather Adams karauri the MP for this area naye atupatie maoni yake. Mheshimiwa.

**Hon. Mathew Adams Karauri:** Asante sana commissioners, na wale wamefika hapa. Mi nafurahia sana kwanza kwa sababu katiba inaendelea kutungwa upya.

**Com. Ratanya:** Mheshimiwa, for the purpose of recording, sema jina yako wewe mwenyewe ili iwe recorded.

**Hon. Mathew Adams Karauri:** Kwa jina ni mimi ni Mather Adams Karauri, mimi ndiye mbunge wa Tigania East. Na sema kwanza nafurahia sana kwa sababu Kenya sasa inaangalia katiba yake upya. Ie katiba tulipewa wakati wa ukoroni, ni katiba ilipewa kila nchi ilikuwa kwa ukoroni wa mwingereza. Saa hii ndio tunaangalia wenyewe, ninafurahia watu wamefundishwa, wanajua katiba ni nini. Nimekaa hapa kusikiza na wananchi wanatoa maoni mazuri sana.

Kwanza mimi ningetaka, President, yule anataka kuwa President, atwambia ni nani running mate yake. Mambo ya President kuchagua mwenyewe Vice President sio democratic kwa sababu umefanya huyo Vice President huwa kama ni mbwa yake ambaye anafuruta pahali anataka kupeleka, ama kutukana hata kupiga, tungetaka wananchi wa Kenya wakati wa uchaguzi, wajue huyu ndiye tunachagua kama President na huyu ndiye Vice President wake, wakati anaketi bunge, wakati anaendelea kufanya kazi yake, awe anajua ameteuliwa na wananchi wa Kenya na hakuna cha kuogopa, haogopi atatafutwa kesho, iwe anajua yeye ana mamlaka kamili.

Ya pili, mimi naonelea ya kwamba yule atakuwa President wa Kenya, uchaguzi ujao na baada ya hapo, awe amepata kura zaidi ya 50% ya wapigaji kura wa Kenya wote. Mara ya kwanza tuwapigie kura hata wakiwa thalathini tuwapigie halafu baada ya week tatu, kama hakuna yule amepata 50% turudi kwa kura kupigiria kati ya wale wawili wa kwanza. Na hapo mtu akipigiwa kura na zaidi ya 50% anatakiwa awe amepigiwa kura na watu wote ukabira utakwisha. Lakini kwa sasa ni ukabila hata 1997 tuliposhida kama KANU, kura pengine tulikuwa na 40% am 37%. Sitaki iondolewe ile 25% mara ya kwanza, iwe pia ile ya province mtu apate 25% lakini wakikosa kupata ya Kenya sasa 50% ndio tunarundi kwa kura baada ya wiki tatu.

Ningetaka pia, senior appointments zote, ziwe za Ministers, Assistant Ministers, lakini tunasema baadaye mimi sina haja na Assistant Ministers na ningetaka kuwe na Deputy ministers. Kuwe hawa wakiteuliwa na Permanent Secretaries watu sijui wakulinda mzitu ama nini, senior appointments zote, zipitie bunge kama vile nchi zingine zinafanya hata jirani wetu hapa Tanzania, hata Uganda wanafanya hivyo, majina iletwe na watu wafanyiwe interview na bunge, waonekane kama wanajua kazi hio ama wanapewa kazi ambao hawaelewi uchumi iendelee kufloota.

Jambo la majimbo, mimi ningeonelea, majimbo sio mbaya, lakini kama kutakuwa na majimbo, lile jimbo, uchumi wake, na utajiri wake wote wawe wanakusanya uchulu wenyewe na serikali inatoa tu some percentage, yaani percentage kidogo, kama 20%

na ule uchulu wa jimba hilo kwa sababu kuna wakenya wengine wanafikiria majimbo ni kwamba pesa yetu ya kahawa, pesa yetu ya chai, itaenda kwao, hati serikali inakusanya 200 million, inakusanya kutoka wapi? Pale inakusanywa wabaki na pesa yao kila jimbo ilipe serikali kama ni 20% serikali iendelee na mipango yao na hio 20% na utajiri wa watu ubaki kwao ndio watu wale hawataki kuwa na bidii ya kutafuta pesa ya jimba yao wasigojee pesa kutoka majimbo mengine. Naunga mkono, mambo ya President kuwa anakaa for 2 terms only. Vipindi viwili peke yake kwa President kama vile Michae Nguru alisema hata mtu akiwa ni malaika akae vipindi viwili kwa sababu President hana power, mambo ya kupeleka msaada bunge mambo ibadirike, mambo ya kutengeneza mambo mengine ukipewa miaka kumi, na wewe ndiye unashikilia power ni yako, huwezi kuomba omba, miaka hiyo term mbili imetoshia.

Ingingine hii inakuwa controversial saana lakini mimi ni lazima niseme, na nimeamua nimeandika memorandum kwa kizungu nimeamua kusema kiswahili kwa sababu mimi ni mbunge wa hawa watu, wasiende kufikiria, pengine nilisema mambo ambao hawajui. Provincial Administration anamaanisha mambo ya assistant chiefs, chiefs, DOs, DCs, PCs, PO ni provincial administration. Mimi ningependekeza ya kwamba, provincial administration itolewe kwa kila sub-location watu wachagua watu kumi, watu watachagua chairman wao, watachagua secretary wao, hiyo ndio kamati sasa inalinda mambo ya usalama na italinda pia mambo mengine ya maendeleo. Na hii kamati, itakuwa ikikaa miaka tano, baada ya miaka tano wananchi wanarudi tena wanachagua wao. Na hii hufanyika kwa nchi zingine kama German na zingine. Na hiyo nafikiri ni democracy na kuendelea juu kidogo kama ni chief, ile kamati iongezwe iwe zaidi ya kumi, iwe watu ishilini. Wawe ndio wanalinda usalama na mambo ya maendeleo, wanasikiza mambo ya watu lakini juu ya hapo kunawezekana kuwe na DO, juu ya hapo kunawezekana kuwa na DC lakini sioni maana ya PC mwenyewe.

Mambo ya uchaguzi – kila wakati unafanya uchaguzi wakati wa mvua, na pengine imetengenezwa ndio wale hawana magari 4 wheel drive, hata kama wewe ni candidate huwezi kufika pahali pengine. Ukiwa Presidential candidate, kama huna dege huwezi kwend pahali wakati wa mvua. Tungetaka uchaguzi ufanywe wakati wa ukame, na sijui kama ni ukame kwa kiswahili kwa sababu sitaki kusema wakati wa jaa, nasema wakati wa kiangazi (*laughter*) na ningependekeza tukienda kwa uchaguzi kama mwaka huu, tujue baada ya miaka tano, tarehe tharathini na moja mwezi wa nane, baada ya miaka tano tutaenda kwa uchaguzi mwingine.

Ningependekeza pia, the elected members of parliament na councillors na mtu amependekeza hapa kusiwe na nominated naunga mkono, lakini kwa maoni yangu elected members of parliament na councilors wawe na haki ya kuita mkutano wa sehemu zao wakati wowote bila kwenda kuuliza DO ama Police ama mtu mwingine, bora wajue wana usalama, kama wanataka usalama wanataka usaidizi, ndio wataenda kwa police, kama hawataki usaidizi kwa sababu ya usalama, waendeleo na mkutano wao. Kama mtu amechaguliwa hakuna haki tena kuzuiliwa kuzungumzia watu wake.

Pendekezo ingine, ningetaka kuwe na pesa imetengwa kwa maendeleo ya constituency, tuseme 20% wa budget ya Kenya iwe ni pesa imetengwa kwa maendeleo ya constituency kwa sababu tumefanya harambee, harambee imefanya watu masikini, na harambee haifanyi hata maendeleo. Tumejidanganya inafanya lakini kama serikali ingetenga hio pesa, maendeleo ingeendelea zaidi kwa sababu hawa wazee na akina mama kila siku wanaitisha 20 shillings, mia moja, tujenge hapa, tuwe na pesa kama

hiyo.

Vote of no confidence – wakati bunge inapitisha vote of no confidence, kwa sababu bunge ya sasa huogopa sana, hata kama hawataki pengine President, ama Vice President, wakitaka kulete vote of no confidence katiba ya sasa inasema wote watoke twende kwa kura tena. Ningependekeza ya kwanza parliament ikipitisha vote of no confidence, huyo President pekee yake ndio a-resign, sio bunge yote, bunge iendeleo, na kwa sababu tutakuwa tumechagua running mate kama Vice President, achukue jukumu ya kuendesha nchi mpaka wakati wa uchaguzi. Lakini vote of no confidence iafecta President pekee yake yule mbunge itakuwa haitaki.

Hata pia napendekeza, mbunge iwe inaweka timetable yao na programme ya kazi yao, kwa sababu tunapozungumza sasa tunakuja, hatujui utakuja lini. Unaambiwa kuna watu wame-campaign mwaka moja, kuna watu wataendelea mbele. Tarehe ya uchaguzi isiwe secret, tuwe tunajua kutoka siku ya kwanza halafu bunge pia ina panga mipango yao wenyewe, sio bunge inayolishwa halafu inaitwa, wakati bunge inafungwa pengine huwa na mambo mengi sana na hakuna mbunge wa kuzungumza. Bunge iwe ndio ikienda rikisho wakitaka kurudi wanarudi.

Ningependekeza pia bunge liwe ndio linasema kutakuwa na ministries gapi Kenya, sio President huyu a pick anaweka thelathine mwingine anaweka ishilini, mwingine anaweka kama tuko sasa, permanent secretary mmoja, minister watatu, assistant minister pengine wane, tungetaka bunge iwe ndio inasema kutakuwa na ministries gapi na kila ministry iwe na minister mmoja, permanent secretary mmoja, na deputy minister mmoja. Hii kazi ya assistant minister ni ya bure. Kazi ya Assistant Minister ni ya kuchukua pesa ya wakenya bure, unakuwa na office, unakuwa na secretary, Assistant Minister ni kusoma barua zile Minister anataka akasome pahali lakini hakuna pahali ana-sign hapa hii imeenda hivi, kuwe na Deputy Minister, Minister na Permanent Secretary ndio uchumi uendeleo kuwa mzuri.

Ningependekeza pia, priority ipewe land adjudication and demarcation. Wakenya wawe na ma-title deed kwa sababu huwezi kuwa uhuru kama hatuna haki ya ile abuse tuko nayo. Hujui ujenge wapi, hujui uweka ng'ombe wapi, hujui ulime wapi, tungetaka kuwe ni ya mkenya kwa shamba ambalo ni lake. Na hiyo iwekwe mhimu kwa katiba.

Ningetaka kupendekeza pia identity card – ukitoa yako utaona ina picha yako, iko sub-location, ina location, ina constituency, hakuna haja ya kwenda tena, kutumia pesa kutafuta voters card, ID iwe ukiwa na ID kazi yako ni kwamba tu pahali unapigia kula na kujiandikisha na hiyo ID yako. Ie ingine kutumia pesa nyingi, hata ndio Kenya imekua masikini, unatumia pesa ambao hatuna haki hata ya kutumia. ID inatosha, kupiga kula ni kitaburisho, ina picture yako, ina kila kitu, ujiandikishe na hiyo ID kama mpigaji kura. Hakuna cha kutumia pesa sana kwenda kutafuta makaratasi mengine, ku-order sijui abroad, nini, ati ni voters card.

Jambo lingine, ningependekeza ni kwamba katiba ikubalie independent candidate

watu wanachaguliwa na party wanaambiwa huwezi kufanya hivi huwezi kuzungumza kwa sababu party hii ndio ilikupatia nafasi ya kusimama. Tungetaka, wakenya wawe na uhuru mtu akitaka kusimama kama independent candidate aende bunge akatete watu kwa sababu kila mbunge huko, anateta, na niwaambi hapa pengine wanachi hawajajua na ndio elimu pengine ile nyinyi mmfundishwa kuna mambo ingine imebaki kidogo kidogo, ukiwa mbunge sasa Kenya parliament imekuwa sue democratic, Minister hana uwezo kushinda mbunge wa opposition ambaye ni chairman wa departmental committee. Mbunge ambaye ni chairman wa departmental committee anasema ni minister na kamati yake, na wanamwambia tunataka ufanye hivi ni hivi ukitokana budget yako hatutapitisha. Kwa hivyo wananchi wakubaliwe pia wawe na independent candidate kwa sababu wakiwa wabunge watakuwa wabunge wao na watafanya kazi kama wabunge. Hayo ndio maoni yangu, sikuwa na mengi zaidi ya hao. Na nimeshukuru sana commissioners kufika hapa, barabara ni baya, na kwa elimu ningetaka pia, elimu ningeambia watu, area hii itaendelea kukaa nyuma wanafundishwa na watu wa siasa mbunge ndiye atajenga barabara. Kwa hivyo serikari haisikii uchungu – wananchi wafundishwe kweli kweli wajue haki yao, hati kama hawalaumu serikali kwa sababu ya barabara, serikali haitasikia uchungu, na barabar itaendelea kuwa baya. Lakini kama mnaona PC hapa, ama DO mnasema hii serikali imetupa sisi, hata kura hatutawapatia tena, serikali huko haitababaika mpaka wanafanya lakini kwa sababu wanajua ni mbunge, hawa watu akili yao, mbunge hajatengeneza, kwa hivyo hakuna mtu ana aja ya kutengeneza. Ni mafudisho mazuri lakini nashukuru barabara inajengwa sasa kwa sababu contract imepeanwa. Asanteni sana.

**Com. Ratanya:** Okey, asante sana mheshimiwa kwa hayo marefu kidogo, tumesikia maoni yako, na pengine utagoja tuone kama tuna lolote la kukuuliza. Sasa twenda kwa anayefuata Alois Gichuru. Sasa kwa masaa yetu, mnaona tumempatia mheshimiwa masaa kidogo hapo kwa sababu mengi yanaakirisha kila mtu, si ndiyo, kwa hivyo msilalamike hapo. Sasa twende tu kwa ule mtindo wetu wa time yetu, ili kila mtu awe amesema kitu tukifika jioni.

**Alois Gichuru:** Asante commissioners. Kwa jina naitwa Alois Gichuru.

1. Mimi ningependelea Katiba ifuatayo: Katika Kenya, ningependelea kuwe na Rais ambaye hayuko juu ya sheria.
2. President – ningependelea President ambaye hana uwezo wa kuchagua commission yeye mwenyewe isipokuwa parliament.
3. Rais akiwa na safari za kuenda nje, awe tu anaenda nje ile safari ambaye amekubaliwa na bunge, sio mapenzi yake.
4. Iwe Rais hana uwezo wa kuchagua watu wafuatao, hana uwezo wa kuchagua Chief Justice, Attorney General, Mkuu wa Majeshi, na chairmen wa parastatal bodies zote. Hio iwe ni kazi ya parliament.
5. Ile sheria ambayo inasimamia wizi, katika serikali, au katika makampuni, parastatal bodies, ikiwa mtu atapelekwa kotini, na anapatikana na hatia, kwamba alikuwa ameimba, na afungwe, baada ya kufungwa, lazima hiyo mali ambayo alikuwa ameimba, alipe au mahari yake inadiwa na serikali ikiwa inaonekana.
6. Kuwe kuna elimu ya bure kuanzia primary mpaka university.
7. Kuwe kuna free medical care. Hospitali ziwe ni bure kuanzia dispensary mpaka national hospitals.
8. Hakuna mtu yeyote ambaye anaweza kugeuza au kubadilisha sheria ambao imepitishwa na bunge.

9. Vice President awe anachaguliwa na parliament.
10. Barabara zile ambazo zinatengenezwa, na zile jia dogo dogo ambazo zinapitisha maji kado la barabara, iwe hakuna mtu au watu ambao wanaweza kufunga hizo njia ambao zinapitia maji hati kwa sababu ni shamba yake. Na ikiwa hio itapatikana mtu ameziba hizo njia, iwe atafungwa kufungo cha miezi sita bila fine. Asante.

**Com. Ratanya:** Asante sana Alois Gichuru kwa maoni yako. Kuna Stephen Miuki ambaye ni disabled, keti utupe maoni yako Stephen na uanze kwa kutwambia majina yako.

**Stephen Miuki:** My name is Stephen Miuki, katika upande wa wasiojiweza, sisi ya kwanza kwa mda mrefu wasiojiweza wamefinyiwa sana dani ya nchi kwa sababu tunasikia ati kuna misaada ambayo serikali inapeana, kuna misaada ambayo inatoka nje lakini mambo ya kusangaza ni ardhi hii, watu wengi sana wale wanaohusika hakika kwetu inakuwa wasiojiweza wengine ambao wanaojiweza lakini huko ni kujilaani wewe mwenyewe, ningependelea, we have a representative wa wasiojiwaza, kwa sababu kama mtu aliye na kidoda, hajisikii kama kudoda chake (inaudible) siwezi kumfikia hapo.

2. Tuwe tuwe na muakirishi ambaye asiojiweza ili ule uchungu anasikia hata mimi aweze kunitetea kwamba ana huo uchungu.
  - 3 Sisi kama wasiojiweza, ingepedwa kuwe employing sector ningependa serikali itenge department yetu ile hai\_\_\_\_\_ (inaudible)kwa sababu wale watu wanaojiweza kama sasa tunashidana na wewe na mimi sijiwezi, hata kama ni kukimbia 100 meteres, mimi nikianza mkilingo wangu bona umechapiwa kitabu ni kucheka tu unanichekelea. Sasa ningelipenda tuwe na a private sector of employment in the disabled of the country.
  - 4 Katika upande wa economy, ningelipenda, upande wa wasiojiweza sisi tuwe tukijadiliwa mjadala wetu katika economy ili serikali iwe ikipewa \_\_\_\_\_ yetu kulingana na national up to grassroot. Wanasema upto grassroot kwa sababu kuna wasiojiweza wengine ambao hata hawawezi fika hapa niko.
  - 5 Ningetaka kuwe na kamati maalum ya kuanzia grassroot ya kujua wale wamelemewa kabisa kwa sababu wengine hawawezi kuamka, wamelemewa kabisa hiyo kamati iwe ikihudumia waku hao kwa sababu watu wengine sana wasiojiweza wamesahaulika katika mashambani, kwa hivyo ningetaka tuwe na kamati maalum ya kujulia watu hao wale wako wanasaidika na jia ile wanasaidika nayo.

**Com. Ratanya:** Umemaliza Bwana Stephen? Asantesana kwa hayo maoni yako, ebu muonyeshe pale anaweza kuweka sahihi yake kwa register yetu. Asante sana Bwana Stephen. Sasa twende kwa Veronicah Warukia. I'm sorry, Isaiah B. Ekenyi, Jimmy muketha,

You are jimmy kwa hivo. Is it memorandum or oral presentation. Baasi endelea.

**Jimmy Muketha:** Jina ninaitwa Jimmy Muketha, mimi niko na maneno machache tu, kwanzani maneno ya executive.

Our constitution should give qualifications for a President.

A President should be a university graduate presumably a masters degree in social sciences, or political science, or economics.

Nothing nothing should be substituted with a university degree, hakuna kitu inaitwa equivalent, lazima iwe ni degree ya university



not any other thing because advertisements unaona or equivalent.

The President should be above 35 and 65 and be married. A President who has divorced his wife should not be a President of Kenya because that is a bad show to the public. He should be a good Christian or a Muslim and should clear his name, he should be an elected MP of political party and should not be an ethicist. The Presidential powers should not be above the law. The present powers of the President are that of a dictator. A President should declare a Vice President as his runmate in a general election. And the Vice President also should have the qualifications of that of a President and should – they should all score 1% of the total votes cast in the republic of Kenya.

The Presidential terms should be 2 terms of 5 years each and after attaining two terms, the President can be pensionable but if he does not get 2 terms of 5 years each he should not be pensioned.

The President should not be above the law and should be executed if he commits any type of an offence when he is in office.

He can as well be removed by parliament and by the 25% of the MPs voting against him.

Members of Parliament - the qualifications of members of parliament should be almost equivalent to that of a President and he should serve for only 2 terms of 5 years each and be pensionable if he completes the two terms. An MP who is not elected for two terms is not qualified for a pension.

Members of Parliament can be recalled by their constituents and by an order of court.

MPs who defect from their political parties, the other parties when their term of office is not over should not be allowed to contest under election.

The MPs also who disavow their party, should not be allowed to stay in parliament as orphans and they should not be allowed to contest a by-election at all.

No probation for the military MPs should exist in Kenya Parliament.

Local authorities: qualifications for mayors and county chairmen should be a university degree and nothing as equivalent.

Qualifications for councilors should be an O' level.

Chief officers of the council and the councilors should be paid from the government funds. All revenue collected from the council should be released to the local areas.

No local authority should be less than 7 councillors, or even more 25 councillors regardless of their size. The councillor can only be recalled by people by a court order. If we close in his favour. Voters who follow a motion in court to recall him to recall their calibers will be allowed.

Elections of mayor and council chairmen will only be done by councilors because if we elect the chairmen or the mayors in the district we shall create a big man whose authority will exceed like that of an MP or a DC, we cannot remove him if he does any misconduct.

The civil service, all the appointments of the civil service, permanent secretaries, Chairman of the parastatals, the Auditor General, the Commissioner of Police, the Chief of General staff and the Service commanders, the Director of intelligence, the director of CID should be vetted by the public service commission and approved by the parliament.

If you are a retired person, you should be re-employed again in Kenya in whatever capacity. Employment of civil servants

should always be advertised. No employment of expatriates should be made in Kenya unless such skills are not in Kenya. If so the said expatriate, who is to be employed should be approved by parliament.

Land and property rights – everybody in Kenya should own lands, the government should own land but not the local authorities.

NO citizen of Kenya should be landless, both men and women should be allowed to own land. There should be a feeling of land ownership not exceeding 1000 acres. A person having more than 1000 acres and which are not in live should pay some rates of the \_\_\_\_\_ (inaudible) land to the government.

Land adjudication committee, land control members, should have a minimum education of OP' level.

Education – education should be to all people in Kenya and all the university students should be granted loans.

Health – health should be for all people in Kenya and medical officers who own chemists or that is practice privately should not be in government employment. Thank you sir.

**Com. Ratanya:** Thank you very much Bwana Jimmy Muketha. Mwingine sasa in Maurice, Maurice Mwenda

**Morris Mwenda:** Thank you commissioners, wana committee, mimi nina mambo maine, Kwanza retirement age in Kenya should be strictly 50 years.

**Com. :** Hebu sema jina lako Bwana Morris

**Maurice Mwenda:** Maurice Mwenda. Age retirement in Kenya should be reduced to 50 years diposa watoto wetu wale wanaowacha shule waweze kupata kazi kwa urahisi.

2. Utawala wa mkoa uondolewe. Hawa watu wanasubua watu sana, kwanza kazi ya DO na ile ya chief. Na kama haitaondolewa chief ama assistant chief ni lazima wawe wanenda transfers kama wale wafanyi kazi wa serikali wengine.

3 Wale watu ambao ni wazee zaidi wale wamefika miaka 80 and above, wawe wanakuwa taken care of by the state kama nchi zingine tunasikia vile zimeendelea, hawa watu kuna wakati wanaju (*end of tape 2 side A*)

4. Tuwe na only two parties in kenya. Hizi parties mingi zinaconfuse watu sana.

Asante.

**Com. Ratanya:** Asante sana kwa hayo mafupi Bwana Morris Mwenda. Subiri kuna swali.

**Com. Abubakar Zein:** Bwana Mwenda, how would you arrive at two parties?

**Bwana Mwenda:** Nilisikia kama wingereza ama America wanazo - they have only two parties while in this country \_\_\_\_\_ (inadudible) na America kuna vyama mingi sana. Lakini tunasikia vile ni (*interruption*)

**Com. Abubakar:** vile vinavyojulikana ni viwili au vitatu lakini wana vyama vingi.

**Bwana Mwenda:** Lakini hii Kenya yetu bwana tunasikia kuna parties nyingi na zingine ni za kuuza. Mtu anatoa asante kwa kuuza.

**Com. Abubakar:** Imagine Bwana Mwenda, hao ni maoni yako, hatupingi maoni yako, tume haipingi maoni yako. Inasema tu ukituambia tufanya vyama viwili tu chini, utupe na pendekezo la njia, kama unayo sawa, huna, tutafuta

**Bwana Mwenda:** Mtafute mtafute vile itawezekana.

**Com. Ratanya:** Asante sana Bwana Mwenda, anayefuata ni Stanley Ntoiwathu, yuko?

**Stanley Ntoiwathu:** *Ariuga etagwa Stanley Ntoiwathu*

**Translator:** Anasema anaitwa Stanley Ntoiwathu

**Stanley Ntoiwathu:** *Ariuga enakugwirua niuntu bwa kukinya kwenu aja.*

**Translator:** Anasema, anafuraha sana kwa kufika kwenu hapa leo wakubwa wote.

**Stanley Ntoiwathu:** *Ariuga enakugwirwa taoria Jesu achirirwe Jerusalem.*

**Translator:** Anasema, leo ana furaha sana leo ni kama vile yesu alizaliwa Jerusalem

**Stanley Ntoiwathu:** *Kwou arina iuku kuma Alawi 19:32*

**Translator:** Kwa hivyo ana kisemo kimoja kutoka kitabu cha Alawi 19:32.

**Stanley Ntoiwathu:** *Itokosete mono niuntu Murungu ariuga tutigere Mkoro Uria na totikuthithia uu.*

**Translator:** Si tumekosa sana juu mungu amesema tuachie yule mzee na bado si afanye hivyo.

**Stanley Ntoiwathu:** *Nike tuthwere KANU?*

**Translator:** Kwa nini tunachukia KANU?

**Stanley Ntoiwathu:** *Ndambiririe na kiama gia KANU 1951.*

**Translator:** Yeye alianza kwa chama cha KANU 1951

**Stanley Ntoiwathu:** *KANU ni baba*

**Translator:** KANU ndiye baba

**Stanley Ntoiwathu:** *Niuntu tutikua KANU gitio itokuna wirane bwa Murungu.*

**Translator:** sababu hatuhesimu KANU tunafuja amri ya Mungu.

**Com. Ratanya:** Spoke to Stanley Ntoiwathu in *Com. Ratanya ariaria kimeru*.

**Stanley Ntoiwathu:** *Tuwee Munene uria wina Kiao kiri antu.*

**Translator:** tupewe Rais ambaye ana huruma na wananchi.

**Stanley Ntoiwathu:** *Tuwee Munene uria wina heshima kiri MaMP, baria bamuthurite.*

**Translator:** tupewe Rais ambaye anaheshimu wambunge, wale ambaye wamechaguliwa na wale amechagua.

**Stanley Ntoiwathu:** *Ariuga manto ja mbicha ya Munene, ithirwe iri na Mwanja kenda twathithia katiba injega tumenye.*

**Translator:** Anasema, na pia mambo ya pesa iwe portrait, iwe tofauti na ile iko, pia tujue saa ile tumejenga katiba tunajing' onga kwa hivyo tuandike katiba mzuri

**Stanley Ntoiwathu:** *Mwamba akaburaga na muchore nawe akaboraga.*

**Translator:** Mwizi anauawa na mtu akiwa rafiki yake bando anauawa.

**Stanley Ntoiwathu:** *Rutere rwa Security, kiri thirikari imenyere antu bwega nintu kwina ukiri bubwinge.*

**Translator:** Upande ya security, yaani serikali yatunza watu vizuri, security ni mbaya.

**Stanley Ntoiwathu:** *Mwiyia athithirwe untu buria bugatuma amenya ni akosete.*

**Translator:** Mkosaji achukuliwe hatua thabiti kulingana na makosa yake.

**Stanley Ntoiwathu:** *Miunda iewe title deed.*

**Translator:** Mashamba wapewe title kulingana na miaka ile itumika mingi watu bado wanapata title deed. Kwa hivyo iharakishwe, katiba ishughulikie hio maneno.

**Com. Ratanya:** Stanley umesema mashamba yalipewa 1966, yaani kutoka 1966 mpaka sasa hakuna title deed?

**Stanley Ntoiwathu:** *Anene bariendia miunda.*

**Translator:** Wanafanya biashara ya mashamba viongozi

**Stanley Ntoiwathu:** *Nkothiria.*

**Translator:** Nimemaliza.

**Com. Ratanya:** Asante sana Bwana Stanley Ntoiwathu. Sasa twende kwa mwingine anafuata ni Samson Mweteri, hayuko? Na Joseph Miriti. Joseph Miriti naona una memorandum kwa hivyo you only highlight the main points na utupatie memorandum.

**Joseph Miriti:** Thank you, my name is Joseph Miriti. Thank you Bwana Commissioner, The constitution of Kenya does not belong to the people.

The constitution of Kenya does not fit, it belongs to the people of Kenya.

The preamble does not reflect in aim of the Kenyan in the old constitution.

**Com. Ratanya:** Just a minute, I said you will not read the memorandum all through but highlight the main points for only 5 minutes.

**Joseph Miriti:** The constitution of Kenya does not replace people in (inaudible) all the people of the government. Infact the people does not mention anywhere in the old constitution that's why it will be amended.

The Surprising powers of the President – The arm of the government excuted parliament judiciary should be separated. Should have equal powers.

Clearly define and constitution by law, the power board should define, no one should be above each other.

The constitution is adequate and guideline and qualify elected President to be a Member of Parliament. Member of Parliament, councilors, they don't define qualification, when we are electing MP, councilors they don't define qualifications. They state clearly what qualifications somebody is in.

Attorney General who is appointee of the government legal advisers and also director of public constitution, it is gumbling possible for one person to perform those duties fully in partial. Determined by the private, prostitution should be done away with forthwith

Public constitution it can be either seem at the same time, alternatively the office of public constitution should create security to change prostitution. Attorney General could remain purely political appointee, he or she or government advisers. So the President appoint Ministers, High Commissioners, Attorney General, Police Commissioner, Army Commander, Ambassadeur, Head of parastatals, Chief Justice, judges, Parmanent secretaries, Provincial Commissioners and Assistant Ministers and chief of government officers which annually should be elected by the parliament.

The constitution should provide impartial President when he is \_\_\_\_\_(inaudible) through constitution provide inmoval from President in case of impatiaty mentally ill or physical disability where somebody is completely disabled.

The constitution of Kenya we want to create it could be health, good constitution, create love, peace justice, gospels, guarantee peace, national unity, integrity, public of order and safeguard well of all establishing democracy system of government dealt good governance the death law, human right, gender balances,

To abolish source, and then to review done equality.

To come to water, education, 8-4-4 should be abolished. No benefit to the people to make free up to standard 8 and start with \_\_\_\_\_ education system which was already mandatory. The government should supply district irrigation like lake Victoria, like all key rivers in Eastern Province, Tana River, Athi River, Ngeregua Sanyiro, Kabita all rivers to make irrigation so as to get enough food.

Drinking water – should be the light provided by the government. Government should set explosion waters in underground, electronic should be reduced.

Security- the constitution should guarantee security in Kenya because there is no security.

Citizens should constitution to your right to governor where they are wrong to accuse them.

Security should endorse police. Police should be trained well and secured and highly paid for security purpose always of \_\_\_\_\_ which is \_\_\_\_\_ in parliament.

Should be created public hospitals.

Food – we declare that the government that the government should have period of plan \_\_\_\_ in food. Proper food policies will be developed such as irrigations, such as cereal board should be banned and then another body to make food be stored for the country to benefit instead of begging food outside. Thank you Bwana chairman.

**Com. Ratanya:** Thank you very much Joseph Miriti. So the next one Benjamin Mwenda.

**Benjamin Mwenda:** Jina langu ni Benjamin Mwenda. Mimi nafurahi sana kwa kuona hapa na magari yenu kutoka huko huwa inaingia hapa kwetu. Ile mimi nasema, kuna mambo ambayo yametuharamisha mno kama vile ya mashamba. Hio ndio ya kwanza kwa maana mnafanyanga mchana. Siasa katika mashamba isiingie. Siasa katika mashamba si nzuri kwa maana inaharibu mwananchi wa kawaida. Kutoka 1913, mpaka wa leo kama wazee wetu walipeana mipaka ya Tigania ama mipaka ya Meru, na kwa hivyo watu wengi wanasema, mipaka inawekwa na wakoroni. Hapana, walipewa lakiba kamiri ya Njurincheke. Na hiyo mipaka imetusubua sana hadi za uongo kutoka kwa wanasiasa. Mimi nitakupatia kishemu fulani, nikienda huko bunge. Hata kama sisi watu wa Tigania tunapakana na watharaka hapa wanatengeneza siraha ya kupigana na watu ndio wawanyang'anye mashamba. Hiyo serikali, Iwekwe maanani katika katiba mpya.

Mambo ya education, tunataka free education kuanzia nursery mpaka chuo kikuu. Si mtu yeye anaandikwa anaajariwa na serikali halafu astaafu awa ana maana kuliko mtu yule ambaye haajaajiriwa na ni lazima ugongo ushughulikiwe kama vile wanashughulikia watoto.

Tukienda upande wa security, security ni mbaya sana katika wakati huu, mtu alinyang'anywa mali yake na yule mtu ambaye ananyang'anya hiyo mali ni mtu mkubwa. Baadaye, anaweka hiyo mali, katika shamba lake au kitu ingine. Yafaa huyo mtu hio mali anyang'anywe na serikali. Sio kufulahia mali ya mtu ambaye amesha nyang'anywa.

**Com. Ratanya:** Ebu jaribu sasa kumaliza.

**Benjamin mwenda:** Katika office ya President ni lazima kuwe na kitu ambaye yeye anaachiwa kwa maana mara ukimuacha mtu tupu, hakuna kazi itaendelea. Ni lazima upande wa utamaduni uachiwe kama President.

**Com. Ratanya:** Ok. Asante sana. Benjamin Asante, tutaenda kwa John msafa, lakini kuna Geoffrey, Karibu Geoffrey Taribu Mwirare yuko?

**Geoffrey Taribu Mwirare:** Yangu itakuwa oral, nitaanzia na gender quality. Sioni maana vile tunaambiwa kulingana na mira za kiafrica, wanaume watoshane na wanawake. Hio napinga kabisa katiba yetu isiwe namna hiyo, juu mfano, yule mwanamke anaolewa, halafu akuje kwenu, si we ndiye unaoa? Na yule naye sa tukitoshana, wanawake watoa sisi ama ni sisi tutawaoa? Isitoshe, mali upande wa mali kupewanwa, mwanamke akipewa shamba mfano, na akae kwao asiolewe, akiwa pale kwao, akipata bwana amuo, si huyo bwana anaingia family ya wenyewe? Hio sioni ikiwa mzuri. Wanawake wasipewe mali, ama wasipewe mashamba. (*noises*)

**Comm. Ratanya:** Niliwaambia kila mtu ana maoni yake, apewe hio heshima ya kusema maoni yake, nawee ukifika hapa utasema yako.

**Geoffrey Taribu Mwirare:** Wanawake wasipewe mashamba ama mali, Utelekezaji wa kazi, tunaanzia mashinani, division level, upande wa administration pia, inatakikana ipunguzwe mamlaka yake. Ichaguliwe, kuanzia chief, achaguliwe na wananchi, kuwe na wakamiti watu wa kutawala, sio serikali ituandikie watu ambao watatutawala juu sasa kuna kuwa kuna chuki kati ya chief leader na mwananchi mmoja kijijini. Hio pia iangaliwe sana.

Ya tatu, mali, utumikaji wa mali ya serikali, mfano ni selfish, mtu anapanda miti yake, saa ile unaenda kukata, na ulipanda peke yako, unapatwa na wengine wanakuja, mara kuna forest officer, ye hajui mali unatumia namna gani, na we ndiye ulipanda mti yako kwa shamba yako, Hiyo saa kutumia unaelekezwa vile utumie, sio vile unapenda. Sina mengine mengi, Mimi namalizia hapo.

**Com. Ratanya:** kuna swali gojea kidogo.

**Com. Abubakar:** Unasema wanawake wasiwe na haki ya kumiliki ardhi, wasimiliki hadi mahali watokako, wamiliki hadi za bwana zao. Na akinunua ardhi yake?

**Taribu:** Hiyo ni sawa.

**Com. Ratanya:** Mirungi Atunas, ni wewe?

**Mirungi Atunus:** Asante sana kwa mwenyekiti. Kwa majina naitwa Atunus Mirungi kutoka upande wa Ngania. Jambo langu nataka lisiwe maanane ni hii na zungumzia. Mara mingi tumesikia ya kwamba ati serikali inapeana masomo ya bure kwa wananchi na hivyo sio ilivyo. Kama upande wa primary school, tumesikia ati serikali ilipeana masomo ya bure na tukiendelea na haya maneno, tunaangalia pande ya waalimu wa nursery school wanalipwa na wazazi na hiyo inakuwa na shida mingi sana kwa upande wa wazazi. Kwa maoni yangu nataka kama mwalimu wa nursery school awe ameajiriwa na serikali na isiwe maanani kwa sababu, na akiajiriwa lazima awe na experience na qualification ya college kama waalimu wengine na awe ameajiriwa na serikali sio wazazi.

Jambo langu la pili, nazungumzia kuhusu hawa vijana wanaambiwa wanatia wasichana wa wenyewe mimba na wakawaacha. Ile jambo yani ninataka kusema hivi, kama vijana anaenda kwa mzee fulani, atie msichana miimba, na aende, serikali imchukulie hatua, kama ni huyu kijana akikataa kuoga huyo bibi alee huyo mtoto mpaka wakati umri wake ufike wa kuchukua kitambulisho.

Maoni yangu mengine mwenyekiti, nasema ya kwamba, twende upande wa uchaguzi, kama ni ile contact zinapeanwa kwa ukalabati, tumesikia ya kwamba pande fulani kuna ukalabati inafanywa na mtu fulani. Hayo nami nataka kuyatia maanani ya kwamba, mtu akipewa kazi ya ukalabati, awe na qualification ya kutengeneza hiyo ukalabati, sio experience ya pesa. Naona kuna wale wako na qualifications lakini hawana pesa za kwendesha hiyo nini

Jambo la tatu, nataka pande ya President, p

**Com. Ratanya:** Goja kidogo, kuna watu ambao wanapiga kelele huko nje, mnajua mkiendelea namna hio itaingia kwa record yetu hapa. Kwa hivyo mnyamaze. Kwa hivyo endelea Atunas.

Murungi Atunus: Kwa upande ya President, nataka serving President awe ako na sada ya degree na sio sada ya kupandikwa. Na upande ya bunge, mtu achaguliwe akiwa na umri wa miaka arubaine kwenda 75 na upande wa udiwani, local authorities, awe na elimu ya O' level na nataka ata wale ambao wamechaguliwa wakiwa chini ya form 4 wasiruhusiwe hata kuomba kula kwa uchaguzi ujao

Jambo lingine langu na la mwisho, naongea kuhusu hii mambo ya administration, upande wa chief, chief awe amechaguliwa na watu kwa mlolongo na awe amefikisha kiango cha O' level na pande ya serikali, askali akishika mtu, sio lazima aweke kwa kambi kwa sababu ako na mabrother, ashike mtu apeleke yeye kwa koti mara moja sio kuweka mtu kwa cell. Kwa hayo machache namalizia hapo.

Com. Ratanya: Asante sana Atunas kwa hayo machache. Sasa kuna Kobia Ritari Isaiah.



Isaiah Kobia Ritari: Thank you commissioners, my names are Isaiah Kobia Ritari. I am presenting this memorandum on behalf of Njurincheke and myself. In the first place Njurincheke is the custodian of cultural issues among the Amerus and we are proposing that in the new constitution like let Njurincheke be entrenched . There are basic rights we want to talk about.

1. Education: there should be free and compulsory education in primary schools not only free, free and compulsory. Secondary schools should be free. Also university.
2. Health care – After now many people are not getting proper healthcare, therefore this should be provide. The aged are not taken care of by anybody. The aged homes should be started in Kenya through the new constitution and this should be done through the taxation that is done in this country.
3. Majimbo and uniterly government. According to us if this country was disembered into majimbos, it will be just terrible because none of our kings in some of jimbos are extremely poor. Naturally the environment is cruel to them. Therefore we are proposing aunitary government to unite all Kenyans.
4. Provincial Administration – as per now we have PCs, DOs and assistant chiefs. This has almost become customary, we propose this the main but commissioners the constitution should give them powers that guide and council, not, they behave like governors, chiefs and assistant chiefs behave like governors not like people guiding people to end development at all.
5. The local government – the structure should remain that of municipal county council and urban council but what is very interesting is, the councils do not have any powers, therefore we are proposing the councils to be autonomous. The chief officers are more powerful than councilors, you will see them shouting councilors everywhere, so let them be, let the councils have the power to hire and fire not just council. Qualification for councilors should be that of O’ level for everybody – not those who have failed, those who have passed. Mayors and chairmen of county councils we propose that they be elected by the people not by the councilors because when they are elected by the councilors, that’s why they are joking around with them. If there should be nominations for councilors, special interest or special areas should be identified properly not to have councilors who are nominated to serve the party or the area MP, they look like employees as per now.
6. Parliament - the parliament of Kenya has as per now only the power to Registrate. They should have the following powers according to us.
  - (1) We peach a President, if the President behaves in unlikely manner or in a wrong manner, they should have power to throw him out and have another one and in this we are proposing that the presidency should be elected along with a runmate so that the Vice President may be powerful. Not just somebody who can be removed now and another one is replaced or we have a period without a Vice President in this country. That is just getting a rope around the neck. The judiciary, the judges I think they are only two judges in Kenya one who have not been appointed by the President. The judges should be appointed by the parliament. Administration of judges should be availed to the people right

from the local level upwards. As per now, the lowest level that we have emergency is DM man who stays at the constituency of 3 constituencies together, they should be brought up to the divisional level where this person will have held as also assisting him in cases that pertain to land, that pertain to local issues, especially marriage, land and other things. We had something to say about land, natural resources, environment, water catchment and this is what we had to say, in Kenya the government should not own, the government should be a trustee. One person should not be the sole authority to allocate land like the commissioner of land. This should be done by a land commission which should be permanently appointed. In local authorities, once they are autonomous they can also have, they can be trustees of public land like schools are built on and other institutions.

- (2) Forests – nobody is caring for forest as far as we are concerned, you can see our country is almost becoming a desert at the moment. The forest should be taken care of . A commissioner also should be appointed to take care of the forests because they are our water catchment. If we go at the rate we are going surely, this country is going to be a desert and a very dangerous one.
- (3) Conservation – we should have a commission to do this. To conserve and these commissioners should be qualified people, not people who do not know anything about conservation. Not people who do not know what environment is, at least people who are eligible, people who are trainable.
- (4) Boundaries - Commissioners, as per now, boundaries have become an issue, may be the current executive is using the boundaries to make different types (conflicts) these ones at times it has been given to Njirincheke to habitlate but when they reach a decision, the decision is never forwarded to the people, so the executive should be very serious with the boundary. They should take the recommendations by the elders and implement because it is implementation that is bringing the problems. We are saying currently the President of this country is very powerful, he should not be that powerful. The powers should be reduced, he should not be above the law, he should not be appointing all the arms of the government i.e permanent secretaries, judges, AG, Auditor General. These people should be appointed by the fundament which represents act.
- (5) The Regislature also should be given other powers apart from making the laws, we have, spiritual traditions in this country, as current constitution, commissioners tells us that we have freedom of worship, to worship who? If you meet even a person worshipping a tree, worshipping the devil, we have no authority to ask that person. So we are saying there should be freedom of worship of the living God not all the gods, Kenya is a God-feareing country and as such we should have freedom of worshipping the living God. We came to the tenure of office for the President and the MPs. This should be the same through termsof 5 years each, the President and the MPs. Because where people have served very long, they miss the work to do and start declaring themselves tribal kings. If yo go everywhere we have tribal kings and I think this can be limited commissioners by limiting the time for the MPs.

That's all I have to present on Njurincheke and on my own behalf.

**Com. Ratanya:** Thank you very much Isaiah, just hold on incase we have anything to ask for clarifications. Bwana Isaiah Kobia, asante sana kwa hayo maoni yako ambaye ni ya Njurincheke, na tumefurahia. Asante sana.

Hapa kuna watoto wa shule tungetaka kuwapatia kila mmoja kwa sababu ni wengi na maoni yengi ni mengi, karibu. Na wanarundi kwa masomo saa nane, na nliwapatia dakika chacke kama dakika moja moja hivi, so we want wamalize haraka twende. Caroline Wanjiku.

**Caroline Wanjiku (Mukinduri Pry Sch.):** My names are Caroline Wanjiku from Mukinduri Primary School, I'm presenting this few points on behalf of the children.

Let the commission be formed to take care of the parliament whenever some motions are never fully supporte due to some individual interest and take care of nagurated areas e.g. sharing of the national resources. Thank you.

**Com. Ratanya:** Asante sana Caroline, that is a memorandum being presented and I think it is very good. Mwingine. Kwa ufupi unapeana memorandum yako. Start by telling us your name.

**Linda Muthoni:** Thank you our leaders, my names are Linda Muthoni from Mikindu primary school. I'm presenting this points on behalf of the children. I would like our new constitution to take care of the education such that it should be offered freely from the pre-school up to form 4 level. The parents should be given chance to pay and take care of physical development. In the schools, if not fully, the fee should be affordable by the common parent. Thank you.

**Com. Ratanya:** Asante sana Linda, nataka kuwakubusha hata wengine, hio ndio njia nzuri ya kuleta memorandum. Unasoma, maandishi yameandikwa na tutasoma. Highlight and then give others chance. Asante watoto wa shule , Sasa ni Shabana Azizi. Sema jina lako.

**John Mwende:** Thank you our leaders, my names are John Mwende from Mikinduri primary school. I'm presenting this few points on behald of our children.

Our new constitution should take care of university students and all should be given busary or loan equally of which they should be made to pay after their employment. Thank you.

**Com. Ratanya:** Ok. Asante sana, useme jina lako kwa sababu pengine hamfuatani kama list yangu, sema jina lako.

**Shabana Azizi:** Thank you our leaders, I'm presenting this points on behalf of the children. My names are Shabana Azizi. We need a government of national unity whereby the education is promoted to the public. The councilor should be learned today at least a form 4 graduate to enable them feel the aspects of education in the community.

**Com. Ratanya:** Thank you very much Shabana Azizi, mwingine kwake.

**Shalon :** Thank you our leaders. My names are Shalon (inaudible) from Mikinduri Primary school. I'm presenting these points for the behalf of our children. The national youth should be reflected in the new constitution when sharing the national cake. This should be done proportionally to all district and divisional level e.g the medical sectors, good programmes, \_\_\_\_\_ etc. Thank you

**Com. Ratanya:** Thank you very much Shalon\_\_\_\_\_ na tuna mwingine sasa ni mwalimu, mwalimu aendelee.

**Peter Muthimiwa:** Commissioners, and the residents. My names are Muthimiwa Peter, I'm a teacher and also a church leader from St. Mathews. I have received for the church and they are on my own behalf. The board of trustees, its office will be localized such that the beneficiaries would be close to the office. It should be left at division level, or locational levels for the easier access for the beneficiaries.

2. It is meant to assist the left people in the family and we propose that it should be used to help the beneficiaries in all areas as pertains their health (inaudible)school fees etc.

3. They should be orphaned to to help their beneficiaries in 3 months after the bread winner in the family had died.

**Worship –** The new constitution should allow the freedom of worship that only to the Living God not devil worship. Such devilish denominations advocating devilish act contrary to the teaching of the bible should not be codoned for example, mungiki and other sects.

**Ministries –** Creation of ministries should be approved by the parliament to avoid overlapping of roles played by different ministries.

**Corrup government –** a vote of no confidence against any Kenyan corrupt government should not even be casted but there should be left a public day to project forward and commute in a secret box. Such corrupt government be defeated in parliament and 50% of the votes of no confidence passed against it.

**Com. Ratanya:** Mwlimu jaribu kumaliza sasa.

**Education:** Education in new constitution should be provided for freely from the schools upto form 4 level. If not wholly freely, school fees should be set such that all parents can afford to take their children through the secondary up to form 4.

**Equality of citizen -** all Kenya citizens are equal under new constitution such that no one should be above the law. Everyone should be subject to the law. Thank you.

**Com. Ratanya:** Asante Sana Mwithia Peter. Na anamfuata ni Anthony Kiburi.

**Anthony Kiburi:** Thank you commissioners and the leaders. My names are Anthony Kiburi and I would like to say the following one point.

It is written in English that I will \_\_\_\_\_ (inaudible) but I will put it in kiswahili. The local bear be legalized by the government so that our people may not die of kumi kumi. Hii ni kusema ya kwamba, serikali inasema kuna hii pombe wanasema ni pombe ya halamu lakini pombe ya halamu, watu wengi sana wanaipenda, nawanaipenda ni kwa sababu ya kuwa serikali imepadisha pombe ile ambayo wanasema ni halali kwa kiwango ya pesa ambazo ziko juu sana. Kwa hivyo mwananchi wa kawaida hawezi akawa na uwezo wakunywa ile pombe. Na tunajua watu wanapenda pombe, kwa hivyo ikiwezekana, serikali ifanye iwe legal. Asante.

**Com. Ratanya:** Ni pombe gani hiyo?

**Kiburi:** Pombe ya kienyeji

**Com. Ratanya:** Ihalalishwe?

**Kiburi:** Ihalalishwe.

**Com. Ratanya:** Kama malwa, mancho, na kadhalika. (*laughter*)

Okey, alright, hayo ni maoni yake, tumpatie mwingine nafasi na huyu ni, twambie jina lako haraka.

**Wagara Julius:** Okey, my names are Wagara Julius, and on behalf of I myself and the staff of Mikinduri Primary School, I wish to express the following view.

1. We have the three arms of the government, that is the Executive, Parliament and Judiciary and with those we propose that the three should have equal powers, none should be stronger than the other one. There above should be clearly defined unlimited in the new constitution.
2. State and government – In our current constitution, it cannot be differentiated i.e the state and the government. We therefore recommend that each should have a head, i.e the Head of State and the head of government. When it comes to qualities of head of state, we say that he should be a Kenyan citizen by birth. He should at least be holder of the O level certificate and above. Should declare his or her wealth. Should be a conmeanstible, he should be be at least 35 years and not above 70. he should be a person of integrity and upright character. When it is the end of government, should be a Kenyan citizen, should be a holder of university degree and not honorary, should at least be 35 years and not over 70 years, he should be a person of integrity and upright character, he should have a record and

experience in public administration and may be international affairs.

When we have the arm i.e the government that is the executive, we recommend that since we said we should have equal powers, the new constitution should provide for approval of the parliament of major executive appointees i.e The Chief Executive as to appoint anybody, it should be approved by the parliament. The term of office for executive should be two terms of 5 years only. Executive should be removable from office on ground of incapacity by the parliament and not cabinet.

Head of State must attend the parliament while the Head of State should be ceremonial, should be none partisan.

### 3. The Judiciary:

- (1) We recommend that all judges should have security of tenure.
- (2) The Chief Justice, judges and judges of appeal and other judges should be approved by the parliament.
- (3) There should be the establishment of judicial service commission through cater for the appointment of the magistrates.
- (4) Parliament through the parliamentary judicial committee, should debate the appointment and determine terms of the service of the magistrates.

### 4. Elections:

There should have an independent and representative of electoral commission which should run from when elections are due till when we have the other elections, or the end of the term. Then voter

**Com. Ratanya:** You only have one minute. Please summarize.

**Wangara Julius:** Voter education should be duty of the electoral commission and done always, not only during the election period.

Then we come to civil service – an independent public service should be established. Appointment of civil service should be on merit. Creation of the office of Ombudsman, to counter check mismanagement should be there.

Language that should be used in the constitution - the language should be simple that every Kenyan mwananchi should understand it and if possible it should be, this one the constitution, should be part and parcel of the school curriculum so that everyone should be appointed with what is in the constitution.

Education: Education should be free from pre-primary to secondary level.

Basic other amenities should be provided both freely from the dispensaries to the national hospitals. All Kenyan citizens should be equal and nobody should be above the law, so the President should not be above the law. Thank you

**Com. Ratanya:** Okey, asante sana Bwana Wagara, na hapa tuna mwalimu anaitwa Kaaringaini. Karibu, pengine alienda. James Kaberia.

**James Kaberia:** Asante sana Bwana commissioner. Hapa mi ningetaka kuongea mambo ya mali, mi ningetaka kuongea

mambo ya mali, ningetaka serikali, isaidie watu na, tulipa pesa yeyote ya maji, tungetaka hata serikali ijenge watu hii storage tanks ya maji, ili ikikuwa ni wakati ya kiangazi, wawe wakitumia hayo maji. Lakini ningetaka hata hiyo serikali, itusaidie na kuchiba hiyo misima, ile ya chini ili watu wapate maji ya kutosha.

Mambo ya Education – tungetaka education iwe free from standard one mpaka standard 8. Tungetaka iwe free na hata ikakataa kuwa free, iwe garama inagawanywa na iwe kidogo.

President – President naye asiwe over law na awe kwa vipindi viwili tu.

Parties – Ningetaka vyama viwe chache kwa sababu ingine watu wanatafuta tu pesa. Iko zingine hazipati hata mjumbe kwa parliament au councilor, sasa wengine wanaendelea kukaribisha hiyo vyama ili wapate pesa. Tungetaka naye kiwe kidogo.

Ushirika – vyama vya ushirika, tungetaka mtu yule, kwa sababu vyama vya ushirika wengine wanakula pesa, hakuna pesa wanapunguza, tungetaka mtu yule atakula pesa ya ushirika tena ashitakiwe, afungwe, akifungwa, akirudi, ashitakiwe tena na kama ni mali yake yauzwe.

Asante sana.

**Com. Ratanya:** Asante sana Kaberia, pengine kuna swali. Hakuna swali kwa hivyo enda usign register. Na kama una memorandum ungetaka kupeana tungeshukuru. Na anafuata ni Jeremiah Mwiti.

**Jeremiah Mwiti:** Asante kwa viongozi ambao wako mbele yetu, na jina langu naitwa Jeremiah mwiti. Sheria kifungo ile inasimamia, Barbara tunataka ichunguzwe sana kwa maana yule mwenye kupewa kadarasi, iko mahari saa ingine anaficha ama anatua. Iko njia zamani, mzungu akiwa hapa kulikuwa na njia ya watu ya mguu, na njia ya maji, na njia ya gari. Hakuna maji iliokuwa ikienda kwa shamba la mtu halafu aende afunge. Hio sheria kama ingeolekebishwa, ama ilituwa iangaliwe sana iwekwe kwa huyu mwenye kuweka kadarasi hiyo ya barabara, hatumii vile sheria ama vile barabara inatakikana.

Ya pili, President hatakiwi kuwa overall kwa maana akiwa overall anaweza kuua hata mtu akakosa kuwa huru.

**Com. Ratanya:** Overall ni kama kusema je? Unaweza ata kusema kwa Kimeru.

**Jeremiah Mwiti:** Asiwe juu ya sheria, kwa maana anaweza kuua mtu ama kusema watu wanyongwe wote katika Kenya na hakuna mtu atamuuliza.

Hii ingine, Sheria yote, ifanywe na parliament kwa maana tukisema kama sisi wameru tuko na Njirincheke, yule mkisii naye atasema ingine, huyu mwingine naye aseme ingine. Sheria itakuwa inaharibika. Wacha sheria yote tupeleke kwa parliament kwa maana tuko na wajumbe kila nchi hapo. Utadi wote uko parliament kwa maana sasa nikisema Njirincheke ndiye inafaa kufanya sheria, mkalenjin naye aseme hiyo tutaharibu sheria.

Kwa Kenya yetu, tuko na President, President akiwa mwanamme, mdogo yake awe mwanamke, kwa maana naelewa

saaingine Kenya yetu mwanamke anaweza kuwa na huruma na watu wa Kenya kwa maana tunasikia watu wote wanatoka kwa wanawake. Na mwanamke, ukimuambia ati wewe mtoto, si rahisi kukubari lakini mwanamme anaweza kusema, ua, nitapata mwingine kwa maana labda alipata na si kupenda kwake alipata.

**Com. Ratanya:** Jaribu kumaliza sasa, sababu dakika zako ziko karibu kuisha.

**Jeremiah Mwiti:** Hiyo ikipatikana sheria hiyo, iwe sawa, hiyo inaweza kuwa sawasawa.

Wezi – Kenya iko na wezi wengi, waliimba na hata wengine wanaendelea na kuimba mali ya Kenya ile wanaenda kuomba ng’abo waletee wakenya na hawaleti. Sheria, tunataka tutafute sheria, hata yule aliimba kabla ya sheria kuingia, afuatwe, kama ikiwa hapo, irudishwe kwa wananchi, kwa maana tuna hiyo kitu italipwa na mali ya Kenya ama mkopo huyo ilikopwa na mali ya Kenya. Na kama alikopa akaenda akaweka banki yake, hata ikiwa ng’abo, irudishwe.

**Com. Ratanya:** Kwa hivyo umemaliza Bwana Jeremiah

**Jeremiah Mwiti:** Ni moja tu mi namaliza. Ingingine ni hii ya mali ya uma. Isimamiwe na sheria ama koti kwa maana judge hatakuwa wa mtu, kwa maana unaweza, ukiwa unachafuliwa na mtu fulani, unachukua vitu ya uma unatawala ama unauza na huyu mtu hawezi kukuuliza. Vitu ya uma isimamiwe na sheria. Kama viwanda, kama hii ya mashule na viwaja vingine vya public isiwewe kwa one \_\_\_\_\_ inaitwa mthamini wa uma. Isiwe hapo isimamiwe na sheria. Kwa maana kama nyinyi naweza kuwa kama mimi mkiristo wa Pentecostal tunajenga shule yakuajiri wapentecostal naye bibi ni mtu wa Pentecostal aseme mwizi akija hapa akiimba, mnazuia raiya isimshidikishe ama sheria isimueke kwa maana ni mimi nilimuweka hapo. Hiyo sheria ijaribu.....

**Com. Ratanya:** Hiyo ni sawa sawa ma tunasema asante sana Jeremiah kwa hayo mambo yako, maoni yako, kwa hivyo nenda kwa register uweke sahihi yako.

**Jeremiah:** Asante sana.

**Com. Ratanya:** Sasa tuna John Gichunuku – councilor

**John Muchunuku:** Commissioners, yangu yatakuwa machache. Na kwanza nitaanza na local authority. Local authority ningependelea katika hii sheria yetu ya kisasa, local authority, councilors wawe na uwezo wa kutosha kwa sababu yale matatisho mengi yanaonekana kwa councils schedule, chief officers ndiyo wanakuwa signatories na jinsi wanatumia pesa, madiwani hawawezi kujua.

Ya pili, inaungana na wengine katika local authority, mwenye kuchaguliwa awe amefikisha secondary level na idhibitishwe ya kwamba ako na certificates. Ya pili kuhusiana na hapo, pia kwa madiwani, kama vile wanachaguliwa na watu, President, MD,



madiwani, malipo yao yawe yanatoka kwa serikali, sio pesa ya kusanywa na wananchi halafu wanapewa.

Nikitoka hapo kwa local authorities, katika hii sheria mpya, ninaonelea ma-chairmen ma-mayors wawe wakichaguliwa na madiwani ili kile kipindi tunawachagua cha miaka miwili wawe tukisema kitu kuhusu wananchi wetu wanaogopa kukataa. Wakichaguliwa na wananchi, watakuwa watu wakubwa, hata katika huko local authority hatutawaweza.

Ya pili mwenyekiti, maneno ya provincial administration – provincial administration ningeomba ikiwa sheria haitawaondolea mbali kabisa, wawe watu wakuenda transfer kama wafanyi kazi wengine wa serikali ili kuzuia wasiwe na hila na mtu huyu ama yule mwingine. Wafanye kazi kama vile DO wanafanya na wale wafanyi kazi wengine wakiwa wanafanya wanaenda transfer.

Pia kuna sheria ingine kuhusu hawa Provincial Administration, wengine hawana elimu kabisa. Nao pia, katika sheria yetu mpya tungeomba serikali iwaajiri kazi ama kama ni kuwachagua, tuwachague wakiwa watu wakutoka secondary katika education yao.

**Com. Ratanya:** Secondary kiwango gani? Form 1 ama niii...

**John Muchunuku:** Form 4. We are talking, sheria inahusu ardhi, land na pia wanacommissioner ningeomba hata kwa the current parliament, sheria ya land ya kusema mwanakamati akichaguliwa, asubue wananchi wake mpaka wakati atakufa. Hiyo ningeomba hata bunge iende iondoe hio kifungo hata kabla ya kusafisha hizo sheria zetu mpya ili kuwe na parm of the office ndio mwanakamati ambaye anachaguliwa kwa sababu amenyanyasha wananchi sana.

Na pia, nikitoka hapo, arbitration boards pia wanacommissioner ziwe zinafanywa na wananchi hadhalani kwa sababu hii appointment kuwa appointed na Machiefs ama MaDO, MaDCs wanawekea wananchi nusu ingine ambayo haifai, unaangalia yule mtu ambaye wanataka wanaweka, lakini mtu wa kuchaguliwa atakuwa mtu wa maana kwa watu kwa sababu atafanyia watu kazi nzuri.

Nikitoka hapo, na ya mwisho ni kuhusu mipaka yetu, ama mipaka ya Kenya karibu yote. Mipaka yetu sisi tulikuwa tunaonelea zamani mipaka yetu ilikuwa invalidwa na Njirincheke. Na hata kama tunaingiza provincial administration huko, pia lazima waadamane for the purpose of the security ili Njirincheke ipewe nafasi yake iangalie mipaka ya wananchi ama mahali wanatoka. Na pia, Njirincheke, public lands ziwe zinaangliwa na county council na Njirincheke. Zitoke kwa provincial administration kwa sababu karibu zote wanalamia hazijulikani mahali ziko. Asante.

**Com. Ratanya:** Asante sana. Anayefuata ni Jospaht Kiraithe

**Josphat Kiraithe:** Mimi kwa jina ninaitwa Josphat Kiraithe, nitachangia mjadara wa katiba. Kwanza ninaaza.

President – achaguliwe mtu asiwe na makosa ya kubora mali ya uma na awe na masomo ya juu. President achaguliwe siku yake peke yake. Na wabunge pia wawe watachaguliwa siku yao ili kusiwe na udanganyifu.

Mali ya uma, igawanywe sawa kwa constituencies zote za Kenya. Ningetaka pia, jeshi letu la Kenya, police, magereza, vio

vikuu, la banki, na patastatal bodies zote ziwe zitazimamiwa na wao wenyewe sio President. Tungetaka pia kamati ichaguliwe, katika wilaya zote 42 za Kenya, iwe ndio itakuwa ikichagua majudge, majudge wakuu na pia iwe ndio itakuwa ikichagua hata wakuu wa mabanki pia. Mtu yeyote akiimba mali ya uma, lazima asitakiwe na akishasitakiwa, akihukumiwa, tena arudi tuseme kama ni jera ameenda, na akirudi lazima arudishe mali yale yoote aliyechukua.

Tena tungetaka tuseme kama maDC, wakiimba tuseme au wachukue pesa za serikali, wanapewa uhamishwa, kama sasa kwa katiba mpya tunataka wasipewe uhamisho, warudishe pesa zile zoote walichukua cha uma.

**Com. Ratanya:** ebu jaribu sasa kumaliza

**Josphat Kiraithe:** Pia tungetaka shule zote ziwe ni za free kutoka tuseme kama ni darasa la kwanza hadi university watu wapewe free. Kwa hayo machache sina mengine.

**Com. Ratanya:** Asante sana Josphat, hata kwa kuweka saa yako sawasawa. Tuna Gatirau Munya.

**Gatirau Munya:** Asante sana Bwana commissioner. Naitwa Gatirau Munya, mimi ni wakili, ninafunza university ya Moi University huko Eldoret. I will give my views in English,

First of all I will try to correct one of the biggest issues, misunderstandings in the constitution review process that we have been facing. There have been a misunderstanding that Kenya the biggest problem in Kenya is the constitution. Constitutional crisis is what is placing this country back but that is really not the biggest problem in this country, the biggest problem in this country is leadership. We have a constitution that is which is not very good which has ploughs but a constitution that can run this country but because we have a leadership that surpresses this constitution and undermines it, because we have bad leadership that is why we are in this problem that we are in. So it is important for us to re-write the constitution and correct the mistakes that are in the constitution, but at the same time, Kenyans have to start searching for good leadership that will be able to remove them from the problems that they are facing right now. Of course I have said I admit that there are certain problems within the constitution that mean to be addressed and I will start by saying that I support a unitary system of government. Because fo then ethnic differences that we have in this country, It will be very difficult to have a constitution a majimbo constiution that can work because the states in Africa are fragile, there are very recent creations, they have not been able to develop to the level that they can be able to certain a federal system and if you look at other countries in African where federal system have been implemented they have not worked very well, so a unitary system that will be able to still keep Kenya as a strong nation, will be useful. A majimbo system is likely to dismember this country. At the same time we need a constitution that needs to addressing the news of various communities in the country, and therefore we need a strong local government. A local government that is not undermined by the central government. We need to strengthen the local government because eit is closer to the people. It is the one that provides basic services, it is the one that takes care of basic resources at the local level. Therefore we do not have viable and strong local government. In that regard therefore we need mayors and chairmen of local authorities to be

elected directly by the people so that they can be accountable to the people. We also need chief officers employees of the local government to be appointed by the local authorities themselves. Not the minister of local government sitting in Nairobi not knowing the problems there using corruption, then people who are corrupt there and people who come and take people's money and take plots, we don't want that, we want local officers to be elected by the councils themselves so that they can be accountable to the mayor.

The other issue I wanted to talk about is that there has been a major debate on whether we need a Prime Ministerial system in the country. Again if you look at the constitution experience in this country, in the countries in Africa you will see that this system have not worked where the powers of the executive are divided between a President and a Prime Minister, there is always a trouble for power between the two arms and it becomes very difficult to run the government. It might not work if we have to split the powers of the executive, if we have to create different tempers of power, We will not have a stable government. We will still need a President who has powers who can be able to bring the country together in times of crisis, who can offer leadership. If we have to create Prime Ministerial position then we cannot be able to give that post a lot of powers that can rival the powers of the President. The other issue (interruption)

**Com. Ratanya:** What do you recommend? To have that post or not?

**Gitirau Munya:** Not to have it. Infact the proposals of a Prime Ministerial position is coming from political parties with motives that are not very good. The interest of political parties is to have ethnic coalitions spread powers and reward people. That's not why we are reviewing the constitution, why we are reviewing this constitution, is to be able to write a lasting constitution. A constitution that can sustain this country for many many many years, its not to serve short term interest of political ballon at the top. We still remain with our Presidential system, it has worked, it has not worked very well, but it has sustained this country for more than 30 years.

The other issue I wanted to address Mr. Chairman, is the issue of land, somebody has already addressed it but I would also want to add my voice to it. Land is a very important resource in this country, we are an agricultural society, it is what sustains us, we need institutions that can manage our natural resources including land very well and that is why we need a land commissioner, but not a land commissioner just appointed by the President because again it wont work. The President will put his own promine to the land commissioner who will continue to be distributing land to friends, who will continue aligning their pockets with kickbacks and whatever. We need a land commission which is appointed by parliament. *(end of tape 3 part A)* We have historical monuments that can bring money for today's country but because the President have a lot of powers in allocation of land, he has been taking important natural resources taking them to individuals. We need an institution that can manage our national monument

**Com. Ratanya:** Josephat you have one minute to sumerize please.

**Gitirau Munya:** Please give me sometime to elaborate on those points, because I want them to be very clear. As far as the appointment of the judiciary is concerned, that has been one of the biggest problems in this country. We have tried in Kenya to come up with a democratic system that can work but because the chief executive of this country has a lot of powers in the appointment of the judiciary, one institution that has undermined the democratic process in this country is the judiciary. So the Judicial service commission must again be approved by parliament. It is appointed by the President alright, but parliament has to approve the members of the commission to see whether they are people of integrity so that they can be able to do their work well.

In relation to the judiciary again, and other appointments, all constitution appointments including judges, the Attorney General, and other major constitution appointments must be approved by the parliament. Appointed proposed by the executive arm of the government, must be approved by the government because parliament is the custodian of the peoples rights. It is the institution that is directly elected as representatives of the people it can be able to say, this person is a person of integrity, it can fit here, it can be able to manage people resources.

The third point Mr. Chairman is that we have a weak constitution structure that cannot be able to enforce peoples rights. We need the establishment of a constitution court to be the final cost. On top of the high court, the court of appeal, we need a constitution court to be dealing with constitutional matters and a court which is at judges of integrity of long experience and learning who can be able to handle waiting constitution matters. But that is not enough Mr. Chairman, the bail of right which is in the constitution is very weak, the insutions of its enforcement are also very weak. Again we need to review the bail of right so that those impinent that have been put to make it impossible to operate are dealt with. Mr. Chairman you have seen a lot of learned people's representatives having meetings and police harassing them and disrupting them, we need a strong constitutional court that can be able to enforce our bail of right. Our freedom of association, our freedom of movement, those rights when they are written in the constitution and they are not enforced are useless. We have to have a structure that can be able to enforce them. We are problems here, this may not be a constitutional issue but it is an issue that perhaps that we need to look at. This region has been going through a land adjudication process for a very long time, so many years, a lot of money our people have wasted a lot of money in the land adjudication process, we have not seen the fruits of this land adjudication. And the problem Mr. Chairman is that we have corrupt land officers who come sit there, they want bribes, then sometimes you are not allowed to elect committees, we need to be allowed and the adjudication process to elect committees that are of people of integrity that can listen to the views of the people so that the adjudication process can be carried out and then our people can get titles and they can be able to make use of them Mr. Chairman.

We need to separate the office of the Attorney General with the office of prosecutions, the Attorney General because he is an appointee of the President is a political appointee, he cannot be able to impartially prosecute the claims, we need the Attorney General to be a Minister in parliament but we need an appointee who is the head of prosecutions who has nothing to do with politics. A specialist, trained, who has nothing to do with politics so that we can be able to raid politics from our criminal legal system.

Some people have already talked about free basic education, which is important, we need to also have that but we cannot have it in books, we already have an act of parliament saying that they have free basic education. Let us have it but let us have it in force, we cannot charge parents from the back door yet we continue saying that we have free basic education. We have ... a budget has to be set aside specifically to equip schools, to pay teachers so that we can truly have a free basic education.

**Com. Ratanya:** Try to finish now, you know we have many people remaining.

**Gitirau Munya:** One important point, we need an independent commissioner of cooperatives nationally appointed because if you look at this country, the cooperative movement has been the bad pedlock of our economic development. Unfortunately the cooperatives have been mismanaged over the years, farmers cannot get their pay in time, we need an office of commission of cooperatives that has enhanced powers to be able even to prosecute people who embezzle farmers funds. An independent office which is also appointed again by parliament, I'm emphasizing the parliament because it is the custodian of the peoples rights and they are the peoples representatives. Thank you Mr. Chairman.

**Com. Ratanya:** Okey, thank you very Gatirau for the views you have given. You sign our register now. Then twendelee kwa mwingine hapa, naona ameendelea kwa Charles Muguna, Is he around? Hayuko, Alexandar Kiburi, Twmbie majina Alexandar.

**Alexandar Kiburi:** My names are Alexandar Kiburi Mukindia, I'm a member of Mukinduri teachers association. I will start by local government. We want our constitution to stay than the local authorities in such a way tha the local authorities should have autonomous powers to undertake their dealings withoutthe assurance from the major government's organs. Mayors, and councilors, chairmen to be elected directly by the people. No nominated councilors should be allowed in the long run because that position has been misused by the MPs and political parties for their political games. Electrolit to be mandated to recall a councilor in the field if not fit to represent the ward longer.

**Com. Ratanya:** Excuse me Kiburi, na ninasikia kuna watu wanapiga kelele huko, unajua mkipiga kelele hayo yoote yatakuwa kwa record yet na hayo si maoni ya katiba, kwa hivyo mnyamaze ama mkitak kelele muende huko mbali. Endelea Bwana Kiburi.

**Mr. Kiburi:** I'm saying that the electrolit to be allowed to recall their councilors in the field if not fit to represent the ward longer. We have got so many idle concillors that they just go there take money and come back they \_\_\_\_\_(inaudible) We need to call them and re-elect some other that we feel fit for the post.

Resources should be distributed equal to give people to plan within the district whereby whatever we people contribute as

revenue, should be useful to us. We will have county council level that today but in return we get nothing. The roads, the whatever we settle with the councilors to the council are not well done. Every councilor be aquitable to the elector, the promises that he or she made in times of campaign, those people they start to promise us a lot of things in times of campaign but once we elect them we get nothing. They don't even prevent those promises they made to us. We want to account for the promises that he made to us at times of campaign.

Education – government should offer free and compulsory education to all people – not even children, we are talking about children but I want a government that can offer free and compulsory education to everybody, even if a 80 aged man wants to go and learn, he should go to school.

University and colleges vacancies should be recruited equitably in all parts of the country. All schools should be allowed to intermingle students, not a system whereby some local schools just have local students, we need a situation whereby all schools have students from all over the country. All schools should have fees structure from the government, the same fee structure from the government not a situation whereby one school charges 30,000 per year, another one charges 2,000 per year. We want a fee structure from the government. The government should guarantee graduates employment registry after completion of school. Parents use a lot of resources in educating us but once we finish the schools you don't get jobs. We want the government that can guarantee job opportunities for us as we finish school.

Harambee – the harambee spirit has been misused and it should be scrapped and if not it should be satisfied when and why a harambee should be conducted. Senior government officials should account for the money that DO is contributing harambees. I'm talking about the government – the parliament – parliament should be voted separately with from the President and the local authorities. There should be no nomination for MPs. The parliament should have June calendar. The parliament should have powers over the ministers for the ministers. It is the family that should have powers to say how many communitors we should have.

**Com. Ratanya:** Kiburi, sasa jaribu kumaliza. Dakika moja nimekupatia.

**Kiburi:** President – he should have attendancy that is not above the law. The President should be 70 years old, a university graduate and a professional.

Employment – We should have a commission whereby all problems will be undertaken by the commission and immediately after an interview, the winners should be made public immediately not a situation whereby we have an interview, then the interviewers go with names we don't know who has qualified, it gives room for corruption.

The constitution - this constitution must be written in a language that it will be understandable to all people and should be available to everybody. I'm proposing it should be sold – the constitution after it has been written be translated in our local languages, should even be sold in the local bookshops that we can buy and believe the constitution that we have written. The

constitution must never be amended by the parliament, It only a national referendum, referendum that should have authority to amend the constitution. That's all.

**Com. Abubakar:** Yes Bwana Kiburi, goja kidogo nina swali. Bwana Kiburi swali langu ni fupi sana, umesema, unapendekeza elimu ya bure na ya lazima kwa wakenya wote, si watoto peke yake, halafu ukaendelea mbele ukazungumza habari ya fees structure, if you are proposing free education, where does the fees come from?

**Mr. Kiburi:** I'm saying, if we take the trend that we have a free education then the fees doesn't come in.

**Com. Ratanya:** Thank you very much Kiburi, go and sign our register. Sasa wananchi ningetaka sasa wakati huu kuwe na break kidogo, yangu mwenyewe, lakini commissioner mwenzangu Bwana Abubakar Zein ataendelea kutoka hapo. Kwa hivyo commissioner Abubakar.....

**Com. Abubakar:** Thank you very much Commissioner Ratanya, Kaimuri Mwiraria, na kufikia hapo ningewaomba radhi pengine nikianza kunyambua majina, si sawa, mtanilia radhi. Kaimuri hayuko? Gabson Limbere, Kaimuri ndiye ameingia? Karibu Kaimuri.

**Kaimuri Mwiraria:** Asante sana Bwana commission, My name is Kaimuri Mwiraria. The government should remove this police remand, remove if a person is caught, he or she should be taken to the court of law that same day, if not that, should improve the remand by giving them materials, blankets, improve, and improve their station e.g. prevailed good toilets and bathrooms. Asante.

**Com. Abubakar:** Asante sana, thank you very much. Unahitajika kwenda pale usign register yetu kwamba umetoa maoni. Asante sana. Florence Kanywa,

**Frolence Kanywa:** My name is Florence Kanywa, I have a few points to present.

The government should set some money aside for various constituencies for development because we have realized that our local people are being disturbed now and then, in fund raising concerning development. So the government can do that if they really uplift.

Every citizen must be having at least a piece of land, i.e we don't need to have anybody who is landless in Kenya because this is increasing the rate of crime.

Vice President should be elected by the citizens not by the President because the vice President may not be having courage to work when he is just being appointed by the President.

There should be nobody above the law including the President because if there is anybody above the law, then somebody can be in a position to say, I want 20 people killed and they can be killed because that person is above the law.

About corruption also, we would like anybody who involved in corruption to be given a very severe punishment because corruption there is also causing some problems in the law that we say we say we have law yet corruption causes problems, we behave as if we don't have any law at all because of corruption.

Members of parliament should be learned and educated i.e at least they should be form 4 leavers. The party that rules I don't want to say the ruling party because we don't know which party may be the ruling in the next election. The party that rules should be ready to cooperate with other political parties other than being dictators because if a party dictates, then other political parties will not be having a say at all. They will dictate on how they should rule the country.

Last but not the least, there should be free education for everybody and from primary level to secondary should be compulsory. Then that's what I had.

**Com. Abubakar:** Thank you very much, please sign our register. Nilikuwa nimemuita Gabachiu G. Limbere, hayuko? Rose Mung'ori, observer, Paul M'tuambutu. Ajifunze taratibu tu, (laughter)  
Mzee karibu sana.

Paul M'tuambutu: Asante Bwana Commissioner, mimi naitwa Pau M'tuambutu. Mambo yangu ni machache tu, ya kwanza huyu uhuru ambao tulipigania mwaka wa 1951 kupanga na 1952, ikawa ni mambo ya kuandamana na mwingereza. Na kwa hivyo ya kwanza tulipata uhuru, tulifanya hio kazi, kuandamana na Mwingereza mpaka mwaka wa 1963 tukapata uhuru. Kwa hapo, watu wale ambaye walikuwa wanaangaika msituni, wengine walikufa na wale walikuwa nyumbani kutumia wale kuwapa chakula wakatu hii ambaye tulipata uhuru hakupata hata kitu kimoja, hakuambiwa asante. Kwa hivyo kazi ambayo waliofanya, Na kwa hapo, tukionelea pahali pengine, hapo mbele kulikuwa vita, hata coloni ingine napigana. Na hiyo wakimaliza, wanapewa asante, wanapewa mashamba, pahali ya kuishi, wanatendewa mambo mengi. Watoto wanapatiwa shule ya bure, na kwa hivyo sisi tupate uhuru, tulichukuliwa kama watu wasiofanya kazi. Na hapo sasa, huyu mtu unaye na hiyo watu walitoa kutoa kumwaga damu yao, jasho yao, kuangaika na upande wowote na kuchomewa nyumba ikawa namna hiyo. Watoto wale baba yao na mama yao walikufa, hakuangaliwa na serikali hii yetu hata kidogo. Hiyo wanaangaika misituni huko, kwake ni maplot, sio wakati huyu wanaitwa chokola, sababu ya kukosa pahali ya kukaa. Kwa hivyo ninaomba kwa katiba mpya Bwana Commissioner, watu hawa waangaliwe, ni watu wa Kenya walijitokesha na wanajulikana wale wajitokesha wale walikufa na wale wako hai, in watoto wao..

Ya pili, Sisi, mkadi wa serikali letu ambaye liko hapa, ilitupatia \_\_\_\_\_ ya land kwa kutengeneza mashamba yetu. Ikawa ni shida, kutoka mwaka wa 1966 ndio land iliingia katika Nyambene, iliingilia Kianjai. Na kutoka mwaka huyo wa 1966 mpaka saa hii haijafanyika kitu, hakuna mtu wa Nyambene ako na title. Kwa hivyo sisi mtu ambaye alikuwa anaishi pahali yake,



amechukuliwa, aliondoka kwa mali yake, imunity ya land akawekwa milimani pahali kwenye jua, pahali kwenye mawe, akatolewa kwa mali, akiulizwa anasema anabebwa. Na hakujua pahali ambaye alikuwa, kuna watu wa simu kali. Ombi langu ni hii, ninaomba katiba ituangalie, ukiangalia kwa miaka hiyo mimi nasema, na mpaka wakati huu tunaye. Kwa hivyo tuone wale ambao walipima mashamba 1966, wazee wale walikuwa wanapima na akina mama wanakwisha wengi, wanakufa bila kuona title. sababu sikuonelea, serikali wale wanatuandikia \_\_\_\_\_, anafanya hapa, anasongesha hapa, anasongesha hapa mpaka akapata ile mali alikuwa anataka. Watu wa kijiji hio wakilalamika anaambiwa atapigwa transfer. Akipigwa transfer anapelekwa pahali pengine haop karibu. Yeye akafanye namna hio. Tunaomba wakati huu, akiwa anatenda yale hapendeki, badala ya kupigwa transfer, arudishwe nyumbani, afutwe,

*(Interruption)*

**Com. Abubakar:** Sawa mzee,

**Paul M'tuambutu:** sababu anakamatwa na wizi wa mashamba. Ya tatu,

**Com. Abubakar:** La mwisho

**Paul M'tuambutu:** ya tatu sisi tuna taabu sana, ninaomba katiba ipya, mambo ilikuwa inafanywa council na Njonjo, ili ya wasichana, wasichana wale ambao wako nyumbani, kijana anaenda anafanya urafiki naye anamtia mtoto, anamuacha hivi, Mtoto yake yule baba yake anaachwa kuhangaika hapo. Msichana mmoja anaweza kuwa na watoto wawili watatu wanne wanaachiwa na mzee na mzee hakuna nguvu,

**Com. Abubakar:** Mzee pendekezolako ni kwamba ikiwa kuna kijana anamtia mimba mtoto wa mtu awe anamuoa au atunze yule mtoto mpaka atakapokuwa mkubwa?

**Paul M'tuambutu:** Mpaka atakapokuwa mkubwa, mpaka achukuwe kipande, mpaka afikishe miaka 18,

**Com. Abubakar:** Sawa, tumekubali hiyo mzee tumesikia.

**Paul M'tuambutu:** Ya nne

**Com. Abubakar:** ufanye mwisho mzee wangu, kwa sababu nimekupa muda kushinda watu wengine wote kwa sababu wewe ni mpiganiaji uhuru. Sawa mzee.

**Paul M'tuambutu:** Ya nne, jia hii yetu yetu sisi wameru, kabla mzungu hajaingia nje hii, ilikuwa inalidwa na wazee wa Njurincheke, hii wazee wa Njurincheke, walikuwa wanachukua jukumu ya kuangalia njia zote zile inaweza kuhangaisha mwananchi kama hiyo nasema wasichana, kama ya kuua mtu, wazee ndio walikuwa wanalipisha. Kwa hivyo mambo ya mashamba na mpaka na msitu, na vipima vya maji, ilikuwa inalidwa na wazee wa Njurincheke. Ninaomba hii katiba, iwape wazee hawa wa Njurincheke jukumu ya kuangalia nje hii kama vile ilikuwa zamani kwa sababu ni zitu hawawezi kusumbuliwa, maji hayawezi kuwa baya kwa sababu mambo kuitupia wazee nyumbani itakuwa mzuri.

**Com. Abubakar:** Asante sana mzee wangu,

**Paul M'tuambutu:** ya tano, mi naendelea mahari pengine, naondoka hiyo,

**Com. Abubakar:** aaaa, tulijadiriana vizuri mzee wangu, mda wako umekwisha, kuna watu wengi sana wakuzungumza.

**Paul M'tuambutu:** Iko moja tu Bwana commissioner,

**Com. Abubakar:** goja goja sikiza mzee wangu, mi nakuhesimu sana unisikize na mimi. Hiyo ndio hio ya mwisho. Hiyo ya tano tumalizie hapa. Ni sawa.

**Paul M'tuambutu:** Okey

**Com. Abubakar:** Haya asante mzee wangu.

**Paul M'tuambutu:** Haya, ya tano ile nina sema, sisi tuna taabu sana nyumbani, ninaomba serikali ya wilaya, chief, sub-chief, DO, DC sababu hawa ndio wanakaa kijijini na wanajua mambo vile inaendelea, wapewe jukumu ya kushika mkosaji, akawa na pass ya kumpeleka kotini bila kwenda kupiga report kwa police. Kwa hayo machache tu Bwana commissioner.

**Com. Abubakar:** Asante sana Mzee wangu asante sana, tafadhali uje hapa mzee uandikishe kwenye register kwamba umetoa maoni. Asante sana. Musa Kirigia, karibu mzee, na tunapeana mda kama yule alipokuwa akisema mzee, ukiona ana.... Asante mzee chukua microphone utaje jina lako halafu uanze.

**Musa Kiria:** Naitwa Musa Kiria. Sisi wazee wa Njirincheke, mashamba ni sisi tulikuwa tunafanyia na sababu ni hii. Tulikuwa tunapeana zenge

**Com. Abubakar:** Subiri kidogo mzee, naomba watu waliopo hapo nje, waache kupiga kelele tafadhali, na ikiwa wanataka kuzungumza kwa sauti kubwa, waende mbali na hapa ndio kazi kama inavyo takikana. Na hili litakuwa ombi la mwisho tafadhali.

Endelea mzee wangu.

**Musa Kiria:** *Ariuga Njuri cheke nio igwaterete manto ja miunda jonthe.*

**Translator:** Anasema njurincheke ndio inashikilia mashughuli ya shamba yote.

**Musa Kiria:** *Njuri cheke inainya ya kuthiria magamba ja miunda*

**Translator:** Njurincheke ina jukumu ya kutekeleza haki kuhusu macase ya mashamba.

**Com. Abubakar:** Goja mzee, bona huna furaha kijana, huna furaha kwa nini. Ebu niambie amesema nini?

**Speaker:** Amesema wakati wao wanaamua case, kutoka kwa nani na wa (*tape unclear*)

**Com. Abubakar:** Kwa hivyo mzee anasema, kwa mira ya wameru, Njurincheke inapokata case za mashamba, huwa wanatoa kiwapo? Na hicho kiapo, kinafanya kazi kuliko kufanya mahakamani, mnasema hivyo?

**Crowd:** Ndio.

**Com. Abubakar:** Endelea mzee.

**Musa Kiria:** *Iu niyo ngugi ya njuri ncheke ya kuthikirie magamba ja miunda.*

**Translator:** Hiyo ndio kazi ya njurincheke kupeana hofu na kuangalia macase ya mashamba.

**Musa Kiria:** *Na ukethrwa uthithitie makosa na ukanyua mumma jwomba kukuthiria.*

**Translator:** Na sasa ukiwa umekosea, ukikula hio oath, inaweza kuumiza.

**Musa Kiria:** *Na mwene miunda agachokerwa*

**Translator:** Na mwenye shamba anarudishiwa.

**Musa Kiria:** *Ya jairi itwe tutegaga manto ja ana.*

**Translator:** Ya pili sio ndiyo tunaangalia mambo ya watoto

**Musa Kiria:** *Igita mwana wa muthaka akekira mwana wa mwari eiu.*

**Translator:** Zamani kama kijana anampeya msichana mtoto,

**Musa Kiria:** *Nomwanka akaria na dume.*

**Translator:** lazima angelipa na dume.

**Musa Kiria:** *Na arere mwana uu mwanka akinyie miaka iria ikwendeka.*

**Translator:** Na amlee yule mtoto mpaka afikishe umri unatakikana.

**Musa Kiria:** *Ria jairi*

**Translator:** Ya pili,

**Musa Kiria:** *Manatone ja Majni na Miitu*

**Translator:** Upande wa maji na vizima na misitu

**Musa Kiria:** *Njuri ncheke nio imenyagerera*

**Translator:** Njurincheke ndio ilikuwa inashughulika na kutunza

**Musa Kiria:** *Na tha iji niteka ithiritwe.*

**Translator:** Mpaka saa hii ni kama imemalizwa.

**Musa Kiria:** *ikio gitumi Mbura iorete*

**Translator:** Ndio sababu mvua imekosa.

**Musa Kiria:** *Kwou njuri cheke iewe ngugi iuo ya gukaria into bia antu bonthe.*

**Translator:** Kwa hivyo Njurincheke ipewe hio jukum ya kuchunga hio mali ya uma resources.

**Musa Kiria:** *Nkothiria jau ja makai*

**Translator:** Amemalizia hapo hiyo machache.

**Com. Abubakar:** Asante sana mzee, asante sana, tafadhali mzee uende pale uandikishe jina kwamba umetoa maoni. Maingi Totorochio

**Maingi Totorochio:** Mimi jina langu ni Maingi Totorochio. Sina mengi ya kusema, moja ni hii, mimi nikisema koti iondoe mawakiri, kwa sababu kesi inaweza kumaliza miaka 10 au ishirini ikiwa ni case ya mtu, kila siku mtu anaenda kotini na hakuna kitu inafanyika.

Ya pili, ningependa hii katiba mpya, iangalie mambo ya land, hiyo kazi ya land ipewe wazee wale wanaelewa mashamba ni nini. Ukifuata kwa wenye kamati unaweza kuta mtoto wa miaka 18 amechukuliwa at ni mzee wa kamati. Naakiuliza hiyo mpaka mahali iko hawezi jua. Kwa hivyo ningependa wazee wa Njurincheke, wawe wakichaguliwa kwenye kuangalia hiyo mashamba sio watoto. Sina mengi ni hayo.

**Com. Abubakar:** Asante sana mzee, asante sana, tafadhali joo uandike jina hapa mzee. Naona Sammy ni obsever, Elijah Maitai. Tafadhali taja jina uendelee mzee.

**Elijah Maitai:** Jina yangu ni Elijah Maitai. Asante sana Bwana commissioner, mimi naweza kuzungumza kwa lugha ya kimeru kwa Maana nitaje yaale mahitaji nataka kutaja.

**Elijah Maitai:** *Mbere*

**Translator:** Kwanza

**Elijah Maitai:** *Ndigua itokoewa utethio bwa kumenyera miitu na into bingee biria murungu aejene.*

**Translator:** Maani yake ya kwanza nasikia tunapewa misaada ya kutunza masingira na misitu.

**Elijah Maitai:** *Manto jau ijakomusumbura muno niuntu utethio buu butikinyagera baria babaterwe.*

**Translator:** Na hiyo mambo inamsumbua sana juu pesa haifikii mahali imenuiwa iwe imepeanwa kama msaada.

**Elijah Maitai:** *Kwou thirikari itetherie rutere rwa miitu, ithitwe irina nursery chia miti ikaejanaga divisionine ikaandwa.*

**Translator:** kwa hivyo serikali isaidie upande wa misitu ili itatakikana iwe na ma-nursery kwa kila division iwe inapewa wananchi miti ya kupanda.

**Elijah Maitai:** *Na miti iria tukuanda ti ya gitene, niakinande. Kwao thirikari itoe iu kenda antu batetheka.*

**Translator:** Na ile miti tunapanda, sio natural, sio ile ya kiasili. Kwa hivyo serikali itupee hiyo ndiyo watu wasaidike.

**Elijah Maitai:** *iu ni ikosumbura antu niuntu miitu irithirwa ni nku.*

**Translator:** Hiyo inasubua watu sana kwa sababu watu ni wengi na misitu lazima imalizwe juu ya haja ya kuni.

**Elijah Maitai:** *Na naja kuti mbesha chia kugura makara. Na makara jau jari ithua kuuma kiri nku.*

**Translator:** na wengi hawana pesa ya kununua makaa. Na hiyo makaa bado itachoma kutoa kwa miti bado.

**Elijah Maitai:** *Na iu ni thina ya kutumira into.*

**Translator:** Na hiyo ni shida moja ya utumiaji wa mali.

**Elijah Maitai:** *Ya jairi*

**Translator:** point ya pili

**Elijah Maitai:** *Rutere rwa urimi.*

**Translator:** upande wa kilimo

**Elijah Maitai:** *Urimi bwa Kahoa buri na thina muno.*

**Translator:** ukulima wa kahawa una shida sana

**Elijah Maitai:** *Kahoa kendwa rutere rwa factory mbesha chitikinyagera murimi.*

**Translator:** Ile kahawa ikiuzwa upande wa factory pesa haifikii mkulima, inachukuliwa upande wa juu.

**Elijah Maitai:** *Na batwi arimi turiuria ethrwa ti thirikari ikuria, nike batigutunekera uria ukoria.*

**Translator:** na sisi wakulima, tunauliza kama sio serikali inakula, bona isitupatii yule anakula na ndio wakubwa.

**Elijah Maitai:** *Na rutere rwa urimi bwa majani na ru no u.*

**Translator:** na upande wa ukulimaji ya majani chai pia ni hivo hivo.

**Elijah Maitai:** *Na ngugi ya kwendia into biu ni thirikari yendagia, na mbesha ituteretagira kana baria barijaga.*

**Translator:** Na hiyo kazi yote ya kuuza vitu hiyo serikali inatekeleza, halafu pesa ikuliwa tunaambiwa imekuliwa, bona serikali isituletee hawa watu wanakula.

**Elijah Maitai:** *Buu ni untu bomwe buria buthokitie uchumi bwa Kenya.*

**Translator:** Hiyo ndio kitu moja ile imeharibu uchumi wa Kenya.

**Elijah Maitai:** *Murimi niwe masikini kabisa. Rutere rwa kuria atiomba. Kurita ngugi atiomba niuntu utonga bwawe ni bwii nau iguru.*

**Translator:** Hiyo ndio imefanya mkulima awe masikini kabisa. Upande wa kula hawezi, kufanya kazi hawezi juu ile mapato yake bado imeimbiwa huko juu.

**Elijah Maitai:** *Na inya ya thirikari ni antu.*

**Translator:** Na nguvu ya serikali ni raiya.

**Elijah Maitai:** *Na antu barega kurita ngugi, thirikari itithrwa irinambesha.*

**Translator:** Naikikataa kufanya kazi wale raiya, serikali pia haitakuwa na pesa.

**Elijah Maitai:** *Na utethio buria tukwona burithiria Nairobi kana tutaoni turia tunene.*

**Translator:** Na ile msaada tunapewa, serikali inaishia huko Nairobi ama mijini mingi mikubwa mikubwa.

**Elijah Maitai:** *ikio gitumi mbesha itikinyaga naja nja.*

**Translator:** Ndio jia zinakuwa bado pesa haifikii sii huko nyumbani.

**Elijah Maitai:** *Utethio, bwakaga nyomba indaja iria twonaga Nairobi. Butikinyagira murimi buru.*

**Translator:** Hiyo misaada, inajenga ile manyumba marefu tunaona huko Nairobi, haifikii mkulima huku kijijini kabisa.

**Elijah Maitai:** *Kwou, tukarie Katiba injeru, tutegere mbesha ikinyere murimi.*

**Translator:** Kwa hivyo, tukitunza hiyo katiba mpya, tuangalie hiyo pesa je inafuatilia kutoka kwa msaada ama kufikia mkulima huku reserve.

**Elijah Maitai:** *kwou, thirikari ituthithagiria ngugi nini muno.*

**Translator:** Ndio serikali ikikaa inatufanyia kazi kidogo.

**Elijah Maitai:** *Rutere rwa sibirari.*

**Translator:** Upande wa \_\_\_\_\_ ana hospitali,

**Elijah Maitai:** *Sibirari ii bukwna aja yakirwe 1922.*

**Translator:** Hii hospitali iko hapa, dispensary imejengwa 1922.

**Elijah Maitai:** *babainge aja batachiari.*

**Translator:** Wengi hapa hawakuwa wamezaliwa siku hiyo.

**Elijah Maitai:** *Rwage rugutusumbura aja*

**Translator:** Malaria imesubua kabisa hapa hapa, kutoka upande wa chini,

**Com. Abubakar:** Anapendekeza vipi mzee? Pendekezo lake ni nini?

**Elijah Maitai:** *Ndawa chia malaria chitegerwe muno.*

**Translator:** Madwa ya malaria iangaliwe sana.

**Elijah Maitai:** *twongerewe sibirari inge naja.*

**Translator:** Tuongezewe mahospitali sana hapa.



















**Elijah Maitai:** *sibitari iwu ithirwe irina kunto gwa kumama, ti gasibitari kanini tu.*

**Translator:** hiyo hospitali inaweza kuwa na admission, sio dispensary peke yake.

**Translator:** Hiyo ndio mwisho yake

**Com. Abubakar:** Asante sana mzee, tafadhali muambie asante aje a-sign hapa katika register. John Kirigia, John Kirigia, Hassan Kiu Kamanja, Samuel Mutambari, Samuel Mutambari, Kwiria Patrick Itaru.. tafadhali,

**Patrick Kwiria Itaru:** Asante sana bwana commissioner, ningependa kuongea kwa lugha ya kiswahili. Mengi yamesemwa sana kuhusu President, ningetaka kutaja moja tu, Mimi ni Patrick Kwiria Itaru. Ningependekeza kwamba Rais itakayechaguliwa kuwa kiongozi wa Kenya, awe na tume ya kumushauri ambaye imechaguliwa kwa taratibu zinazofaa na wananchi wote wa Kenya kwa sababu, ili tuepuke hadi ambapo, Rais anachagua watoto wa dada zake, ama wajuba kumushauri ile inaweza kwendeleza serikali. pia ili kila anayefaulu katika kushauri secretary gani, kama ni katika upande wa uchumi tumuchague kama ni professor aliyetimu katika somo hilo.

Pia Rais, kiongozi kama vile MP akiuliwa, kwa njia ambaye haifai, ama kwa njia ambazo hatujui, na watu ambao hawajulikani, mtu wa kwanza kusitakiwa awe Rais, na pili commissioner wa Police na wale wengine wanahusika kwa usalama wa nchi hii.

Tatu, Rais akifanya maofu yanaohusu maisha yetu kama kushirikiana na wale ambao labda wanakupua mali ya uma asitakiwe



katika koti pia. Na pili aondolewe mamlakani kwa njia ya impeachment.

Parliament – ama Bunge – Bunge iwe ndiye ina nguvu katika serikali yote, kusiwe na mkono mwingine wa serikali ulio na nguvu kuliko bunge. Pia, bunge ipewe mamlaka ya kuunda sheria. Tatu, bunge uwezo wake wakugawa cake ya taifa, uifadhiwe, na iongezwe nguvu hiyo kwa njia kando. Nne, mbunge aliyechaguliwa, awe mtu wa kutunza mali ya uma kutoka shinani mpaka katika gazi za kitaifa. Vipi? Asipofanya hivyo, watu wawe na uwezo wa kumuita tena na kumufua mamlaka na kumchagua mwingine. Tano, katika kuongeza kodi, bunge lazima iulizwe maoni yake, idhibitishe jambo hilo wanacommissioner lakini sio serikali kukaa na kuamua kwamba lazima wapandishe kodi. Tukichagua wambunge wetu kama wananchi wa kawaida, Rais asikumbaliwe kuchagua mawaziri kutoka kudi hilo la wambunge. Achague mawaziri kutoka nje kwa sababu, akiwachagua hawa watakoma kutuwakilisha na kuakilisha matako yetu katika bunge.

Kila mtu awe amefikisha kiwango cha elimu cha O' level kiwango hicho, kutoka form one mpaka form 4 na akapita vizuri na grade ya B- na kwenda mbele ama mfumo ukibandalika, grade ambayo inafanana na hiyo.

Watumishi wa uma wakubaliwe pia kuacha kazi kwa muda na kuwania viti vya siasa. Isiwe, tunawafungia viongozi wazuri katika kuanjiri kazi za serikali, hata kama wanaendelea kuongoza nchi kwa njia isiofaa. Wakimaliza, kura akishindwa atarudi katika kazi yake.

Pia mishahara ya bunge, bunge lijiongezea mishahara, bunge yetu ya Kenya, kuwe na tume ya kushughulikia mishahara ya bunge na pia marupurupu yao na bima zao katika insurance companies kwa sababu kila MP sasa, ama assistant minister anapata mishahara wa zaidi ya nusu million na marupurupu na bina ambazo ni za million kumi kila mmoja. Haya, katika upande wa sheria, Attorney General ambaye amechukua majukumu matatu, moja, kuwa ndiye mshauri mkuu wa serikali kisheria, na pia ndiye director wa masitaka na tatu ni mmoja wa wabunge ambaye ana uwezo wa kufuutilisha ijadara katika bunge. Majukumu haya matatu hayawezi kubebwa na mtu mmoja, lazima njia itafutwe ya kumpatia Attorney General jukumu moja tu kama na Director wa prosector ama na mshauri wa serikali kisheria, ama ni mmoja wa wabunge. Pili, mtu hutumia pesa nyingi sana katika kuhakikisha kwamba amepata haki yake katika koti. Ili kuepukana na

**Com. Abubakar:** Jaribu kumaliza sasa.

**Patrick Kwiria:** Namalizia, kama namalizia basi nitakimbia.

Sheria – vyama vya siasa ziwe vichache. Na kuna njia, katika kila eneo, kama ni Eastern Province, kama ni Western area, kama ni Northern Kenya, kama ni South kuwe na chama kimoja kilicho na wafuazi wengi upande huo, na kikubaliwe na sheria kuandikishwa kama chama cha siasa, ili group ya viyama vya siasa isiwepo.

Masomo – tuwe na mfumo wa masomo, ambao unafaida katika maisha ya watu binafsi na maisha ya taifa nzima kwa sababu kuna wengi wamesoma lakini masomo waliosoma, hayatufai, kama watu binafsi ama kama taifa. Kwanza mfumo wa elimu, uhakikishe kwamba umejenga umoja katika nchi hii ili uwe umehakikisha kwamba, umetoa kisazi ambacho kinapenda ukweli na si kizazi cha watu ambao ni wafisandi, kuna njia. Tatu, masomo haya yanadhalimu wazazi pesa nyingi sana kabla watoto wao hawajamaliza shule, kila wakati vitabu vinabadilishwa kwa nia ambayo isiojulikana. Kitabu kimocho kinaongezwa topic moja

inasmekana hio ni addition ingine, na kila mzazi analazimizwa kununulia mtoto wake kitabu hicho.

**Com. Abubakar:** Pendekenzo nini?

**Patrick Kwiria:** Pendekezo langu ni hili, iwe kuna vitabu vilivyoandikwa search nzuri ikafanywa, na vitabu ambazo ni vya kutegemewa kwa muda mrefu. Isimbadilike kila wakati.

Pia,

**Com. Abubakar:** La mwisho.

**Patrick Kwiria:** Ndio, Elimu ni yakuhakikisha kwamba mtu ana uhuru wa kufikiria na pia katika kwendeleza nchi, katika ujezi wa viwanda, ili kuhakikisha kwamba wamepata kazi. Pia free education ama elimu ya bure, na walimu pia walipwe pesa nyingi ili waweze kukaa katika shule na wasifikirie mengine nje ya shule samahani Tafadhali wanacommissioner, nipe dakika tano

**Com. Abubakar:** aaahhhh (laughter)

**Patrick Kwiria:** Walimu pia wapande gazi kulingana na uwezo wao na wapatiwe mitihani, wakiipita, basi wapande gazi. Kuna mengi ambayo ningetaka kusema lakini sina wakati. Kwa niamba ya CJPC kwa sababu ya elimu. Please ningesema wale watoto wale ambao ni talented, pia nao wachungwe na hii curriculum ya Kenya, kwa sababa wale watoto wanaingilia kufuta bangi, na kula madawa ya kulevya, the curriculum is not challenging. Ndio maana utapata kwamba wanatafuta mambo mengine huko nje, ya kufanya ili kuhakikisha their time is spent in an interesting manner. Na wale ambao ni vilema pia washughulikiwe,

**Com. Abubakar:** Sasa nitakuambia hivi Patrick, Asante sana kwa maoni hayo, nimekupa zaidi ya dakika mbili zaidi ya wengine. Sasa kitu nitachokwambia ni hivi, usifikiri leo ndio siku ya mwisho kabisa, bado una wakati wa kuandika memorandum yako, kuongeza mambo mengine na kutuletea, bora isipite August. Week ya kwanza ya August, the first week of August, utatutumia kwa saduku la posta au kupeleka kwa office yetu ya visirikisha wa Coordinator hapa na kwa njia zingine ukiwa Nairobi, unaweza kuileta kwa mkono, pia kwa provincial, unaleta kwa njia yeyote unayoweza lakini kwa sasa tuwape na watu wengine fursa sababu watu bando wako wengi. Mda tukumbaliane tunakumbaliana mtu anapata na mwingine anapata. Au si sawa hiyo? Sawa Asante. Bernard Rungai, What I will do, nitakuwa nikiita jina mara mbili, baada ya hapo naenda kwa mwingine. Si sawa hivyo? Julius Wangara, Geoffrey M. Githaiba, Ni wewe? Asante , Godfrey, Asante

**Godfrey Borong'a Ethaimba:** Okey thank you Bwana Commissioner, My names are Godfrey Borong'a Ethaimba and I'm the chairman of a self helpgroup called "Huyu Muungano Self Help Group". Therefore I'm representing this memorandum on behalf of the group and myself.

1. We recommend that we should have a government of national unity. That government will be led by a President who will be elected by over 50% of the voters, in case the Presidential candidate win with less than 50% of the total votes, that candidate should go into a second round with the second best candidate to enable the voters elect the best candidate.
2. Kenya Should remain a multi-party state but the parties should be reduced to at least 3 parties. The three parties with the majority MPs in parliament to be allowed to remain while the rest of the parties to be dissolved and be heard to join any of the three parties of their choice.
3. The future President of this country should not be above the law, this will stop the President from misusing the

President's office, or the national resources.

4. The Vice President should be nominated by the President and his nomination tabled in parliament to be given a vote of confidence. He or she will be required to get two thirds of the total votes from the total MPs to be allowed to take office. If this does not happen, the President will be required to make another nomination, to allow Kenyans have a good Vice President.
5. The President should firstly be elected as an MP but after winning the Presidential election, he or she will become a leader of the nation and his or her constituency will be allowed to hold a by-election to elect their member of parliament.
6. The President should be allowed to nominate his cabinet from the members of his political party but if he or she or his or her political party does not have two thirds of the total stating MP, he or she will be required to form a government with another party of his or her choice.
7. The provincial candidates should be holders of University degree and he or she should be above 40 years of age.
8. Parliamentary candidates should be holders of university degrees.
9. Councillors should be holders of KCE or KCSE to enable them learn the council effectively.
10. The duties of the three arms of the governors, i.e Executive, Judiciary and Legislature should be separated. The office of the President should be stopped by the constitution from interfering with the judiciary and the Legislature. There should be set a commission to hire and fire those working in the judiciary.
11. The National Resources, should be used to benefit all Kenyans, the government should be responsible for the management and the protection of natural resources.
12. People with disability should be allowed to take leadership roles provided that they are of sound mind.
13. The provincial administration should be retained but we should do away with the post of the DO. The number of Assistant Chiefs, and chiefs should also be reduced. The women should be allowed by the constitution to hold posts in the provincial administration.
14. The government should fight corruption in all ministries especially in the police force and the ministry of land. Proper methods of selecting candidates for the police training should be found.
15. The government should offer free medical care to all citizens.

**Com. Abubakar:** Ungekua unamalizia sasa.

**Godfrey Borong'a:** Ya,

16. Free education should be given to the children from nursery school classes upto standard 8 but the building should be left to the parents.
17. Elections to be held separately for councilors, parliament and then President. The number of nominated MPs to remain 12 but to be shared by the parties with members in parliament. If an MP defects from his party, no section should be allowed before the sitting of that parliament. The ruling party should not be allowed to use government vehicles and provincial administration for their campaign.

**Com. Abubakar:** La mwisho kabisa.

**Godfrey Borong'a:** Okey.

18. The constitution should provide for a solution of societies, kwa mfano sasa mimi ni Chairman wa Huyu Muungano Self Help Group. When we registered, we registered with the social services but if we are to part because of differences, property we will have acquired will be left to those who will be in the office. Therefore, the government should provide a better way of resolving the societies.

**Com. Abubakar:** Thank you, thank you very much, tafadhali andika jina kwenya register. Jason Mimanja,

**Jason Kamanja:** Asante Bwana Commissioner, yangu ni machache tu ni naye. Moja kitu kile, mi naitwa Jason Kamanja, kile tunataka, kuna sisi watu wakulima wa kahawa, kuna taabu nyingi sana. Kwa sababu iko pesa ilipeanwa na ma-cooperative, ina miaka mingi, kwa hivyo ikiwezekana, serikali itoe hio pesa, kama vile ilitoa pesa ile ya AFC. Kwa sababu ikitupa pesa wakulima sasa watarundi kwa kahawa na wakulima watapata pesa kwa njia sawasawa. Kwa hivyo, hiyo ikiwezekana, kwa sababu katika mikoa miwili, wakulima wa kahawa tuna taabu kama hiyo. Hapo serikali iangalie.

Ingingine, kitu ya mhimu sana, mambo ya makanisa, kanisa pahali yote iangaliwe na wawe na uhuru wa kuambudu, kwa hii katiba yetu, makanisa iwe na uhuru wa kuambudu.

Ingingine, ni mambo ya land. Kulingana na vile viongozi wengine wanasema, mambo ya land, imeanza hapa 1966, haijamalizika. Kwa hivyo tunataka serikali ikiwezekana, iangalie ni mambo gani inaweza kusaidia mambo ya land ikamalizika watu wakapata title deed. Kwa hivyo hatujui tunaelekea wapi kwa mambo ya mashamba kwa sababu hata mtu akiwa na title deed, hiyo shamba si yake. Hapo tunasema serikali ituangalie.

Ingingine ni mambo kama ya Njirincheke, vile wazee wanasema, kama Njirincheke iwe na power kwa sababu hata mbeleni ilikuwa na power, iwe na power ya kuangalia mambo ya hii loan kwa sababu mtu angepiga senge, hata kama kichaka alipatiwa kichaka, watu wa land watoe hio shamba, ipatiwe mwenyewe, yule alipiga senge ya \_\_\_\_\_. Kwa hivyo hapo nao tunasema wazee wa Njirincheke wawe na nguvu ya kuangalia mambo ya mashamba.

Ingingine ni mambo ya misitu Bwana commissioner, misitu iangaliwe na serikali kwa sababu sasa masingira yetu imeharibika. Na tunasema serikali saa zingine iangaliwe, kwa misitu yetu isimalizike. Kwa hiyo machache tunasema, mimi nasema Asante kwa nyinyi, kwa hiyo maoni yangu kidogo iangaliwe.

**Com. Abubakar:** Asante sana mzee, tafadhali andika jina pale. Na Garvason Mathew. Garvason Mathew, naona hapa kwamba wewe una written memorandum, sasa watu wa written memorandum, usitusomee kila kitu kiko pale, unachagua ile mhimu tu unaguzia, tutasoma wenyewe, Niko karibu kuanza kupungua muda, na hatutaki hivyo, twendelee na hiyo dakika tano lakini tukizitumia vizuri wote tutapata nafasi. Tusianze kutelemshia watu wakati, maana ke hawajazungumza. Asante.

**Garvason Mathew:** Sawa Bwana Commissioner, yangu nitaenda biu biu mpaka tuone kila mtu amefika hapa. Mimi ni

Garvason Mathew, organizing secretary DP Tigania East Constituency. Na kwanza imeandikwa kwa kingereza lakini nitafafanua kwa kiswahili, ili nipate point moja moja kwa haraka.

Tumepropose kuwe na serikali iliye na President amechaguliwa na watu wengi Kenya. Na pia tumepropose kuwe na Prime Minister ambaye amechaguliwa na majority votes of parliament. Tumepropose kuwe na Vice President wawili, mmoja awe ni mwanamme na mwingine awe ni mwanamke.

Presidential Powers: Tumepropose kama sasa, tuliye na President mwenye uwezo mkubwa sana katika serikali na kila mahali na tumeomba katika katiba mpya, hiyo President atakaye President, awe na powers kidogo akiwa anaenda sababa na wajumbe wengine katika bunge kama lile asiwe na uwezo wa ku-appoint ministers, asiwe na uwezo wa ku-appoint permanent secretaries, asiwe na uwezo wa ku-appoint ministry directors, asiwe na uwezo wa ku-appoint ambassadeurs, asiwe na uwezo wa kufunja bunge, asiwe na uwezo wa kupeana security outside the country with the permission of the government, pia asiwe na uwezo wa kuchagua commission, electoral commission ambaye imesimamia uchaguzi, hiyo iwe kuwe na electoral commission imesimamia uchaguzi ikiajiriwa kama waajiriwa wengine wa serikali na sio retired people. Awe ni mtu anaajiriwa kiserikali kabisa. Kwa sababu mtu akiajiriwa atajua akiharibu ataharibu kazi yake. Has no power to appoint senior magistrate, has no power to say that army should go to the war before the parliament knowing and vote for that.

Member of Parliament – Mjumbe awe amechaguliwa kutoka constituency level na akiwa ameshindwa na kwenda kwa bunge kama vile wamezoea, kama mtu amechaguliwa wengine hawaendi kwa bunge, wanaenda wakati wapendao. Awe akichukuliwa hatua ama mtu anaajiriwa mwingine, kukatwa mishahara, na pia kufutwa kazi, na watu wakapewa nafasi ya kumchagua mwingine. Member of Parliament, kuwe na, wakipiga kula wawe na three quarters katika parliament ili wapitisha motion, sio watu kidogo wakifika wamepitisha wengine wanalia, wanahongwa, hii inakuwa mbaya. Kuwe na central board, kuwe na kamati ya level ya national, kamati hiyo iwe inaangalia masirahi ya wajumbe. Kama vile wakati wa sasa wajumbe walijipongeza pesa, walijipatia mishahara yote, hawajari kwa sababu hao ni law makers. Wanastahiri waajiriwe wapewe mishahara na kamati fulani kama central board katika Kenya hii na pia hiyo central board iwe inaangalia bunge, kikao cha bunge sasa kimepitisha tutafanya hii, tutafanya hii tutafanya hii, kama hakijafanya kuna uwezo wa mbunge hiyo kuondolewa, wananchi wakapewa kura ya maoni, wakapiga hata wakaiondoa hio bunge, badala ianze kuimba kuimba, na hakuna matunda wananchi wanavuna kutoka kwao. Pia, Parliament, be given power to appoint, wawe wana-appoint Minister, kuwe hakuna assistant minister kuwe na deputy minister na parliament iwe ndio inawa-appoint, Permanent Secretary wawe wana-appoint, in every ministry, Deputy Permanent secretaries, it should be independent body, it should be appointing ambassadeurs, Ministry directors, police commissioners, parliament should be saying who will be the general army forces in Kenya. Senior government officers should have the work which will merge with education, for example, tuseme kama minister amechaguliwa na bunge, asiwe ni mtu amesomea social services, anapewa internal security. Hiyo ni kuonyeza hataiweza kazi na kazi itaanguka, kwa hivyo awe akichaguliwa akiangaliwa, pia PS vile vile

**Com. Abubakar:** Uwe unamalizia

**Garvason Mathew:** Naende kumalizia Bwana Commissioner. Katika budget, wakati budget imekuwa imetengenezwa Kenya,

ebu mjumbe awe ni mmoja wao wa member wanapeleka maoni yao kwa sababu hao ndio wanaotuliza constituencies. Na katika ile budget ya serikali, wakati imetengenezwa, itengenezwe kwa kupitia constituency sio ya district levels. Iwe ni ya constituencies.

Pia kuwe na kamati katika some branches kwa sababu ya kuangalia behaviours za watu. Kuangalia misitu, kuangalia mambo ya doa, kuangalia mambo ya masingira, kuangalia mambo ya mito, hiyo kamati itoke kutoka sublocation hadi constituency levels. Na hiyo ipewe hukumu ya kuangalia mambo, hapa behaviour za watu, kabla mtu hajachaguliwa tabia zake ziwe zimejurikana, kwa sababu kenya hii tunaweza kuchagua mwizi mkubwa sana na hatujui ni nani tumechagua. Awe na clearance from the grassroot. Na pia kwa hiyo kamati ichaguliwe, ikiwa inaangaliwa vizuri, awe ni mtu mwenye record mzuri na pia kuwe kuna watu kama kwa.... Either tuseme watu wa piapo wale wanachunga viapo, ma-pastors, Njurincheke elders wawe ni katika ile kamati.

Marriage –

**Com. Abubakar:** Ya mwisho, chagua la mwisho kati ya hayo uliyo nayo, chagua lile la mhimu kabisa la mwisho ndio uzungumzie.

**Garvason Mathew:** ebu ni ende hilo la marriage.

Marriage – nimepropose kuwe na contract kwa sababu watu wanaoa, mtu anaenda anaoa bibi, anapoenda bibi anapata watoto tano, anamuacha, anapata watoto kumi, anamuacha, kwa hivyo tuna propose kuwe na contract. Wakati wanaoana hao wawili wa-sign contract, waseme tutapata watoto tatu, no morebut three, wote wasikizane watafanya hivyo. Na pia wakiona ni vizuri wawe kwa muda, wafanye muda, ikifika miaka ingine walinew contract yao, ili kusiwe na chokola wengi katika Kenya.

**Com. Abubakar:** Hayo hiyo ni maoni yako, Asante sana, tafadhali needa peleka pale memorandum itachukuliwa, tutaisoma, tutaisoma kabisa. Asante sana. Maru Wachuka, Maru Wachuka, Chrispine Kaume, Bwana Chrispine, karibu, ulikuwa hutaki kusema mapema? Kwa sababu nilisema kuna mtu mremafu, mgojwa, mzee, akae asikize, Karibu sana. Bwana Chrispine, ulikuwa umetoa maoni yako kwa maandishi tayari?

**Chrispine Kaume:** Nilikuwa natoa maoni yangu kwa maandishi.

**Com. Abubakar:** Sasa tupe tu yale mhimu yaliokuwako dani ya hayo maandishi

**Chrispine Kaume:** Na niongezee ingine tatu

**Com. Abubakar:** Ongezea tu, ongezea.

**Chrispine Kaume:** Asante Bwana commissioner, jina yangu mimi naitwa Chrispine Kaume, mimi naongea kwa niamba ya maoni yangu na ya kundi ambaye ninasimamia, hii ya watu wasiojiweza. Kwa maana hii ni sheria sisi tunaweza, na twapenda hii kwa watu wasiojiweza, tujengewe ma-school, katika Kenya na mahospitali pia, na yawe yako na kila kitu.

Ya pili, ningependa kwa maana mtu asiojiweza, ni watu wanakosa saa ingine mambo mengi, wajengewe workshop kutoka darasa la chini mpaka divisional level.

Ya tatu ni elimu, kwa vile sisi walemavu tungependa tupate elimu ya bure, hata wale wengine wako na nguvu, ni heli kutoka pre-primary mpaka form 4, wawe na masomo ya bure.

Ya nne, ni habari ya Njurincheke, hata zamani Njurincheke ndio ilikuwa inalinda watu na tungependa Njurincheke ipatiwe jukumu iwe inafanya mambo ya kutuangalia saana kwa mipaka na hata watu kwa maana kuna wezi wengi. Kuna wezi wengi na mtu akiimba, anapelekwa kwa Njurincheke, huyo mtu ataonekana akiwa mtu halafu akapotea, ni Njurincheke anaweza kumtoa, kwa hivyo Njurincheke ipewe nguvu. (*takes time*)

**Com. Abubakar:** Imeisha?

**Chispine Kaume:** Nina mengi

**Com. Abubakar:** aaa, si hivyo mzee, ukisema ati unaona watu hawana wengi, wengine wamekaa pale nje wanangojea kusikia majina tu. Ikiwa imeisha, useme, ikiwa umesahau, kaa ufikirie baadaye uniwekee mkono juu useme nimekubuka, badala ya kupoteza wakati.

**Chispine Kaume:** Nakubuka sasa wacha nione. Kwa watoto wetu kwa njia ya kuoga waji sana, kwa vijana naomba wakiwa wanaweka msichana wa mzee fulani miba, na akarunde akafanya kumkataa ni lazima alee yule mtoto mpaka awe mtu mzima.

**Com. Abubakar:** Asante sana mzee, sasa ulikuwa usha-sign register? Sawa, Asante. Anayemfuatia ni Mercy Karoki, Mercy Karoki mara ya mwisho. Antony Kariithi, Antony Kariithi, Julius Gitonga, observer huyo, Julius Laitumu, Julius Laitumu, Stephen Miuri, Peter Mbirithu, Ni wewe mzee? Karibu sana.

**Peter Mbithu:**

**Translator:** Majina ni hayo amesema Peter Mbithu

(*end of side A- tape 4*)

**Peter Mbithu:** Kiria twarwerere ni nthiguru

**Translator:** Ile tulipigania ni Ardhi.

**Peter Mbithu:** *Na nthiguru itwaerwe*

**Translator:** Ni ile ardhi tulipewa,

**Peter Mbithu:** *Nio ituete thina muno.*

**Translator:** Ndio imetupatia shida zaidi.

**Peter Mbithu:** *Miunda niyajokirwe na*

**Translator:** Mashamba ilichukuliwa na

**Peter Mbithu:** *tukaewa miunda minini*

**Translator:** tunapewa mashamba kidogo kama point hamsini.

**Peter Mbithu:** *Ikaejanwa njirene.*

**Translator:** Inatolewa kwa njia.

**Peter Mbithu:** *Ruju rukagitaniria kamundene kau*

**Translator:** Hiyo maji inapitia bado kwa hiyo kashamba.

**Peter Mbithu:** *Rukathokia bara bara buru*

**Translator:** Inaharibu barabara kabisa.

**Peter Mbithu:** *Nguruki ya ruji kuthokia miunda, thirikari ibwiri kugura au ruji rukurukerete.*

**Translator:** Badala hiyo maji kuharibu shamba ambayo inatumika, serikali ingenunua hiyo kapande, maji ipitishiwe hapo.

**Peter Mbithu:** *bara bara nio igwaterete nthiguru*

**Translator:** Barabara ndio imeshikilia nchi.

**Peter Mbithu:** *Kwau kinya arimu batiomba kwita shukuru niuntu barara ni igitoki.*

**Translator:** Sasa hata walimu hawawezi enda shule juu mabarabara inakatika.

**Peter Mbithu:** *Twana turitinda ome mwanka mwalimu akinye shuruku.*

**Translator:** Na watoto wanashida break mwalimu anafika shule.



**Peter Mbithu:** *Kwu uria thirikari iri*

**Translator:** Kwa hivo serikali, vile iko,

**Peter Mbithu:** *Katiba itegere mamto ja barara muno*

**Translator:** Katiba iangalie mambo ya barabara sana.

**Peter Mbithu:** *Muntu wonthe aja akurukerete kiri mwalimu*

**Translator:** Zote tumepitia kwa mwalimu, kila mtu hapa

**Peter Mbithu:** *Kwou mwalimu aewe unene*

**Translator:** Kwa hivyo mwalimu apewe mamlaka.

**Peter Mbithu:** *Nyomba iria iri shukuru mwalimu agwita ngugi,.....*

**Translator:** Ile nyumba iko na shule ama mwalimu anafanya kazi, barabara ifike.

**Peter Mbithu:** *tuchoke rutere rwa kuejana miunda*

**Translator:** Turudi upande wa land adjudication.

**Peter Mbithu:** *bara bara igakinya miundene*

**Translator:** Kwa barabara yasifike kwa mashamba,

**Peter Mbithu:** *Muntu uu aratumagira munda jwawe na niariri na njira.*

**Translator:** Huyo mtu anatumia hiyo shamba lake lakini ilikuwa na njia.

**Peter Mbithu:** *Nyumene akerwa ikorari na njira aja.*

**Translator:** Baadaye ndio anaambiwa kulikuwa na barabara

**Peter Mbithu:** *rita mbesha.*

**Translator:** toa pesa.

**Peter Mbithu:** *Kwou mtu agatumira munda jutina barara ende ikeja ikagitwa.*

**Translator:** Kwa hivyo mtu anatumia shamba bila barabara kwa miaka mingi baadaye inakuja inakatwa.

**Peter Mbithu:** *Kwou mtu abaterwe kwonwa barabara mbere ya tumira munda kenda itikathokwe.*

**Translator:** Kwa hivyo kama mtu angeonyeshwa barabara kitabo atumie shamba, haingeharibiwa.

**Peter Mbithu:** *Kwou watho bwikirwe bwa barabara na miunda*

**Translator:** Kwa hivyo sheria inatakikana iwekwe, ya barabara na shamba,

**Peter Mbithu:** *bwa jairi*

**Translator:** Ya pili,

**Com. Abubakar:** Hiyo ni ya tatu, Mwambie mzee ni ya tatu na sasa aanze kufupisha.

**Peter Mbithu:**

**Translator:** (vernacular)

**Peter Mbithu:** *Kwou mtu aewa munda, na ambirie kuritira ngugi, igaitwa njira kairi.*

**Translator:** Kwa hivyo mtu akipewa shamba, na aanze kuiendelesha, isitolewe njia tena baada ya miaka.

**Peter Mbithu:** *Niunto munda ni jwawe*

**Translator:** Kwa sababu shamba saa ni yake.

**Peter Mbithu:** *Na yethrwa ruji irokwoneka ku*

**Translator:** Na kama maji inapitia huko,

**Peter Mbithu:** *Enjere mutaro kana thirikari*

**Translator:** Kwa hivyo achimbie mtaro ama serikali

**Com. Abubakar:** Mweleze, mzee, subiri mzee, goja, goja, mueleze mzee, nimesikia kuhusu mambo ya ardhi, nimesikia kuhusu mambo ya barabara, na nimesikia kuhusu anavyo sema, mtu akikatiwa mashamba, kama kuna mipango ya kuweka barabara, aambiwe kimbele barabara itapita hapa. Ndio asiwachwe atengeneze shamba lake, harafu ndio aje aambiwe barabara itapita hapa. Nimeelewa hayo, anamengine?

**Peter Mbithu:** *Anene nande, ariaria baria batotongeretie*

**Translator:** Wakubwa sasa, anazungumzia wakubwa sasa, watawala,

**Peter Mbithu:** *Mwana wawe athoka atioragwa*

**Translator:** Mtoto wake akiharibu hachapwi

**Peter Mbithu:** *ende baria bakwina ibo baoragwa muno.*

**Translator:** Lakini wale wanaimba ama mwenzake ndio anachapa sana.

**Peter Mbithu:** *Kwou ariria kwina mwana wa mugongo na wa kiu?*

**Translator:** Kwa hivyo anauliza, kuna mtoto wa mgongo ama wa tubo?

**Peter Mbithu:** *Kairi agategera munene akiandikwa.*

**Translator:** Halafu anaangalia tena, mkubwa akiandiwa,

**Peter Mbithu:** *Akaria ariaria anene machibo, anini bao na bange.*

**Translator:** Akiongea wakubwa anaongea mambo ya chief, sub-chief na wengine.

**Peter Mbithu:** *waorwa wite kwawe.*

**Translator:** Ukichapwa uende kwake.

**Peter Mbithu:** *withithwa utina mbesha gutikuthikirwa.*

**Translator:** Kama huna pesa hakuna kusikizwa

**Peter Mbithu:** *kwou katiba itegere mantu ja anene na uria baritaga ngugi.*

**Translator:** Kwa hivyo katiba iangalie mambo ya hawa wakubwa na utekelezaji wa kazi yao.

**Com. Abubakar:** Mzee la mwisho kabisa, mwambie mzee. Mapendekezo sasa.

**Peter Mbithu:** *yategerwe bwega*

**Translator:** Iangaliwe mzuri

**Peter Mbithu:** *Njuri cheke niyo yatongeragia bwega.*

**Translator:** Njurincheke ndio ilikuwa inatawala vizuri.

**Peter Mbithu:** *Nio yaije mwekuru uria utigitwe.*

**Translator:** Ndio ilikuwa inajua mwanamke yule ameachwa (widow)

**Peter Mbithu:** *Itathoranaga twana twa antu.*

**Translator:** Haikuwa ina bagua watoto wa watu.

**Peter Mbithu:** *Yangananagia twana tunthe.*

**Translator:** Ilikuwa inawatoshanisha watoto wote.

**Peter Mbithu:** *Na niyo yaritaga ngugi na njira iu.*

**Translator:** Na ndio ilikuwa inafanya kazi na mna hiyo.

**Peter Mbithu:** *Akothiria.*

**Translator:** Amemaliza.

**Com. Abubakar:** Asante sana mzee, tafadhali andika jina huko, msaidie kuandika jina kwenye register huku. Dancan Mwongera, Dancan Mwongera, Irene Igoki, Cyrus Mwiraria, Pius Muriuki, Pius Muriuki, Councillor John Gichunuku, Josphat Gichuru, uko Josphat? Karibu, taja jina lako halafu uanze mara moja. Tena tufanye haraka haraka, wajua huyu mzee nimemheshimu kwa sababu ya umri wake. Wewe kijana kama mimi tutaendeshana kidogo. Asante.

**Josphat Gichuru:** Asante sana Bwana Commissioner, Yange ni machache na sitaongea kwa kirefu sana. Kwa jina naitwa Josphat Gichuru, Ya kwanza nataka kuzungumzia mambo ya transfer ya machief na sub-chiefs. Katika utawala wa mkoa,

2. Ya pili ningetaka kuwe na unitary types of government.
3. Ya tatu kuwe na Free health care katika watu wote ama citizens katika nchi yetu.
4. Halafu ya nne, nitasema kwa kingereza. In God's sight all are equal, women should have equal rights in their democratic country. Men are personable but women are not. Are they not civil servants like others? Many have decided to live a single life, others are barren why shouldn't they be personable. Let them enjoy their toil and sweating.
  5. Disabled have no say in our country, they are neglected and the government is keeping nude of them. Why? They should be looked after at least having a little earning from the government to sustain their lives.
  6. Kenyan citizens have the right to own property but we have minority being rich i.e about 3% while majority enjoy poverty. The rich minority oppress the poor. No \_\_\_\_\_ that will prevent those few greedy people from undermining and taking the property of the poor.
  7. Public land must be defended from land grabbers. I mean the rich people. They should seek justice, amid their wealth and power.
  8. Greeting is a sign of peace, when one meet with two I propose that when one is to great the others, and when one crempting is being greeted by the one robbing or when one is carrying a load, the one who is free should greet the one having the load.
  9. A will – will or \_\_\_\_\_ is the final desposition of a person. Property to take effect after his or her death. In addition, or alteration, one should be allowed to amend at any day or time knowing that he or she is alive.
  10. It must be in writing or orally. If in writing, it should be signed by two or three witnesses according to the owners of thewill. If in unwriting also witnesses must be two or three people. An executer must be trustworth, God fearing enough to close out an estate by legal process and turn it over to the beneficiaries or the trustee as directed in the will.

Family will however, property is to be shared among children, the widow or the bereaved should not be left out.

**Com. Abubakar:** Josphat Ungekua unamaliza sasa, ya mwisho.

**Josphat Gichuru:** We would like to have free education to all people in Kenya from primary to university level for families and parents are facing so many problems by selling their lands and making them

**Com. Abubakar:** Tumeelewa, ukisema ya bure, na watu simu zinaanza kufanya kazi, wangekua wanazima.

**Josphat Gichuru:** Thank you. Concerning roads, the government should be quick to draw resistance especially to the taking areas whereby people are dying out of hunger. Thank you sir.

**Com. Abubakar:** Thank you very much Josphat, andika jina lako kwenye register tafadhali. Francis sembere, Francis Sebere, Gregory Mwirira, Gregory, James Kairi, James Kairi, Simeon Thithara.

**Simeon Rithara Kaura:** Thank you sir, my names are Simeon Rithara Kaura. My views are as follows: Me I will talk about health care, immorality, education and security.

Education in primary schools should be free of charge. Government should provide

**Com. Abubakar:** goja, goja, Nani ana simu ambayo inalia? Maana ke ukiwa na simu ya mkono tafadhali izime ina-interfer na mitabo yetu ya kurecord. Asante. Endelea mzee.

**Simeon Rithara:** Primary education should be free of charge and government should be helping parents with building funds, teachers, and books, that is what is called free education. Because fee in secondary school in Kenya is very high, and farmers

**Com. Abubakar:** Ukisema hizo ni sawa, ukianza kueleza ni nini ..... why it is offensive hatutaki, tushajua, sema free, tunataka vitabu na T-shirts na mambo mengine, sawa.

**Simeon Rithara:** and also medicine, madawa yawe ya bure especially in government hospitals.

Security- In our villages, assistant chiefs, they get tough time kwa sababu kuna watu wanasumbua watu sana usiku na kwa hivyo assistant chief awe anapewa two askaris, AP or policemen, wawe wanakaa katika to their camp. Wawe wanakaa huko katika campi ya subchief. Na ya mwisho kabisa nitaongea mambo ya immorality.

Immorality within small children, immorality should stop immediately and if one is caught doing it especially a man from 30 years and above, one must be sentenced to death or equivalent to that.

**Com. Abubakar:** Bona sikuelewi mzee wangu, yaani an immoral man yeye afungwe miaka 30 au auawe?

**Simeon Rithara:** No, nasema immorality should be stopped in Kenya especially to a man from 30 years and above, if one is caught doing it with a child, from 1 to 10 years,

**Com. Abubakar:** Kwa hivyo unasema rape, ya watoto, wa miaka ya chini, ukifanya kitendo hicho, uuawe.

**Simeon Rithara:** Uhukumiwe kifo.

**Com. Abubakar:** Sawa.

**Simeon Rithara:** Ama kitu ingine inafanana na hicho.

**Com. Abubakar:** Nini inafanana na hicho?

**Simeon Rithara:** Serikali itajua.

**Com. Abubakar:** Haya, asante

**Simeon Rithara:** eee, na nimemaliza.

**Com. Abubakar:** Thank you very much, andika jina yako pale utoe memorandum mara moja. Kaidiu King'ethu, Kaidiu King'ethu, Mbariu Mugaa, Paul Mtuanaba, Mbariu ukaa, Paul Mutuonamba ajitayarishe,

**Mbariu Mugaa:** Ile mambo nitazungumzia, sana sana, ni kuhusu hii uwezo wa Rais. Majina yangu kamili ni Mbariu Mugaa, na nimesema, ile mambo nazungumzia sana ni kuhusu mamlaka ya Rais. Kwanza kabisa, ile kifungu ningetaka iondolewe ni hii the President appointing the judiciary, hii judiciary inachaguliwa na Rais haiwezi ikatengeneza kazi yake vizuri kama ipasavyo ama vile inatakiwa, kwa sababu anaogopa kufukuzwa the following hour.

**Com. Abubakar:** Pendekezo lako nini?

**Mbariu Mugaa:** Pendekezo langu, iwe bunge ipatiwe hiyo mamlaka, halafu, mawaziri wachaguliwe na Rais, lakini wahitimishwe na bunge. Umri wa Rais uwe at least 45 years and must be married man,

Political parties – I think there should be no more mergers, if any party tries to merge with the other party, I think both parties should be sacked and by-election be called immediately by the electoral commission.

In parliament also, if an MP tries to defect if not merging, this time in defection, should not be allowed by the new constitution to vie for any longer system because he has been an MP, so what does he want?

Concerning the local authority - in the present constitution, when a councillor defects or may be accidentally dies, there is no by-election, what happens is they wait for an MP to die or to defect so that they can call by-election, so that one should be totally scrapped, and only get away with the dust. Also, when they defect they should not contest for that civic any more.

Land – Ratio of a land \_\_\_\_\_ becoming more embarrassing, more than any issue,

**Com. Abubakar:** Pendekezo lako?

**Mbariu Mugaa:** Land – There should be formed a commission which will deal with land and not these land officers. Otherwise they are very corrupt. Also, any civil servants, committing a crime should be transferred but rather should be arrested and be prosecuted according to the law, probably the law should make the new constitution not the present constitution.

**Com. Abubakar:** Endelea, muda unakwenda.

**Mbariu Mugaa:** When it comes to the national cake, all the national cake should be catered and be heard by the parliament regardless to the status of the people, or their marginal areas as it has been happening. Thank you those are my views.

**Com. Abubakar:** Thank you very much Mbariu, tafadhali andika register hapo. Nilisema Number, Patricio Miriti, Karibu Patricio. Mugambi Mbaraya ajitayarishe

**Patricio Miriti:** *Itagwa Patricio Miriti Ndwekendu, kiria kimuretete*

**Translator:** Anaitwa Patricio Miriti Ndwekendu, sababu imemfanya aje,

**Patricio Miriti:** *Igita ria mbura*

**Translator:** Wakati wa mvua,

**Patricio Miriti:** *Riria kukura tuonaga thiina muno, niuntu tukamataga antu na ngari chia ng'ombe.*

**Translator:** Wakati kunanyesha tunasumbuka sana juu tunabeba watu na gari za ng'ombe, ndio tumfikishe hospitali mbali mpaka Meru town.

**Patricio Miriti:** *Ni untu njira ni ithoki.*

**Translator:** Kwa sababu njia ni mbovu,

**Patricio Miriti:** *Ndaracha ichithoki chionthe*

**Translator:** Madaraja yameharibika yote

**Patricio Miriti:** *Bwa jairi, rutere rwa urimi*

**Translator:** Na ya pili, upande wa kilimo sasa,

**Patricio Miriti:** *Ageragia kurima muno.*

**Translator:** anajaribu kulima sana,

**Patricio Miriti:** *Na atiandiki ni thirikali, aregagera urimi bunka.*

**Translator:** Na hajaadikwa na serikali, anategemea kilimo tu peke yake.

**Patricio Miriti:** *Into biria birimagwa mbesha chiri nthi muno na ibio beregagera.*

**Translator:** Zile vitu zinalimwa iko pesa chini sana na ndio anategemea peke yake.

**Patricio Miriti:** *Ititethagia kwona irio na mbesha iu.*

**Translator:** Haisaidii ata kupata chakula hiyo pesa

**Com. Abubakar:** Mzee anasema, mahidi inauzwe bei gani?

**Patricio Miriti:** Shiringi nne.

**Translator:** Shilingi inne.

**Patricio Miriti:** *Aririma na guti gintu akwona, mbesha chia shukuru chitikwoneka.*

**Translator:** Analima na hakuna kitu anapata, fees ya mtoto ya shule haipatikani.

**Patricio Miriti:** *Rutere rwa kahoa*

**Translator:** Upande wa kahawa,

**Patricio Miriti:** *Turirima kahoa tugaikia factory*

**Translator:** Tunalima kahawa tunapeleka factory,

**Patricio Miriti:** *Turiangaika mwaka tukaurirwa, na mbesha itikwoneka*

**Translator:** Tunasubuka kabisa mpaka kunyeshewa, na pesa haipatikani

**Patricio Miriti:** *Kahoa tene, ikari na mbesha titanande.*

**Translator:** Kahawa zamani, ilikuwa ina pesa pesa sio kama sasa,

**Patricio Miriti:** *Naikaombaga kuthomithia twana, bakathiria shukuru ende narua katiomba.*

**Translator:** Na kakweza kalikuwa kana someza watoto wote, mpaka wanamaliza lakini leo hakawezi, kahawa,

**Patricio Miriti:** *Kwao utethio gwetu, kutibu, kwou thirikali itegere tutigakuewe bure.*

**Translator:** Sasa faida yetu hakuna, selikari inaangalia sisi tunakufa kabisa



**Patricio Miriti:** *Na manto ja maingi kinya kuurwa.*

**Translator:** Na mambo mengi ata akiianza kupigwa,

**Patricio Miriti:** *Akaorwa imuntu akauga kwa polisi irio mantu ja thoka bure. Ni untu bunga mtu uria umuurire arina mbesha niwe ukathekwa na uu arekerwe.*

**Translator:** Anaseme, yeye hata akipigwa na mtu, halafu aende a-report kwa police, ndio shida zaidi, juu sasa yule mtu amempiga pengine ako na pesa, yeye ndiye ataachwa huko, yule amempiga aachiliwe.

**Patricio Miriti:** *Na riu niyo thiina iria tukuga thirikari imenyere muno.*

**Translator:** Na sasa hiyo ndio shida tunasema serekali iangalie sana.

**Patricio Miriti:** *Kwou inya yetu ni thirikari.*

**Translator:** Sasa nguvu yetu, ni serikali,

**Patricio Miriti:** *Na ameru mbere, ibaugaga*

**Translator:** Na wameru mbeleni, walikuwa wanasema,

**Patricio Miriti:** *Ameru tene baugaga, mkuru akura achoke nyuma, nthaka imumenyere. Nande thirikari imenyere nthaka.*

**Translator:** Kwa wameru zamani alikuwa amesema, mzee akizeeka, yeye hurudi nyuma, vijana wanakuwa mbele ndio wamchunge. Sasa hio serikali iwachunge hawa vijana.

**Patricio Miriti:** Na maoni yangu Bwana Commissioner, ni hiyo tu. Thank you.

**Com. Abubakar:** Asante sana, Mungu akumbaliki asante sana – tafadhali andika jina pale. Nilisema Mugambi Mbaaraya, hayuko? Kanampio Rugoji, Clearntin Ntoriburu, Charles Rimiri,

**Charles Rimiri:** Thank you Mr. Commissioner, I'm Charles Rimiri, Eologian and HIV AIDS student from Nairobi Jomo Kenyatta University. I am here to give the following proposals. We look that the government we have today, has some \_\_\_\_\_ issues and ethical issues which make it difficulty to find out this disease which is HIV AIDS, so I propose that those ethical issues should be reviewed. There should be no confidentiality in the code of conduct in the doctors conduct. There should also be that the family concerned over who has been found to be infected with the virus, should be exposed so that they can know how to manage the situation to prevent further infection.

The other thing I have to put forward, this time is that, for the case of the governance, we look that we have one parliament, but

in reality, we see several governments existing because when you look to the lets say this area where we have tea growers, we have KTDA whereby we have board of directors. They have their roles which are not looked upon by the government because sometimes you can look when a farmer goes there with cases they must be even thrown out and being told they can go wherever they want because there is a government by the parliament by itself and a government by itself.

The other issue I have, is about the retirement, yaani you look

**Com. Abubakar:** Kidogo dugu yangu. You are saying KTDA is the same as parliament?

**Charles Rimiri:** Yes, it is the same as parliament, the way they exist and they carry out their obligations, because if the farmers have their issues, they sit there in the board room and then they don't have anywhere to take their issues,

Another thing I was talking about is about the retirement age. If you look the government of Kenya today, they have set a retirement age,

**Com. Abubakar:** Kidogo, kidogo, mzee wangu, mzee wangu hapo nyuma, nakuomba kwa hisani yako, tumpe fursa aseme ndio tumfikie kama hatujakufikia.

**Charles Rimiri:** They have set a retirement age and they are not looking at that proposal which they have put forward because you can see, if somebody has been retired, he is taken somewhere else to work in another position, and we look very well that this person, the government when it was formulating those laws, it shows that person has gone to the stage which is called, which is not profitable to the public. So when he is taken to the other post, you see that the way he performs his responsibilities is not worthy. So I have that if somebody has been retired, he should be discarded. He should not be given another portfolio.

The other thing I have to speak about, on that issue, is about the issuing of job. It should be in Kenya, one man one job, so that the young generation who have groomed up in education sector should have employment.

The other thing I have to speak is about the government, the government of Kenya should have the two houses, the way it was at the beginning. We should have the upper house, which should be composed by ministers who should not be elected from the MPs. And the lower house, we should be having the representatives, those are the members of parliament who have been elected from the areas to represent the views of the wananchi because they will take effect because we elect people to represent our issues to the parliament and if we have those two houses, the issues will be representing the house of representatives, whereby they will be forwarded to the upper house to send it or out of the ministers. So those are what I had. Thank you.

**Com. Abubakar:** Pia yule nilimuita Kanampio amekuja? Fanya haraka sababu uliitwa hukuwa huko, twende haraka haraka, wenzako wanaenda haraka haraka sasa. Utaje jina kwenye microphone, utaje mambo yako haraka haraka tafadhali,

**Kanampio Mbocori:** Asante sana Bwana commissioner, kwa jina ni Kanampio mbocori. I have only six points.

1. First, the judiciary, to minimize the directory of judges, and filing of many cases, and the proceeding, \_\_\_\_\_ the constitution should state the maximum and the minimum of cases in courts of law. For instance there are some cases which have been in court for about 30 years and advocates demand for money for every mentioning date.

**Com. Abubakar:** Sawa sawa Kanampio, unapendekeza your are proposing that there should be a set time under which any case filed in court should be completed?

**Kanampio:** Yes

**Com. Abubakar:** Thank you

**Kanampio:** To the side of security of life, constitution should protect life if someone kills the other, he or she should be dealt with likewise, or he be hanged to death.

To the side of shamba cases – shamba cases, shouldn't be taken into the court but legally decided (*interruption*)

*Continues-* who knows the right of both plaintiff and the defendant, in Tigania, we would prefer to all powers of verdict to be given to our popular group of elders Njurinchike.

Provision of weapon – for self security, the very able people, sub-chiefs, and assistant chiefs should be provided with firearms or guns.

Local brews - to reduce the poverty, the local brews like chang'aa should be licenced and you write, “under condition” and provided with trification machine to convert it into industrial .

beer. The brewing people should be taking it to a certain place where it should be collected, taken to the industry, purify it and finally distributed into bars.

Public property should be constitutionally protected against civil servants who mostly misuse them in most cases the very senior officers be found the public fund but they end up by being transferred and promoted while somebody very poor may be jailed for over 7 years over a theft of a banana. Shortly, the crime should be valued and be given effective punishment. Asante.

*End of tape 4*

**Com. Abubakar:** Asante sana, tumepoteza wakati kidogo, lakini kama tulivyosema asubuhi tunaendelea kureport kila kitu tunavyosema. Na ukisema uwe unasema ndio tuweze ku-record, tunajaribu kuweka njia ingine ya mbele. Fredrick Mitika, Geoffrey Raimura, Peter Kamau, Peter Kamau,

**Peter Kamau:** Nitasema na kimeru, jina langu ni Peter Kamau

**Tlanslator:** Kwa majina anaitwa Peter Kamau

**Peter Kamau:** *Ndienda kuuga*

**Tlanslator:** Anataka kusema.

**Peter Kamau:** *Uria kubaterwe kwithrwa Kenya*

**Tlanslator:** Vile kunatakikana kuwe Kenya

**Peter Kamau:** *Antu babaingi muno*

**Tlanslator:** Watu wengi sana

**Peter Kamau:** *Mtongeria uria ukathurwa*

**Tlanslator:** Yule President ambaye atachaguliwa

**Peter Kamau:** *Itawe ukathithia thirikari na ae antu ite.*

**Tlanslator:** Yeye ni kama ni yeye atauda serikali na apee watu viti

**Peter Kamau:** *Abaa ngugi, Mtonegeria athurwa na athura anini bawe barite ngugu bati kuwa mbesha.*

**Tlanslator:** Akiwapea kazi, President akichaguliwa na apee watu wake kazi, wawe na mamlaka ya kutegeleza kazi bila kumuogopa.

**Peter Kamau:** *Mbonge*

**Tlanslator:** Injine

**Peter Kamau:** *Rutere rwa njuri cheke*

**Tlanslator:** Upande wa Njuri cheke

**Peter Kamau:** *Thirikari ithingatirie mibango yao na hata mzungu akija njuri cheke no jari oo.*

**Tlanslator:** Serikali ifuatilie mpangilio na iwashughulikie, hata mzungu akija, Njuri cheke bado ilikuwa.

**Peter Kamau:** *Ya karitie miitu*

**Tlanslator:** Ilikuwa imechungu misitu,

**Peter Kamau:** *Ya menyagira manto ja ruji.*

**Tlanslator:** Ilikuwa inashughulikia mambo ya maji,

**Peter Kamau:** *Itathuraga antu kana aana*

**Tlanslator:** Haikuwa na ubaguzi upande wa watoto ama watu,

**Peter Kamau:** *Bonthe bathuraga magamba umwe.*

**Tlanslator:** Wote walikuwa wanaamua ma-case yao sawa sawa

**Peter Kamau:** *Na thirikari yetu ikare ta njuri cheke*

**Tlanslator:** Na serikali yetu inatakikana iwe kama Njurincheke hivyo bila ubaguzi.

**Peter Kamau:** *Na kumenye uma ita kuchioraga*

**Tlanslator:** Wakajua ukweli ulikuwa na nia ya kuua,

**Peter Kamau:** *Na kaworagagwa, withirwa uri na meia.*

**Tlanslator:** Pia ulikuwa unauawa, ukipatikana na hatia

**Peter Kamau:** *Yethirwa ni mbaati ibi.*

**Tlanslator:** Ikiwa ni bahati baya

**Peter Kamau:** *Wariaga na ng'ombe.*

**Tlanslator:** Kulikuwa na malipo ya ng'ombe

**Peter Kamau:** *Wathiria kuria ukaoragwa.*

**Tlanslator:** Ukimaliza malipo huku unauawa

**Peter Kamau:** *Na antu bao ibagwiraguwa mtu oragwa, akiriwa*

**Tlanslator:** Na watu wao wanafurahia mtu wao akilipwa, yule aliuawa

**Peter Kamau:** *Na thirikari yakwithira nja.*

**Tlanslator:** Na hata serikali nayo pia ukipatwa nyumbani

**Peter Kamau:** *oragwe*

**Tlanslator:** Uuawe

**Peter Kamau:** *baria boragene bagwatwa*

**Tlanslator:** Wale wameuana wakishikwa kwa huyo mtu,

**Peter Kamau:** *Kinya bo boragwe*

**Tlanslator:** Hata wao wauawe.

**Peter Kamau:** *Niuntu ba kwindaga kumuraga baia into biawe.*

**Tlanslator:** Juu walikuwa na nia ya kumuua ndio waimbe mali yake

**Peter Kamau:** *bathekwe maisha, bagachoka kiri antu*

**Tlanslator:** Wafungwe maisha kabisa, wasirudi kwa watu

**Peter Kamau:** *Nkuthiriria au.*

**Tlanslator:** Amemalizia hapo

**Com. Abubakar:** Samuel Mutobori, Samuel Mutobori, Pastor David michuki, Patrick Maina Thiane, Tarico Ntothingiri, John mtoirongi, John Ntoirongi, John Kobia Mairu, Thomas Ntoraru, Tomas Ntoraru, Josphat Mathurim

**Taraticion Tararo:** Mimi naitwa Taraticion Tararo, na mimi nimekuja kusikia lakini nimeomba commissioner anipe ruhusa niulize swali moja.

Mimi nauliza, watu wote wale wanakaa hapa, wazimu, officer wa serikali, na wakulima pamoja, mtu anafanya kazi, anaondoka bure bila kitu? Mtapewa mshahara na serikali nyinyi, na mimi nalima, si nitapewa mshahara na chakula, ile mimi natoa ile shamba. Kwa nini mau mau alifanya kazi mzuri namna hii na katiba apana mwende mukaangalie muone maumau kama ni watu walifanya tuketi hapa. Kama si mau mau tukipata mishahara hii mnapata, kwa nini mnawatupa kabisa hapana tupea chance? Nataka muende mkaangalie haya maneno,

**Com. Abubakar:** Mzee, mapendekezo yako ni kwamba, wale waliopigania uhuru mau mau, waangaliwe masiraha yao, hayo ndio maoni yako?

**Taraticion Tararo:** Asante, ndio mi nakuomba hiyo. Waangaliwe

Ya pili ni kumpa asante kwa kiongozi wote, waende wakaangalie katiba hii, waweke vizuri.

**Com. Abubakar:** Josphat Mathuri, Ni wewe Josphat? Karibu.

**Josephat Mathuri:** First majina ni Josephat Mathuri, Yangu ni moja, ya kwanza ni Vice President awe anachaguliwa na wabunge.

Ya pili, Vitabu ya sheria, vitabu vya sheria ziwe zinauzwa hata madukani ili watu wanunue wapate wasome wajue sheria wanaositakiwa nazo.

Sina mengi, Asante.

**Com. Abubakar:** Asante sana, Erasto Ndandu, John Thumbi, Samuel Thiaru, Lucy Mugambi, Huyu ni observer, observer, observer, Joshua Karicha, Karibu Joshua.

**Joshua Karicha:** Mimi naitwa Joshua Karicha, na swali langu ni hii, kuhusu majani chai, upande wa majani chai, nasema serikali iangalie kwa sababu wale tunaita directors, factory tulisettle dani ya Kenya, ni factory 45 na zina ukulugezi wa wale wamechaguliwa 270, hio ni kama kikao ingine ya parliament. Inaonekana ni kama parliament mbili iko Kenya, hii upande ya majani, 270 na ingine parliament ingine iko. Kwa hivyo ningetaka serikali iangalie, pendekezo langu kila factory iwe na directors wawili, ili wasiumize watu sana kwa sababu hawa watu wanakula pesa, wakulima wanawachwa bure. Sababu ni wengi sana.

Ile ingine ningesema, serikali iwe dani ya majani chai tusiwachiliwe kwa sababu wakiwachiliwa watu si ati itakomaa kusimamia kama ile factory, watu wasimamie wenyewe, serikali isimamie. Yangu ni hiyo tu kuhusu ukulima wa majani chai.

**Com. Abubakar:** Paster Samuel K. Manyara. Umerudi? Haya, Mzee Erustus Ndandu, karibu,

**Erustus Ndandu:** (vernacular)

**Com. Abubakar:** Ningewaomba hivi, kwa vile commissioner mwenzangu anafahamu kimeru, na maneno yoote tunaliport, mzee aendele

**Erustus Ndandu:** (*gave his views in vernacular*)

**Com. Ratanya:** *Addressed Mzee Ndandu in Kimeru*

**Com. Abubakar:** Sasa amayefuata, nilikuwa nimemuita Pastor Samuel K. Manyara. Karibu pastor.

**Pastor Samuel Kaberia Manyara:** (*gave his views in vernacular*)

**Com. Ratanya:** *Addressed Pastor in Kimeru*

**Pastor Samuel Kaberia Manyara:** *continues in vernacular*

*(silence)*

**Com. Ratanya:** *Addressed Pastor in Kimeru again.*

**Pastor Samuel Kaberia Manyara:** *continues in vernacular*

**Com. Ratanya:** Sasa unajua hayo ni maoni yako, kwa hivyo nilikwambia uwe unasema yako na mwingine alisema yake.

**Com. Abubakar:** Asante sana. Jiandike jina kwa register, mimi sitaki kusema lolote kwa sababu ana maoni yake. Anamjua kua na maoni yake. Joan Kajuju Kobia, Karibu

**Joan Kajuju kobia:** My names are Joan kajuju Kobia, Nitazungumzia tu maneno mawili kwa sababu pengine yamasha semwa, I will talk on those disabled people. What I'm proposing is that the government should set aside every kind of way so that to uplift the lifes of those people. Others cannot even help themselves.

The other thing I will talk of is about employment, employment, not unless one has a tall relative or leaders are \_\_\_\_\_ (inaudible) so in case of either the one who is going to be employed, can even get a failure and get a fact, and the one with the filing certificate be left behind because has nobody at all. Thank you.

**Com. Abubakar:** Thank you very much. Please sign our register there. Hao nilikuwa nimewaita lakini naambiwa pengine mmoja au wawili wamerudi, nitaita jina mara ya mwisho, Patrick maina Thiane, nilikuwa nimemuita, mnakumbuka? Taricio N' totingiri, umekuja mzee, ningekuwa nishapitisha hii list, karibu mzee. Najifunza kila siku mzee wangu. Endelea mzee. Ungetaja jina lako mzee kwa sababu tunarecord.

**Taricio Thiringi:** Mimi naitwa Taricio Thiringi. Sasa vile mimi nataka kusema, ni wakati ya hospitali, Kama mtu alienda hospitali, aende na blanket, karai, kikombe, na kijiko, na serikali ndio iko na nguvu ya kupatia mtu kama hiyo. Na mtu kama hana hiyo, hawezi kuona mtu wakumsaidia,

**Com. Abubakar:** Kwa hivyo mzee unapendekeza, huduma ya afya, ukienda hospitali, ufanyiwe matibabu bure.

**Taricio Thiringi:** Bure. Ni hayo tu.

**Co. Abubakar:** Ni hayo tu? Asante sana mzee. Tafadhali uje hapa mzee, mzee wangu, uje uandike jina hapa kwamba umetoa maoni yako. John N'toirongi. Hayuko? John Kobia Mairuki, Thomas Ntoraru, wewe ndio mzee unazungumza sasa? Jina lako nani? Keti hapo mzee, uchukue microphone, utaje jina kwa sababu tunarecord, halafu utoe maoni yako.



**Thomas Ntoraru:** *(gave the views in vernacular)*

Com. Abubakar: Asante sana mzee, joo hapa uandike jina kwa register. Erick Mwirira, Erick Mwirira, Ambrose Kairanya, Margaret Mwari, Karibu mama, karibu, utaje jina halafu uendelee.

**Margaret Mwara Stephen:** *(gave the views in vernacular)*

**Com. Ratanya:** *spoke to Mwara in Kimeru*

**Com. Abubakar:** Asante mama, joo uandike jina hapa tafadhali. John Rukunga. Karibu mzee wangu. Utaje jina na uanze kutoa maoni.

**John Rukunga:** Asante sana Bwana commissioner, jina langu naitwa John Rukunga. Niko na neno mbili tatu hivi, la kwanza ni kwamba, ningependa katiba ikae namna hii wakati wa kuandikiwa chief, awe amechaguliwa kwa mlolongo kama wabunge, wananchi wafanye mlolongo wamchague kama wabunge. Na miaka tano ikimalizika, asimame tena, kuchaguliwa na wananchi kama wabunge, ili ajue masirahi ya wananchi.

Na langu la pili, wakati mtu ambaye ana shamba lake, anapanda miti, ya aina bali bali, wakati anataka kujenga au kufanya kitu kingine na ile miti yake, asiende akaombe barua ya kukata ile miti, awe ana uhuru wakukata miti yake, na kupasua na kufanya vile ambaye anataka kufanya.

Lingine Bwana commissioner, wakati wabunge wanamaliza muda wao, ili waende wakoembe kura, ingefaa sana, wakati wa ile mikutano, iwekwe pamoja, yule ambaye anaomba kura kwa wananchi na yule mwingine, wawe wanafanya mikutano mahari pamoja ili tusikie huyu vile anasema na mwingine vile anasema ili tujue ni nani ambaye tutachagua wakati wa uchaguzi.

Nafikiri ni hayo Bwana Commissioner.

**Com. Abubakar:** Asante sana mzee Rukunga. Vasilio Rukunga. Karibu mzee, utaje jina lako mzee halafu uendelee.

**Ausilio Rukunga:** Asante sana Bwana commissioner, jina langu ni Ausilio Rukunga. Jina langu la kwanza, ni mwaandikwa, wale wanaajiriwa kazi kwa serikali, akisha imba pesa za serikali ni heri ashitakiwe, akipatikana ndiye ameshachukua hiyo pesa, afungwe na alipe.

Jambo la pili, police naye nataka akuwe namna hii, hongo ili imalizike, akipatikana na hongo, wakati wa kushika watu au kufanya kile wanaofaa kufanya, ashtakiwe, akipatikana na hiyo usaidi sawa sawa, afutwe kazi.

Jambo la tatu, ni kama mimi mzee na kuna wazee wengine zaidi kushida mimi, wazee na kina mama yake, wengine wanazeeka, hawana watoto, hawana chochote, serikali itafute njia, yakuwasaidia, kama ni njia ya kujengewa mahari fulani, wawe wakisaidiwa huko.

Jambo la nne, mimi ni mzee na niko na watoto karibu tano au sita au saba na niko na shamba, na hiyo shamba iko na title, na saa hiyo iko na title, wakati wakwenda kuwagawia watoto hiyo shamba, pesa ni nyingi, hata mzee hawezi kuzilipa. Nataka kuomba kama ikiwezekana, serikali hiyo pesa ya title deed ipunguze ione ni njia gani itasaidia wazee wale wasio na mali. Manene yangu inamalizikia hapo.

**Com. Abubakar:** Asante sana mzee, tafadhali uje u-sign register hapa. Coucillor Lawrence Kirema, Councillor Lawrence Kireme, Tabacio Mugambi, Tabacio Mugambi, Julius Mulelwa, Karani Mugathia, Uko? Karibu, karibu mzee.

**Karani Mugathia:** *Spoke in vernacular and more concerning land and Njurincheke .*

**Com. Abubakar:** Asante sana, joo uandike jina hapa kwa register, Kirianki M'tomanyara. Karibu.

**Kirianki N'tmanyara:** Commissioners, and the other people I salute you, mine are nine points.

**Com. Abubakar:** Tafadhali taja jina kwa sababu tunarecord na.....

**Kirianki N'tmanyara:** thank you very much I'm sorry about that, My name is Kirianki N'tmanyara. I'm project manager for Community Empowerment & \_\_\_\_\_ Development Project, of Swidish co-operative center, an NGO in Nairobi, thank you.

1. Kwanza kabisa ningetaka kusema ya kwamba, tuwe na ile tunaita Broad Based Government katika Kenya ili power isikuwe katika mikono ya mtu mmoja, sababu huyo mtu, akianza kuwa na tabu zake, anaweza maliza nchi kwa mda kidogo sana. Na ningetaka kusema, ya kwamba hii serikali broad based iwe na Prime Minister, President na Deputy Prime Minister, na katiba ichungwe sana. Hao watu wawe wakina mama wako katika serikali katika kule juu na pia vijana wawe katika serikali kule juu. Na ningetaka kusema ya kwamba, wale nominated MPs wasiwe nominated na chama chochote, kiwe ni ruling party, ama opposition. Nominated MPs watoke kwa special interesting groups, lets say for example, wakatoleki wapewe nafasi katika bunge, wanominate mtu wao, wakuakilisha masirahi yao katika bunge, Waisilamu, vijana, wakina mama, na pia wale fubu, ama kiwete ama wale wasio na macho sababu ukiachia chama, ichague watu wao, pengine hawatamchagua yule mtu hana macho, lakini wale ambao hawana macho, sababu they are special interesting group, watachagua mmoja wao kuakilisha masirahi yao katika bunge.

2. Ningetaka kusema ya kwamba, tuwe na regional system of government, sababu, kama wakati huu, wanacommissioner, kwa heshima, hata nyinyi mliona kule sisi tunaishi, natungetaka kutuma nyinyi, mkirudi Nairobi, muambie serikali pia kuna watu wake wengine wanaishi pande hii, sababu sijui kama serikali inajua. Natungetaka kuwa na serikali ambao iko karibu na watu, kama serikali iko Nairobi, saa ingine mambo yanaharibika hapa, na hawajui kama watu wanalia usiku na mchana juu ya security, barabara mbaya, ukimwi, na kadhalika, taabu hapa ni mingi lakini kirio chetu hakuna mtu anayesikia. Na tukiwa na regional government, tungetaka equitable distribution of resources. Na ni serikali ya regional ambayo ingeweka those resources at the disposal of the inhabitants of that area. Na ningetaka kusema ya kwamba, alongside with that, tungetaka mtu binafsi, kama wewe commissioner ama yule mama yuko hapa ama kijana ama nani awe na ile wanaita kisheria \_\_\_\_\_ ama power ya kuweka case, kushtaki serikali saa ile serikali imefanya maofu, for example sisi, mvua sasa inakuja sababu misitu imeisha, kwa kuuzwa na serikali, watu wote wanaenda, manyumba yetu yanaenda, maporomoko ndio hayo, lakini mimi nikichukua hatua, to sue the government, I'm told I have no locus stand, and my interest are at stake.
3. Mr. Commissioner, I would like to say of course no taxation without services, no taxation whatsoever without services, na tungetaka serikali iwe accountable. Ile pesa wananchi wanatoa, wawe ni kwa duka ukienda kununua kitu kidogo, kodi iko juu yake, ukiandikwa, lazima uwe na kitu inaitwa Pay As You Earn, wengine wanasema ni pay as you eat lakini hata hakuna kitu unakula hapo. Natungetaka serikali iwe accountable hata tumesikia pesa ya harambee itakuwa audited, pesa ya mashule itakuwa audited, hata serikali iwe audited na sisi ndio wale tunalipa kodi tuwe tunasomewa balance sheet kila mwaka, kuambiwa kwa mwaka huu watu wa Tigania wametoa pesa gapi kwa serikali, na serikali imefanya kazi gani na hiyo pesa yetu. Na kama imeenda kwenu Bwana commissioner, sijui unatoka wapi, pesa yetu tuwe mwananchi anaweza amuka aseme pesa yetu irudishwe hapa sababu sisi ndio tulitoa, na tunakufa jaa.
4. Fourth point Mr. Commissioner, tunasema, give power to the people. Sisi wanacommissioner, hatuoni sababu gani mtu anatoka Nairobi ati anakuja kusema sasa location na location hii mpaka yake ni hapa na pale, na hajui, hajui kabisa, give power to the people so that local issues are managed by the local people, for example, boundaries of land iwe ni ya province, iwe ni ya district, iwe ni ya location ama kata, iwe ni ya kijiji, let local people be able to sort out their problems. Let there be structures that can facilitate local people to act to solve local conflict in that order and also give local people the power to save our forests. Let forest management be with the people, msitu wetu ule uko hapa, watu wa Nairobi, saa ile kuna mapolomoko, they are not affected. Na mi nasema hivi . . . . . *end of side*

#### *A. tape 5*

Kusikia hiyo maneno ikichukuliwa sababu hiyo ni uhai wetu.

5. Mr. Commissioner tungetaka re-definition, tungetaka kazi ya wajumbe wabunge ifafanuliwe vizuri, na kazi ya wajumbe wa bunge, ni katika constituency, ile kazi kubwa, kazi ile dogo, ni kule kwa parliament, na kama Kaparo, ama speaker mwingine, ako na register kuona mjumbe wa bunge ameingia bunge na anaweka tick kama mwalimu na wanafunzi, ili walipwe mshahara na yule hakuji bunge, ananyimwa mshahara sababu ile kazi mingi ni kwa constituency, tungetaka pia register ama namna itafutwe, register bill katika constituency. Na namna ya kumark ya

kwamba huyo mtu, mjumbe amefanya kazi na wananchi wamesema ndio siku hii na hii amefanya kazi, iwe hapo. Na kama mtu haedi kwa constituency yake, iwe pia ni kama vile haedi kwa parliament hakuna mshahara hapo ama atolewe mwingine awe hapo.

6. Jambo la sita, ningetaka kusema Bwana commissioner, basic needs are basic rights of people. Natungetaka sifa yetu itabue basic needs kama chakula, nguo, land, afya, na shule ikiwa ni basic right na kama hakuna hiyo serikali tunaweza kupeleka koti kama hakuna. Na tungetaka constituency kuwe na section ya bill of rights where basic needs inakuwa ni basic rights, na kila mtoto katika Kenya hii awe na haki na serikali impeleke shule, na ilipe kama mama yake ama baba yake hawezi kulipa au la, mpaka kiwango fulani, ili kila mtu awe anaweza kujisaidia.
7. Jambo la saba ni mambo ya land. Ardhi, mambo ya land katika Kenya, tunajua kuna ile ardhi ambaye iliimbiwa na mkoloni na hiyo ardhi mkoloni alichoma manyumba ya watu, akachukua ardhi, hiyo ardhi tungetaka katika katiba ijulikane ya kwamba iliimbiwa na mambo ya kusema sisi tununue ile ardhi hatutaki. Mimi nikija kwako, nikifuja nyumba yako, nije hiyo kanzo yako, Bwana commissioner, halafu kesho yake, nikwambie sasa we kuja nunua hii nikurudishie, hiyo ni halamu. Asante

**Com. Abubakar:** Sasa mzee wangu, karibu kukukatiza, nimekupa muda mrefu kwa sababu wewe ndiye mtu wa mwisho katika orodha yangu, so what you need to do, is to give us your specific recommendations, we understand what you are saying, you are saying that land that was appropriated by the colonial forces should be returned to the people without payment. That's what you are saying?

**Kirianki M'imanyara:** Thank you sir, thank you sir I get your point and I do appreciate that.

8. Katika county concil, tungetaka mayors and chairmen of county councils to be elected directly by the people. Thank you very much.
9. Na pia corruption, tungetaka corruption cases, to be prosecuted all the way from 1963 upto today. Nakuimba serikali, is a crime, kuimba your neighbour is a crime, kuimba katika kanisa ama msikiti is a crime, na tungetaka all corruption cases prosecuted from top to bottom. Serikali pia mwisho Bwana commissioner, serikali tungetaka, we would like to have a lean government, serikali dogo, watu kidogo, na watu wa serikali walipwe vizuri, police walipwe vizuri, kila mtu alipwe vizuri, kuwe na watu wale wameandikwa sio wengi lakini serikali iwe inapeana maloan so that watu wakimaliza shule they can be able to do other work na let civil servants be paid properly so that we are not talking about corruption. Thank you so much for giving me this opportunity. Thank you.

**Com. Abubakar:** Asante sana, kuna swali.

**Com. Ratanya:** Bwana T'imanyara, hapa umesema kwamba, we give powers to the people, which we really agree, and you are saying, we refer the local issues to the local people, such as to be established. Can you give an example in these structures or you want to leave for the commissioners to decide?

**Kirianki M'imanyara:** I would like to do that far, and thank you very much, I would like to do that gladly, we would like semi-autonomous county or local government head autonomous and local government which are at various levels at locational level, divisional level, and district level. I would like to say I'm talking about the Uganda model where local council determines local issues. Thank you sir, I think that is what I have in mind.

**Com. Abubakar:** Nilikuwa nimekupa fursa kubwa sababu nikifikiria ndio wa mwisho, lakini tumeletewa list ya watu wengine, dugu yangu karibu u-sign hapa register tafadhali, that you have given your views. Sasa mimi ningependa kuwaita hawa wote kwenya hii list hii ya mwisho, waje wawe karibu ndio watoe maoni yao tusije tukafikiria ni mtu wa mwisho, halafu tuongeze muda kube watu wengine wako. Michae Kobia, Michael Kobia, Morris G. Akwaro, Uko hapo? Prisca Patuku, Garvasio Kubai, uko hapo? Sawa, Christine Muthau, uko hapo? Na michae Kobia? Uko hapo? Sasa tunaanza na Michael kobia halafu tuje kwa Morris, halafu tuje kwa Kubai halafu twende kwa Christine, Sasa ningetaka kumuachia mzee wangu ndio afunge kazi na nyinyi.

**Com. Ratanya:** Okey tunaendelea sasa na Michael Kobia, na ningetaka kuwakubusha kwaba, kama kuna mambo yametajwa mengi mengi, utaje yale ya mhimu na kwa ufupi. Usirudie yale ya zamani, Okey Michael Kobia.

**Michael Kobia:** Mimi nasema, tunafinywa na serikali, (Ni Michael Kobia) Mtu akikula kitu yake, tunafinywa na serikali, mtu ikiimba, ni mbaya, sasa tutasema namna gani? Sina mengi ya kusema.

**Com. Ratanya:** Sasa unapendekeza nini Bwana Kobia, unataka nini tuingize kwa katiba.

**Michael Kobia:** Yaani kwa katiba, nasema mtu akikula yake asiulizwe, yaani usimbe,

**Com. Ratanya:** Okey sawasawa. Sasa twende kwa Morris G. Akwaro. Morris ninaona una written memorandum,

**Morris Gichaga:** Iko na point moja tu lakini ningetaka kuongezea moja.

**Com. Ratanya:** Okey lakini utatupatia hiyo karatasi? Okey tuambie maneno mawili halafu utupatie karatasi. Endelea Morris.

**Morris Gichaga:** Jina langu ni Morris Gichaga \_\_\_\_\_. Mimi ni retired government officer, nilitoka na miaka ishirini kwa serikali. Ningetaka kuzungumzia kuhusu wafanyi kazi wa serikali sijui kama ni wote, wale wametoka kazini, wale wameretire prematurely ikiwa hawajafikisha umri wa miaka hamsini. Kuna pesa watu huwa watu wanakatwa wakiwa wangari kazini kama hii tunaita Widows and children pension scheme. Hiyo pesa, wakati wewe umetoka kama vile mimi nimetoka nikiwa na miaka 46, haurudishiwi, unaambiwa mpaka ufe ndio sasa ipewe watoto wako. Ati huwezi ukapewa sababu ni pension imepangiwa widows and children, sasa wewe kwa bahati nzuri umetoka, hujapigwa risasi tuseme ukiwa kazini na huwezi kupewa hio pesa

yako, na ulianza kukatwa wakati tu uliajiriwa kazi. Sasa mpaka ufe tena ndio uje upewe hiyo pesa si unaona si vizuri? Pengine hata watoto wanaweza kufikiria kukuua ndio waje wachukuwe hio pesa yako. Afadhali upewe hizo pesa, ndio uangalie welfare ya watoto wako ukiwa hai.

**Com. Ratanya:** Sasa unataka review ya hiyo part ya Act hiyo ya pension?

**Morris Gichaga:** Ndio. Ya pili, sijaandika hiyo, hiyo nimeandika ni hiyo nimetaja, ya pili, ni katika vile tunaishi huku kwetu mashambani huku.

Security – tunaambiwa mara kwa mara, hati wale watu wako na buduki zao, ambazo hawakuchukua kwa hari ya kawaida warudishe kwa serikali, ukirudisha, zingine unasikia zimetokea upande huyu mwingine, unakuja unapigwa unanyang’anywa mali yako, kama ni ng’ombe zinaenda, wanakuja wanachoma hata nyumba zako, sababu unaogopa kupigana na hao sababu wako na buduki. Sasa serikali haitilii maanane sana wakati unarudisha buduki, wahakikishe kila mtu amerudisha ndio watulinde, lakini wanarudisha upande mmoja na mwingine unambaki sasa kupigwa. Sasa, kama wanaona wanashidwa kututisha hizo buduki zote, waturuhusu kila nyumba ama tuseme kila village ipewe walinzi kwa sababu hata ukienda kwa chief ama kwa wapi, unaambiwa buduki hakuna hapa. Ata chief anajificha kwa msitu wakati wewe unaenda kujificha. Sasa kama ingewezekana, kila village, ipewe, wazee kama wawili watatu hivi wawe na buduki ya halali kutoka kwa serikali, walinde mali yao kwa sababu hata ukitegemea serikali sasa mali yako inaisha na hakuna mtu anakusaidia. Ni hayo tu nilikuwa nayo Bwana Commissioner. Asante sana.

**Com. Ratanya:** Asante sana Morris kwa hayo machache yako, twende kwa Genevasi.

**Genevasi Kubai:** Nasema asante, mimi naitwa Genevasi Kubai, maoni yangu ni juu ya ukulima. Tunataka serikali, iangalie wakulima kwa sababu saa ingine tualima kahawa, tukipeleka huko factory, wakati pesa inakuja tunaambiwa hakuna pesa, kahawa yenu iliharibika. Saa ingine tukaambiwa mlilipwa pay out. Sasa wakulima sisi tunaumizwa, hatujui tutafanya kazi ingine wapi kwa sababu ukulima, serikali haituungalii kwenye ukulima, tunataka serikali ituangalie tukiwa wakulima. Ndio mimi nasema.

**Com. Ratanya:** Okey asante sana, tumeshukuru, twende kwa Christine Muthau,

**Christine Muthau:** *Jina langu ni naitwa Christine Muthau, (then speaks in vernacular)*

**Com. Ratanya:** *Uga riatwa riaku kiri microphone muthee wakwa .*

Utaje jina kwenya microphone mzee wangu,

**Peter N’toitharia:** Naitwa Peter N’toitharia, jambo la kwanza nataka kuongea mambo ya Rais, mimi ningependelea, Rais

yule atachaguliwa, awe na elimu ya kutosha, awe na degree, ya chuo kikuu, na ya pili, apunguziwe, yale mamlaka yake, asiwe juu ya sheria kwa kila kitu. Jambo la pili, ni juu ya wale watoto ambao wasio na baba, nataka kupendekeza hivi, kuna vijana, wale wanadunga wasichana mimba, halafu wanakataa msichana, mimi naonelea, ingefaa, akikataa kumuoa msichana, amlee mtoto mpaka mtoto akuwe, awe mtu mzima.

Jambo lingine, ningetaka, ni juu ya makesi ya mashamba, ningependelea, yawe yakisikilizwa na wazee, sio koti, kwa sababu wazee ndio wanajua hiyo mipaka ya mashamba na wanajua ata wale wenye mashamba.

Jambo la mwisho, ningependelea, elimu ya bure, kutoka nursery mpaka secondary.

Yangu ni hayo, sina mengine. Asante.

**Com. Ratanya:** Asante sana Bwana Peter N'toitharia, needa u-sign register. Veronicah Warukira, endelea Veronicah.

**Veronicah Warukira:** My names are Veronicah Warukira. Here I would like to talk about just three or four points.

1. The first one – I would like to ask if it is possible for the women groups to be helped in any cases for example, they take even loans, or machines, that is of tailoring machines whereby they can help themselves or they be brought water projects to enable them even in agricultural projects.
2. About the case of divorce – this has become a song of everybody, divorce in Kenya is another point that is bringing more poverty in Kenya that is we have even street children whereby they don't have anybody to help. It also bring much more \_\_\_\_\_ among many people or between both parents of husband or wife.
3. Employment – Many people are educated but they seem not to be educated. Let them be given employment each person to be awarded according to her or his education level.
4. Land cases – I would like land cases to be looked upon because people have become to get more struggles because of their lands, they buy lands and they are taken away by some other people who have more money.
5. I would also like women to inherit their parents property because also women are human beings like any others.
6. Corruption has come to everywhere even in mortuary, this has made many people get problems to go for their bodies. That's all.

**Com. Ratanya:** Veronicah asante sana, tutaendelea kwa yule amembaki, kuna mwingine anaitwa Gilvacio Gionka, Thank you headmaster, tufungie kwa ufupi.

**Gilvacio Gionka:** Mimi naitwa Gilvacio Gionka, na mimi mwalimu mkuu hii shule Mikinduri Primary. Sina mengi sana Bwana Commissioner lakini ningetaka kusidikisha sana sana vile nimesikia watu wakisema mambo mengi mazuri.

Ya kwanza nataka kusema, katiba iliyekuwako ilikuwa empty, ilikuwa na material na mambo yangesaidia wananchi, na hii katiba mpya tunatumia, tunaandika, pia itakuweko. Mimi nataka kusema hivi kupendekeza hivi yeyote ambaye atakuwa

anatumia sheria kuserve wananchi, law executors, yeyote atapatikana aweze akatumia sheria mpaka zitakuwa zimeandikwa na wananchi wa Kenya awe punished severely. Kama ni corruption openly the public, kama ni kula mali ya wananchi na kadhalika, huyo mtu aadhibiwe vilivyo. Ndio unaona, ya pili inaenda chebaba na mahitaji ya mwananchi, mwananchi anataka kuwa na uhuru wakujitetea akiona sheria yake, aliyepewa na Mungu imekataliwa, haipenwi anavyotakikana, mwananchi wa Kenya inambidi kwa sababu yeye ndiye supreme law maker atoke akitaka kulia alie akitaka kuimba aimbe, atoke barabarani, atoke kanisani mahari popote, na aachiliwe aeleze kwa nini anateta, bora tu atete peacefully. Peaceful demonstration is a good tool of achieving human rights. Na nitatitisha kwamba, groups, Kenya ina groups, wana groups nyingi kabisa ambapo hata pia wanaelewa sheria, hawa watu wakiona sheria yao imekanyangwa, wako na right ya disobedience. Wananchi waachiliwe wafanye disobedience especially the civils and the teachers should be allowed to extend the disobedient to awaken the ignorant chief, the ignorant DO, the ignorant government so that they can fear to calm the problem of dictatorship here and there. Na kwa hayo machache, naona viongozi wa serikali, wote washikilie sheria, yule atashidwa, aadhibiwe, sio kesho, papo hapo. Na hii maneno mtu si guilty, hati mtu hana makosa mpaka koti ikaseme ana makosa, ata hiyo ni mbaya ni chombo cha ukoloni. Ningetititisha hata kwamba, kuwe na viwango vya mtu kuambiwa hana makosa na ana makosa. Makosa mengine ni makosa kama ukiuua mtu ni makosa, mtu akienda koti asirudi hapa nyumbani kuambiwa hakufanya nini? Makosa. Alifanya makosa ya kuua, alifanya makosa ya kuimba mali ya watu, hiyo ndio nataka kuwaamba wanacommissioners leo the punishment should be categorized and the punishment given to peak the crime committed. Thank you.

**Com. Ratanya:** Asante sana Bwana headmaster, inaonekana sasa ni kama tumemaliza, na nitamuuliza commissioner mwenzangu sasa achukuwe sasa aendelee.

**Com. Abubakar:** Asante sana commissioner Ratanya, mimi kwanza kabisa ningependa kutoa shukurani zetu kwa wananchi watukufu mliofika hapa, kwa wingi wenu na kutoa maoni yenu na kuhakikishia kwamba maoni haya yatatumika kama mzingi wa kujenga katiba mpya, na tumekuwa tukizunguka katika sehemu zingine za wakilizaji bungeni, na mikoa mingine hapa nchini, tushamaliza kusanya maoni mkoa wakati tumemaliza kusanya maoni mkoa wa pwani, sasa tuko, tume iko katika mkoa wa mashariki, tume nzima iko hapa wingine wako pande ile ya ukambani, ya huku Embu, na huku, tunakusanya maoni, ikifikia ijumaa ijayo, tutakuwa tumemaliza mkoa wenu halafu tuende, Nairobi tumefanya nusu, tumalize nusu hiyo tunafanya kazi namna hiyo. Ningependa kutoa shukulani kubwa na nyingi, kwa wale wanakamati ya tume kulekebisha katiba katika sehemu hii kwa kufanya kazi kwa bidiii sana, na watu wengi wameanza kupata habari hizi, na leo wameweza kufika hapa na tukamuona. Kama nilivyo sema saa ile, hii sio mara yako ya mwisho, ikiwa bado una maoni yako, unataka kuiandika, ututumie mswada kabla ya kufika mwezi wa nane, kupitia katika office yetu ya msilikishi wetu au kututumia sisi moja kwa moja katika saduku letu la posta, au kutuletea kwa mkono ukiwa Nairobi, hayo yote yanakumbalika lakini ufanye hima isifike mwezi wa nane.

Kitu kingine ambacho ningependa kusema ni kumshukuru saana mshirikishi wetu Bwana Kimathi kwa kufanya kazi kwa bidiii sana natumeona amefanya kazi na watu hapa na ninataka aendelee na kazi ya namna hiyo ndio wananchi waweze kushiriki katika kubadirisha katiba yao.



Jambo lingine tungependa kuwashukuru wale wote waliofanya kazi hii waweze kuwa ni kazi imefanyika vizuri kwa shukurani zetu nyingi sana kwa headmaster wa shule hii, kwa kuweza kutukalibisha hapa ingawaje elimu inaendelea, tukaweza tukapewa darasa kama hili, tukafanyia kazi hapa na pia tunashukuru sana kwa headmaster kuwaruhusu wanafunzi pamoja na waalimu kuja kutoa maoni na ni muhimu sana kwa watoto kama wale kutoa maoni na tumeshukuru sana Bwana headmaster, kazi hiyo ni nzuri. Na pia tunamhakikishia ya kwamba tutaandika mwisho, kila mahari tulipata usaidizi na kila mahari tulifanyia kazi yetu tutaandika katika historia ya Kenya, kwa hivyo shule hii na watu wa hapa wameshaingia kwenye historia kwamba walihusika katika kubadirisha katiba yao. Halafu pia tungeweza kuwashukuru wale wengine waliochangia kwa njia moja au ingine na kuhalifu kwamba leo tumefanya nusu ya sehemu ya hapa, ya wakilishi bungeni Tigania East, kesho tutafanya kikao kingine, Jumatato, Muthara Polytechnic Jumatato, Ikiwa sasa ulikosa fursa hapa, au pengine ulikuwa hujajikaza moyo kuwa tayari kutoa, au una wenzako ambao walikuwa hawajapata habari, waje kule Muthara Polytechnic watakuwa na fursa ya kutoa maoni yao. Halafu ningependa kuwashukuru wafanyi kazi wetu, nimeona wamefanya kazi kwa bidii, hata mtu alipopotea tunajaribu hivo hivo tunang'ang'ana, tumekuwa na hao kutokea Jumatatu mpaka leo Ijumaa, pengine kesho na jumapili ndio watapumzika halafu tuaanze tena. Na pia ningemshukuru sana commissioner mwenzangu mzee wa huku, huyu ni mzee wa Njirincheke, na amenikaribisha vizuri, hata nimeanza kufundishwa kimeru kidogo kidogo. Sijaweza kuanza kula miraa lakini nimeanza kufundishwa kimeru kidogo kidogo, jinsi ya kutamka maneno, na majina ya watu, na nina furaha kubwa sana nimekaa vizuri hapa na hata wafanya kazi wetu wana furaha tumekaa vizuri, tulikuwa pande za maua huko, Igembe, tukaenda Ntonyiri, sasa tumefika hapa. Ningependa kumpa fursa hii, mwaakilishi wetu ili atoe mambo anayotaka kuzungumzia na pengine kama kuna watu anataka kuwashukuru, halafu akimaliza aite mmoja wetu atuongoze kwa maombi halafu akiturudishia sisi chombo hichi tutafunga kikao hiki lasimi.

**George Kimanthi:** Asante sana Commissioner Zein, asante sana commissioner, mimi sina mengi ya kusema ila tu nitamshukuru nyote kwa kujitolea kwenu kutoka asubuhi tulipokuja hapa, tumeona katika sehemu zote za Mikinduri, na nimeona vile mmepeana maoni mazuri, kwa hivyo ningetoa shukurani nyingi sana kwa sababu ya kujitokesha kwenu. Saa hii nitawashukuru macommissioner kwa kujitolea kwao, tumekuwa na hao tangu asubuhi, na sasa Jumatatu tumekuwa na hao mpaka Nyambene, mimi sina mengi sitarudia kwa vile amesema lakini nitasema ya kwamba, kama alivyo mwambia, Jumatatu tuko Muthana Polytechnic, na kama kunaye ana msoana anaweza kwa office yangu, office yangu iko county council, county council Maua, mwajua pale iko? Kwa hivyo kama kuna mambo, kuna watu ambao wamewachwa na wako na maoni labda wangetaka kuandika, wanaweza andika na watuletee hapo, tunaweza tuma Nairobi ama tupeleke sisi wenyewe. Kwa hivyo hatujafunga kabisa kuleta maoni ya watu, tunaendelea mpaka, kabla mwezi wa nane, kama vile commissioner amesema.

Jambo lingine ambalo ningetaka kuwakubusha, wale wanasomesha elimu ya uraiya, civic education providers, ni kwamba tuko nao, hatuja \_\_\_\_\_ kabisa. Huu sio mwisho wa kulekebisha katiba, sasa mkubuke ya kwamba commission itakusanya maoni ya wananchi katika eneo la wakirisho \_\_\_\_\_ maoni pamoja, halafu itoe report, na hii report lazima italetwa kwa wananchi tena ili musome hiyo report na muone mapendekezo yenu ya kurekebisha katiba, na kama kuna ye atakuwa na swali

ama mapendekezo mapya, ataruhusiwa kwenda Embu, atoe mapendekezo yake tena. Kwa hivyo hatujamalizana na civic education providers na hata nyinyi raiya kwa sababu tutakuja tena hapa wananchi tuwapatie report, tuwaambie tulikuja Mikinduri mkatuambia hii na hivi, na muone kama ni nyinyi mlisema hivyo. Halafu kama kuna mapendekezo, mtatoa tena. Kwa hivyo kama hawa wa civic education providers, watakuwa nanyi tena, mtaendelea nanyi tena, tutaendelea nanyi kwa sababu mimi ni mtafusi wa hii report, si hatuwezi kuingia, kwenda kila mahali, tutakuwa nanyi wakati wote, kwa hivyo msiwe na wasiwasi, nitatumana kupitia kwa kamati yangu tuko na chairman hapa, Jimmy uketha, nitatumana nimwambie tutakutana lini na tuone vile tutaendelea na kazi yetu kama kawaida. Nitaachia hapo, nitamuomba Jimmy Muketha atoe shukurani, vote of thanks halafu turudishie commissioner tufunge kikao hiki hazimi. Asante.

**Jimmy Muketha:** Macommissioner wetu, Bwana Ratanya, Bwana Abubakar, coordinator Bwana Kimanthi, wafanya kazi wa commission, na wananchi, yangu ni machache tu sitaki kurudia yale maneno yamesemwa na commissioner au Bwana Kimanthi yangu ni kusema ni asante sana kwa wananchi kwa kuja katika kikao hiki asante sana kwa headmaster, kwa kutupatia office, siku zile tumefanya mikutana hapa, hata Bwana Ratanya anakubuka tulikuwa tumeketi hapa wakati wowote, na hata leo umetupatia hospitality hiyo, tunekushukuru sana, na chairman wa shule muambia tumeshukuru sana, na Bwana Ratanya na yule Commissioner mwingine, karibuni tena Tigania. Thank you.

**Com. Ratanya:** Tupate mmoja atuongoze kwa maombi, Ntomentai, kuja hapa mbele,

**Ntomentai:** Tuombe, part of prayers in Kimeru and continues in kiswahili, tunakuomba, kwa yale yote unaweza kutendea hapa, kwa juu yako mwenyezi Mungu kwa vile unatufanyia hapa tunakuomba tunakushukuru, mahari popote tunaenda, wende nasi, pahari commissioner wanaenda na gari uende nao, mpaka pahari wanafika, ufike pamoja nao, kazi ile wanafanya wasaidie kwa mkono wako Mungu ufunike na kivuli yako ya roho mtakatifu na uwapatie mawaidha katika Kenya Baba Mungu, tunakushukuru kwa vile unatufanyia kutoka asubuhi, mpaka leo, tunakuomba kwa hayo machache kwa ajiri ya mtoto wako na mwana mtakatifu tunakuomba kwa Mungu na Roho mtakatifu kwa mwana utujarie yale yote tunaweza kushukuru, tunakushukuru na tutakuomba yale Mungu utufanyie jiri ya Mungu, mtakatifu na mwana na roho mtakatifu **AMEN**

**Com. Ratanya:** Asanteni sana, sasa ningependa kutambua kwamba na kutangaza kwamba kikao hichi cha tume kulekebisha katiba, kimefikia mwisho, I would like to officially declare that the sitting of the Constitution of Kenya Review Commission has come to an end. Thank you very much.

Meeting ended at 5.30 p.m.

